FEDERAL REGISTER

Vol. 87 Thursday

No. 116 June 16, 2022

Pages 36211–36380

OFFICE OF THE FEDERAL REGISTER

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

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Contents

Federal Register

Vol. 87, No. 116

Thursday, June 16, 2022

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
925.....36211

10 CFR
Proposed Rules:
430.....36249

12 CFR
22.....36214
208.....36214
339.....36214
614.....36214
760.....36214
Proposed Rules:
614.....36261
620.....36261

14 CFR
39 (3 documents) 36214, 36216, 36219
Proposed Rules:
39 (5 documents) 36266, 36269, 36272, 36274, 36276

25 CFR
Proposed Rules:
514.....36279
518.....36280
522.....36280
537.....36281
559.....36281

33 CFR
165.....36221

40 CFR
52.....36222
Proposed Rules:
82.....36282

45 CFR
1170.....36224

47 CFR
Proposed Rules:
36.....36283
51.....36283
54.....36283

50 CFR
17.....36225
648.....36248

Rules and Regulations

Federal Register
Vol. 87, No. 116
Thursday, June 16, 2022

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Doc. No.: AMS–SC–21–0049; SC21–925–2]

Amendments to the Marketing Order of Grapes Grown in Southeastern California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends Marketing Order No. 925, which regulates the handling of grapes grown in a designated area of southeastern California. The amendments change the California Desert Grape Administrative Committee's (Committee) size, and its quorum and voting requirements.

DATES: Effective July 18, 2022.

FOR FURTHER INFORMATION CONTACT: Pushpa Kathir, Marketing Specialist, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, *Pushpa.Kathir@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, finalizes amendments to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California. Part 925 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of grape producers and handlers operating within the area of production, and a public member.

Section 8c(17) of the Act (7 U.S.C 608c (17)) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900) authorize amendment of the Order through this informal rulemaking action.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 12866 and 13563. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

In addition, this final rule has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires agencies to consider whether their rulemaking actions would have tribal implications. The Agriculture Marketing Service (AMS) has determined this final rule is unlikely to have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule shall not be deemed to preclude, preempt, or supersede any State program covering grapes grown in a designated area of southeastern California.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act (7 U.S.C. 608 (15)(A)), any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 8c(17) of the Act, which in turn required the addition of supplemental rules of practice to 7 CFR part 900 (73 FR 49307; August 21, 2008). The amendment of section 8c(17) of the Act and the supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders depending upon the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered the nature and complexity of the amendments, the potential regulatory and economic impacts on affected entities, and other relevant matters, and determined that amending the Order as proposed by the Committee could appropriately be accomplished through informal rulemaking.

The Committee unanimously recommended the amendments following deliberations at the public meeting held on April 13, 2021. This final rule will amend the Order by changing the Committee's size, as well as its quorum and voting requirements.

AMS published the initial proposed rule in the **Federal Register** on August 13, 2021 (86 FR 44644) to solicit comments on the proposals. After reviewing the comments, AMS republished the proposed rule without

change along with the referendum order in the **Federal Register** on January 25, 2022 (87 FR 3699). That document directed that a referendum among grape producers in southeastern California be conducted February 14, 2022, through March 4, 2022, to determine whether they favored the proposals. To become effective, the amendments had to be approved by either two-thirds of the producers voting in the referendum or by those representing at least two-thirds of the volume of table grapes produced by those voting in the referendum.

The results of the referendum show that 100 percent of the eligible producers who voted and 100 percent of the volume voted favored both amendments. Thus, both amendments were passed and will change the Committee's size, and quorum and voting requirements.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this final rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing Orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf.

Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of no more than $1,000,000. Small agricultural service firms (handlers) are defined as those with annual receipts of no more than $30,000,000.

The Committee reports that there are 18 producers and 10 handlers of table grapes in the marketing order production region. The Committee packout reports show that average annual packout for 2018 through 2020 was 3.2127 million 18-pound containers, equivalent to 28,914 tons. The 3-year average of California fresh table grape prices was $1,267 per ton. Multiplying quantity times price yields an annual average crop value estimate of $36.634 million. Dividing the average crop value estimate by the number of producers (18) yields an average crop value per producer of $2.035 million, well below the SBA small farm size threshold of $3,500,000. Therefore, using the estimated prices, packout volume, and number of producers, and assuming a normal bell-curve distribution of receipts among producers, AMS estimates the majority of producers would qualify as small businesses under the SBA definition.

Dividing the average crop value of $36.634 million by the number of handers (10) yields a per-handler estimate of $3.663 million, well below the SBA small business threshold of $30,000,000 in annual receipts. However, that computation measures handler annual receipts using producer-level crop value data, since AMS is unable to locate an estimate of a hander margin. A range of handler margin estimates would be 30 to 40 percent above the grower price. Applying those two percentages, a range of handler annual receipts estimates would be $4.8 to $5.1 million, still well below $30,000,000. Therefore, using these estimated prices, utilization volume, handler margin estimates and number of handlers, and assuming a normal bell-curve distribution of receipts among handlers, AMS estimates that the majority of handlers would meet the SBA definition of small businesses.

AMS has determined that the amendments, as effectuated by this final rule, will not have a significant impact on a substantial number of small businesses. Rather, large and small entities alike are expected to benefit from the Committee's improved ability to address important issues of interest to all on a timely basis. The reduced number of seats on the Committee, and the reduced quorum and voting requirements, will not require any significant changes in producer or handler business operations, and no significant industry educational effort will be needed. Producers and handlers, large and small alike, will incur no additional costs. No small businesses will be unduly or disproportionately burdened.

The amendments to the California desert grape marketing order reduces the number of member and alternate seats on the California Desert Grape Administrative Committee from 12 to 10 and reduces the quorum and voting requirements from 8 to 6 members. The amendments are necessary to reflect the industry's consolidation. Since the promulgation of the marketing order in 1980, the California desert grape industry has lost roughly 55 percent of its producers and 58 percent of the registered handlers. No economic impact is expected from these amendments because they will not establish any new regulatory requirements on handlers, nor will they have any assessment or funding implications. There will be no change in financial costs, reporting, or recordkeeping requirements as a result of this action.

Alternatives to this action, including making no changes at this time, were considered by the Committee. Due to changes in the industry, AMS believes the action is justified and necessary to ensure the Committee's ability to locally administer the program. Reducing the size of the Committee will enable it to satisfy membership and quorum requirements fully, thereby ensuring a more efficient and orderly flow of business.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements are necessary because of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This action will impose no additional reporting or recordkeeping requirements on either small or large grape handlers in southeastern California. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

The Committee's meetings are widely publicized throughout the southeastern California table grape production area. All interested persons are invited to attend the meetings and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the April 13, 2021, meeting was public, and all entities, both large and small, were encouraged to express their views on the proposals.

A proposed rule concerning this action was published in the **Federal Register** on August 13, 2021 (86 FR 44644). Copies of the rule were mailed to all table grapes handlers in southeastern California. The proposed rule was made available through the internet by USDA and the Office of the Federal Register. A 60-day comment period ending October 12, 2021, was provided to allow interested persons to

respond to the proposal. Two comments were received during the comment period, both of which were in support of the proposed amendments. However, one commentor was concerned that the restructuring of the Committee might limit the participation of interested parties in the industry. Further, the commentor suggested adding a requirement for periodic review of the Committee structure to the regulations.

A proposed rule and referendum order were then published on January 25, 2022 (87 FR 3699). That document directed that a referendum among table grape producers in southeastern California be conducted during the period of February 14, 2022, through March 4, 2022, to determine whether they favored the proposed amendments to the Order. To become effective, the amendments had to be approved by at least two-thirds of the growers voting, or two-thirds of the volume of table grapes represented by voters in the referendum. The results show that 100 percent of the eligible producers who voted and 100 percent of the volume voted favored both amendments.

The producer vote met the requirement of being favored by two-thirds of the producers voting, or by two-thirds of the volume voted in the referendum for both amendments. Both amendments were passed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

Order Amending the Order Regulating the Handling of Table Grapes Grown in Southeastern California

Findings and Determinations

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of Marketing Order 925; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. Marketing Order 925, as amended, and as hereby further amended and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

2. Marketing Order 925, as amended, and as hereby further amended, regulates the handling of grapes grown in southeastern California and is applicable only to persons in the respective classes of commercial and industrial activity specified in the Order;

3. Marketing Order 925, as amended, as hereby further amended, is limited in application to the smallest regional production area, which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. Marketing Order 925, as amended, and as hereby further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of grapes produced or packed in the production area; and

5. All handling of grapes produced or packed in the production area, as defined in Marketing Order 925, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is hereby determined that:

1. The issuance of this amendatory Order, amending the aforesaid Order, is favored, or approved by producers representing at least two-thirds of the volume of table grapes produced by those voting in a referendum on the question of approval and who, during the period of January 1, 2021, through December 31, 2021, have been engaged within the production area in the production of such table grapes.

2. The issuance of this amendatory Order advances the interests of growers of table grapes in the production area pursuant to the declared policy of the Act.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, all handling of grapes grown in Southeastern California shall be in conformity to, and in compliance with, the terms and conditions of the said Order as hereby proposed to be amended as follows:

The provisions amending the Order contained in the proposed rule and referendum order, published in the **Federal Register** (87 FR 3699) on January 25, 2022, will be and are the terms and provisions of this order amending the Order and are set forth in full herein.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service is amending 7 CFR part 925 as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

■ 1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 925.20, revise paragraph (a) to read as follows:

§ 925.20 Establishment and membership.

(a) There is hereby established a California Desert Grape Committee consisting of 10 members, each of whom shall have an alternate who shall have the same qualifications as the member. Four of the members and their alternates shall be producers, or officers or employees of producers (producer members). Four of the members and their alternates shall be handlers, or officers or employees of handlers (handler members). One member and alternate shall be either a producer or handler, or an officer or employee thereof. One member and alternate shall represent the public.

* * * * *

■ 3. In § 925.30, revise paragraph (a) to read as follows:

§ 925.30 Procedure.

(a) Six members of the committee shall constitute a quorum, including at a minimum one producer member and one handler member, and any action of the committee shall require at least six concurring votes;

* * * * *

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2022–13005 Filed 6–15–22; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 22

[Docket IDs OCC–2020–0033, OCC–2020–0008]

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Docket No. R–1742, OP–1720]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 339

RIN 3064–ZA16

FARM CREDIT ADMINISTRATION

12 CFR Part 614

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

RIN 3133–AF31, 3133–AF14

Loans in Areas Having Special Flood Hazards; Interagency Questions and Answers Regarding Flood Insurance

Correction

In Rule document 2022–10414, appearing on pages 32826–32895, in the issue of Tuesday, May 31, 2022, make the following correction:

On page 32895, in the third column, the signature block is corrected to read as set forth below:

Michael J. Hsu,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on January 27, 2022.

James P. Sheesley,

Assistant Executive Secretary.

Dated at McLean, VA, this 9 day of May 2022.

Ashley Waldron,

Secretary, Farm Credit Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board, National Credit Union Administration.

[FR Doc. C1–2022–10414 Filed 6–15–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0282; Project Identifier MCAI–2021–01208–R; Amendment 39–22087; AD 2022–13–01]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW169 helicopters. This AD was prompted by a report of a blockage in a fuel tank vent line. This AD requires inspecting the fuel tank vent lines, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 21, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2022.

ADDRESSES: For EASA material incorporated by reference (IBR) in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* For Leonardo Helicopters service information identified in this final rule, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at *https://customerportal.leonardocompany.com/en-US/.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282; 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 EASA AD, 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: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0238, dated November 2, 2021 (EASA AD 2021–0238), to correct an unsafe condition for Leonardo S.p.a., formerly Finmeccanica S.p.A., AgustaWestland S.p.A., Model AW169 helicopters, serial numbers (S/N) from 69006 up to 69125 inclusive, except S/N 69040; and S/N 69130, 69132, 69133, 69134, 69136, and 69139.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Leonardo S.p.a. Model AW169 helicopters as identified in EASA AD 2021–0238. The NPRM published in the **Federal Register** on March 21, 2022 (87 FR 15894). The NPRM was prompted by a report of a blockage in a fuel tank vent line. The NPRM proposed to require inspecting the fuel tank vent lines, as specified in EASA AD 2021–0238.

The FAA is issuing this AD to detect and address the blockage. See EASA AD 2021–0238 for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters. Commenters included AgustaWestland Philadelphia Corporation, who had no technical objection to the proposed AD, and an anonymous commenter who provided no comments on the proposed actions or on the determination of the costs.

Conclusion

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the

FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these helicopters. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0238 requires a one-time inspection of the fuel tank vent lines and, depending on findings, accomplishment of applicable corrective action(s).

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

Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No. 169–205, dated September 20, 2021. This service information specifies procedures for a one-off borescope inspection of the right and left fuel tank vent lines.

Differences Between This AD and the EASA AD

EASA AD 2021–0238 states to remove the sealant obstructions in accordance with the instructions of the service information and to contact Leonardo for approved corrective actions instructions and accomplishing those instructions within the compliance time specified therein; whereas, this AD requires repair done before further flight in accordance with a method approved by the Manager, General Aviation and Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

EASA AD 2021–0238 states to inspect the fuel tank vent lines in accordance with the instructions of the service information, which specifies inspecting for evidence of a partial or total Proseal obstruction. This AD requires inspecting for a partial or total Proseal obstruction.

Costs of Compliance

The FAA estimates that this AD affects 6 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Borescope inspecting the fuel tank vent lines takes approximately 6 work-hours for an estimated cost of $510 per helicopter and up to $3,060 for the U.S. fleet. The FAA has no way of knowing the cost to repair a fuel tank vent line.

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:

2022–13–01 Leonardo S.p.a: Amendment 39–22087; Docket No. FAA–2022–0282; Project Identifier MCAI–2021–01208–R.

(a) Effective Date

This airworthiness directive (AD) is effective July 21, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW169 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0238, dated November 2, 2021 (EASA AD 2021–0238).

(d) Subject

Joint Aircraft Service Component (JASC) Code: 2800, Aircraft Fuel System.

(e) Unsafe Condition

This AD was prompted by a report of blockage in a fuel tank vent line. The FAA is issuing this AD to detect and address the blockage. The unsafe condition, if not addressed, could result in dual engine flameout due to fuel starvation and a subsequent forced landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0238.

(h) Exceptions to EASA AD 2021–0238

(1) Where EASA AD 2021–0238 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0238 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD 2021–0238 specifies recording the inspection outcome in the report in ANNEX A (of the service information), this AD does not require that action.

(4) Where the service information referenced in paragraph (1) of EASA AD 2021–0238 specifies inspecting ''the left/right vent line for evidence of a partial or total Proseal obstruction,'' this AD requires inspecting for a partial or total Proseal obstruction.

(5) Where the service information referenced in EASA AD 2021–0238 specifies

immediately contacting Leonardo Company Product Support Engineering and waiting for further instructions before proceeding if there is any Proseal obstruction in any fuel tank vent line, this AD does not require that action.

(6) Where the service information referenced in paragraph (2) of EASA AD 2021–0238 specifies to ''carefully remove the Proseal obstruction by means of a suitable method,'' this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(7) Where paragraph (2) of EASA AD 2021–0238 specifies contacting Leonardo for approved corrective actions and accomplishing those instructions within the compliance time specified therein, this AD requires, before further flight, accomplishing repairs in accordance with a method approved by the Manager, General Aviation & Rotorcraft Section, International Validation Branch, FAA; or EASA; or Leonardo S.p.a. Helicopters' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(8) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0238.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0238 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. Information may be emailed 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.

(k) Related Information

For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0238, dated November 2, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0238, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.*

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0282.

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

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12938 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0291; Project Identifier MCAI–2021–01321–A; Amendment 39–22081; AD 2022–12–09]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Operations) Limited and British Aerospace Regional Aircraft Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2017–15–06 for all British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes. AD 2017–15–06 required repetitively inspecting the main landing gear (MLG) for cracks and, if cracks were found, replacing the MLG with an airworthy part. Since the FAA issued AD 2017–15–06, the Civil Aviation Authority (CAA) of the United Kingdom (UK) superseded the mandatory continuing airworthiness information (MCAI) issued by the European Aviation Safety Agency (EASA) to correct an unsafe condition on these products. This AD retains the initial inspection and the calculation of hours time-in-service to flight cycle actions required by AD 2017–15–06, but decreases the repetitive inspection interval time from 1,200 flight cycles to 900 flight cycles. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 21, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of August 31, 2017 (82 FR 34846).

ADDRESSES: For British Aerospace service information identified in this final rule, contact BAE Systems (Operations) Ltd., Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, United Kingdom; phone: +44 3300 488727; fax: +44 1292 675704; email: *RApublications@baesystems.com;* website: *https://www.baesystems.com/Businesses/RegionalAircraft/.* For Héroux Devtek service information identified in this final rule, contact Héroux Devtek Product Support, 8, Pembroke Court, Manor Park, Runcorn, Cheshire, WA7 1TG, United Kingdom; phone: (855) 679–5450; email: *technical_support@herouxdevtek.com*; website: *https://www.herouxdevtek.com/en/contact-us.* You may view this service information at the Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0291.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0291; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The address for Docket Operations is U.S.

Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2017–15–06, Amendment 39–18966 (82 FR 34846, July 27, 2017) (AD 2017–15–06). AD 2017–15–06 applied to all British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200 and 3101, and Jetstream Model 3201 airplanes. AD 2017–15–06 required repetitively inspecting the MLG and, if cracks were found, replacing the MLG with an airworthy part. The FAA issued AD 2017–15–06 to detect and correct cracks in the MLG fitting at the pintle to cylinder interface, which could cause failure of the MLG.

The NPRM published in the **Federal Register** on March 28, 2022 (87 FR 17211). The NPRM was prompted by CAA UK AD G–2021–0015, dated November 24, 2021 (referred to after this as ''the MCAI''). The MCAI states:

> Cracks were found during early fatigue testing and in service on the main landing gear (MLG) main fitting at the pintle to cylinder interface.
>
> This condition if not detected and corrected, could lead to structural failure of the MLG, possibly resulting in loss of control of the aeroplane during take-off or landing runs.
>
> To address this unsafe condition, BAE Systems (Operations) Ltd published several Service Bulletins (ISB) which, in 1996, were consolidated into a single bulletin, SB 32–JA960142, to provide instructions for inspection. CAA issued AD 005–03–96 accordingly to require repetitive inspections of the MLG.
>
> In 2014 a crack was found which was below the critical crack length, but unusually large compared to similar cracks previously found in service. Further investigation into the subject determined that the existing inspection intervals remain valid but also showed that the assumed detectable defect size of a 1.27mm [millimeters] (0.05 in) [inch] crack could not be guaranteed using the then defined accomplishment instructions for a high frequency eddy current (HFEC) or fluorescent dye penetrant (FDP) inspection.
>
> Consequently, BAE Systems (Operations) Ltd issued SB 32–JA960142 Revision 4, which provided an improved procedure for HFEC and FDP inspection to ensure the detection of cracks of 1.27 mm (0.05 in) length.
>
> In response to this revision, EASA issued AD 2017–0053 (corrected 24 March 2017) addressing the need for revised inspection procedures.
>
> Recently, an operator performing [EASA] AD 2017–0053 (referencing SB 32–JA960142 rev 4) identified 3 crack indications (13 mm, 3 mm & 8 mm) in close proximity, the total length of which was approximately 38 mm. This was an unusual report based of reported findings over the 24 years since the SB was initially released. In depth laboratory investigation of the discrepant part was undertaken, which found that the material was to specification and the cracks were fatigue in nature. The investigation was unable to establish a reason for the cracks being different in nature to those previously reported.
>
> In response, a further damage tolerance analysis was performed, which identified the need to reduce the repeat inspection interval defined in [EASA] AD 2017–0053. That is, a reduction from a repeat of 1,200 flight cycles (FC) to a repeat of 900 FC.
>
> For the reasons described above, this [CAA UK] AD retains the requirements of CAA UK AD 005–03–96 (superseded by EASA AD) and EASA AD 2017–0053 (superseded by this CAA AD) and requires the accomplishment of repetitive inspections in accordance with new repetitive inspection requirements.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0291.

In the NPRM, the FAA proposed to retain the initial inspection, the calculation of hours time-in-service to flight cycle action, and replacement as necessary required by AD 2017–15–06, but proposed to decrease the repetitive inspection interval time from 1,200 flight cycles to 900 flight cycles. The FAA is issuing this AD to detect and correct cracks in the MLG. The unsafe condition, if not addressed, could cause failure of the MLG, which could result in loss of control of the airplane during takeoffs and landings.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–JA960142, Revision 5, dated December 13, 2019. This service information specifies procedures for doing a fluorescent penetrant inspection for cracks in the MLG. Alternatively, this service information specifies conducting an eddy current inspection for cracks in the MLG in accordance with Héroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016, which the Director of the Federal Register approved for incorporation by reference as of August 31, 2017 (82 FR 34846). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–JA960142, Revision 4, dated October 21, 2016. This service information specifies procedures for doing a fluorescent penetrant inspection for cracks in the MLG. Alternatively, this service information specifies conducting an eddy current inspection for cracks in the MLG in accordance with Héroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016, which the Director of the Federal Register approved for incorporation by reference as of August 31, 2017 (82 FR 34846).

Differences Between This AD and the MCAI

The MCAI does not apply to the Model HP.137 Jetstream Mk.1 airplanes or Model Jetstream Series 200 airplanes, whereas this AD does include those models because they have an FAA type certificate and share a similar type design in the affected area.

The MCAI and service information apply to Model Jetstream Series 3100 and Jetstream Series 3200 airplanes, which are identified on the FAA type certificates as Jetstream Model 3101 airplanes and Jetstream Model 3201 airplanes, respectively.

The MCAI gives credit for inspections and corrective actions accomplished

before the effective date of the MCAI using ''BAE Systems (Operations) Ltd SB 32–JA960142 at Revision 5, Revision 4, or Revision 3.'' This AD does not give credit for Revision 3, dated August 31, 2016, as AD 2017–15–06 did not provide credit and the FAA did not receive any requests to use Revision 3 as an alternative method of compliance.

The MCAI requires compliance with all of the accomplishment instructions in the service information, which includes reporting the inspection results (if there is a crack) to the manufacturer. This AD does not require reporting information to the manufacturer.

Costs of Compliance

The FAA estimates that this AD affects 18 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Inspection	6 work-hours × $85 per hour = $510 per inspection cycle.	Not applicable	$510 per inspection cycle	$9,180 per inspection cycle.

The FAA estimates the following costs to replace the MLG based on the results of the inspection. The FAA has no way of determining the number of airplanes that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per airplane
Replace the MLG	1 work-hour × $85 per hour = $85	$5,000	$5,085

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that 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:

■ a. Removing Airworthiness Directive 2017–15–06, Amendment 39–18966 (82 FR 34846, July 27, 2017); and

■ b. Adding the following new airworthiness directive:

2022–12–09 British Aerospace (Operations) Limited and British Aerospace Regional Aircraft: Amendment 39–22081; Docket No. FAA–2022–0291; Project Identifier MCAI–2021–01321–A.

(a) Effective Date

This airworthiness directive (AD) is effective July 21, 2022.

(b) Affected ADs

This AD replaces AD 2017–15–06, Amendment 39–18966 (82 FR 34846, July 27, 2017) (AD 2017–15–06).

(c) Applicability

This AD applies to British Aerospace (Operations) Limited Model HP.137 Jetstream Mk.1, Jetstream Series 200, and Jetstream Model 3101 airplanes and British Aerospace Regional Aircraft Model Jetstream Model 3201 airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3211, Main Landing Gear Attach Section.

(e) Unsafe Condition

This AD was prompted by cracks found on the main landing gear (MLG) main fitting at the pintle to cylinder interface. The FAA is issuing this AD to detect and correct cracks in the MLG. The unsafe condition, if not addressed, could cause failure of the MLG, which could result in loss of control of the airplane during takeoffs and landings.

(f) Compliance

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

(g) Actions

(1) Within the compliance times listed in paragraph (g)(1)(i) or (ii) of this AD, as applicable, inspect the MLG for cracks by following Appendix 1, sections A through G, of British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–JA960142, Revision 5, dated December 13, 2019; or the Accomplishment Instructions, sections A through D(6), in Héroux Devtek Service

Bulletin 32–56, Revision 4, dated August 16, 2016.

(i) For airplanes that have been inspected in accordance with AD 2017–15–06: Before the MLG accumulates 900 flight cycles since the last inspection or within 150 flight cycles after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 900 flight cycles.

(ii) For airplanes that have not been inspected in accordance with AD 2017–15–06: Before the MLG accumulates 8,000 flight cycles since first installation on an airplane or within 50 flight cycles after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 900 flight cycles.

(2) If any crack is found during any inspection required by paragraph (g)(1) of this AD, before further flight, replace the MLG with an airworthy MLG and continue the inspections as required by paragraph (g)(1) of this AD.

(3) The compliance times in paragraphs (g)(1)(i) and (ii) of this AD are presented in flight cycles (landings). If the number of total flight cycles is unknown, for purposes of this AD, the number of flight cycles is the hours time-in-service (TIS) accumulated on the airplane multiplied by 0.75. For example:

(i) 100 hours TIS × 0.75 = 75 flight cycles.

(ii) 1,000 hours TIS × 0.75 = 750 flight cycles.

(h) 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 (i)(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.

(i) Related Information

(1) For more information about this AD, contact Doug Rudolph, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4059; email: *doug.rudolph@faa.gov.*

(2) Refer to Civil Aviation Authority (CAA) United Kingdom (UK) AD G–2021–0015, dated November 24, 2021, for more information. You may examine the CAA UK AD at *https://www.regulations.gov* in Docket No. FAA–2022–0291.

(j) 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.

(3) The following service information was approved for IBR on July 21, 2022.

(i) British Aerospace Jetstream Series 3100 & 3200 Service Bulletin 32–JA960142, Revision 5, dated December 13, 2019.

(ii) [Reserved]

(4) The following service information was approved for IBR on August 31, 2017 (82 FR 34846).

(i) Héroux Devtek Service Bulletin 32–56, Revision 4, dated August 16, 2016.

(ii) [Reserved]

(5) For British Aerospace service information identified in this AD, contact BAE Systems (Operations) Ltd., Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, United Kingdom; phone: +44 3300 488727; fax: +44 1292 675704; email: *RApublications@baesystems.com*; website: *https://www.baesystems.com/Businesses/RegionalAircraft/.* For Héroux Devtek service information identified in this AD, contact Héroux Devtek Product Support, 8, Pembroke Court, Manor Park, Runcorn, Cheshire, WA7 1TG, United Kingdom; phone: (855) 679–5450; email: *technical_support@herouxdevtek.com;* website: *https://www.herouxdevtek.com/en/contact-us.*

(6) 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.

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

Issued on June 6, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12870 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0293; Project Identifier MCAI–2021–01125–G; Amendment 39–22079; AD 2022–12–07]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 75–23–03 for all Alexander Schleicher GmbH & Co. Segelflugzeugbau (Alexander Schleicher) Model Ka2B, Ka 6, Ka 6 B, Ka 6 BR, Ka 6 C, Ka 6 CR, K 7, K 8, and AS–K 13 gliders. AD 75–23–03 required visually inspecting the glue joint between the elevator nose rib number 1 and the nose plywood skin and replacing the glue joint if insufficient glue adhesion was found. Since the FAA issued AD 75–23–03, the European Union Aviation Safety Agency (EASA) superseded prior EASA ADs for the unsafe condition on these products. This AD adds the Model K 8 B gliders to the applicability and requires repetitively inspecting the glue joint at elevator rib number 1 and repairing any damage found. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 21, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2022.

ADDRESSES: For service information identified in this final rule, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, Poppenhausen, Germany D–36163; phone: +49 (0) 06658 89–0; email: *info@alexander-schleicher.de*; website: *https://www.alexander-schleicher.de.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0293.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0293; 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 mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section,

International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; email: *jim.rutherford@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 75–23–03, Amendment 39–2414 (40 FR 50706, October 31, 1975) (AD 75–23–03). AD 75–23–03 applied to all Alexander Schleicher Model Ka2B, Ka 6, Ka 6 B, Ka 6 BR, Ka 6 C, Ka 6 CR, K 7, K 8, and AS–K 13 gliders. AD 75–23–03 required visually inspecting the glue joint between the elevator nose rib number 1 and the nose plywood skin and replacing the glue joint if insufficient glue adhesion was found.

The NPRM published in the **Federal Register** on March 28, 2022 (87 FR 17204). The NPRM was prompted by AD 2021–0230, dated October 14, 2021 (referred to after this as ''the MCAI''), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states:

> An occurrence was reported of structural failure of an elevator during winch launching of a K 7 sailplane. Subsequent investigation results determined that the occurrence was due to damaged glue of the elevator's rib No. 1.
>
> This condition, if not detected and corrected, could affect the structural integrity of an elevator, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Schleicher issued the glued joint inspection TN [Technical Note], as defined in this [EASA] AD, to provide inspection instructions and LBA Germany issued AD 72–7 (later revised) to require those actions.
>
> Since that [LBA Germany] AD was issued, additional similar occurrences were reported of structural elevator failure, also on (powered) sailplanes originally not affected by LBA 72–7/3. Prompted by this development, Schleicher issued the applicable TN, providing inspections instructions for all (powered) sailplanes having an elevator of a similar design and making the inspections dependent also on the number of take-offs.
>
> For the reason described above, this [EASA] AD supersedes LBA Germany AD 72–7/3 [dated December 13, 1989] and requires repetitive inspections of the elevator and, depending on findings, accomplishment of applicable corrective action(s).

In the NPRM, the FAA proposed to require repetitively inspecting the glue joint between elevator rib number 1 and the plywood skin and repairing if necessary. In the NPRM, the FAA also proposed to add Model K 8 B gliders to the applicability. The FAA is issuing this AD to prevent structural failure of an elevator, which could lead to loss of glider control.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0293.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Alexander Schleicher GmbH & Co. Segelflugzeugbau Appendix 01–2021, Flight and Operating Manual, dated March 1, 2021. This service information specifies procedures for protecting the glider from moisture and repetitively inspecting the glue joint between elevator rib number 1 and the plywood skin. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI applies to Model ASK 16, ASK 16B, ASK 18, ASK 18 B, K 8 C, and Ka 6/0 gliders, and this AD does not because they do not have an FAA type certificate.

This AD includes the Model Ka2B glider whereas the MCAI does not.

Although the technical notes required by the MCAI specify to report findings of damage to the manufacturer, this AD does not require that action.

Costs of Compliance

The FAA estimates that this AD affects 83 gliders of U.S. registry. The FAA also estimates that it will take 4 work-hours per glider to inspect the glue joint at elevator rib number 1 and requires parts costing $50. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost on U.S. operators to be $32,370 or $390 per glider, per inspection cycle.

The FAA estimates that replacing the glue joint, if necessary, takes 8 work-hours and requires parts costing $250 for an estimated cost of $930 per glider. The FAA has no way of determining the number of gliders that may need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that 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:

■ a. Removing Airworthiness Directive 75–23–03, Amendment 39–2414 (40 FR 50706, October 31, 1975); and

■ b. Adding the following new airworthiness directive:

2022–12–07 Alexander Schleicher GmbH & Co. Segelflugzeugbau: Amendment 39–22079; Docket No. FAA–2022–0293; Project Identifier MCAI–2021–01125–G.

(a) Effective Date

This airworthiness directive (AD) is effective July 21, 2022.

(b) Affected ADs

This AD replaces AD 75–23–03, Amendment 39–2414 (40 FR 50706, October 31, 1975).

(c) Applicability

This AD applies to Alexander Schleicher GmbH & Co. Segelflugzeugbau Model Ka2B, Ka 6, Ka 6 B, Ka 6 BR, Ka 6 C, Ka 6 CR, K 7, K 8, K 8 B, and AS–K 13 gliders, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 5521, Elevator, Spar/Rib Structure.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as structural failure of an elevator during winch launching. The FAA is issuing this AD to prevent structural failure of an elevator, which could lead to loss of glider control.

(f) Compliance

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

(g) Actions

Within 30 days after the effective date of this AD and thereafter at intervals not to exceed 12 months or 500 flight cycles, whichever occurs first, inspect the glue joint between elevator rib number 1 and the plywood skin for damage by following section 3 of Alexander Schleicher GmbH & Co. Segelflugzeugbau Appendix 01–2021, Flight and Operating Manual, dated March 1, 2021. For purposes of this AD, a flight cycle would be counted anytime the glider launches and then lands. If there is any damage on the glue joint, repair before further flight.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

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

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2021–0230, dated October 14, 2021, for more information. You may examine the EASA AD at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0293.

(j) Material Incorporated by Reference

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

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

(i) Alexander Schleicher GmbH & Co. Segelflugzeugbau Appendix 01–2021, Flight and Operating Manual, dated March 1, 2021.

(ii) [Reserved]

(3) For service information identified in this AD, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, Poppenhausen, Germany D–36163; phone: +49 (0) 06658 89–0; email: *info@alexander-schleicher.de;* website: *https://www.alexander-schleicher.de.*

(4) 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.

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

Issued on June 6, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–12869 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2022–0461]

Safety Zones; Annual Events in the Captain of the Port Buffalo Zone

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a safety zone on all waters of the Cuyahoga River in Cleveland, OH for a recurring marine event. This action is necessary and intended for the safety of life and property on navigable waters during this event. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or a designated representative.

DATES: The regulations listed in 33 CFR 165.939 as listed in Table 165.939(a)(7) will be enforced from 7:15 a.m. through 2:15 p.m. on July 23, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email LT Jared Stevens, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Cleveland; telephone 216–937–0124, email *D09-SMB-MSUCLEVELAND-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zones; Annual Events in the Captain of the Port Buffalo Zone listed in 33 CFR 165.939, Table 165.939 (a)(7) for Blazing Paddles in Cleveland, OH, on all waters of the Cuyahoga River in Cleveland, OH, beginning at position 41°29′36″ N, 081°42′13″ W to the turnaround point at position 41°27′53″ N, 081°40′38″ W. The safety zone will be enforced from 7:15 a.m. through 2:15 p.m. on July 23, 2022. Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within the safety zone during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or a designated representative. Those seeking permission to enter the safety

zone may request permission from the Captain of Port Buffalo via Channel 16, VHF–FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or a designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice he may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

Dated: June 9, 2022.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2022–12960 Filed 6–15–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2021–0799; FRL–9246–02–R9]

Air Plan Approval; California; San Joaquin Valley Unified Air Pollution Control District; Open Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or the ''District'') portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO_X) and particulate matter (PM) from agricultural open burning. We are approving additional local restrictions on such burning under the Clean Air Act (CAA or the Act).

DATES: This rule is effective July 18, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2021–0799. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3073 or by email at *gong.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On November 29, 2021, CARB submitted a document entitled ''Proposed District Rule 4103 (Open Burning) Technical Submittal for Receiving SIP Credit for Reductions in Agricultural Burning,'' dated November 18, 2021 (the ''2021 Technical Submittal''), to the EPA for inclusion in the California SIP. The 2021 Technical Submittal includes a document called the ''Supplemental Report and Recommendations on Agricultural Burning'' (''2021 Supplemental Report''). Table 2–1 of the 2021 Supplemental Report, ''Accelerated Reductions by Crop Category'' includes an updated schedule of prohibitions (''2021 Schedule''). On December 23, 2021 (86 FR 72906), the EPA proposed to approve the 2021 Schedule and the following additional materials supporting the 2021 Schedule: Resolution 21–06–12 by the SJVUAPCD Governing Board dated June 17, 2021, Resolution 21–4 by the California Air Resources Board (CARB) dated February 25, 2021, and a letter from the CARB Executive Officer to the SJVUAPCD dated June 18, 2021.

We proposed to approve this SIP revision because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the SIP revision and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received two comments. The first comment was from a member of the public concerning the use of open burning to process dead and dying trees for methane reduction and to generate renewable energy. This comment appears to concern biomass plants, which are not regulated under SJVUAPCD Rule 4103. Furthermore, aside from orchard waste, wood waste resulting from dead and dying trees is not subject to the requirements of SJVUAPCD Rule 4103. As such, we do not consider this comment to be relevant to our rulemaking.

The second comment was from the SJVUAPCD concerning the EPA's statement in our technical support document to the proposed rule, where we discussed a prospective rule effectiveness (RE) value of 80% for use in calculations for expected emission reductions for this SIP revision. This comment is not relevant to the approvability of the Technical Submittal, as we are not making any final determinations of creditable RE for the 2021 agricultural burning prohibition SIP revision in this rulemaking. Therefore, we intend to address this comment in the context of any future action(s) that rely on emissions reductions associated with this measure.

III. EPA Action

No comments were submitted that change our assessment of the SIP revision as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the following materials from the 2021 Technical Submittal into the SIP: Table 2–1 ''Accelerated Reductions by Crop Category'' of the ''Supplemental Report and Recommendations on Agricultural Burning'' and Resolution 21–06–12, which were adopted by the SJVUAPCD Board on June 17, 2021; Resolution 21–4 ''San Joaquin Valley Agricultural Burning Assessment'' adopted by CARB on February 25, 2021; and the letter dated June 18, 2021 from Richard W. Corey, Executive Officer, CARB, to Samir Sheikh, Executive Director, SJVUAPCD, concurring on the 2021 Supplemental Report.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the SIP revision from the SJVUAPCD described in Section III of this preamble and set forth below in the amendments to 40 CFR part 52. The SJVUAPCD provisions being incorporated by reference concern emissions of oxides of nitrogen (NO_X) and particulate matter (PM) from agricultural open burning. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX 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 Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 15, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: June 3, 2022.

Martha Guzman Aceves,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends Part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(388)(i)(B)(*9*), (*10*) and (*11*) and and (c)(572) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(388) * * *

(i) * * *

(B) * * *

(*9*) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(*3*) of this section and now deleted with replacement in paragraph (c)(572)(i)(A)(*1*) of this section, Table 9–1, Revised Proposed Staff Report and Recommendations on Agricultural Burning, approved on May 20, 2010.

(*10*) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(*4*) of this section and now deleted with replacement in paragraph (c)(572)(i)(A)(*2*) of this section, San Joaquin Valley Air Pollution Control District, Resolution No. 10–05–22, adopted on May 20, 2010.

(*11*) Previously approved on January 4, 2012, in paragraph (c)(338)(i)(B)(*5*) of this section and now deleted with replacement in paragraphs (c)(572)(i)(B)(*1*) and (*2*) of this section, California Air Resources Board, Resolution 10–24, adopted on May 27, 2010.

* * * * *

(572) Amended enforceable requirements for the following APCD were submitted on November 29, 2021, by the Governor's designee as an attachment to a letter dated November 24, 2021.

(i) Incorporation by reference.

(A) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Table 2–1, ''Accelerated Reductions by Crop Category'' of the

Supplemental Report and Recommendations on Agricultural Burning, adopted on June 17, 2021.

(*2*) San Joaquin Valley Unified Air Pollution Control District Governing Board Resolution 21–06–12 ''Approve Supplemental Report and Recommendations on Agricultural Burning,'' adopted June 17, 2021.

(B) California Air Resources Board.

(*1*) Resolution 21–4 ''San Joaquin Valley Agricultural Burning Assessment,'' adopted on February 25, 2021.

(*2*) Letter dated June 18, 2021, from Richard W. Corey, Executive Officer, CARB, to Samir Sheikh, Executive Director, SJVUAPCD, concurring on the SJVUAPCD Supplemental Report and Recommendations on Agricultural Burning, approved June 17, 2021.

(ii) [Reserved]

[FR Doc. 2022–12387 Filed 6–15–22; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Part 1170

Nondiscrimination on the Basis of Disability in Federally Assisted Programs or Activities

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notification of interpretation.

SUMMARY: The National Endowment for the Humanities (NEH) provides notice of its interpretation of Section 504 of the Rehabilitation Act of 1973 and NEH's implementing regulations, which prohibit discrimination on the basis of disability in federally assisted programs and activities. (In order to reflect currently accepted terminology, this notice uses the term ''disability'' rather than ''handicap,'' which appears in NEH's Section 504 regulations. There is no substantive legal difference between the two terms for purposes of this notice.) This document clarifies that NEH interprets its Section 504 rule to permit recipients of Federal financial assistance from NEH who engage in the design, construction, or alteration of facilities to use the 2010 ADA Standards for Accessible Design (2010 Standards) in lieu of the Uniform Federal Accessibility Standards (UFAS). This notice does not require recipients to use the 2010 Standards.

DATES: This interpretation is effective June 16, 2022.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *gencounsel@neh.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 504 of the Rehabilitation Act of 1973 (Section 504) [1] prohibits, among other things, discrimination on the basis of disability in federally assisted programs or activities. NEH adopted a rule, codified at 45 CFR part 1170, to implement this prohibition for each recipient of Federal financial assistance from NEH and each program or activity that receives such assistance (the Section 504 rule).

Section 1170.33(a) of the Section 504 rule imposes a requirement with respect to the design and construction of facilities. New facilities must be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities must, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

Section 1170.33(b)(1) of the Section 504 rule provides further that, effective as of January 18, 1991, NEH shall deem the design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS) [2] to comply with § 1170.33(a).[3]

On September 15, 2010, the Department of Justice adopted new accessibility standards under the Americans with Disabilities Act of 1990 (ADA) for the design, construction, and alteration of state and local government facilities, places of public accommodation, and commercial facilities, called the 2010 ADA Standards for Accessible Design (the 2010 Standards).[4] Covered entities under the ADA must comply with the 2010 Standards for new construction or alterations that commence on or after March 15, 2012.[5]

NEH routinely provides Federal financial assistance to state and local governments and entities that operate places of public accommodation and/or commercial facilities, within the meaning of the Americans with Disabilities Act of 1990, to support the design, construction, or alteration of facilities. In those cases, the recipient of Federal financial assistance must comply with the 2010 Standards pursuant to the ADA, but must also comply with UFAS to gain the benefit of the provisions of § 1170.33(b)(1) of the Section 504 rule. These duplicative requirements impose an unnecessary administrative burden on recipients without providing any benefit to individuals with disabilities.

In March 2011, pursuant to its authority to coordinate the implementation and enforcement of Section 504,[6] the Department of Justice advised Federal agencies that, until such time as they update their regulations implementing the Federally assisted provisions of Section 504, they may issue guidance to covered entities that permits them to use the 2010 Standards as an acceptable alternative to UFAS for new construction and alterations.[7]

II. Notice of Interpretation

Consistent with the foregoing guidance, this notification clarifies that NEH deems compliance with the 2010 Standards to be an acceptable means of complying with the accessibility requirements for new construction and alterations set forth in the Section 504 rule. Specifically, NEH interprets the requirement of § 1170.33(a) of the Section 504 rule, that covered facilities shall be ''designed and constructed to be readily accessible to and usable by handicapped persons,'' to permit the design, construction, or alteration of buildings in conformance with the 2010 Standards. Once a covered entity selects an applicable accessibility standard for new construction or alterations under Section 504, that standard must be applied to the entire facility.

Nothing in this document requires the design, construction, or alteration of buildings to conform with the 2010 Standards or alters NEH's interpretation of § 1170.33(b).

[1] 29 U.S.C. 794.

[2] 41 CFR Appendix A to Subpart 101–19.6 (2001), *available at https://www.govinfo.gov/app/details/CFR-2001-title41-vol2/CFR-2001-title41-vol2-part101-id389-subpart101-id424-appA.*

[3] 45 CFR 1170.33(a).

[4] 75 FR 56236; 75 FR 56163.

[5] 28 CFR 35.151(c)(3), 36.406(a)(3).

[6] Executive Order 12250.

[7] Memorandum from Thomas E. Perez, Assistant Attorney General, Division of Civil Rights, Department of Justice, to Federal Agency Civil Rights Directors and General Counsels (March 29, 2011), *available at https://www.justice.gov/file/1464186/download* (the 2011 Memorandum).

Dated: June 9, 2022.

Samuel Roth,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2022–12823 Filed 6–15–22; 8:45 am]

BILLING CODE 7536–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2019–0050; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BE15

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Marron Bacora and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are listing marron bacora (*Solanum conocarpum*), a plant species from the U.S. and British Virgin Islands, as an endangered species and are designating critical habitat for the species under the Endangered Species Act of 1973, as amended (Act). In total, approximately 2,548 acres (1,031 hectares) on St. John, U.S. Virgin Islands, fall within the boundaries of the critical habitat designation. This rule adds this species to the Federal List of Endangered and Threatened Plants and extends the Act's protections to the species and its designated critical habitat.

DATES: This rule is effective July 18, 2022.

ADDRESSES: This final rule is available on the internet at *https://www.regulations.gov* in Docket No. FWS–R4–ES–2019–0050. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection in the docket on *https://www.regulations.gov*. For the critical habitat designation, the coordinates or plot points or both from which the maps are generated are included in the decision file for the critical habitat designation and are available at the Caribbean Ecological Services Field Office's website (*https://www.fws.gov/office/caribbean-ecological-services/library*) and at *https://www.regulations.gov* under Docket No. FWS–R4–ES–2019–0050.

FOR FURTHER INFORMATION CONTACT: Edwin Muñiz, Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Road 301 Km 5.1, Boquerón, PR 00622; telephone 787–244–0081; email *caribbean_es@fws.gov*. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species warrants listing if it meets the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become endangered in the foreseeable future throughout all or a significant portion of its range). We have determined that the marron bacora meets the definition of an endangered species; therefore, we are listing it as such. To the maximum extent prudent and determinable, we must designate critical habitat for any species that we determine to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designation of critical habitat can be completed only by issuing a rule.

What this rule does. This rule lists marron bacora (*Solanum conocarpum*) as an endangered species under the Act and designates approximately 2,548 acres (ac) (1,031 hectares (ha)) on St. John, U.S. Virgin Islands (USVI), as critical habitat for the species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the primary threats acting on marron bacora are habitat destruction or modification by exotic mammal species (*e.g.,* white-tailed deer, goats, pigs, and donkeys) and invasive plants and exotic plants (*e.g.,* guinea grass) (Factor A); herbivory by nonnative, feral ungulates and insect pests (Factor C); and the lack of natural recruitment, absence of dispersers, fragmented distribution and small population size, lack of genetic diversity, and climate change (Factor E).

Section 4(a)(3) of the Act requires the Secretary of the Interior (Secretary) to designate critical habitat concurrent with listing to the maximum extent prudent and determinable. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat. We are designating 2,548 ac (1,031 ha), consisting of two units on St. John, USVI, as critical habitat for marron bacora in this rule. We have excluded 1.33 ac (0.54 ha) from the South Unit.

Previous Federal Actions

Please refer to the proposed rule to list and designate critical habitat for the marron bacora (85 FR 52516; August 26, 2020) for a detailed description of previous Federal actions concerning this species.

Summary of Changes From the Proposed Rule

This final rule incorporates changes to our proposal (85 FR 52516; August 26, 2020) based on the comments we received, as discussed below under Summary of Comments and Recommendations. Based on these comments, we also incorporated, as appropriate, new information into our SSA report. Minor, nonsubstantive changes and editorial corrections were made throughout both documents in response to comments. However, the information we received during the public comment period on the proposed rule did not change our determination that the marron bacora meets the definition of an endangered species. The information provided a better understanding of a finer scale of the proposed critical habitat units, and we applied changes accordingly.

Specifically, based on new information received from a private

landowner in a letter dated October 26, 2020, and after considering the benefits of exclusion versus the benefits of inclusion, we revised Unit 1 (South Unit) to exclude 1.33 acres (0.54 ha) from the critical habitat designation. This unit now consists of approximately 1,704 ac (690 ha), which is a decrease of approximately 0.06 percent of the area proposed for Unit 1. Because of this exclusion, we revised the index and relevant unit maps, and we updated the coordinates or plot points from which those maps were generated. The information is available at *https://www.regulations.gov* under Docket No. FWS–R4–ES–2019–0050, and from the Caribbean Ecological Services Field Office website at *https://www.fws.gov/office/caribbean-ecological-services/library*.

Supporting Documents

A species status assessment (SSA) team prepared an SSA report for the marron bacora. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species (Service 2020, entire).

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act (16 U.S.C. 1531 *et seq.*), we sought the expert opinions of six appropriate specialists regarding the initial SSA report, version 1.0 (Service 2019, entire). We received comments from one of the six reviewers. The reviewer was generally supportive of our approach and made suggestions and comments that strengthened our analysis. We also considered all comments and information we received during the comment period. The SSA report, version 1.1 (Service 2020, entire), and other materials relating to this rule can be found at *https://www.regulations.gov* under Docket No. FWS–R4–ES–2019–0050.

I. Final Listing Determination

Background

A thorough review of the taxonomy, life history, and ecology of the marron bacora is presented in the SSA report (Service 2020, entire).

Marron bacora is a dry-forest, perennial shrub of the Solanaceae (or nightshade) family that is endemic to the Virgin Islands. It has small purple flowers and can grow to a height of around 9.8 feet (ft) (3 meters (m)). The plants produce a green fruit with white striations and golden yellow when ripe (Acevedo-Rodriguez 1996, p. 415). The species typically requires pollinators for reproductive success but may self-pollinate under certain conditions.

The historical range of the species includes St. John and possibly St. Thomas, USVI; however, recent surveys found the species on the neighboring island, Tortola, British Virgin Islands (BVI). An additional, unconfirmed record from plant material was collected in 1969 at Gordon Peak on Virgin Gorda, BVI (Acevedo-Rodríguez 1996, p. 415). Suitable habitat for the species occurs on Virgin Gorda; however, that is the only record of the species on that island, and there have been no other records since the single plant was found in 1969. At least three populations on St. John have been extirpated.

The species is currently found on St. John, USVI, and Tortola, BVI, with a fragmented distribution of seven populations on St. John (Nanny Point, Friis Bay, Johns Folly, Brown Bay Trail, Reef Bay Trail, Base Hill, Brown Bay Ridge, Sabbat Point, Reef Bay Valley, and Europa Ridge) and a single population on Tortola (Sabbath Hill). St. John has a history of land-use changes that resulted in habitat loss and degradation, further isolating suitable habitats in patches that were not readily connected. The flowers of marron bacora plants have both anthers and pistols with morphological characteristics to differentiate the male and female plants; the male plants have long anthers with shorter pistils while the female plants have short, recurved anthers with an elongated pistil. Even though the flowers are hermaphroditic, the species is functionally dioecious (separate male and female plants) obligate out-crosser and typically self-incompatible (Anderson et al. 2015, p. 479), so the larger the population, the better for ensuring successful reproduction and maintaining genetic diversity within populations.

Please refer to the proposed listing rule for the marron bacora (85 FR 52516; August 26, 2020) for more species information.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an endangered species or a threatened species. The Act defines an ''endangered species'' as a species that is in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive

effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term ''foreseeable future,'' which appears in the statutory definition of ''threatened species.'' Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term ''foreseeable future'' extends only so far into the future as the Service can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. ''Reliable'' does not mean ''certain''; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent a decision by the Service on whether the species should be listed as an endangered or threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the SSA report, version 1.1; the full SSA report (Service 2020, entire) can be found at Docket No. FWS–R4–ES–2019–0050 on *https://www.regulations.gov*.

To assess marron bacora's viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (for example, droughts, large pollution events), and representation supports the ability of the species to adapt over time to long-term changes in the environment (for example, climate changes). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species' life-history needs. The next stage involved an assessment of the historical and current condition of the species' demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species' responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time. We use this information to inform our regulatory decision.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability.

The stressors acting on the species as described in the SSA report include invasive species (plants and animals), predation, demographic and genetic consequences of small population size and density, human-induced fires, insect pests and pathogens, changes in phenology and breeding systems, climate change/hurricanes, and habitat loss/degradation.

Species Needs

In order to understand the species' viability, we considered the best available information in describing the species' needs, including habitat, reproduction, and other environmental influences such as precipitation. We provide an overview of the species' suitable habitat description and conditions for successful reproduction.

With marron bacora's endemism on two islands, the habitat is primarily based on forest type, soil characteristics, and elevation. The species occurs in dry, deciduous forest with dry soils (Acevedo-Rodríguez 1996, p. 415). Marron bacora plants are locally abundant in exposed sites that have been disturbed by erosion as well as in areas that have received moderate grazing, and around ridgelines as an understory component in diverse woodland communities (Carper and Ray 2008, p. 1). A habitat suitability model suggests that the vast majority of marron bacora habitat is found in the lower elevation (<85 m, 278.87 ft) coastal scrub forest and that about 32 percent of the land area of the Virgin Islands National Park (VINP) harbors suitable habitat for the species (Vilella and Palumbo 2010, p. 10).

The majority of the marron bacora habitat lies within the subtropical dry life zone, which is characterized by low annual rainfall and a high evapotranspiration ratio (Ewel and Whitmore 1973, p.10). In fact, more than 80 percent of St. John is considered as subtropical dry forest (Stanford et al. 2013, p. 173). The vegetation in the subtropical dry life zone tends to form a complete ground cover and is almost completely deciduous (Ewel and Whitmore 1973, p. 10). As an endemic to the Virgin Islands, marron bacora is adapted to these environmental conditions, and the species' phenology is synchronized with the rainy season. Most of the yearly rainfall on St. John occurs between May and December with official hurricane season from June 1 through November 30.

In terms of successful reproduction for the species, the system of breeding in marron bacora is very likely to be that of an obligate outcrosser with self-incompatibility (Stanford et al. 2013, pp. 174; Anderson et al. 2015, pp. 479). Recent findings support the hermaphroditic and functionally dioecious biology of marron bacora (Anderson et al. 2015, p. 479). There has been fruit production recorded on isolated plants suggesting the species still has mechanisms for self-pollination (Gibney pers. comm.).

Stressors Acting on the Species

The species is impacted by natural and anthropogenic influences that may affect individual plants, the habitat, or populations in varying degrees. The magnitude, timing, frequency, and severity of the threats are influenced by additional biological and physical factors associated with the species' habitat. We provide a brief overview of those stressors and additional information can be found in the proposed listing rule (85 FR 52516) and in the SSA report (Service 2020, pp. 34–41).

Nonnative/Invasive Species

Marron bacora and its habitat are directly affected by nonnative animals and plants. White-tailed deer (*Odocoileus virginianus*) were introduced to St. John in the 1920s to provide hunting opportunities. Since then, the deer range freely across the island, foraging on the native vegetation, and according to local experts, populations of deer are increasing on the island (E. Gibney, pers comm. 2017). There are currently no estimates on the deer abundance on St. John, and with no native predators to control the deer population, they are naturalized and very abundant on the islands. The deer directly affect marron bacora by browsing on the plants (seedlings and saplings) and fruits, thus, precluding the species natural recruitment.

Other nonnative species used as livestock, including cattle, hogs (*Sus scrofa*), goats (*Capra aegagrus hircus*), and donkeys (*Equus africanus asinus*), have also naturalized and have been recorded within the VINP. Depredation of marron bacora fruits and seedlings by feral ungulates has most likely caused the lack of natural recruitment. Deer and livestock not only forage on marron bacora plants, but they also trample plants and degrade the habitat conditions.

Invasive plant species are also abundant on St. John and Tortola and outcompete native species for space, water, and light as they change the structure of the vegetative community and restrict available resources for native species. The marron bacora habitat at Nanny Point has been negatively affected by encroachment of invasive exotic grasses and vines following Hurricanes Irma and Maria in 2017 (IC Report 2018, pp. 3, 12). These exotic and invasive species outcompete marron bacora and further reduce the chances of natural recruitment by modifying the microhabitat conditions necessary for seedling establishment. The threat by invasive plant species is more severe at the biggest known populations of marron bacora, Nanny Point (USVI) and Sabbat Hill (BVI).

Insect Pests and Pathogens

Although the majority of known marron bacora populations are relatively protected because they are found on lands managed for conservation by NPS, the small size of populations coupled with the effects of insect pests or pathogens could contribute to local extirpation. For example, although the Reef Bay Valley population consisted of 6 wild individuals and 60 introduced individuals in 2011, the population was considered extirpated by 2017, most likely due to a low survival rate for the introduced marron bacora individuals. However, an unknown pathogen was documented in that population (Stanford et al. 2013, p. 178), which also may have contributed to its loss. More recently, in 2018, 63 percent of the marron bacora individuals at Nanny Point showed some sort of stem dieback; however, it is not clear if this is due to some pest or disease (IC Report 2018, p. 5). Nonetheless, recent observations indicate that dieback is clustered mainly to the eastern corner of the Nanny Point population and associated with edge vegetation (vines and shrub land vegetation exposed to salt spray).

In addition, we recorded the presence of the Jacaranda bug (*Insignorthezia insignis*) at the Nanny Point population, and the scale insects, *Praelongorthezia praelonga* (Douglas) and *Insignorthezia insignis,* on plants at the gardens of the National Park Service (NPS) facilities (Service 2017a, p. 14). The Jacaranda bug is a sap-feeding insect in the *Orthezidae* family. The scale insect (*Praelongorthezia praelonga*) can also damage plants directly by sucking their sap, or indirectly by injecting toxic salivary secretions that may attract ants, transmit pathogens, and encourage growth of sooty molds (Ramos et al. 2018, p. 273). Our assessment of the effects of these insects and pathogens on marron bacora is based on the information available regarding their effects on other species of plants that occur on St. John (*e.g.,* Ramos et al. 2018, p. 273), and on our observations in the field during marron bacora assessments (Monsegur and Yrigoyen 2018, pers. comm.). No studies have been carried out to ascertain the extent of potential impacts by these pests specifically on marron bacora. However, the low number and small size of the known populations makes marron bacora vulnerable to insect pests, which may constrain the already reduced reproductive output and recruitment of the species.

Effects of Small Population Sizes

The consequences of small population sizes affect sessile species by limiting the ability to interact with others and maintain genetic diversity. Marron bacora currently shows overall low numbers of individuals, low numbers of populations, and low numbers of individuals at each population site, which is reflected in low resiliency, redundancy, and representation. While the genetic diversity at the species level of marron bacora is relatively high, the majority of its diversity is confined to the largest population at Nanny Point (Stanford 2013, p. 178). The current fragmented population distribution may result in Allee effects due to small population sizes, a lack of genetic exchange among populations, and eventual genetic drift. Allee effects influence the individual fitness of plants; with smaller, less dense populations, successful reproduction declines because there are fewer pollination opportunities between individual plants that have a greater distance between them.

Habitat Loss/Degradation

By 1717, the forested landscape of St. John was parceled into more than 100 estates for agriculture (*i.e.,* sugarcane and cotton), and the majority of this landscape was deforested. Under this land-use regime, marron bacora populations were decimated, as the species had no economic importance or use. The current fragmented distribution of marron bacora is most likely the result of that historical land clearing for agriculture and the subsequent development that has occurred since the 1700s. Even though these land-use changes occurred centuries ago, long-lasting effects continue to impact the condition of the habitat; the effects on the species are exacerbated by the species' reproductive biology, the absence of seed dispersal, suspected fruit predation, and further habitat modification by feral ungulates.

At present, the Friis Bay (St. John, USVI) and Sabbath Hill (Tortola, BVI) populations are located on private lands vulnerable to habitat modification due to urban development. In addition, the Nanny Point and Johns Folly populations are situated within VINP lands just at the park boundary, and there is potential for urban and tourism development in the future, resulting in possible direct impacts to the species and interrelated effects (lack of habitat connectivity and cross pollination, and further habitat encroachment by exotic plant species). While the land that harbors the Nanny Point population is

located on VINP, the adjacent private land could be at risk of development, which may directly affect the species' most resilient population.

Climate Change and Hurricanes

Hurricanes and tropical storms frequently affect the islands of the Caribbean; thus, native plants should be adapted to such disturbance. In fact, successional responses to hurricanes can influence the structure and composition of plant communities in the Caribbean islands (Van Bloem et al. 2005, p. 576). However, climate change is predicted to increase tropical storm frequency and intensity and also cause severe droughts (Hopkinson et al. 2008, p. 255). Climate model simulations indicate an increase in global tropical cyclone intensity in a warmer world, as well as an increase in the number of very intense tropical cyclones, consistent with current scientific understanding of the physics of the climate system (USGCRP 2018, p. 2). The vulnerability of species to climate change is a function of sensitivity to changes and exposure to those changes, and the adaptive capacity of the species (Glick et al. 2011, p. 1). Within natural conditions, it is likely that marron bacora is well-adapted to these atmospheric events. However, the cumulative effects of severe tropical storms and associated increased sediment runoff (erosion), along with the species' small population size and reduced natural recruitment, may jeopardize the future establishment of seedlings along drainage areas usually associated with suitable habitat for marron bacora (Ray and Stanford 2005, p. 2). There is evidence of direct impacts to the Nanny Point population due to a flash flood event associated with Hurricane Irma that hit St. John on September 6, 2017 (Service 2017b, p. 3).

Additive climate change stressors projected for the future include: (a) increased number and intensity of strong storms, (b) increased temperatures, and (c) shifts in the timing and amounts of seasonal precipitation patterns. Despite projected increased storm intensity and frequency related to future hurricane seasons, climate change models for tropical islands predict that, for example, by the mid-21st century, Puerto Rico will be subject to a decrease in overall rainfall, along with an increase in annual drought intensity (Khalyani et al. 2016, pp. 274–275). Thus, due to the proximity of Puerto Rico to St. John, and that these islands belong to the same biogeographical unit (Puerto Rican Bank), these model predictions could also extend to the USVI (including St. John). Given the low number of known populations and individuals, and the lack of natural recruitment of marron bacora, the species may not have the genetic breadth to adapt to these predicted conditions. In addition, there is little knowledge of marron bacora's life history (*e.g.,* fruit/seed dispersers and germination requirements in the wild); the species has a restricted known range (*e.g.,* mainly St. John); and its habitat is degraded due to free-ranging populations of feral animals (*e.g.,* deer and goats), which precludes recruitment of new individuals. Moreover, in 2017, the island of St. John was affected by two catastrophic hurricanes (Irma and Maria), resulting in direct adverse impacts to individuals of marron bacora and its habitat. Marron bacora habitat remains encroached by weedy plants that persist more than 2 years after these atmospheric events and continue to affect the species.

Synergistic Effects

Synergistic interactions are possible between the effects of climate change and other potential threats such as nonnative species, pests, and development. The extent of impacts to the species due to synergistic threats is not well understood, as there is uncertainty in how nonnative species (plants and animals) may respond to climate variables such as increased drought and changes in hurricane frequency and intensity. We expect the synergistic effects of the current and future threats acting on the species will exacerbate the decline in the species' viability by continued declines in reproductive success. Projecting the extent of synergistic effects of climate change on marron bacora is too speculative due to the complexity and uncertainty of the species' response to the combination of dynamic factors that influence its viability.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects. We incorporate the cumulative effects into our SSA analysis when we characterize the current and future condition of the species. To assess the current and future condition of the species, we undertake an iterative analysis that encompasses and incorporates the threats individually and then accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Existing Regulatory Mechanisms and Conservation Efforts

The existing regulatory mechanisms for marron bacora include Federal and Territory protections of the species that include NPS Organic Act and U.S. Virgin Island's Department of Planning and Natural Resources listing of the species. The NPS' Organic Act (54 U.S.C. 100101 *et seq.*) requires the NPS to manage the national parks, including the VINP on St. John, to conserve their scenery, natural and historic objects, and wildlife. In addition, the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391), Title II, ''National Park System Resource Inventory and Management,'' mandates research in order to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes. This law affects not only the NPS, but other Federal agencies, universities, and other entities that conduct research within the National Park system. Currently, the NPS has implemented its resource management responsibilities through its management policies, section 4.4.1, which state that NPS ''will maintain as parts of the natural ecosystems of parks all plants and animals native to park ecosystems'' (NPS 2006, p. 42).

The Territory of the U.S. Virgin Islands currently considers marron bacora to be endangered under the Virgin Islands Indigenous and Endangered Species Act (V.I. Code, title 12, chapter 2), and an existing regulation provides for protection of endangered and threatened wildlife and plants by prohibiting the take, injury, or possession of indigenous plants. While these efforts and mechanisms provide some protections for the species, they have not substantively reduced the main factors affecting the species' viability.

Efforts to conserve the species have included a captive propagation and planting program. Marron bacora has successfully been propagated by a St. John horticulturist with cuttings and manually assisting pollination by dusting the flowers (B. Kojis and R. Boulon, pers comm., November 20, 1996). Marron bacora specimens were then distributed to various places with suitable habitat in the Virgin Islands (Ray and Stanford 2005, p. 3). An

implementation plan was developed to conduct shade-house propagation of marron bacora using both seedlings and cuttings for reintroduction within VINP (Ray and Stanford 2003, p. 3). A Nanny Point landowner funded and implemented a conservation plan for marron bacora through germination and cloning of adult individuals to enhance natural populations of the species at Nanny Point, Brown Bay Trail, and Johns Folly (Ray and Carper 2009, p. 6; Ray 2005, p. 4). Under this conservation plan, all individuals of marron bacora at Nanny Point were flagged and tagged, had their basal diameter and height measured, and were georeferenced (Ray 2005, p. 3). This plan resulted in the propagation of at least 300 cuttings and their latter planting to augment natural populations (Ray 2005, p. 6). Such efforts continued with the enhancement (augmentation) of the Brown Bay Trail, Johns Folly, and Nanny Point populations by planting cutting material; these efforts saw overall survival of 97 percent 2 months after planting, but the plants' long-term survival proved to be low due to ongoing threats to the habitat (Ray and Carper 2009, p. 5). While the species has been successfully propagated, the reintroductions have yielded unsuccessful results with a very low long-term survival rate for propagated and reintroduced plants, and even lower for relocated adult plants.

In 2017, funding was provided to Island Conservation through the Service's Coastal Program to: (1) Propagate at least 100 marron bacora individuals to enhance the largest known population at Nanny Point, (2) introduce propagated materials to the Nanny Point population, (3) assess the extent of impacts of invasive mammal species to marron bacora and its habitat, (4) assess the extent of impacts by invasive mammal species to additional sites identified for marron bacora introduction, and (5) provide management recommendations for invasive mammals in order to significantly advance the recovery of marron bacora (IC Report 2018, p. 1). This project has been temporarily delayed in order to allow archaeological surveys to be completed prior to any out-planting.

Current Conditions

To determine the current condition of the species, we evaluated the resiliency, redundancy, and representation of populations across the landscape considering past and current stressors acting on the species and its habitat. The description of the species' current condition is described in more detail in the SSA report (Service 2020, pp. 19–28).

Resiliency

We generated resiliency scores using the best available information for marron bacora by combining scores for three habitat metrics (protection/development risk, feral ungulates, and pest depredation), and one population metric (population size and/or trend, dependent on availability). The scores for each population across all metrics were summed, and final population resilience categories were assigned (see Table 2, below).

TABLE 1—DESCRIPTION OF HOW HABITAT AND POPULATION FACTORS WERE SCORED TO DETERMINE MARRON BACORA RESILIENCE

Score	Habitat metrics		Population Metric	
	Habitat protection/development risk	Feral ungulates	Pest presence/depredation	Population size/trend
−1	Habitat not protected, at risk of being developed.	High number of exotic mammals.	High number of pests present.	Relatively low population size and/or declining trend.
0	Some habitat protected, and some at risk of being developed.	Unknown or moderate number of exotic mammals.	Moderate number of pests present.	Relatively moderate population size and stable trend, or high degree of uncertainty in population size/trends.
1	Habitat protected	Exotic mammals absent	Pests absent	Relatively high population size and/or growth.

TABLE 2—RESILIENCY SCORE CATEGORIES FOR MARRON BACORA USING HABITAT AND DEMOGRAPHIC METRICS

Resiliency Scores:	
Low Resilience	−4 to −2.
Moderately Low Resilience	−1.
Moderate Resilience	0.
Moderately High Resilience	1.
High Resilience	2 to 4.

The species is known from two islands with 11 known populations, of which 3 are extirpated. The resiliency of the extant populations varies according to the abundance of individuals and habitat conditions at each location. The remaining eight extant populations vary between a single individual to 201 plants, and the habitat conditions vary according to the site location. Additional information regarding the details of the populations can be found in the proposed listing rule (85 FR 52516).

Nanny Point (St. John, USVI)

The largest known population is on St. John at Nanny Point; in 2017, this population consisted of 75 mature adult individuals, 4 natural seedlings, and 44 planted individuals from past population enhancement efforts (Service 2017a, p. 7). This population has been negatively affected by herbivory, hurricanes, invasive plants, and the Jacaranda bug. The Nanny Point population has low resilience because, while the site is partially within VINP, it also overlaps with unprotected, private lands; the population has a high presence of feral ungulates, high insect predation, and a declining population size.

Friis Bay (St. John, USVI)

With the discovery of a new population in the BVI, this is now believed to be the third largest natural

population of marron bacora, with an estimated 33 individuals (Ray and Stanford 2005, p. 16). The current resilience of the Friis Bay population is low because the habitat is at risk of high impacts from feral ungulates.

Johns Folly (St. John, USVI)

This site is located upslope in a ravine about 700 m (2,296.6 ft) northwest of the Nanny Point population. A 2017 population assessment identified only 4 natural individuals and 1 natural seedling, and 13 plants corresponding to planted material from a previous population enhancement with material from the Nanny Point population (Service 2017a, p. 7). The Johns Folly population has low resilience due to habitat loss and fragmentation by development, low density of pollinators, high presence of feral ungulates, and a declining population.

Brown Bay Trail (St. John, USVI)

The Brown Bay Trail site is located along the Brown's Bay hiking trail within the VINP, an area of mature secondary dry forest located on the northeastern shore of St. John. The site is located on a slope approximately 60 m (196.85 ft) from shore and the population is composed of a single natural individual and planted individuals that were part of a 2009 population enhancement using material propagated from the Nanny Point population. The Brown Bay Trail population has low resilience due to high presence of feral ungulates, high insect predation, and a declining population trend.

Reef Bay Trail (St. John, USVI)

The Reef Bay Trail locality is a relatively new population located during a 2017 population assessment (Service 2017a, p. 11). A population assessment in 2017 discovered seven wild individuals, 85 percent in flower and some individuals producing fruits. The Reef Bay Trail population has moderately low resilience due to high presence of feral ungulates that are causing an overall decline across all populations (Roberts 2017, entire).

Base Hill (St. John, USVI)

The population at Base Hill consists of one natural individual (Ray and Stanford 2005, p. 16). There have been no subsequent visits to this population since 2005; thus, no further data on the status of this individual are known. The current condition of this population is unknown.

Brown Bay Ridge (St. John, USVI)

In 2017, one wild individual was discovered on top of a ridge approximately 0.25 miles (mi) (0.40 kilometers (km)) from the Brown Bay Trail population (Cecilia Rogers 2017, pers. comm.). The Brown Bay Ridge population has moderately low resilience because, while there is a high presence of feral ungulates in the area, the area harbors suitable habitat and the single documented wild individual was a juvenile plant, which indicates recruitment has occurred at this location.

Sabbat Point (St. John, USVI)

This population was reported as a single natural individual in 2005 (Ray and Stanford 2005, p. 16). The individual was never relocated in a subsequent site visit, and the site showed evidence of disturbance based on the abundance of river tamarind (*Leucaena leucocephala*), roving prickly pear cactus (*Opuntia repens*), and wild pineapple (*Bromelia pinguin*) (Service 2017a, p. 4). This population is considered extirpated.

Reef Bay Valley (St. John, USVI)

This population is on the southern coast of St. John, along the shore near White Cliffs. In 2005, 6 wild and 60 introduced individuals were reported at the Reef Bay site (Ray and Stanford 2005, p. 16). Further assessments of this area were unsuccessful in detecting any marron bacora (Service 2017a, p. 11). Thus, the best available information indicates this population is extirpated, and no individuals are known in its proximity.

Europa Ridge (St. John, USVI)

The Europa Ridge population was a single individual when documented in the early 1990s (Acevedo-Rodriguez, P. 1996, p. 415). Based on the latest habitat assessments by the Service, this population is likely extirpated (Service 2017a, p. 11).

Sabbath Hill (Tortola, BVI)

In 2018, surveys on Tortola identified a plant morphologically consistent with marron bacora, near Sabbath Hill. On a follow-up trip to confirm marron bacora in the area, a population of approximately 46 to 48 individuals was identified with most plants described as small and only about 7 as large. The Sabbath Hill population has low resilience due to a high presence of feral ungulates and the location of the population not being associated with any protected lands.

There is little evidence of sustained natural recruitment in any of the known populations of marron bacora. The population structure at Nanny Point and Johns Folly is characterized by the absence of individuals smaller than 3.2 ft (1 m) high, with little evidence of seedlings or juveniles (three for Nanny Point and one for Johns Folly) (Service 2017a, p. 7). These populations consist primarily of reproductive individuals, as 92 percent and 75 percent of the plants, respectively, were recorded in flower during a recent survey (Service 2017a, p. 7). The Johns Folly population was composed of 4 natural adult individuals (reproductive size individuals naturally occurring at this site) or 36 percent of the total (11 plants) (Service 2017a, p. 9).

All eight extant populations are declining and have moderately low to low resiliency; many populations are on the brink of extirpation. The entire species consists of 324 known individuals, with 201 of those plants located within a single population (Nanny Point).

Redundancy and Representation

The species is showing very low to no natural recruitment across all populations. Only three populations have more than 18 individuals, two populations have 18 individuals, and the three remaining populations have 7 or fewer individuals. Most of the populations are small and isolated with little to no connectivity. Marron bacora currently shows overall low numbers of individuals, low numbers of populations, and low numbers of individuals at each population site. The overall resiliency, redundancy, and representation of this species are low.

Future Conditions

As part of the SSA, we developed multiple future condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by marron bacora. Our scenarios included a status quo scenario, which incorporated the current risk factors continuing on the same trajectory that they are on now. We also evaluated two additional future scenarios, one that considered increasing levels of risk factors resulting in elevated negative effects on marron bacora populations. The other scenario considered improved environmental and habitat conditions through conservation actions including land management and invasive plant and animal management. However, we determined that the current condition of marron bacora and the projections for all scenarios are consistent with an endangered species status (see Determination of Marron Bacora's

Status, below); we are not presenting the results of the future scenarios in this rule. Please refer to the SSA report (Service 2020, pp. 53–63) for the full analysis of future conditions and descriptions of the associated scenarios.

Please refer to the proposed listing rule (85 FR 5216) and the SSA report (Service 2020, entire) for a more detailed information regarding the evaluation of the marron bacora's biological status, the influences that may affect its continued existence, and the modeling efforts undertaken to further inform our analysis.

Summary of Comments and Recommendations

In the proposed rule published on August 26, 2020 (85 FR 52516), we requested that all interested parties submit written comments on the proposal by October 26, 2020. We received eight comments, of which four were substantive. We also contacted appropriate Federal (NPS) and State/Territory (USVI Department of Planning and Natural Resources (DPNR)) agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. We did not receive any comments from NPS regarding the SSA report or the proposed rule. The DPNR comments are summarized below. A newspaper notice inviting general public comments was published in The Virgin Islands Daily News on August 28, 2020. We did not receive any requests for a public hearing. All substantive information provided during the comment period has either been incorporated directly into the SSA report or this final rule or is addressed below.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from knowledgeable individuals with scientific expertise that included familiarity with the marron bacora and its habitat, biological needs, and threats. During development of the SSA report, we reached out to six peer reviewers and received responses from one. We reviewed all comments received from the peer reviewer for substantive issues and new information regarding the marron bacora. All comments were incorporated into the SSA report prior to the proposed rule. The reviewer provided editorial and technical comments that were generally supportive of our approach; the commenter made suggestions and comments that strengthened our analysis and improved the SSA report. Peer reviewer comments are addressed in the following summary and were incorporated into the SSA report and, accordingly, in this final rule as appropriate.

(1) *Comment:* One peer reviewer noted that the Service did not consider pollinator loss as a threat to the species. Most *Solanum* spp. require a specific type of bee for ''buzz'' pollination, where the motion of vibrating bees facilitates pollen exchange. The peer reviewer suggested pollinator limitation (or bee die-off) could be another cause of marron bacora's rarity. The reviewer provided a reference regarding morphology of the genus that facilitated pollination (Falcão et al. 2016, entire).

Response: We acknowledge declines in pollinators across the globe due to a multitude of environmental stressors; however, fruit production has been observed in wild populations and cultivated plants indicative of successful pollination. The reference provided, Falcão et al. 2016, describes the reproductive morphology and pollen release mechanisms in the congener, *Solanum luridifuscescens.* Some of the information in the paper provides descriptions for *Solanum* in general that support information in the SSA report, such as the lack of nectaries and pollen as the only reward (Service 2020, p. 31). The SSA report acknowledges observations by Service staff of abundant activity of the native carpenter bees (*Xylocopa mordax*) visiting the flowers of marron bacora consistent with a massive flowering and fruiting event (Service 2017a, p. 7). At present, the island of St. John no longer implements large-scale agriculture using pesticides, which may contribute to the loss of pollinators. In addition, the majority of the habitat on St. John is a forested landscape designated as a National Park and managed by NPS. Therefore, the best available science does not indicate pollinator loss is a current threat to the species.

Territory Comments

(2) *Comment:* The USVI DPNR supported our decision that marron bacora is in danger of extinction and highlighted the need to address the possible adverse effects on the species' viability due to predation by feral animals. The agency also provided comments on the proposed critical habitat designation that acknowledge much of the proposed critical habitat is located within protected lands currently managed by NPS. However, the comment indicated that there are areas adjacent to NPS lands zoned for development that fall within the proposed designated critical habitat and recommended that the Service make every effort to avoid including in the critical habitat designation any developed areas where land is covered by buildings, pavement, or other structures. The area identified by the agency also includes areas that are not yet developed but are zoned for development under U.S. Virgin Islands Code, title 29 ''Public Planning and Development,'' chapter 3 ''Virgin Islands Zoning and Subdivision Law'' (see section 228 for all uses).

Response: As described in the proposed critical habitat rule, critical habitat does not include human made structures (such as buildings, aqueducts, runways, roads, and other paved areas) or the land on which they are located, so these features within designated units are not considered critical habitat.

Regarding the adjacent areas that are zoned but not yet developed, the DPNR did not provide specific information regarding how critical habitat may impact those areas or how the benefits of exclusion outweigh the benefits of inclusion. Therefore, in the absence of supporting information about the benefits of exclusion, we determined that these areas meet the definition of critical habitat and have no basis to exclude those areas.

Public Comments

(3) *Comment:* One commenter stated that the proposed critical habitat designation improperly characterized ''unoccupied habitat'' in Nanny Point as ''occupied habitat.'' The commenter claimed the Service proposed to designate areas that are not currently occupied by the species without going through the analysis required by the Act and Service regulations regarding the designation of unoccupied habitat. The commenter further stated that the Service cannot designate these private parcels and easements as ''unoccupied'' critical habitat because they are not reasonably certain to contribute to the conservation of the species, given the best available science in the record regarding the plant's reproduction, recruitment, and dispersion.

Response: The best available science supports our conclusion that the Nanny Point unit is occupied. It contains the largest known population of marron bacora. Data from Nanny Point (2017, 2018, and 2019) show that individuals of marron bacora occur on both sides of the access corridor (easements), and likely occur along the boundaries of adjacent private parcels.

Our regulations at 50 CFR 424.02 define the ''geographical area occupied by the species'' as an area that may generally be delineated around species'

occurrences, as determined by the Secretary (*i.e.,* range). For marron bacora, we delineated the two units based on the species' occurrences and contiguous suitable habitat that may support the species; the area within the units contain one or more of the physical and biological features that were identified as essential to the conservation of the species. Additionally, consistent with the regulations at 50 CFR 424.12(d), when several habitats, each satisfying the requirements for designation as critical habitat, are located in proximity to one another, the Secretary may designate an inclusive area as critical habitat. The unit in question contains multiple occurrences of marron bacora that are in close proximity to one another and are connected by continuous forested habitat. Thus, we are designating an inclusive area as critical habitat. The species occurs within the boundaries of the entire unit; therefore, the unit is occupied by marron bacora at the time of listing.

We are designating critical habitat based on the best available commercial and scientific information. As indicated in the proposed rule, we based this critical habitat designation on the species' occurrence data and a habitat suitability model (Palumbo et al. 2016, p. 5; Service 2020, pp. 15–16, 28), which used elevation, slope, soil association, and vegetation types as variables defining the habitat of the species. The needs of the species and its habitat are described in more detail in the SSA report (Service 2020, pp. 12–16). We revised the boundaries of the critical habitat designation based on new elevation data from a recently discovered marron bacora population at Reef Bay Trail, and on the continuity of forested habitat. This approach is consistent with the definition of ''geographical area occupied by the species'' at 50 CFR 424.02.

(4) *Comment:* A landowner stated that a private parcel and an associated private easement should be excluded from the South Unit because the benefits of exclusion outweigh the benefits of inclusion and the exclusion will not result in extinction of the species. The commenter explained that the conservation efforts already undertaken by the landowner, including ''captive propagation from seed and cutting, population enhancement, translocation of plants, and subsequent monitoring,'' have demonstrably improved and enhanced the survival of the known marron bacora populations, particularly the Nanny Point population, included in a conservation agreement. The commenter indicated there is a reasonable expectation that the remaining conservation management strategies and actions in the agreement will be implemented and will continue to protect the Nanny Point population.

Response: We have taken into consideration the conservation efforts by the landowner and conducted an exclusion analysis to determine if the area described warrants exclusion from the designated critical habitat. We found that the benefits of exclusion outweigh the benefits of inclusion, and we have excluded this parcel from the final critical habitat designation. Please see *Private or Other Non-Federal Conservation Plans or Agreements and Partnerships,* below, for the details and analysis.

Determination of Marron Bacora's Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an ''endangered species'' as a species in danger of extinction throughout all or a significant portion of its range, and a ''threatened species'' as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of endangered species or threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

We have determined that the primary threats acting on marron bacora are habitat destruction or modification by exotic mammal species (*e.g.,* white-tailed deer, goats, pigs, and donkeys) and invasive plants and exotic, plants (*e.g.,* guinea grass) (Factor A); herbivory by nonnative, feral ungulates and insect pests (Factor C); and the lack of natural recruitment, absence of dispersers, fragmented distribution and small population size, lack of genetic diversity, and climate change (Factor E).

Status Throughout All of Its Range

After evaluating threats acting on the species and the species' response to those threats, we found that the species is currently in danger of extinction throughout its range.

Marron bacora is adapted for life in the dry forests of St. John, USVI, and Tortola, BVI. These islands have endured landscape changes over time and will continue to be affected by human visitation and development. The largest extant population on St. John is within the VINP boundaries and is protected from future development; however, neighboring areas are vulnerable to development as the human population increases. Depredation from ungulates, which occurs even in the VINP, is largely responsible for the low levels of seedling recruitment that have caused the lack of natural recruitment. The species is also affected by insect pests along with habitat degradation by nonnative plants and animals.

There are currently 11 known historical and current populations. Three of these populations are considered extirpated, two are represented by only a single individual (possibly functionally extirpated), and five are represented by very low numbers of individuals. Only the single population at Nanny Point has more than 100 individuals, and between 2010 and 2017, this population declined by over half. Seedlings were discovered at this site, likely assisted by release/reproduction due to opening of canopy/moist soil conditions from the hurricanes, but those seedlings were being affected by ungulate herbivory that was reducing survival. Despite having the greatest number of individuals, Nanny Point is in danger of extirpation due to little or no reproductive output, the continued presence of nonnative mammals, and habitat degradation from recent hurricanes and invasive plant species. Additionally, it has seen an almost 50 percent reduction in the number of individuals over the last 10 years. Across the entire range, the lack of evidence of reproduction/recruitment is resulting in the continued decline of all populations. Reintroductions to date have resulted in limited survival (28 percent) and have not yielded any increase in reproductive success (either have not achieved reproductive status or have not successfully reproduced). Resiliency for all extant populations is low as are redundancy and representation. There is very little evidence of natural recruitment, with recent seedling evidence from only two populations. Due to the lack of recruitment across all populations, the species is at risk of extinction.

Further, the threats acting on the species are likely to continue at the existing rate or increase without management of marron bacora and the

identified threats, such as nonnative, invasive species. The species is a narrow endemic and has suffered extirpation of populations across its limited range; most remaining populations have only a single or few individuals. The species has lost redundancy, and remaining populations have low resiliency. The impacts from herbivory by nonnative species have impaired the viability of marron bacora to the point of imminent decline across the species' entire range. Despite efforts to propagate the species and re-establish it in the wild, plants are not reproducing offspring sufficiently to support adequately resilient populations. Thus, after assessing the best available information, we conclude that marron bacora is in danger of extinction throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. We have determined that marron bacora is in danger of extinction throughout all of its range, and accordingly, did not undertake an analysis to determine whether there may be any significant portion of its range. Because marron bacora warrants listing as endangered throughout all of its range, our determination does not conflict with the decision in *Center for Biological Diversity* v. *Everson,* 2020 WL 437289 (D.D.C. Jan. 28, 2020), because that decision related to significant portion of the range analyses for species that warrant listing as threatened, not endangered, throughout all of its range.

Determination of Status

Our review of the best scientific and commercial data information indicates that marron bacora meets the Act's definition of an endangered species. Therefore, we are listing marron bacora as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning consists of preparing draft and final recovery plans, beginning with the development of a recovery outline and making it available to the public. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened (''downlisting'') or removal from protected status (''delisting''), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*https://www.fws.gov/endangered*), or from our Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

Once this species is listed (see **DATES**, above), funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the Territory of the U.S. Virgin Islands will be eligible for Federal funds to implement management actions that promote the protection or recovery of marron bacora. Information on our grant programs that are available to aid species recovery can be found at: *https://www.fws.gov/grants*.

Please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference, consultation, or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by NPS (Virgin Islands National Park) and privately owned lands that may require a Federal permit.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered plants. The prohibitions

of section 9(a)(2) of the Act, codified at 50 CFR 17.61, make it illegal for any person subject to the jurisdiction of the United States to import or export; remove and reduce to possession from areas under Federal jurisdiction; maliciously damage or destroy on any such area; remove, cut, dig up, or damage or destroy on any other area in knowing violation of any law or regulation of a State or in the course of an violation of a State criminal trespass law; deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce an endangered plant. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered plants under certain circumstances. Regulations governing permit issuance are codified at 50 CFR 17.62. With regard to endangered plants, a permit may be issued for scientific purposes or for enhancing the propagation or survival of the species. There are also certain statutory exemptions from the prohibitions, which are found in section 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that will or will not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the range of the listed species. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing Federal and Territorial regulations and permit requirements; this list is not comprehensive:

- Recreational use of existing trails and pathways.
- Routine maintenance of existing public roads, trails, and pathways.
- Archeological activities that minimize impacts to native species.
- Landscaping activities within residential areas that do not extend to native vegetation.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act if they are not authorized in accordance with applicable laws (this list is not comprehensive):

- Modifying the habitat of the species on Federal lands without authorization (*e.g.,* unauthorized opening of trails within NPS lands); and
- Removing, cutting, digging up, or damaging or destroying of the species on any non-Federal lands in knowing violation of any law or regulation of the Territory of the U.S. Virgin Islands or in the course of any violation of the Territory of U.S. Virgin Islands' criminal trespass law.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

II. Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.,* range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.,* migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals). Additionally, our regulations at 50 CFR 424.02 define the word ''habitat'' as, for the purposes of designating critical habitat only, the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement ''reasonable and prudent alternatives'' to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas

outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. The implementing regulations at 50 CFR 424.12(b)(2) further delineate unoccupied critical habitat by setting out three specific parameters: (1) when designating critical habitat, the Secretary will first evaluate areas occupied by the species; (2) the Secretary will only consider unoccupied areas to be essential where a critical habitat designation limited to geographical areas occupied by the species would be inadequate to ensure the conservation of the species; and (3) for an unoccupied area to be considered essential, the Secretary must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act published in the **Federal Register** on July 1, 1994 (59 FR 34271), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States (Territories) and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

As the regulatory definition of ''habitat'' reflects (50 CFR 424.02), habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. The regulations at 50 CFR 424.02 define ''physical or biological features essential to the conservation of the species'' as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic, or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of a species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

The specific physical or biological features required for marron bacora were derived from available observations and current information on the species' habitat, ecology, and life history as described below. To identify the physical and biological needs of the species, we have relied on current conditions at locations where marron bacora occurs. In addition, available literature on the species' genetics, reproductive biology, and habitat modeling were used (Stanford et al. 2013; Anderson et al. 2015; Palumbo et al. 2016).

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of the marron bacora from studies of the species' habitat, ecology, and life history as described below. Additional information can be found in the SSA report (Service 2020, entire),

which is available on *https://www.regulations.gov* under Docket No. FWS–R4–ES–2019–0050. We have determined that the following physical or biological features are essential to the conservation of marron bacora:

(i) Native forest within the subtropical dry forest life zone in St. John.

(ii) Dry scrubland, deciduous forest, and semi-deciduous forest vegetation at elevations lower than 150 m (492 ft).

(iii) Continuous native forest cover with low abundance of exotic plant species (*e.g., Leucaena leucocephala* and *Megathyrsus maximus*) and that provides the availability of pollinators to secure cross-pollination between populations.

(iv) Habitat quality evidenced by the presence of regional endemic plant species, including *Zanthoxylum thomasianum, Peperomia wheeleri, Eugenia earhartii, Eugenia sessiliflora, Cordia rickseckeri, Croton fishlockii, Malpighia woodburyana, Bastardiopsis eggersii, Machaonia woodburyana,* and *Agave missionum.*

(v) Open understory with appropriate microhabitat conditions, including shaded conditions and moisture availability, to support seed germination and seedling recruitment.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. All the designated units are occupied by the species at the time of listing (*i.e.,* are currently occupied) and have mixed ownership of predominantly Federal lands (97 percent) and private lands (3 percent) (see Table 4, below).

The features essential to the conservation of marron bacora may require special management considerations or protection to ameliorate the following stressors: habitat modification and fragmentation (development); erosion (from storm water runoff); feral ungulates (predation); and invasive, exotic plants (habitat intrusion). Special management considerations or protection may be required within critical habitat areas to ameliorate these stressors, and include, but are not limited to: (1) Protect and restore native forests to provide connectivity between known populations and secure availability of pollinators and dispersers; (2) reduce density of feral ungulates; (3) remove and control invasive plants; and (4) avoid physical alterations of habitat to secure microhabitat conditions.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not designating any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat. The critical habitat designation includes all currently occupied areas within the historical range that have retained the necessary physical or biological features to allow for the maintenance and expansion of these existing populations. The occupied areas are sufficient for the conservation of the species.

For areas within the geographic area occupied by the species at the time of listing (*i.e.,* areas that are currently occupied), we delineated critical habitat unit boundaries as described below. The primary sources of data used to define marron bacora critical habitat include a habitat suitability model (by selecting areas identified as containing moderate- and high-quality habitat for the species) (Palumbo et al. 2016, entire), and validated by recent habitat assessments throughout the species' range. The habitat suitability model included elevation, slope, soil association, and vegetation types and identified approximately 1,717.23 ac (694.94 ha) of high-quality habitat, 3,150.45 ac (1,274.94 ha) of moderate-quality habitat, 3,875.92 ac (1,568.53 ha) of low-quality habitat, 3,319.16 ac (1,343.16 ha) of poor-quality habitat, and 461.79 ac (186.88 ha) of unsuitable habitat (Palumbo et al. 2016, p. 5) on St. John. When adding all hectares of high- and moderate-quality habitat, approximately 32 percent of the land area of VINP may be suitable habitat for marron bacora (Palumbo et al. 2016, p. 5). However, the latest discovered population of marron bacora on St. John at Reef Bay Trail (Service 2017a, p. 11) occurs at elevations higher than what was provided by the model results; thus, the amount of suitable habitat for marron bacora at St. John may include areas higher in elevation, indicating more suitable habitat than previously reported (Palumbo et el. 2016, p. 5). Therefore, the boundaries were slightly expanded to include habitat at higher elevations consistent with the recently discovered population (Reef Bay Trail).

We analyzed recent satellite images to identify areas dominated by native forest vegetation associated with known localities for the species within St. John. Finally, we adjusted the elevation to 492 ft (150 m), as the latest discovered population of marron bacora was at an elevation higher than the records available to Palumbo et al. (2016). We further cropped the units using the contour of the coastline, excluding wetland areas (*e.g.,* ponds) and developed areas. Critical habitat units were then mapped using ArcGIS Desktop version 10.6.1, a geographic information system (GIS) program. We identified two units, North and South, falling within these parameters.

When determining critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for marron bacora. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action will affect the physical or biological features in the adjacent critical habitat.

We are designating as critical habitat areas that we have determined are occupied at the time of listing (*i.e.,* are currently occupied), that contain one or more of the physical or biological features that are essential to support life-history processes of the species, and that may require special management considerations or protections. The two units, South and North, each contain the physical or biological features that support multiple life-history processes for marron bacora.

Units are designated based on one or more of the physical or biological features being present to support marron bacora's life-history processes. All units contain all of the identified physical or biological features and support multiple life-history processes.

The critical habitat designation is defined by the map or maps, as

modified by any accompanying regulatory text, presented at the end of this document under Regulation Promulgation. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on *https://www.regulations.gov* at Docket No. FWS–R4–ES–2019–0050, or on our website, *https://www.fws.gov/office/caribbean-ecological-services/library.*

Final Critical Habitat Designation

We are designating two units as critical habitat for marron bacora. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for marron bacora. The two units we are designating as critical habitat are: (1) South and (2) North. Table 4 shows the critical habitat units, the land ownership, and the approximate area of each unit. Both units are occupied at the time of listing.

TABLE 4—CRITICAL HABITAT UNITS FOR MARRON BACORA WITH OWNERSHIP, AREA, AND OCCUPIED STATUS

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares) *	Occupied?
1. South	Federal (NPS) Private	1,634 ac (661 ha), 70 ac (28 ha), *Unit total:* 1,704 ac (690 ha).	Yes.
2. North	Federal (NPS)	844 ac (341 ha)	Yes.
Total		2,548 ac (1,031 ha).	

Note: Area sizes may not sum exactly due to rounding.

We present brief descriptions of both units, and reasons why they meet the definition of critical habitat for marron bacora, below.

Unit 1: South

Unit 1 consists of 1,704 ac (690 ha). Approximately 1,634 ac (661 ha) are managed by NPS within the VINP, and approximately 70 ac (28 ha) are in private ownership adjacent to the east corner of VINP. This unit is within the geographical area occupied by marron bacora at the time of the listing. This unit harbors the largest population and core of known individuals of marron bacora in St. John, USVI. It contains all of the identified physical or biological features essential to the conservation of marron bacora. We have excluded 1.33 ac (0.54 ha) acres from this unit (see *Exclusions Based on Other Relevant Impacts,* below).

Ongoing and potential threats or activities that occur in this unit are urban development, trampling and predation by feral ungulates, and forest management actions (*e.g.,* conservation/restoration, recreation, trail maintenance, roads, control of feral mammals, and fire management control). Special management considerations or protection measures to reduce or alleviate the threats may include minimizing or avoiding habitat modification or fragmentation from urban and recreational development, protecting and restoring native forests to provide connectivity between known populations and to secure availability of pollinators and dispersers, reducing the density of feral ungulates, and removing and controlling invasive plants.

Unit 2: North

Unit 2 consists of 844 ac (341 ha) of federally owned land managed by NPS within the VINP. This unit is within the geographical area occupied by marron bacora at the time of listing and harbors the habitat structure that supports marron bacora's viability. This unit contains all of the identified physical or biological features essential to the conservation of marron bacora.

Ongoing and potential threats or activities that occur in this unit are roaming feral mammals and forest management actions (*e.g.,* conservation/restoration, recreation, trails, roads, control of feral mammals, and fire management control). Special management considerations or protection measures to reduce or alleviate the threats may include protecting and restoring native forests to provide connectivity between known populations and to secure availability of pollinators and dispersers, reducing density of feral ungulates, removing and controlling invasive plants, and avoiding physical modification of habitat to secure microhabitat conditions.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must consult with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation.

Compliance with the requirements of section 7(a)(2), is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent

alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate formal consultation on previously reviewed actions. These requirements apply when the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law) and, subsequent to the previous consultation: (1) if the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action.

In such situations, Federal agencies may need to request reinitiation of consultation with us, but the regulations also specify some exceptions to the requirement to reinitiate consultation on specific land management plans after subsequently listing a new species or designating new critical habitat. See the regulations for a description of those exceptions.

Application of the ''Destruction or Adverse Modification'' Standard

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may violate 7(a)(2) of the Act by destroying or adversely modifying such habitat, or that may be affected by such designation.

Activities that the Service may, during a consultation under section 7(a)(2) of the Act, consider likely to destroy or adversely modify critical habitat include, but are not limited to:

(1) Actions that would significantly alter the structure of the native forest. Such activities could include, but are not limited to, habitat fragmentation and development (*e.g.,* from recreational facilities and activities like trails, hiking, bicycling, using all-terrain vehicles (ATVs); herbicide and pesticide use on private lands; and urban and tourist developments). In addition, habitat modification may promote habitat encroachment by invasive plant species, thus promoting favorable conditions for human-induced fires. These activities could degrade the habitat necessary for marron bacora populations to expand.

(2) Actions that would increase habitat modification. Such activities could include, but are not limited to, predation and erosion caused by feral animals, and risk of human-induced fires. These activities could significantly reduce the species' recruitment and could exacerbate the vulnerability of the species to stochastic events (*e.g.,* hurricanes).

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. There are no DoD lands with a completed INRMP within the final critical habitat designation.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

On December 18, 2020, we published a final rule in the **Federal Register** (85 FR 82376) revising portions of our regulations pertaining to exclusions of critical habitat. The final regulations became effective on January 19, 2021, and apply to critical habitat rules for which a proposed rule was published after January 19, 2021. Consequently, these new regulations do not apply to this final rule.

We describe below the process that we undertook for taking into consideration each category of impacts and our analyses of the relevant impacts.

When identifying the benefits of inclusion for an area, we consider the additional regulatory benefits that area would receive due to the protection from destruction of adverse modification as a result of actions with a Federal nexus; the educational benefits of mapping essential habitat for recovery of the listed species; and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat.

When identifying the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation or in the continuation, strengthening, or encouragement of partnerships. In the case of marron bacora, the benefits of critical habitat include public awareness

of the presence of the species and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for marron bacora due to the protection from destruction or adverse modification of critical habitat. Additionally, continued implementation of an ongoing management plan that provides equal to or more conservation than a critical habitat designation would reduce the benefits of including that specific area in the critical habitat designation.

We evaluate the existence of a conservation plan when considering the benefits of inclusion. We consider a variety of factors, including but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical or biological features; whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future; whether the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation.

Exclusions Based on Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. In order to consider economic impacts, we prepared an incremental effects memorandum (IEM) and screening analysis which, together with our narrative and interpretation of effects, we consider our economic analysis of the critical habitat designation and related factors (IEc 2019, entire). The analysis, dated October 15, 2019 (IEc 2019, entire), was made available for public review from August 26, 2020, through October 26, 2020 (85 FR 52516; August 26, 2020). The economic analysis addressed probable economic impacts of critical habitat designation for marron bacora. We did not receive any additional information on economic impacts during the public comment period to inform whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19. The IEM and economic screening analysis with supporting documents may be found on *https://www.regulations.gov* in Docket No. FWS–R4–ES–2019–0050.

We considered the economic impacts of the critical habitat designation. The Secretary is not exercising her discretion to exclude any areas from this designation of critical habitat for the marron bacora based on economic impacts.

Exclusions Based on Impacts to National Security and Homeland Security

In preparing this final rule, we have determined that there are no lands within the critical habitat designation for marron bacora that are owned or managed by the DoD or Department of Homeland Security; therefore, we anticipate no impact on national security. Additionally, we did not receive any information through the public comment period on the impacts of the proposed designation on national security or homeland security that would support excluding any specific areas from this final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether there are permitted conservation plans covering the species in the area such as HCPs, safe harbor agreements, or candidate conservation agreements with assurances (CCAAs), or whether there are non-permitted conservation agreements and partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at the existence of Tribal conservation plans and partnerships and consider the government-to-government relationship of the United States with Tribal entities. We also consider any social impacts that might occur because of the designation.

When identifying the benefits of inclusion for an area, we consider the additional regulatory benefits that area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus, the educational benefits of mapping essential habitat for recovery of the listed species, and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat.

When considering the benefits of exclusion, we consider, among other things, whether exclusion of a specific area is likely to result in conservation, or in the continuation, strengthening, or encouragement of partnerships. In preparing this final rule, we determined that there are currently no HCPs or other management plans for the marron bacora and the final designation does not include any Tribal lands or trust resources. Therefore, we anticipate no impacts on Tribal lands, partnerships, or HCPs from this final critical habitat designation.

In the paragraphs below, we provide a detailed balancing analysis of the areas we evaluated for exclusion from critical habitat under section 4(b)(2) of the Act.

Private or Other Non-Federal Conservation Plans or Agreements and Partnerships

During the development of this final designation, we considered additional information we received through the public comment period regarding other relevant impacts to determine whether any specific areas should be excluded from this final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19. As described above in Summary of Comments and Recommendations, we received one request to exclude an area from the final critical habitat designation that provided sufficient information to conduct an exclusion analysis of the area.

Based on the information provided by entities seeking exclusion, as well as additional public comments we received, and the best scientific data available, we evaluated whether certain lands in the proposed critical habitat (South Unit) are appropriate for exclusion from this final designation under section 4(b)(2) of the Act. If the analysis indicates that the benefits of excluding lands from the final designation outweigh the benefits of designating those lands as critical habitat, then the Secretary may exercise her discretion to exclude the lands from the final designation. In the paragraphs below, we provide a detailed analysis of whether the benefits of excluding this area outweigh the benefits of including it under section 4(b)(2) of the Act.

South Unit

The subject area is a 1.33-ac (0.54-ha) private parcel and easement extending onto NPS lands at Nanny Point for access, parking, fencing, and utilities corridors. The parcel of land includes use restrictions, which ensure that 79 percent of the land will remain forested with native vegetation. The landowner has implemented conservation efforts, including captive propagation from seed and cutting, population enhancement, translocation of plants, and subsequent monitoring, and has demonstrably improved and enhanced the survival of the Nanny Point population. As part of the acquisition of this parcel, the landowner also negotiated a separate purchase and donation of an additional parcel to NPS of approximately 5.36 ac (2.17 ha) and the above referenced easements. Additionally, further land use covenants and restrictions were imposed on adjacent private parcels, covering approximately 15 ac (6.1 ha) of land surrounding the marron bacora population at Nanny Point. The restrictions limit the development of these parcels and ensure the habitat will remain at least 75 percent forested. Through the years, the private landowner has demonstrated commitment to the conservation of marron bacora through efforts such as propagating the species, providing us with information about the species, and ongoing conservation efforts such as fencing to exclude feral mammals from the Nanny Point population.

Benefits of Inclusion—1.33-ac (0.54-ha) parcel: The principal benefit of including an area in critical habitat designation is the requirement of Federal agencies to ensure that actions that they fund, authorize, or carry out are not likely to result in the destruction or adverse modification of any designated critical habitat, which is the regulatory standard of section 7(a)(2) of the Act under which consultation is completed.Federal agencies must consult with the Service on actions that may affect a listed species and refrain from actions that are likely to jeopardize the continued existence of such species.The analysis of effects to critical habitat is a separate and different analysis from that of the effects to the species.Thus, critical habitat designation may provide greater benefits to the recovery of a species than listing would alone.

Accordingly, a critical habitat designation may provide a regulatory benefit for marron bacoraon the 1.33-ac (0.54-ha) private parcel when there is a Federal nexus present for a project that might adversely modify critical habitat. However, as stated above, adverse modification considers whether implementation of a proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole. Given the small size of the area and existing land use restrictions, which ensure 79 percent of the area will remain suitable habitat for marron bacora, even if an action were proposed that had a Federal nexus, it is highly unlikely that such an action could affect the area in a way that would adversely modify it. Accordingly, the benefit of inclusion of this parcel is limited.

As mentioned previously, the landowner has a proven track record of implementing conservation actions for marron bacora, which further reduces the benefits of inclusion of this parcel in critical habitat. These conservation actions provide a greater benefit to the species than a designation of critical habitat because the landowner's actions include implementing affirmative conservation actions, including propagation, planting, and monitoring activities, as well as exclusion of feral animals. Therefore, the existing conservation activities on this parcel will provide greater benefit than the regulatory designation of critical habitat, which requires only the avoidance of adverse modification and does not require implementation of the types of conservation activities that are currently being conducted at this site.

Another potential benefit of including lands in a critical habitat designation is that doing so raises the awareness of landowners, State and local governments, and the public regarding the potential conservation value of an area. This increased public awareness of the importance of areas to marron bacora can help to focus attention of those areas that are of high conservation value. However, we find that the landowner's track record of implemented conservation actions for marron bacora demonstrate awareness of the conservation value of the area, and the benefits of inclusion of this parcel in critical habitat are significantly reduced. Additionally, the inclusion of the larger amount of adjacent NPS lands within critical habitat will provide sufficient opportunity for us to raise public awareness of the imperiled status of the marron bacora for this area generally.

Benefits of Exclusion—1.33-ac (0.54-ha) parcel: The benefits of excluding the 1.33 ac (0.54 ha) of land from the designation of critical habitat are substantial. The parcel will continue to provide conservation to the species by contributing to educational benefits and public awareness through the following ways: (1) Continuing and strengthening of our effective working relationship with private landowners within the Nanny Point population to promote voluntary, proactive conservation and recovery of the marron bacora and its habitat; and (2) fostering future collaboration with private parties for other federally listed and sensitive species.

In the case here, the substantial benefits of excluding the 1.33-ac (0.54-ha) private parcel include the recognition of the important role of voluntary conservation actions in the conservation of marron bacora, facilitating cooperation with neighboring landowners, and acknowledging the good faith efforts on their part to date in conserving marron bacora. The landowner of the 1.33-ac (0.54-ha) parcel has implemented and collaborated on conservation efforts, including captive propagation from seed and cutting, population enhancement, translocation of plants, and subsequent monitoring. These efforts have demonstrably improved and enhanced the survival of the Nanny Point population. Although the landowner is likely to continue to collaborate with us even if we do not exclude the private parcel and associated easements from designation, recognizing the collaborative relationship with the private landowner can create a substantial incentive for other landowners interested in voluntarily conserving marron bacora and other listed or unlisted species in need of conservation but might be concerned that their efforts might result in additional future regulation. Because we value the voluntary and collaborative conservation efforts that have occurred to date and that likely will continue, we place great weight on the maintenance of this conservation partnership. Thus, excluding this area from the critical habitat designation will maintain the valuable collaborative relationship with the landowner of the parcel and foster partnerships with other landowners within the range of marron bacora. Additionally, the exclusion of this parcel from critical habitat designation may also serve as a model for the advantages of voluntary and proactive conservation efforts, thereby fostering future cooperative relationships with non-Federal parties for the benefit of other endangered or threatened species. For these reasons, we consider the positive effect of excluding the 1.33-ac (0.54-ha) parcel from critical habitat to be a significant benefit.

Benefits of Exclusion Outweigh the Benefits of Inclusion—1.33-ac (0.54-ha) parcel: The primary benefit of including this parcel as critical habitat for marron bacora is the regulatory requirement for Federal agencies to consult with us under section 7 of the Act to ensure actions they carry out, authorize, or fund do not adversely modify designated critical habitat. The additional regulatory benefits of including these lands as critical habitat are limited due to the small size of the parcel and long-term protection of the parcel conferred by existing land use restrictions and covenants. Furthermore, these lands are occupied by marron bacora, and we anticipate that if a Federal nexus exists and triggers the need for section 7 consultation, there will be no difference between conservation recommendations to avoid jeopardy and conservation recommendations to avoid adverse modification in occupied areas of critical habitat. The benefits of including this parcel in critical habitat are reduced due to the prior and ongoing conservation actions on this parcel, which provide a greater benefit than the regulatory designation of critical habitat.

Another benefit of including this parcel in critical habitat is the opportunity to educate the landowner and the public regarding potential conservation value of the area. However, we have determined that the educational benefits of a designation of critical habitat are minimal due to the prior and ongoing conservation activities on this parcel and the greater relative contribution that adjacent NPS lands provide for educational opportunities.

In contrast, the benefits of excluding this parcel are significant and greater than inclusion for the following reasons. Because voluntary conservation efforts for the benefit of listed species on non-Federal lands are so valuable, we consider the maintenance and encouragement of conservation partnerships to reduce or mitigate negative effects on the species caused by activities on or adjacent to the area covered by a plan. Including the parcel could undermine the collaborative and valuable partnership with the private landowner, as the landowner has worked with us in good faith to further the conservation of the species. Given concerns from the landowner about added regulation imposed by critical habitat designation, inclusion of the parcel may be perceived as lack of good faith on the part of the Service and a lack of appreciation for the landowner's efforts towards conservation. Excluding the area from critical habitat, on the other hand, recognizes and will strengthen the collaborative partnership and aid in fostering future cooperative relationships with other parties for the benefit of marron bacora. Furthermore, excluding the 1.33-ac (0.54-ha) parcel will demonstrate the significant advantages of proactive, voluntary efforts for other imperiled species by providing positive incentives and removing real or perceived disincentives for landowners who might be considering implementing conservation activities. Thus, we find the partnership benefits are significant and outweigh the small potential regulatory benefits of including the land in the final critical habitat designation.

Therefore, for the reasons stated above, the Secretary has determined that the benefits of excluding the 1.33-ac (0.54-ha) parcel outweigh the benefits of including this area in a designation of critical habitat.

Exclusion Will Not Result in Extinction of the Species—1.33-ac (0.54-ha) parcel: We determined that the exclusion of 1.33 ac (0.54 ha) of land within the boundaries of the South Unit will not result in extinction of the taxon. The small size of the parcel and the long-term protection conferred by the land use restrictions and covenants provide assurances that marron bacora will not go extinct as a result of excluding the area from the critical habitat designation. Furthermore, for any projects having a Federal nexus and potentially affecting the marron bacora, the jeopardy standard of the Act will provide a level of assurance that this species will not go extinct as a result of excluding this parcel from the critical habitat designation.

Summary of Exclusions

As discussed above, based on the information provided by a landowner seeking exclusion, we evaluated whether certain lands in the proposed critical habitat were appropriate for exclusion from this final designation pursuant to section 4(b)(2) of the Act. As displayed below in Table 5, we are excluding the following area from the critical habitat designation for the marron bacora: 1.33 ac (0.54 ha) of land within the boundaries of Unit 1 (South Unit). The excluded area falls within State Concordia in southeastern St. John, in an area known as Nanny Point and located in the proximity of the biggest know population of marron bacora in lands recently donated to NPS.

TABLE 5—AREAS EXCLUDED FROM CRITICAL HABITAT DESIGNATION BY CRITICAL HABITAT UNIT

Unit	Specific area	Areas meeting the definition of critical habitat, in acres (hectares)	Area excluded from critical habitat, in acres (hectares)
Unit 1	South Unit, St. John, U.S. Virgin Islands	1,704 ac (690 ha)	1.33 ac (0.54 ha).

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory

Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 *et seq.*), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies will be directly regulated by this critical habitat designation. There is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities will be directly regulated by this rulemaking, we certify that this critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether this designation will result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that this critical habitat designation will not have a significant economic impact on a substantial number of small business entities. Therefore, a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. In our economic analysis, we did not find that this designation of critical habitat will significantly affect energy supplies, distribution, or use due to the absence of any energy supply or distribution lines in the critical habitat designation. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following finding:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or Tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because the lands designated as critical habitat are primarily Federal lands (97 percent), with a small amount of private land (3 percent). Small governments will be affected only to the extent that any

programs involving Federal funds, permits, or other authorized activities must ensure that their actions would not adversely affect the designated critical habitat. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for marron bacora in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the designation of critical habitat for marron bacora, and it concludes that this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this final rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this critical habitat designation with, appropriate Territorial resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, this rule does not have substantial direct effects either on the States or Territory, or on the relationship between the Federal Government and the Territory, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist Territory and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where Territory and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act will be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this rule identifies the elements of physical or biological features essential to the conservation of the species. The areas of designated critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribal lands fall within the range of the marron bacora or the boundaries of the designated critical habitat, so no Tribal lands will be affected by the listing or critical habitat designation.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *https://www.regulations.gov* in Docket No. FWS–R4–ES–2019–0050 and upon mailed request to the Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are the staff members of the Fish and Wildlife Service's Caribbean Ecological Services Field Office and Species Assessment Team.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 STAT. 3500; unless otherwise noted.

■ 2. Amend § 17.12, in paragraph (h), by adding an entry for ''*Solanum conocarpum*'' to the List of Endangered and Threatened Plants in alphabetical order under FLOWERING PLANTS to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Scientific name	Common name	Where listed	Status	Listing citations and applicable rules
Flowering Plants				
*	*	*	*	* * *
Solanum conocarpum	Marron bacora	Wherever found	E	87 FR [Insert **Federal Register** page where the document begins], 6/16/2022; 50 CFR 17.96(a).[CH]
*	*	*	*	* * *

■ 3. Amend § 17.96, in paragraph (a), by adding an entry for ''Family Solanaceae: *Solanum conocarpum* (marron bacora)'' in alphabetical order to read as follows:

§ 17.96 Critical habitat—plants.

(a) * * *

Family Solanaceae: *Solanum conocarpum* (marron bacora)

(1) Critical habitat units are depicted for St. John, U.S. Virgin Islands, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of marron bacora consist of the following components:

(i) Native forest within the subtropical dry forest life zone in St. John.

(ii) Dry scrubland, deciduous forest, and semi-deciduous forest vegetation at elevations lower than 150 meters (492 feet).

(iii) Continuous native forest cover with low abundance of exotic plant species (*e.g., Leucaena leucocephala* and *Megathyrsus maximus*) and that provides the availability of pollinators to secure cross-pollination between populations.

(iv) Habitat quality evidenced by the presence of regional endemic plant species, including *Zanthoxylum thomasianum, Peperomia wheeleri, Eugenia earhartii, Eugenia sessiliflora, Cordia rickseckeri, Croton fishlockii, Malpighia woodburyana, Bastardiopsis eggersii, Machaonia woodburyana,* and *Agave missionum.*

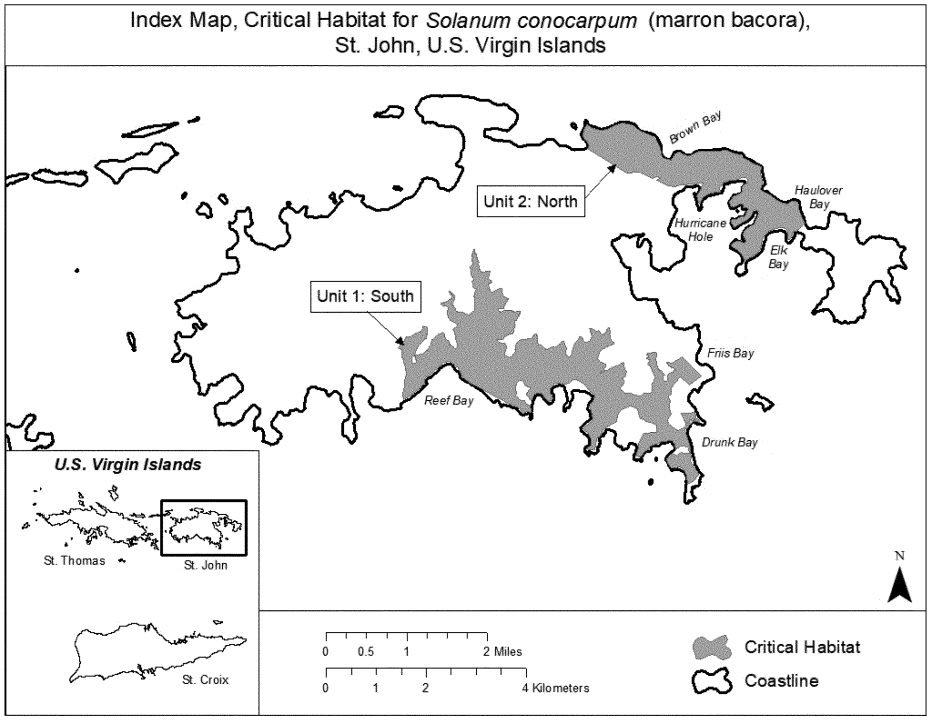
(v) Open understory with appropriate microhabitat conditions, including shaded conditions and moisture availability, to support seed germination and seedling recruitment.

(3) Critical habitat does not include human-made structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on July 18, 2022.

(4) Data layers defining map units were created using ArcMap version 10.6.1 (Environmental Systems Research Institute, Inc.), a Geographic Information Systems program on a base of USA Topo Map and the program world imagery. Critical habitat units were then mapped using NAD 1983, State Plane Puerto Rico and Virgin Islands FIPS 5200 coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at the Service's internet site at *https://www.fws.gov/office/caribbean-ecological-services/library,* at *https://www.regulations.gov* at Docket No. FWS–R4–ES–2019–0050, and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Note: Index map follows:

Figure 1 to *Solanum conocarpum* (marron bacora) paragraph (5)

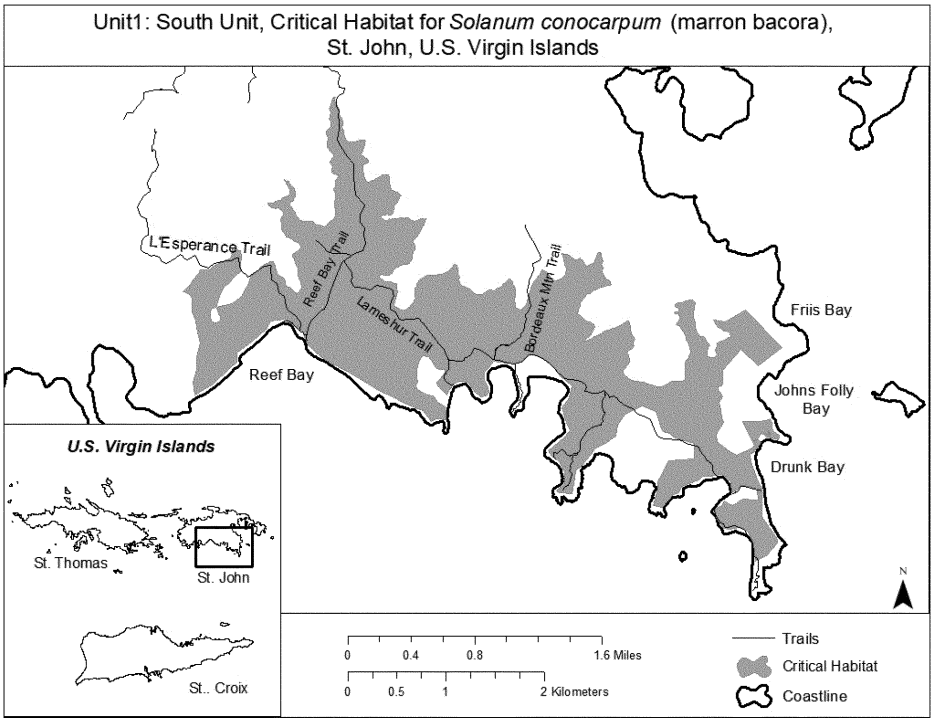


(6) Unit 1: South Unit, St. John, U.S. Virgin Islands.

(i) Unit 1 consists of 1,704 acres (ac) (690 hectares (ha)) in estates Rustenberg & Adventure, Sieben, Mollendal & Little Reef Bay, Hope, Reef Bay, Lameshur Complex, Mandal, Concordia A, Concordia B, St. Quaco & Zimmerman, Hard Labor, Johns Folly and Friis. Lands are composed of 1,634 ac (661 ha) of Federal lands managed by the U.S. National Park Service and 70 ac (28 ha) of privately owned lands.

(ii) Map of Unit 1 follows:

Figure 2 to *Solanum conocarpum* (marron bacora) paragraph (6)(ii)

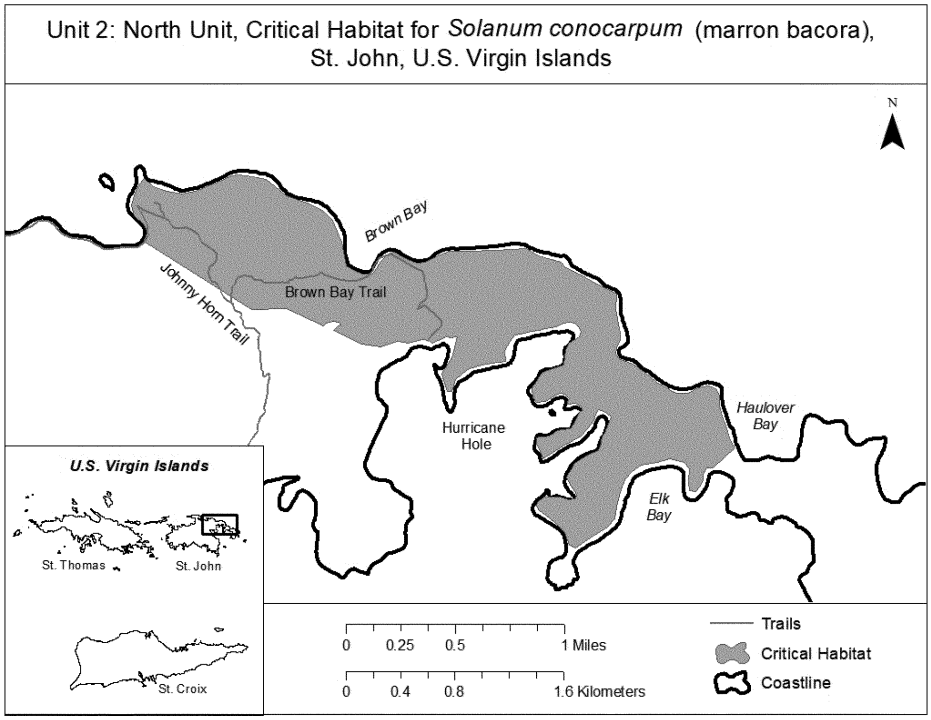


(7) Unit 2: North Unit, St. John, U.S. Virgin Islands.

(i) Unit 2 consists of 844 ac (341 ha) in estates Leinster Bay, Browns Bay, Zootenvaal, Hermitage, Mt. Pleasant and Retreat, Haulover, and Turner Point. The unit is composed entirely of Federal lands managed by the U.S. National Park Service.

(ii) Map of Unit 2 follows:

Figure 3 to *Solanum conocarpum* (marron bacora) paragraph (7)(ii)



* * * * *

Martha Williams,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–12944 Filed 6–15–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 211217–0262]

RTID 0648–XC090

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer From NC to VA

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

ACTION: Notification of quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2022 commercial summer flounder quota to the Commonwealth of Virginia. This adjustment to the 2022 fishing year quota is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised 2022 commercial quotas for North Carolina and Virginia.

DATES: Effective June 15, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Management Specialist, (978) 281–9184.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102 and final 2022 allocations were published on December 23, 2021 (86 FR 72859).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP), as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider three criteria in the evaluation of requests for quota transfers or combinations: The transfer or combinations would not preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act. The Regional Administrator has determined these three criteria have been met for the transfer approved in this notification.

North Carolina is transferring 7,196 lb (3,264 kg) to Virginia through mutual agreement of the states. This transfer was requested to repay landings made by an out-of-state permitted vessel under a safe harbor agreement. The revised summer flounder quotas for 2022 are: North Carolina, 3,342,114 lb (1,515,957 kg) and Virginia, 2,788,816 lb (1,264,985 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

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

Dated: June 10, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–13026 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 116
Thursday, June 16, 2022

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2022–BT–STD–0018]

RIN 1904–AF37

Energy Conservation Program: Energy Conservation Standards for Direct Heating Equipment

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

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating an effort to evaluate whether to establish energy conservation standards for a category of direct heating equipment (''DHE''), specifically consumer hearth heaters. This request for information (''RFI'') solicits information from the public to help DOE determine whether potential standards for consumer hearth heaters would result in significant energy savings and whether such standards would be technologically feasible and economically justified. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not specifically raised), as well as the submission of data and other relevant information.

DATES: Written comments and information are requested and will be accepted on or before July 18, 2022.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *www.regulations.gov*,under docket number EERE–2022–BT–STD–0018. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2022–BT–STD–0018 and/or RIN 1904–AF37, by any of the following methods:

(1) *Email: HearthHtrs2022STD0018@ee.doe.gov.* Include docket number EERE–2022–BT–STD–0018 and/or RIN 1904–AF37 in the subject line of the message.

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

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

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

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

The docket web page can be found at *www.regulations.gov/docket/EERE-2022-BT-STD-0018.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *www.regulations.gov.*

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For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

A. Authority and Background

1. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified) authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer

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

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

Products Other Than Automobiles. (42 U.S.C. 6291–6309) These products include DHE, which as discussed in the following sections, includes consumer hearth heaters, the subject of this document. (42 U.S.C. 6292(a)(9))

The energy conservation program under EPCA consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297(a)–(c)) DOE may, however, grant waivers of Federal preemption in limited circumstances for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

DOE must follow specific statutory criteria for prescribing new or amended energy conservation standards for covered products, including DHE. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that the Secretary of Energy determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A) and 42 U.S.C. 6295(o)(3)(B)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3))

Moreover, DOE may not prescribe a standard: (1) for certain products, including direct heating equipment, if no test procedure has been established for the product, or (2) if DOE determines by rule that the standard is not technologically feasible or economically justified. (42 U.S.C. 6295(o)(3)(A)–(B)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving views and comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary of Energy considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

Further, EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii))

EPCA also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6295(o)(1)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Additionally, EPCA specifies requirements when promulgating an energy conservation standard for a covered product that has two or more subcategories that warrant separate product classes and energy conservation standards with a level of energy efficiency or energy use either higher or lower than that which would apply for such group of covered products which have the same function or intended use. DOE must specify a different standard level for a type or class of products that has the same function or intended use, if DOE determines that products within such group: (A) consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard. (42 U.S.C. 6295(q)(1)) In determining whether capacity or another performance-related feature justifies a different standard for a group of products, DOE must consider such factors as the utility to the consumer of the feature and other factors DOE deems appropriate. *Id.* Any rule prescribing such a standard must include an explanation of the basis on which such higher or lower level was established. (42 U.S.C. 6295(q)(2))

Finally, pursuant to the amendments contained in the Energy Independence and Security Act of 2007 (''EISA 2007''), Public Law 110–140, any final rule for new or amended energy conservation standards promulgated after July 1, 2010, is required to address standby mode and off mode energy use. (42 U.S.C. 6295(gg)(3)) Specifically, when DOE adopts a standard for a covered product after that date, it must, if justified by the criteria for adoption of standards under EPCA (42 U.S.C. 6295(o)), incorporate standby mode and off mode energy use into a single standard, or, if that is not feasible, adopt a separate standard for such energy use for that product. (42 U.S.C. 6295(gg)(3)(A)–(B))

At present there is no test procedure or energy conservation standard for consumer hearth heaters.

2. Rulemaking History

The National Appliance Energy Conservation Act of 1987 (''NAECA''), Public Law 100–12, amended EPCA to include DHE in the list of covered products (42 U.S.C. 6292(a)(9)). NAECA also prescribed the initial energy conservation standards for DHE—limited to vented gas DHE only—which were based on annual fuel utilization energy (''AFUE''), and the statute established separate standards for ''wall fan type,'' ''wall gravity type,'' ''floor,'' and ''room'' DHE and further divided these product classes by input capacity.[3] (42 U.S.C. 6295(e)(3))

On April 16, 2010, DOE published a final rule in the **Federal Register**, which, in relevant part, promulgated definitions and energy conservation

[3] DOE defines ''direct heating equipment'' as vented home heating equipment and unvented home heating equipment. 10 CFR 430.2. For the purpose of the energy conservation standards, DOE further delineates vented home heating equipment as ''gas wall fan type,'' ''gas wall gravity type,'' ''gas floor,'' and ''gas room'' and then further divides product classes by input capacity. 10 CFR 430.32(i).

standards for certain DHE (*i.e.,* vented gas hearth products). 75 FR 20112 (''April 2010 Final Rule'').[4] In the April 2010 Final Rule, DOE concluded that vented hearth products—which were described as including gas-fired products such as fireplaces, fireplace inserts, stoves, and log sets that typically include aesthetic features and that provide space heating—meet the definition of ''vented home heating equipment'' because they are designed to furnish warmed air to the living space of a residence. *Id.* at 75 FR 20128. In the April 2010 Final Rule, DOE also adopted a definition of ''vented hearth heater'' as a vented appliance which simulates a solid fuel fireplace and is designed to furnish warm air, with or without duct connections, to the space in which it is installed. *Id.* at 75 FR 20130, 20234. The circulation of heated room air may be by gravity or mechanical means. *Id.* A vented hearth heater may be freestanding, recessed, zero clearance, or a gas fireplace insert or stove. *Id.* Those heaters with a maximum input capacity less than or equal to 9,000 British thermal units per hour (''Btu/h''), as measured using DOE's test procedure for vented home heating equipment (10 CFR part 430, subpart B, appendix O), were considered purely decorative and were excluded from DOE's regulations. *Id.*

On November 18, 2011, DOE published in the **Federal Register** a final rule that amended the definition of vented hearth heater. 76 FR 71836 (''November 2011 Final Rule''). The November 2011 Final Rule established criteria to differentiate vented hearth heaters from purely decorative heaters based on safety standard certifications, labeling, and prescriptive elements (*i.e.,* sold without a thermostat and without a standing pilot light). *Id.* at 76 FR 71859. The November 2011 Final Rule defined a vented hearth heater as a vented appliance which simulates a solid fuel fireplace and is designed to furnish warm air, with or without duct connections, to the space in which it is installed; the circulation of heated room air may be by gravity or mechanical means; a vented hearth heater may be freestanding, recessed, zero clearance, or a gas fireplace insert or stove; and the following products were not subject to the energy conservation standards for vented hearth heaters:

- Vented gas log sets and
- Vented gas hearth products that meet all of the following four criteria:
  - Certified to American National Standards Institute (''ANSI'') Z21.50, Vented Decorative Gas Appliances, but not to ANSI Z21.88, Vented Gas Fireplace Heaters;
  - Sold without a thermostat and with a warranty provision expressly voiding all manufacturer warranties in the event the product is used with a thermostat;
  - Expressly and conspicuously identified on its rating plate and in all manufacturer's advertising and product literature as a ''Decorative Product: Not for use as a Heating Appliance''; and
  - With respect to products sold after January 1, 2015, not equipped with a standing pilot light or other continuously-burning ignition source.

Id. at 76 FR 71859.

The Hearth, Patio & Barbecue Association (''HPBA'') sued DOE in the United States Court of Appeals for the District of Columbia Circuit (''D.C. Circuit'') to invalidate the April 2010 Final Rule (and subsequently extended to the November 2011 Final Rule) as those rules pertained to vented gas hearth products. *Petition for Review, Hearth, Patio & Barbecue Association* v. *Department of Energy, et al.,* No. 10–1113 (D.C. Cir. filed May 27, 2010). On February 8, 2013, the D.C. Circuit issued its opinion in the HPBA case and ordered that the definition of ''vented hearth heater'' adopted by DOE be vacated, and remanded the matter to DOE to interpret the challenged provisions in accordance with the Court's opinion. *Hearth, Patio & Barbecue Association et al* v. *Department of Energy,* 706 F.3d 499 (D.C. Cir. 2013). The Court held that the phrase ''vented hearth heater'' did not encompass decorative fireplaces as that term is traditionally understood, vacated the entire statutory definition of ''vented hearth heater,'' and remanded for DOE to interpret the challenged provisions consistent with the court's opinion. *Id.* at 509. On July 29, 2014, DOE published a final rule in the **Federal Register** amending the relevant portions of its regulations to reflect the Court's decision to vacate the regulatory definition of ''vented hearth heater'' (and by implication, the associated energy conservation standards). 79 FR 43927.

On December 31, 2013, DOE published a notice of proposed determination of coverage (''NOPD'') for hearth products in the **Federal Register**. 78 FR 79638 (''December 2013 NOPD''). DOE proposed to define ''hearth product'' as a gas-fired appliance that simulates a solid-fueled fireplace or presents a flame pattern (for aesthetics or other purpose) and that may provide space heating directly to the space in which it is installed. DOE also provided examples of products meeting this definition, including vented decorative hearth products, vented heater hearth products, vented gas logs, gas stoves, outdoor hearth products, and ventless hearth products. *Id.* at 78 FR 79640. Subsequently, on February 9, 2015, DOE published a notice of proposed rulemaking (''NOPR'') proposing energy conservation standards for hearth products in the **Federal Register**. 80 FR 7082 (''February 2015 NOPR). On March 31, 2017, DOE withdrew the December 2013 NOPD[5] in the bi-annual publication of the Regulatory Agenda for the reasons explained subsequently.[6] 82 FR 40270, 40274 (August 24, 2017).

On February 7, 2022, DOE published in the **Federal Register** a NOPD for the coverage of miscellaneous gas products. 87 FR 6786 (''February 2022 NOPD''). In that NOPD, DOE stated that it had been overly broad in discussion of the Court's holding in the context of vented hearth heaters in the withdrawn December 2013 NOPD. Although there are not currently energy conservation standards for vented hearth heaters in DOE's regulations at 10 CFR 430.32(i), DOE explained that these products are appropriately covered as vented home heating equipment (a category of DHE) and that such products were not part of the February 2022 NOPD. *Id.* at 87 FR 6788. As noted in section I.A.1 of this document, EPCA authorizes DOE to regulate the energy efficiency of DHE, which includes vented and unvented home heating equipment (including vented and unvented hearth heaters). (*See* 42 U.S.C. 6292(a)(9))

Energy conservation standards for other categories of DHE were most recently reviewed on November 23, 2021, when DOE published a final determination in the **Federal Register** which found that the energy conservation standards for direct heating equipment do not need to be amended (''November 2021 Final Determination''). 86 FR 66403. However, the November 2021 Final Determination did not consider hearth heaters, and DOE stated in that notice that to the extent the Department decides to consider energy conservation standards for hearth heaters, it would do so in a separate rulemaking. *Id.* at 86 FR 66409.

DOE is publishing this RFI to collect data and information about consumer

[4] A correction to the April 2010 Final Rule was published in the **Federal Register** on April 27, 2010, to correct a date that is not relevant to this discussion. 75 FR 21981.

[5] Withdrawal of the December 2013 NOPD also resulted in the withdrawal of the February 2015 NOPR.

[6] Past publications of DOE's Regulatory Agenda can be found at: *resources.regulations.gov/public/component/main.*

hearth heaters to inform its consideration of energy conservation standards for such products, consistent with its obligations under EPCA.

B. Rulemaking Process

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products. As noted, EPCA requires that any new or amended energy conservation standard prescribed by the Secretary of Energy (''Secretary'') be designed to achieve the maximum improvement in energy efficiency (or water efficiency for certain products specified by EPCA) that is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) Furthermore, DOE may not adopt any standard that would not result in the significant conservation of energy. (42 U.S.C. 6295(o)(3)(B))

Particularly in light of the climate crisis, the significance of energy savings offered by a new or amended energy conservation standard cannot be determined without knowledge of the specific circumstances surrounding a given rulemaking.[7] For example, the United States has now rejoined the Paris Agreement on February 19, 2021. As part of that agreement, the United States has committed to reducing greenhouse gas (''GHG'') emissions in order to limit the rise in mean global temperature.[8] As such, energy savings that reduce GHG emissions have taken on greater importance. Additionally, some covered products and equipment have most of their energy consumption occur during periods of peak energy demand. The impacts of these products on the energy infrastructure can be more pronounced than products with relatively constant demand. In evaluating the significance of energy savings, DOE considers differences in primary energy and FFC effects for different covered products and equipment when determining whether energy savings are significant. Primary energy and FFC effects include the energy consumed in electricity production (depending on load shape), in distribution and transmission, and in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), and thus present a more complete picture of the impacts of energy conservation standards. Accordingly, DOE evaluates the significance of energy savings on a case-by-case basis.

To determine whether a proposed new or amended energy conservation standard is economically justified, EPCA requires that DOE determine whether the benefits of the standard exceed its burdens by considering, to the greatest extent practicable, the following seven factors:

(1) The economic impact of the standard on the manufacturers and consumers of the affected products subject to the standard;

(2) The savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increases in the price, initial charges, or maintenance expenses for the covered products that are likely to result from the standard;

(3) The total projected amount of energy (or as applicable, water) savings likely to result directly from the standard;

(4) Any lessening of the utility or the performance of the products likely to result directly from the standard;

(5) The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;

(6) The need for national energy and water conservation; and

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

DOE fulfills these and other applicable requirements by conducting a series of analyses throughout the rulemaking process. Table I.1 shows the individual analyses that are performed to satisfy each of the requirements within EPCA.

TABLE I.1—EPCA REQUIREMENTS AND CORRESPONDING DOE ANALYSIS

EPCA requirement	Corresponding DOE analysis
Significant Energy Savings	• Shipments Analysis. • National Impact Analysis. • Energy Use Analysis.
Technological Feasibility	• Market and Technology Assessment. • Screening Analysis. • Engineering Analysis.
Economic Justification:	
1. Economic Impact on Manufacturers and Consumers	• Manufacturer Impact Analysis. • Life-Cycle Cost and Payback Period Analysis. • Life-Cycle Cost Subgroup Analysis.
2. Lifetime Operating Cost Savings Compared to Increased Cost for the Product	• Shipments Analysis. • Markups for Product Price Analysis. • Energy and Water Use Analysis. • Life-Cycle Cost and Payback Period Analysis.
3. Total Projected Energy Savings	• Shipments Analysis. • National Impact Analysis.
4. Impact on Utility or Performance	• Screening Analysis. • Engineering Analysis.
5. Impact of Any Lessening of Competition	• Manufacturer Impact Analysis.
6. Need for National Energy and Water Conservation	• Shipments Analysis. • National Impact Analysis.
7. Other Factors the Secretary Considers Relevant	• Employment Impact Analysis. • Utility Impact Analysis. • Emissions Analysis. • Monetization of Emission Reductions Benefits.[9] • Regulatory Impact Analysis.

[7] Procedures, Interpretations, and Policies for Consideration in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment, 86 FR 70892, 70901 (Dec. 13, 2021).

[8] *See* Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad,'' 86 FR 7619 (Feb. 1, 2021).

As detailed throughout this RFI, DOE is publishing this document seeking input and data from interested parties to aid in the development of the technical analyses on which DOE would ultimately rely as it considers adopting energy conservation standards for consumer hearth heaters.

C. Deviation From Appendix A

In accordance with section 3(a) of 10 CFR part 430, subpart C, appendix A (''appendix A''), ''Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Certain Commercial/Industrial Equipment,'' DOE notes that it is deviating from the provision in appendix A \requiring a 75-day comment period for all pre-NOPR standards documents. 10 CFR part 430, subpart C, appendix A, section 6(d)(2). DOE finds it appropriate to deviate from this provision and to instead provide a 30-day comment period. DOE believes that 30 days is a sufficient time to respond to this initial rulemaking document, particularly since the market and available technologies for consumer hearth heaters have not changed substantially since the February 2015 NOPR, so, therefore, a 30-day comment period should be adequate to allow stakeholders to provide any relevant updates.

II. Request for Information and Comments

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether establishing energy conservation standards for consumer hearth heaters (a category of DHE products) may be warranted.

[9] On March 16, 2022, the Fifth Circuit Court of Appeals (No. 22–30087) granted the Federal government's emergency motion for stay pending appeal of the February 11, 2022, preliminary injunction issued in *Louisiana* v. *Biden,* No. 21–cv–1074–JDC–KK (W.D. La.). As a result of the Fifth Circuit's order, the preliminary injunction is no longer in effect, pending resolution of the federal government's appeal of that injunction or a further court order. Among other things, the preliminary injunction enjoined the defendants in that case from ''adopting, employing, treating as binding, or relying upon'' the interim estimates of the social cost of greenhouse gases—which were issued by the Interagency Working Group on the Social Cost of Greenhouse Gases on February 26, 2021—to monetize the benefits of reducing greenhouse gas emissions. In the absence of further intervening court orders, DOE will revert to its approach prior to the injunction and present monetized benefits where appropriate and permissible under law.

A. Products Covered by This Process

This RFI addresses consumer hearth heaters. Although DOE does not currently have a definition for ''hearth heater,'' for the purpose of this RFI, DOE is generally considering these to be a category of DHE that is comprised of products that simulate a solid-fuel fireplace and/or present an aesthetic flame pattern and that are designed to provide heat to the indoor space in which they are used. These can be vented (*i.e.,* a subset of vented home heating equipment) or unvented (*i.e.,* a subset of unvented home heating equipment). Further, hearth heaters can be gas-fired, oil-fired, or electric. DOE expects that oil-fired hearth heaters make up a small minority of shipments. Additionally, the energy savings potential from electric hearth heaters is expected to be *de minimis* because the efficiency of the electric resistance heaters used in such products approaches 100 percent and all the heat produced by electric resistance heaters will be directed into conditioned space. (Similarly, practically all the heat produced by unvented gas-fired or oil-fired hearth heaters is expected to enter the conditioned space. In contrast, vented gas-fired or oil-fired hearth heaters vent combustion products outdoors and lose heat in the vented combustion gases. As discussed in sections II.B and II.E of this document, DOE tentatively concludes that the differences between vented and unvented hearth heaters may make it appropriate to apply different test procedures and conduct separate engineering analyses for these different types of products.) For this RFI, DOE is not considering as hearth heaters products that are decorative hearth products or outdoor heaters, as proposed to be defined in the February 2022 NOPD. 87 FR 6786, 6790 (Feb. 7, 2022). Further discussion of the range of products DOE considers to be consumer hearth heaters, as well as potential class distinctions, is presented in section II.C.1 of this document.

DOE requests comment on an appropriate definition for a consumer ''hearth heater.'' DOE also requests feedback on whether sub-categories of hearth heaters are necessary (*e.g.,* ''vented hearth heaters'' and ''unvented hearth heaters''), and, if so, what the definitions of those sub-categories should be.

DOE seeks comment on whether oil-fired hearth heaters are currently being manufactured, as well as the relative market shares of gas-fired, oil-fired, and electric hearth heaters. DOE requests comment on its expectation that the energy savings potential from possible energy conservation standards for electric hearth heaters would be *de minimis.*

DOE requests comment on whether additional product definitions are necessary to close any potential gaps in coverage between product types.

B. Test Procedures Applicable to Hearth Heaters

Although hearth heaters are not currently subject to energy conservation standards, the current DOE test procedures for other classes of DHE (*i.e.,* 10 CFR part 430, subpart B, appendix G, *Uniform Test Method for Measuring the Energy Consumption of Unvented Home Heating Equipment* (''appendix G'') and 10 CFR part 430, subpart B, appendix O, *Uniform Test Method for Measuring the Energy Consumption of Vented Home Heating Equipment* (''appendix O'')) provide a test method and calculations to determine energy use or energy efficiency. DOE notes that numerous vented hearth heaters currently on the market are advertised with an AFUE rating, which is the regulatory metric for other classes of DHE. However, DOE recognizes that certain clarifications may be appropriate to facilitate testing of hearth heaters. For example, appendix O specifies installation instructions for the types of DHE that currently have energy conservation standards—wall furnaces, floor furnaces, and room heaters—so additional clarification may be needed for hearth heaters. *See* section 2.1 of appendix O. Similarly, circulating air adjustments are specified for wall furnaces, room heaters, and floor furnaces, so similar clarifications may be required for hearth heaters. *See* section 2.5 of appendix O. In addition, hearth heaters sometimes use ''on demand'' pilot technology, which includes a continuously-burning pilot light that will automatically shut off if the main burner is not lit for a certain period of time (*e.g.,* 7 days). Such products could benefit from additional clarification on treatment of the pilot light during testing. In addition to considering the use of the existing DHE test methods at appendix G and appendix O, DOE may also consider alternative test procedures for hearth heaters that would be more appropriate.

DOE seeks comment regarding appropriate test procedures for unvented and vented hearth heaters, including the applicability of DOE's test procedures at appendix G and appendix O, or any other applicable industry test procedures (and any additional clarifications or requirements that may be necessary). DOE also seeks comment

regarding alternative test procedure requirements for unvented and vented hearth heaters.

C. Market and Technology Assessment

The market and technology assessment that DOE routinely conducts when analyzing the impacts of a potential new or amended energy conservation standard provides information about the hearth heater industry that will be used in DOE's analysis throughout the rulemaking process. DOE uses qualitative and quantitative assessments to characterize the structure of the industry and market, based primarily upon publicly-available information. The subjects addressed in the market and technology assessment include: (1) a determination of the scope of the rulemaking and products classes; (2) manufacturers and industry structure; (3) industry market shares and trends; (4) existing regulatory and non-regulatory initiatives intended to improve energy efficiency or reduce energy consumption; (5) shipments information; and (6) technologies or design options that could improve the energy efficiency of hearth heaters. DOE also reviews product literature, industry publications, and company websites. Additionally, DOE will consider conducting interviews with manufacturers to improve its assessment of the market and available technologies for hearth heaters.

1. Product Classes

When evaluating and establishing energy conservation standards, DOE may divide covered products into product classes by the type of energy used, or by capacity or other performance-related features that justify a different standard. (42 U.S.C. 6295(q)(1)) In making a determination whether a performance-related feature justifies a different standard, DOE must consider such factors as the utility of the feature to the consumer and other factors DOE deems appropriate. (*Id.*)

Although hearth heaters are a category of DHE products, for the reasons explained previously, there currently are no energy conservation standards for hearth heaters. Furthermore, as discussed in section II.A of this document, there is also no current definition for ''hearth heater,'' nor are hearth heaters divided into separate product classes. However, there are a wide variety of products on the market that are hearth heaters. For example, these products can be vented (*i.e.,* vented hearth heaters) or unvented (*i.e.,* unvented hearth heaters). Hearth heaters can also exist in a variety of configurations, such as stoves or fireplace inserts.

In a NOPR published in the **Federal Register** on December 11, 2009 (''December 2009 NOPR''), DOE proposed product classes for gas hearth products that were subdivided by input heating capacity. 74 FR 65852, 65871–65872. Similarly, in the April 2010 Final Rule in which these product classes were adopted, gas hearths included only vented home heating equipment. 75 FR 20112, 20234–20235 (April 16, 2010). (However, as discussed in section I.A.2 of this document, the D.C. Circuit later (in 2013) ordered that the definition of ''vented hearth heater'' adopted by DOE be vacated, and remanded the matter to the Department for further rulemaking consistent with the court's decision.) In an analysis performed for the February 2015 NOPR, which focused on standby mode energy consumption, DOE found substantial similarity among hearth products of all types, in that the primary mechanism of energy consumption in standby mode is a constant-burning pilot. 80 FR 7082, 7091 (Feb. 9, 2015). Thus, DOE did not propose to divide hearth products into multiple product classes. Accordingly, DOE tentatively concluded that the establishment of product classes was not necessary for the energy conservation standards being analyzed at that time. *Id.*

Additionally, in the February 2015 NOPR (which covered both hearth heaters and decorative hearths), DOE tentatively concluded that there was no universally accepted definition or set of defining features for what constitutes different categories of hearth products. 80 FR 7082, 7091 (Feb. 9, 2015). In research conducted for the February 2015 NOPR, DOE found that the same product is sometimes certified to multiple ANSI standards. *Id.* DOE identified unvented gas log sets certified to the ANSI Z21.60 [10] decorative gas-fire appliance standard in addition to the ANSI Z21.11.2 [11] unvented heater standard. *Id.* DOE also identified vented products advertised with an AFUE or thermal efficiency rating, and certified to either or both the ANSI Z21.88 [12] vented heater fireplace standard or the ANSI Z21.50 [13] vented fireplace standard. *Id.*

DOE requests feedback on whether hearth heaters have performance-related features (*e.g.,* heat exchanger design, flame characteristics, or heat output) that provide unique consumer utility that impact energy use of the product. If so, DOE requests data detailing the corresponding impacts on energy use that would justify separate product classes (*i.e.,* explanation for why the presence of these performance-related features would increase energy consumption).

2. Technology Assessment

In analyzing the feasibility of potential new or amended energy conservation standards, DOE uses information about existing and past technology options and working prototype designs to help identify technologies that manufacturers could use to meet and/or exceed a given set of energy conservation standards under consideration. In consultation with interested parties, DOE intends to develop a list of technologies to consider in its analysis. That analysis will likely include a number of the technology options DOE previously considered for hearth heaters as part of the April 2010 Final Rule and/or the February 2015 NOPR, which covered products including consumer hearth heaters. A complete list of those prior options appears in Table II.1 of this document.

TABLE II.1—POTENTIAL TECHNOLOGY OPTIONS FOR HEARTH HEATERS

Optimized Air-to-Fuel Ratio.
Burner Port Design.
Improved Simulated Log Design.
Improved Pan Burner Media/Bead Type.
Reflective Walls and/or Other Components Inside Combustion Zone.
Air Circulation Fan.
Electronic Ignition.
Condensing Heat Exchanger.
Increased Heat Exchanger Surface Area.
Multiple Flues.
Multiple Turns in Flue.
Direct Vent (Concentric).
Increased Heat Transfer Coefficient.
Thermal Vent Damper.
Electric Vent Damper.
Induced Draft.
2-Stage or Modulating Operation.

[10] The most up-to-date version of this standard is ANSI Z21.60–2017/CSA 2.26–2017; Decorative Gas Appliances For Installation In Solid-Fuel Burning Fireplaces (Available at: *https://webstore.ansi.org/Standards/CSA/ansiz21602017csa26*) (Last accessed June 6, 2022).

[11] The most up-to-date version of this standard is CSA/ANSI Z21.11.2–2019; *Gas-Fired Room Heaters, Volume III, Unvented Room Heaters* (Available at: *https://webstore.ansi.org/Standards/CSA/csaansiz21112019*) (Last accessed June 6, 2022).

[12] The most up-to-date version of this standard is CSA/ANSI Z21.88–19/CSA 2.33–2019; *Vented Gas Fireplace Heaters* (Available at: *https://webstore.ansi.org/Standards/CSA/CSAANSIZ218819332019*) (Last accessed June 6, 2022).

[13] The most up-to-date version of this standard is CSA/ANSI Z21.50–19/CSA 2.22–2019; *Vented Decorative Gas Appliances* (Available at: *https://webstore.ansi.org/Standards/CSA/CSAANSIZ215019222019*) (Last accessed June 6, 2022).

TABLE II.1—POTENTIAL TECHNOLOGY OPTIONS FOR HEARTH HEATERS—Continued

Increased Insulation.
Condensing Pulse Combustion.
Sealed Combustion.

DOE seeks information on the technologies listed in Table II.1 regarding their applicability to the current hearth heater market (including both vented and unvented hearth heaters) and how these technologies might potentially impact the efficiency of hearth heaters. DOE also seeks information on how these technologies may have changed since they were considered in the April 2010 Final Rule and/or February 2015 NOPR. Specifically, DOE seeks information on the range of efficiencies or performance characteristics that are currently available for each technology option.

DOE also seeks comment on any other technology options that it should consider for inclusion in its analysis and whether these technologies might impact product features or consumer utility of hearth heaters.

D. Screening Analysis

The purpose of the screening analysis is to further evaluate the technologies with the potential to improve equipment efficiency to determine which technologies should be eliminated from further consideration and which ones should proceed to the engineering analysis for further consideration in the energy conservation standards rulemaking.

DOE determines whether to eliminate certain technology options from further consideration based on the following five screening criteria:

(1) *Technological feasibility.* Technologies that are not incorporated in commercial products or in working prototypes will not be considered further.

(2) *Practicability to manufacture, install, and service.* If it is determined that mass production and reliable installation and servicing of a technology in commercial products could not be achieved on the scale necessary to serve the relevant market at the time of the projected compliance date of the standard, then that technology will not be considered further.

(3) *Impacts on productt utility or product availability.* If it is determined that a technology would have significant adverse impact on the utility of the product to significant subgroups of consumers, or would result in the unavailability of any covered product type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as products generally available in the United States at the time, it will not be considered further.

(4) *Adverse impacts on health or safety.* If it is determined that a technology would have significant adverse impacts on health or safety, it will not be considered further.

(5) *Unique-Pathway Proprietary Technologies.* If a design option utilizes proprietary technology that represents a unique pathway to achieving a given efficiency level, that technology will not be considered further due to the potential for monopolistic concerns.

10 CFR part 430, subpart C, appendix A, sections 6(b)(3) and 7(b).

Technology options identified in the technology assessment are evaluated against these criteria using DOE analyses and inputs from interested parties (*e.g.,* manufacturers, trade organizations, and energy efficiency advocates). Technologies that pass through the screening analysis are referred to as ''design options'' in the engineering analysis. Technology options that fail to meet one or more of the five criteria are eliminated from further consideration.

DOE requests feedback on what impact, if any, the five screening criteria described in this section would have when applied to each of the technology options listed in Table II.1 pertaining to hearth heaters. Similarly, DOE seeks information regarding the effect these same criteria would have when applied to any other technology options not already identified in this document with respect to their potential use in hearth heaters.

E. Engineering Analysis

The purpose of the engineering analysis is to establish the relationship between the efficiency and cost of consumer hearth heaters. There are two elements to consider in the engineering analysis: (1) the selection of efficiency levels to analyze (*i.e.,* the ''efficiency analysis'') and (2) the determination of product cost at each efficiency level (*i.e.,* the ''cost analysis''). In determining the performance of higher-efficiency products, DOE considers technologies and design option combinations not eliminated by the screening analysis. For each product class, DOE estimates the baseline cost (*i.e.,* the manufacturer production cost (MPC)), as well as the incremental cost for the product at efficiency levels above the baseline. The output of the engineering analysis is a set of cost-efficiency ''curves'' that are used in downstream analyses (*i.e.,* the life-cycle cost (''LCC'') and payback period (''PBP'') analyses and the national impact analysis (''NIA'')). The following sections provide further detail on DOE's engineering analysis and seek public input on specific issues pertinent to consumer hearth heaters, the subject of this rulemaking.

1. Efficiency Analysis

DOE typically uses one of two approaches to develop energy efficiency levels for the engineering analysis: (1) relying on observed efficiency levels in the market (*i.e.,* the efficiency-level approach), or (2) determining the incremental efficiency improvements associated with incorporating specific design options to a baseline model (*i.e.,* the design-option approach). Using the efficiency-level approach, the efficiency levels established for the analysis are determined based on the market distribution of existing products (in other words, based on the range of efficiencies and efficiency level ''clusters'' that already exist on the market). Using the design-option approach, the efficiency levels established for the analysis are determined through detailed engineering calculations and/or computer simulations of the efficiency improvements from implementing specific design options that have been identified in the technology assessment. DOE may also rely on a combination of these two approaches. For example, the efficiency-level approach (based on actual products on the market) may be extended using the design-option approach to interpolate to define ''gap fill'' levels (to bridge large gaps between other identified efficiency levels) and/or to extrapolate to the max-tech level (particularly in cases where the max-tech level exceeds the maximum efficiency level currently available on the market).

For unvented hearth heaters, the combustion by-products enter the heated space rather than being vented outdoors, and as a result, there is no heat loss from venting of the combustion gases. In contrast, vented hearth heaters vent combustion products outdoors and lose heat in the vented combustion gases. As discussed in section II.B of this document, DOE expects that the test procedures at appendix G would apply to unvented hearth heaters and that the test procedures at appendix O would apply to vented hearth heaters. Consistent with the performance differences between vented and unvented products, these test methods provide different procedures and metrics for measuring energy consumption and/or efficiency. Therefore, DOE tentatively concludes that the disparate performance mechanisms of unvented hearth heaters and vented hearth heaters make it appropriate to conduct separate engineering analyses for these different

types. The efficiency analysis for vented and unvented hearth heaters are discussed separately in more detail in sections II.E.1.a and II.E.1.b of this document, respectively.

DOE generally selects a baseline model as a reference point for each product class, and measures changes resulting from potential new or amended energy conservation standards against the baseline. The baseline model in each product class represents the characteristics of products typical of that class (*e.g.,* capacity, physical size). Generally, a baseline model is one that just meets current energy conservation standards, or, if no standards are in place (as is the case for hearth heaters), the baseline is typically the most common or least-efficient unit on the market. Because there are currently no standards for hearth heaters and these products are not required to certify ratings to DOE, DOE intends to survey the market and consider the baseline to be the least-efficient product designs currently available.

a. Vented Hearth Heaters

The current test procedure for vented home heating equipment, appendix O, establishes the method for calculating AFUE and annual energy consumption. In the April 2010 Final Rule, DOE determined that 64 percent AFUE was an appropriate baseline efficiency for gas vented hearth heaters (which were described as including gas-fired products such as fireplaces, fireplace inserts, stoves, and log sets that typically include aesthetic features and that provide space heating) and was associated with products using standing pilot ignition technology. 75 FR 20112, 20128, 20146 (April 16, 2010). However, through a preliminary review of the market, DOE has found that hearth heaters with ratings below 64 percent AFUE may be available today. As discussed in section I.A.2 of this document, the definition of ''vented hearth heater'' was vacated in 2014 (and by implication, the associated energy conservation standards).

DOE requests comment on the appropriate baseline efficiency level for vented gas hearth heaters, as well as the corresponding design features characteristic of the baseline efficiency. Similarly, DOE requests comment on the appropriate baseline for vented oil hearth heaters.

As part of DOE's analysis, the maximum available efficiency level is the highest-efficiency unit currently available on the market. DOE defines a ''max-tech'' efficiency level to represent the theoretical maximum possible efficiency if all available design options (that have passed the screening analysis) are incorporated in a model. In applying these design options, DOE would only include those options that are compatible with each other and that when combined would represent the theoretical maximum possible efficiency. In some cases, the max-tech efficiency level differs from the maximum available efficiency level, because the max-tech design options are not economically feasible to implement. In the April 2010 Final Rule, the max-tech level for gas vented hearth heaters was determined to be 93 percent AFUE. 75 FR 20112, 20146 (April 16, 2010). This efficiency level was found to be achieved using condensing operation. In addition, DOE analyzed intermediate efficiency levels of 67 percent and 72 percent AFUE, which corresponded to design options of an electronic ignition system and a fan-assisted air circulation system, respectively. *Id.* Vented oil-fired hearth heaters were not considered in the April 2010 Final Rule.

DOE requests comment on higher efficiency levels for vented gas hearth heaters and their associated design features. Additionally, DOE requests comment on appropriate efficiency levels above baseline for vented oil hearth heaters and their associated design features.

DOE also seeks input on identifying the max-tech efficiency level(s) and associated design options for gas and oil vented hearth heaters. Additionally, for any max-tech efficiency level identified by stakeholders, DOE also seeks input on whether such a max-tech efficiency level would be appropriate for potential consideration as possible energy conservation standards for hearth heaters, and if not, why not.

b. Unvented Hearth Heaters

As explained in the December 2020 DHE NOPD, the test procedure for unvented heaters (set forth in appendix G) includes neither a method for measuring energy efficiency nor a descriptor for representing the efficiency of unvented heaters. Instead, appendix G provides a method to measure and calculate the rated output for all unvented heaters and the annual energy consumption of primary electric unvented heaters. 85 FR 77017, 77020 (Dec. 1, 2020). Additionally, appendix G includes provisions to measure standby mode and off mode energy rates of unvented heaters. *See* 10 CFR part 430, subpart B, appendix G, sections 2.3 and 2.4. As discussed, there are currently no energy conservation standards for unvented DHE. DOE did not propose standards for unvented DHE in the April 2010 Final Rule because DOE concluded at the time that a standard could produce little energy savings (largely due to the fact that any heat losses are dissipated directly into the conditioned space) and because of limitations in the applicable DOE test procedure.[14] 75 FR 20112, 20130 (April 16, 2010).

Additionally, DOE explained in the December 2020 DHE NOPD that unvented heaters are nearly 100-percent efficient during the heating season, in that all energy consumed is converted to heat that ends up within the living space as useful heat, and as a result, there is negligible opportunity for energy savings. 85 FR 77017, 77027 (Dec. 1, 2020). DOE considers the heating season to include two operating conditions for unvented home heating equipment: (1) active (heating) mode and (2) standby mode, which may include a standing pilot light. In contrast, during the non-heating season, heat generated by an unvented heater, including an unvented hearth heater, either from active mode or from a standing pilot light would not be useful heat and would be wasted. DOE considers energy consumption during the non-heating season to be off mode energy. For example, a standing pilot light left burning during non-heating months would contribute to off mode energy consumption.

In 2017, the Lawrence Berkeley National Laboratory conducted a survey of 2,100 homes with hearth products (''2017 Hearth Survey'').[15] The survey provided hearth product characteristics, usage data, and repair and maintenance costs. The hearth product characteristics include the hearth product type, fuel type, ignition system type, features, venting, and installation details. The usage information includes seasonal usage of the main burner and standing pilot (if present), daily usage, and the primary utility (whether decorative or for heating). In the 2017 Hearth Survey,

[14] DOE noted in the December 2009 NOPR that the test procedure for unvented equipment includes neither a method for measuring energy efficiency nor a descriptor for representing the efficiency of unvented home heating equipment. 74 FR 65852, 65866 (Dec. 11, 2009).

[15] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov. Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030 (Available at: *https://eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*) (Last accessed June 6, 2022). For the purposes of this study, a hearth product is a gas-fired or electrical appliance that displays a fire or flame pattern and may be vented or unvented. Heart product types are fireplaces or fireplace inserts, gas log sets that are typically inserted into an existing empty hearth, freestanding stoves, or outdoor units. The primary purpose of these products may be decorative, space heating, or a combination of the two. Patio heaters, gas lamps, or products with a primary function of cooking or providing light are not included in the definition for the purposes of this study. (LBNL at p. 7)

35 percent of respondents reported that the pilot light is always on in their unvented hearth products (*i.e.,* including during the non-heating season). (Although the 2017 Hearth Survey included both decorative hearths and hearth heaters, all unvented hearth products are assumed to be hearth heaters because there is no mechanism to exhaust the heat outside of the living space.) As previously noted, the energy consumed by a standing pilot light during the non-heating season would be wasted. Further, the heat produced by a standing pilot may contribute to the cooling season cooling load.

If DOE finds that standards for off mode energy consumption of unvented hearth heaters could lead to significant conservation of energy, DOE may consider setting standards for the off mode energy consumption of these products. As discussed in section I.A.1 of this document, new standards must also be technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) There are several metrics with which DOE could consider standards for unvented hearth heaters, including the energy input rate to the pilot light (Q_p) and the electrical standby power ($P_{W,SB}$). Appendix G specifies provisions for determining Q_p and the $P_{W,SB}$. See 10 CFR part 430, subpart B, appendix G, sections 2.3 and 2.4, respectively.

Section 2.3 of appendix G provides instructions for measuring Q_p, for unvented heaters equipped with a pilot light. However, section 2.3.1 of appendix G states that the measurement of Q_p is not required for unvented heaters where the pilot light is designed to be turned off by the user when the heater is not in use (*i.e.,* for units where turning the control to the OFF position will shut off the gas supply to the burner(s) and the pilot light). This provision applies only if an instruction to turn off the unit is provided on the heater near the gas control value (*e.g.,* by label) by the manufacturer. 10 CFR part 430, subpart B, appendix G, sections 2.3 and 2.3.1.

The responses to the 2017 Hearth Survey indicate that the pilot light on many unvented hearth heaters may not be turned off when the heater is not in use.

DOE requests additional data and information about the typical usage of unvented hearth heaters. Specifically, DOE requests comment on how commonly the pilot lights of gas unvented hearth heaters are left on during non-heating season. Further, DOE requests comment on how commonly manufacturer instructions to turn off gas unvented hearth heaters are provided on the heater near the gas control valve.

DOE requests comment on appropriate baseline off mode energy consumption levels, and the associated design options, for unvented hearth heaters in terms of Q_p, $P_{W,SB}$, and/or other metrics.

As previously noted, DOE defines a ''max-tech'' efficiency level to represent the theoretical maximum possible efficiency for a given product. In applying these design options, DOE would only include those that are compatible with each other that when combined, would represent the theoretical maximum possible efficiency. In many cases, the max-tech efficiency level is not commercially available because it is not economically feasible.

DOE seeks input on identifying efficiency levels above baseline, including the max-tech efficiency level(s), in terms of Q_p, $P_{W,SB}$, and/or other metrics, for unvented hearth heaters. DOE also requests comment on the design options associated with every efficiency level. Additionally, for any higher efficiency level identified by stakeholders, DOE also seeks input on whether such an efficiency level would be appropriate for potential consideration as possible energy conservation standards for unvented hearth heaters, and if not, why not.

2. Cost Analysis

The cost analysis portion of the engineering analysis is conducted using one or a combination of cost approaches. The selection of cost approach depends on a suite of factors, including availability and reliability of public information, characteristics of the regulated product, and the availability and timeliness of purchasing the product on the market. The cost approaches are summarized as follows:

- *Physical teardowns:* Under this approach, DOE physically dismantles a commercially-available product, component-by-component, to develop a detailed bill of materials (''BOM'') for the product.
- *Catalog teardowns:* In lieu of physically deconstructing a product, DOE identifies each component using parts diagrams (available from manufacturer websites or appliance repair websites, for example) to develop the BOM for the product.
- *Price surveys:* If neither a physical nor catalog teardown is feasible (*e.g.,* for tightly integrated products such as fluorescent lamps, which are infeasible to disassemble and for which parts diagrams are unavailable) or cost-prohibitive and otherwise impractical (*e.g.,* large commercial boilers), DOE conducts price surveys using publicly-available pricing data published on major online retailer websites and/or by soliciting prices from distributors and other commercial channels.

The BOM provides the basis for the manufacturer production cost (''MPC'') estimates. DOE then applies a cost multiplier (the manufacturer markup) to convert the MPC to manufacturer selling price (''MSP''). The manufacturer markup accounts for non-production costs (*i.e.,* selling, general, and administrative expenses, research and development, and interest), along with profit. The resulting MSP is the price at which the manufacturer distributes a unit into commerce.

In both the DHE cost analysis for the April 2010 Final Rule and the hearth products cost analysis for the February 2015 NOPR, DOE performed physical teardowns to generate a BOM and then converted the materials and components to dollar values based on the price of materials, average labor rates associated with manufacturing and assembling, and the cost of overhead and depreciation. 75 FR 20112, 20147–20148 (April 16, 2010); 80 FR 7082, 7098 (Feb. 9, 2015).

DOE requests feedback on whether an increase in energy efficiency for vented hearth heaters or a reduction in energy consumption for unvented hearth heaters would lead to other design changes that would not occur for these products otherwise. DOE is also interested in information regarding any potential impact of design options on a manufacturer's ability to incorporate additional functions or attributes in response to consumer demand, for both vented and unvented hearth heaters.

DOE also seeks input on increases in MPC associated with incorporating any design options identified. Specifically, DOE is interested in whether and how the costs estimated for design options in the April 2010 Final Rule and/or February 2015 NOPR have changed since the time of those analyses. DOE also requests information on the investments necessary to incorporate specific design options, including, but not limited to, costs related to new or modified tooling (if any), materials, engineering and development efforts to implement each design option, and manufacturing/production impacts.

DOE requests comment on whether certain design options may not be applicable to (or incompatible with) specific product types.

F. Markup Analysis

DOE derives consumer prices based on MSP, retailer markups, distributor markups, contractor markups (where appropriate), and sales taxes. In deriving these markups, DOE determines the major distribution channels for product sales, the markup associated with each party in each distribution channel, and the existence and magnitude of differences between markups for baseline products (''baseline markups'') and higher-efficiency products (''incremental markups''). The identified distribution channels (*i.e.,* how the products are distributed from the manufacturer to the consumer) and estimated relative sales volumes through each channel are used in generating end-user price inputs for the LCC analysis and NIA. The markups are multipliers that are applied at each stage in the distribution channel for consumer hearth heaters.

In the February 2015 NOPR, DOE utilized several sources including: (1) the Heating, Air-Conditioning & Refrigeration Distributors International (''HARDI'') 2013 Profit Report [16] to develop wholesaler mark-ups; (2) the Air Conditioning Contractors of America's (''ACAA'') 2005 financial analysis for the heating, ventilation, air-conditioning, and refrigeration (''HVACR'') contracting industry [17] to develop mechanical contractor mark-ups, and (3) U.S. Census Bureau 2007 Economic Census data [18] for the residential and commercial building construction industry to develop general contractor mark-ups. 80 FR 7082, 7100 (Feb. 9, 2015). DOE characterized two distribution channels to describe how hearth products pass from the manufacturer to consumers: (1) replacement market and (2) new construction. The replacement market channel was characterized as follows:

Manufacturer → Wholesaler → Mechanical contractor → Consumer

The new construction distribution channel was characterized as follows:

Manufacturer → Wholesaler → Mechanical contractor → General contractor → Consumer

Id.

It is DOE's understanding that these distribution channels remain in place at the current time in essentially the same form.

For wholesalers and contractors, DOE developed baseline and incremental mark-ups. The baseline mark-up relates the change in the MSP of baseline models to the change in the consumer purchase price. The incremental mark-up relates the change in the MSP of higher-efficiency models to the change in consumer purchase price. In addition to the mark-ups, DOE derived State and local taxes from data provided by the Sales Tax Clearinghouse.[19] DOE derived shipment-weighted-average tax values for each region considered in the analysis. *Id.* DOE plans to use the most updated versions of these data sources to develop markups for consumer hearth heaters.

DOE did not account for the retail outlets distribution channel in which the manufacturer sells the equipment to a retailer, who in turn sells it to a mechanical contractor, who in turn sells it to the consumer. DOE did not have sufficient data to estimate a separate markup for this distribution channel. Accordingly, DOE assumed that the retailer markup was similar to the wholesaler markup.

DOE is also aware that there may be two additional distribution channels for hearth products: (1) an online distribution channel where manufacturers sell the products to online retailers who in turn sell them directly to consumers, and (2) a rebranding distribution channel where wholesalers or retailers negotiate good pricing from the hearth product manufacturer based on high volumes and have the product customized to carry their name, and then send it through their normal distribution channel to the contractors. The former one mainly applies to the do-it-yourself (''DIY'') installation, which is expected to account for a very small fraction of the total hearth heater shipments. For the latter one, DOE assumes that it would have the same overall markups as the conventional distribution channels. Although manufacturers may have a lower margin in such cases, wholesalers and retailers would redistribute the profit throughout the distribution channel to set the final retail price so as to be comparable with products sold through conventional distribution channels. For the reasons mentioned previously, DOE did not consider any of these additional distribution channels in the February 2015 NOPR analysis.

DOE requests information on the distribution channels outlined previously, and whether they are still applicable to vented and unvented hearth heaters. DOE requests information on the existence of any distribution channels other than those listed previously for hearth heaters. Further, DOE seeks input on the percentage of products being distributed through the different distribution channels, as well as whether the share of products through each channel varies based on capacity or other features.

G. Energy Use Analysis

As part of the rulemaking process, DOE conducts an energy use analysis to identify how products are used by consumers, to determine the annual energy consumption of consumer hearth heaters, and to assess the energy savings potential of energy efficiency improvements. DOE typically bases the energy consumption of products on the annual energy consumption as determined by the applicable DOE test procedure. Along similar lines, the energy use analysis is meant to represent typical energy consumption in the field.

1. Consumer Samples and Market Breakdowns

To estimate the annual energy use of products in field operating conditions, DOE typically develops consumer samples that are representative of installation and operating characteristics of how such products are used in the field, as well as distributions of annual energy use by application and market segment. DOE may utilize the most current version of the Residential Energy Consumption Survey (''RECS'') [20] published by the U.S. Energy Information Administration (''EIA'') (currently the 2015 RECS).

DOE requests data and information regarding market applications of consumer hearth heaters.

2. Operating Hours

One of the key inputs to the energy use analysis is the number of annual operating hours of the product. The usage information provided in the 2017 Hearth Survey includes seasonal usage of the main burner and standing pilot (if present), daily usage, and the primary utility (whether decorative or for heating). DOE may consider this survey

[16] Heating, Air Conditioning & Refrigeration Distributors International 2013 Profit Report (Available at: *www.hardinet.org*) (Last accessed March 31, 2022).

[17] Air Conditioning Contractors of America, Financial Analysis for the HVACR Contracting Industry: 2005 (Last accessed April 10, 2013).

[18] U.S. Census Bureau, 2007 Economic Census Data (Available at: *www.census.gov*) (Last accessed March 31, 2022).

[19] Sales Tax Clearinghouse, Inc. State Sales Tax Rates Along with Combined Average City and County Rates, 2013. (Available at *thestc.com/STrates.stm*) (Last accessed March 31, 2022).

[20] Energy Information Administration (''EIA''), 2015 Residential Energy Consumption Survey (''RECS'') (Available at: *www.eia.gov/consumption/residential/*) (Last accessed June 6, 2022).

for estimating the operating hours of hearth heaters.[21]

DOE requests any other available data or published reports on the annual operating hours for consumer hearth heaters.

H. Life-Cycle Cost and Payback Period Analysis

DOE conducts the LCC and PBP analysis to evaluate the economic effects of potential energy conservation standards for hearth heaters on individual consumers, which usually involves a reduction in operating cost and an increase in purchase cost. For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimated baseline level. The LCC is the total consumer expense of an appliance or product over the life of that product, consisting of total installed cost and operating costs (expenses for energy use, maintenance, and repair). Inputs to the calculation of total installed cost include the purchase cost of the product—which includes MSPs, distribution channel markups, and sales taxes—and installation costs. Inputs to the calculation of operating expenses include annual energy consumption, energy prices and price projections, repair and maintenance costs, equipment lifetimes, discount rates, and the year that compliance with new and amended standards is required.

1. Installation Costs

Installation costs represent the labor and materials required to install a hearth heater. DOE plans to use RS Means Residential Cost Data [22] to estimate the installation costs for hearth heaters.

DOE requests comment on the use of RS Means as a source to develop installation costs for consumer hearth heaters.

DOE requests comment on whether the installation cost of consumer hearth heaters would be expected to change with efficiency level.

2. Energy Prices

In the analysis for the February 2015 NOPR, DOE used data from the EIA on average prices in various States and regions [23] [24] [25] to assign an energy price to each house in the sample based on its location. 80 FR 7082, 7102 (Feb. 9, 2015). Average electricity prices and natural gas prices from the EIA data were adjusted using seasonal marginal price factors to derive monthly marginal electricity and natural gas prices. *Id.* Future prices were estimated using the reference case projection of the *Annual Energy Outlook* (''*AEO*'') *2014*.[26] *Id.* DOE plans to use a similar approach and with updated data from the EIA and *AEO 2022.*

DOE requests comment on its approach to develop electricity and natural gas prices for consumer hearth heaters.

3. Repair and Maintenance Costs

Repair costs are associated with repairing or replacing components in the hearth heater that have failed, whereas maintenance costs are routine annual costs associated with the continued proper operation of equipment. The 2017 Hearth Survey asked respondents about the average cost and frequency of hearth repairs and maintenance over the lifetime of the product. Repair categories included in the survey were ignition failure, controls failure, combustion damage, and other. Maintenance categories included in the survey were chimney cleaning, firebox cleaning, exterior cleaning, and other.[27] DOE intends to use this data, along with RS Means, to develop repair and maintenance costs for consumer hearth heaters.

DOE requests feedback and data on whether maintenance costs differ in comparison to the baseline maintenance costs for any of the specific technology options listed in Table II.1 for consumer hearth heaters.

DOE requests information and data on the frequency of repair and repair costs by product class for the technology options listed in Table II.1 for consumer hearth heaters. While DOE is interested in information regarding each of the listed technology options, the Department is also interested in whether consumers simply replace the products when they fail as opposed to repairing them.

4. Product Lifetime

Product lifetime is the age at which a product is retired from service. In the February 2015 NOPR, DOE developed a hearth product survival function, which provides a range of minimum to maximum lifetimes, as well as an average lifetime. Using this survival function, DOE estimated that consumer hearth heaters would have an average lifetime of 16 years. 80 FR 7082, 7103 (Feb. 9, 2015).

DOE requests comment on whether the average lifetime of 16 years for consumer hearth heaters that was used in the February 2015 NOPR is still a valid estimate.

5. No-New-Standards Case Efficiency Distribution

To estimate the share of consumers affected by a potential energy conservation standard, DOE's LCC and PBP analysis considers the projected distribution (*i.e.,* market shares) of product efficiencies that consumers would be expected to purchase in the first compliance year in the base case (*i.e.,* the case without new or amended energy conservation standards). DOE plans to review available product literature and market data to develop an efficiency distribution for the base case.

DOE requests data on the market share of vented and unvented hearth heaters with the technology options listed in Table II.1 and/or by efficiency level.

I. Shipments Analysis

DOE develops shipments forecasts of hearth heaters as an input to calculate the national impacts of potential energy conservation standards on energy consumption, net present value (''NPV'') of consumer benefits and costs, and future manufacturer cash flows. SOE shipments projections are based on available historical data broken down by product group. Current sales estimates allow for a more accurate model that captures recent trends in the market.

In the February 2015 NOPR (which considered hearth heaters as well as decorative hearths), DOE relied on historical shipments data from the Hearth, Patio, and Barbeque Association as well as manufacturer interviews for

[21] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov, Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030 (Available at: *https://eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*) (Last accessed June 6, 2022).

[22] RS Means Company Inc., *RS Means Residential Cost Data* (2021) (Available at: *www.rsmeans.com/*).

[23] U.S. Department of Energy—Energy Information Administration, Form EIA–826 (Now called Form EIA–861M) Database Monthly Electric Utility Sales and Revenue Data (2013) (Available at: *https://www.eia.gov/electricity/data/eia861m/*).

[24] U.S. Department of Energy—Energy Information Administration, Natural Gas Navigator (2013) (Available at: *https://www.eia.gov/naturalgas/*).

[25] U.S. Department of Energy—Energy Information Administration, 2012 State Energy Consumption, Price, and Expenditure Estimates (SEDS) (2013) (Available at: *www.eia.doe.gov/emeu/states/_seds.html*).

[26] *Annual Energy Outlook*—Energy Information Administration (2014) (Available at: *www.eia.gov/outlooks/archive/aeo14/*).

[27] David Siap, Henry Willem, Sarah K. Price, Hung-Chia Yang, and Alex Lekov, Survey of Hearth Products in U.S. Homes (2017) LBNL–2001030, pp. 44–46 (Available at: *eta-publications.lbl.gov/sites/default/files/lbnl-2001030.pdf*).

hearth products, to develop the shipment estimates shown in Table II.2 of this document.[28] These shipments values included vented and unvented fireplaces, vented and unvented gas logs, and outdoor heaters.

TABLE II.2—ANNUAL SHIPMENTS FOR HEARTH PRODUCTS

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Shipments (millions)	1.69	1.30	1.13	0.785	0.462	0.487	0.423	0.436	0.586

DOE requests updated annual sales data (*i.e.,* number of shipments) for vented and unvented consumer hearth heaters. If available, DOE requests the annual shipments information for the years 2014–2021.

J. National Impact Analysis

The purpose of the NIA is to estimate the aggregate economic impacts of potential energy conservation standards at the national level. The NIA assesses the potential national energy savings (''NES'') and the national NPV of total consumer costs and savings that would be expected to result from new or amended standards at specific efficiency levels over 30 years of shipments. An important component of the NIA is the trend in energy efficiency in the no-new-standards case over the 30-year analysis period. In the analysis for the February 2015 NOPR, DOE assumed a constant efficiency trend over the 30-year period. 80 FR 7082, 7104 (Feb. 9, 2015).

DOE requests data on the expected future growth trends of vented and unvented hearth heaters with the technology options listed in Table II.1 of this document.

K. Manufacturer Impact Analysis

The purpose of the manufacturer impact analysis (''MIA'') is to identify and quantify the estimated financial impacts of any new or amended energy conservation standards on manufacturers of consumer hearth heaters, and to evaluate the potential impacts of such standards on direct employment and manufacturing capacity. The MIA includes both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (''GRIM''), an industry cash-flow model adapted for each product in this analysis, with the key output being industry net present value (''INPV''). The qualitative part of the MIA addresses the potential impacts of energy conservation standards on manufacturing capacity and industry competition, as well as factors such as product characteristics, impacts on particular subgroups of firms, and important market and product trends.

As part of the MIA, DOE intends to analyze impacts of potential energy conservation standards on subgroups of manufacturers of covered products, including domestic small business manufacturers. DOE uses the Small Business Administration's (''SBA'') small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the applicable North American Industry Classification System (''NAICS'') code.[29] Manufacturing of consumer hearth heaters is classified under NAICS 333414, ''Heating Equipment (except Warm Air Furnaces) Manufacturing,'' and the SBA sets a threshold of 500 employees or less for a domestic entity to be considered a small business in this category. This employee threshold includes all employees in a business' parent company and any other subsidiaries.

One aspect of assessing manufacturer burden involves examining the cumulative impact of multiple DOE standards and the product-specific regulatory actions of other Federal agencies that affect the manufacturers of a covered product or equipment. While any one regulation may not impose a significant burden on manufacturers, the combined effects of several existing or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

To the extent feasible, DOE seeks the names and contact information of any domestic or foreign-based manufacturers that distribute hearth heaters in the United States.

DOE identified small businesses as a subgroup of manufacturers that could be disproportionally impacted by potential energy conservation standards for consumer hearth heaters. DOE requests the names and contact information of small business manufacturers of hearth heaters, as defined by the SBA's size threshold, which manufacture products in the United States. In addition, DOE requests comment on any other manufacturer subgroups that could be disproportionally impacted by potential energy conservation standards for consumer hearth heaters. DOE requests feedback on any potential approaches that could be considered to address impacts on such manufacturers, including small businesses.

DOE requests information regarding the cumulative regulatory burden impacts on manufacturers of hearth heaters associated with: (1) other DOE energy conservation standards applying to different products or equipment that these manufacturers may also make and (2) product-specific regulatory actions of other Federal agencies. DOE also requests comment on its methodology for computing cumulative regulatory burden and whether there are any flexibilities it can consider that would reduce this burden while remaining consistent with the requirements of EPCA.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date specified in the **DATES** section of this document, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of energy conservations standards for hearth heaters. After the close of the comment period, DOE will review the public comments received

[28] *See* chapter 9 of the technical support document that accompanied the February 2015 NOPR. (Available at: *www.regulations.gov/document/EERE-2014-BT-STD-0036-0002*) (Last accessed June 6, 2022).

[29] Table of Size Standards—U.S. Small Business Administration (Available at: *www.sba.gov/document/support--table-size-standards*) (Last accessed March 9, 2022).

and may begin collecting data and conducting the analyses discussed in this document.

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

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

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

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

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

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

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

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

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

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

DOE considers public participation to be a very important part of the process for developing energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in this process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on June 9, 2022, by Kelly J. Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on June 9, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–12787 Filed 6–15–22; 8:45 am]

BILLING CODE 6450–01–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 614 and 620

RIN 3052–AD54

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The purpose of the proposed rule is to increase direct lender associations' Young, Beginning, and Small farmer and rancher (YBS) activity and reinforce the supervisory responsibilities of the funding banks, authorized by section 4.19 of the Farm Credit Act. The proposed rule requires direct lender associations to adopt an independent strategic plan for their YBS program. The direct lender association's funding bank will approve each YBS strategic plan, annually. The direct lender association's YBS strategic plan must contain specific elements that will be evaluated as part of a rating system to measure year-over-year internal

progress. The rating system will enable the Farm Credit Administration (FCA) to compare the success of the direct lender association's extension of credit and services to the YBS borrowing population to its peers both within and outside its bank district.

DATES: You may send us comments on or before August 15, 2022.

ADDRESSES: We offer a variety of methods for you to submit comments. For accuracy and efficiency, commenters are encouraged to submit comments by email or through FCA's website. As facsimiles (fax) are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act, as amended, we are no longer accepting comments submitted by fax. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *Email:* Send us an email at *reg-comm@fca.gov.*
- *FCA website: https://www.fca.gov.* Click inside the ''I want to . . .'' field near the top of the page; select ''comment on a pending regulation'' from the dropdown menu; and click ''Go.'' This takes you to an electronic public comment form.
- *Mail:* Autumn R. Agans, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.

You may review copies of comments we receive at our office in McLean, Virginia, by appointment by contacting the Office of Regulatory Policy contact listed below, or on our website at *https://www.fca.gov.* Once you are on the website, click inside the ''I want to . . .'' field near the top of the page; select ''find comments on a pending regulation'' from the dropdown menu; and click ''Go.'' This will take you to the Comment Letters page where you can select the regulation for which you would like to read the public comments. We will show your comments as submitted, including any supporting data provided, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

FOR FURTHER INFORMATION CONTACT:

Technical information: Jessica Potter, Senior Policy Analyst, Office of Regulatory Policy, (703) 819–4667, TTY (703) 883–4056, *potterj@fca.gov.*

or

Legal information: Hazem Isawi, Senior Attorney, Office of General Counsel, (703) 883–4022, TTY (703) 883–4056, *isawih@fca.gov.*

SUPPLEMENTARY INFORMATION:

I. Objectives

The objectives of this proposed rule are to:

- Increase direct lender associations' YBS activity;
- Reinforce the supervisory responsibilities of the funding banks, authorized by section 4.19 of the Farm Credit Act;
- Require each direct lender association to adopt an independent strategic plan for their YBS program; and,
- Provide elements that will be evaluated as part of a rating system to measure year-over-year YBS progress, allowing FCA to compare the success of the direct lender association to its peers with regard to extension of credit and services to the YBS borrowing population.

II. Background

The Farm Credit System (System) is the oldest of the financial Government-sponsored enterprises (GSEs). The objective of the System is to improve the income and well-being of American farmers and ranchers by furnishing sound, adequate, and constructive credit and closely-related services to them, their cooperatives, and selected farm-related businesses.[1] The System has a unique mission to serve YBS farmers and ranchers. Section 4.19 of the Farm Credit Act of 1971, as amended (Act),[2] requires each System association to establish a program to furnish sound and constructive credit and related services to YBS farmers and ranchers. In addition, each affiliated association's YBS program is subject to review and approval by their respective funding bank, which must report annually to FCA on the operations and achievements of their associations' programs.

YBS farmers and ranchers, like all those in agriculture, face a wide range of challenges, including access to capital and credit; the impact of rising costs on profitability; urbanization and the availability of resources like land, water, and labor; globalization; and competition from larger or more established farms. Although all agricultural producers face these challenges, the hurdles that YBS farmers and ranchers face are often greater due to their lack of an agricultural production history, inexperience in production agriculture, low capital position, or limited credit history. The FCA continues to believe the System's YBS mission is important to enable small and start-up farmers and ranchers to make successful entries into agricultural production. Also, FCA believes it is important to ensure marketing and outreach efforts include all eligible and creditworthy persons, with specific outreach toward diversity and inclusion. The System's YBS mission is also critical to facilitate the transfer of agricultural operations from one generation to the next. FCA remains committed to ensuring the System fulfills its important mission to YBS farmers and ranchers.

Since FCA's YBS regulation was first implemented in 1981, the agency has periodically strengthened the YBS framework through regulatory amendments,[3] Board policy statements, bookletters, exam manual updates, public statements, and other initiatives to promote compliance and to highlight the System's efforts to provide service to YBS farmers and ranchers. In recent years, a focus on YBS has been a regular feature of FCA strategic and performance plans. Nonetheless, there remain opportunities for further improvement.

Pursuant to existing regulations, FCA receives YBS program information through associations' operational and strategic business plans.[4] To meet the requirements of the regulation, these plans must discuss forward-looking information such as program objectives, annual quantitative and qualitative targets, and proposed methods to ensure credit and services are provided in a safe and sound manner.[5] However, as part of the existing planning process, there is no requirement for associations to report on past performance. Without this assessment, plans are unlikely to target deficient areas (*e.g.,* outreach, budget resources, terms of extended credit) for improvement. This information would help the funding banks and FCA to identify trends. For these reasons, we believe associations should include assessments of their past performance in their YBS plans.

As noted, a direct lender association's funding bank serves a role in YBS plan development. Indeed, the Act assigns to the banks the role of reviewing and approving their affiliated direct lender associations' YBS plans.[6] Given this,

[1] 12 U.S.C. 2001.

[2] 12 U.S.C. 2207.

[3] The regulation was last amended in 2004. 69 FR 16460 (Mar. 30, 2004).

[4] 12 CFR 614.4165(e).

[5] 12 CFR 614.4165(c)(1)–(4).

[6] 12 U.S.C. 2207(a).

and to parallel what is required of direct lender associations, we believe funding banks should implement internal controls that establish clear lines of responsibility for approving, reviewing, and monitoring of their affiliated associations' YBS reporting and activities.

On August 12, 2021, the FCA Board Chairman announced the agency's work on a proposed YBS rule. The statement noted that while the System has made consistent efforts to serve YBS farmers, the average age of American farmers has continued to rise.[7] On November 8, 2021, FCA and the University of Nebraska-Lincoln held a symposium to enhance YBS decision-making at System institutions. More recently, on March 23, 2022, FCA and Colorado State University (CSU) co-hosted a national forum on serving the credit and related needs of YBS farmers and ranchers. The event covered a range of topics of interest to YBS producers and their lenders, with presentations by top industry stakeholders, experts from CSU, Farm Credit System representatives, and local agricultural producers.

III. Section-by-Section Analysis

A. Overview

FCA proposes revisions to our regulations located in 12 CFR 614.4165 to reinforce the supervisory responsibilities of the funding banks, require each direct lender association to adopt an independent strategic plan for its YBS program, and provide elements that will be evaluated as part of a rating system to measure year-over-year YBS progress. This proposed rule reflects FCA's expectation of bolstering YBS program planning and increasing both lending and non-lending YBS activity. FCA also proposes to revise § 620.5(k)(2) to update referencing.

B. Definitions [Proposed § 614.4165(a)]

No substantial changes are proposed for the definitions in paragraph (a). We propose grammatical changes, including removing the word ''and'' between ''farmers'' and ''ranchers,'' and adjusting punctuation. Similar changes are made to the term throughout the regulatory text.

C. Farm Credit Banks Oversight [Proposed § 614.4165(b)]

We propose changing the paragraph heading in paragraph (b) from ''Farm Credit bank policies'' to ''Farm Credit banks oversight.'' While direct lender associations have autonomy from their funding banks, section 4.19(a) of the Act clearly states that YBS programs are subject to bank review and approval. As such, this paragraph is more appropriately titled to include such oversight. We believe funding banks are in a unique position to know the YBS activities of all their affiliated direct lender associations and see how those associations respond to the needs of their respective borrowers. Funding banks can use this knowledge to encourage associations to enhance their YBS programs through best practice sharing among their direct lender associations. Further, funding banks serve as the YBS data collection center for their direct lender associations and, ultimately, are responsible for reporting to FCA. As a result of this structure and crucial data reporting, funding banks are positioned not only to help FCA in our YBS oversight but also to provide assistance to associations seeking to bolster their YBS programs.

Proposed paragraph (b)(1)(i) requires each funding bank to adopt written policies that direct their affiliated associations to establish an annual strategic YBS plan. The creation of a YBS strategic plan is explained further in the discussion about proposed paragraph (c). Since a strategic plan is a newly-proposed requirement for direct lender associations, it is appropriate that the bank adopt written policies directing affiliated associations to establish a plan. It is also consistent with the statutory structure of section 4.19 of the Act, which requires associations to have YBS programs ''under policies'' of Farm Credit Bank boards. We propose grammatical edits to the reference to ''young, beginning, and small farmers, ranchers, and producers or harvesters of aquatic products,'' which will continue to be referred to in the shorthand as ''YBS farmers and ranchers'' or ''YBS.''

Paragraph (b)(3) of the existing regulation requires each funding bank to adopt written policies that direct each affiliated direct lender association to provide a YBS operations and achievements report to the funding bank. Proposed paragraph (b)(1)(iii) replaces references to the operations and achievements reports with the proposed YBS strategic plan, along with any other information deemed necessary by the bank. The strategic plan should contain the elements previously submitted in the operations and achievements reports; thus, the intent of the requirement continues forward through the YBS strategic plan. Receiving the YBS strategic plan should also aid the funding bank in its oversight role as described previously, as well as supplementing data collection and reporting. In paragraph (b)(1)(iv), we propose a grammatical change from ''agency'' to ''FCA.'' We propose moving the review and approval requirements from existing paragraph (d) to proposed paragraph (b)(2). The existing regulation requires bank review and approval of each direct lender association's YBS program, but limits the review and approval to a determination that the YBS program contains required elements as set forth in existing paragraph (c). With the proposed requirement of a YBS strategic plan, we also propose adding bank review and approval of such plan. Further, we propose that the bank's review ensure all elements in proposed paragraphs (c) and (d) are contained in the plan and program, and remove existing limitations on the bank to only review for the presence of the required elements. This would provide funding banks with the opportunity to become more involved with their respective associations' efforts to enhance YBS programs.

Existing paragraph (f) requires internal controls for direct lender associations. In paragraph (b)(3), we propose that banks also have internal controls in place to establish clear lines of responsibility in fulfilling their role regarding direct lender association YBS strategic plans, programs, and reporting. In the past, internal controls over YBS data reporting processes have been weak, resulting in inaccurate reporting to FCA. As the primary collectors, reviewers, and submitters of YBS data, internal controls are key to the funding banks' ability to provide reliable data. As with every area of operations, a strong internal control environment is essential.

D. Direct Lender Association YBS Strategic Plan [Proposed § 614.4165(c)]

The existing YBS regulation requires the YBS program to be included in the direct lender association's annual operational and strategic business plan under § 618.8440. Proposed paragraph (c) requires the adoption of an independent strategic plan specific to the direct lender association's YBS program. While direct lender associations have long been required to have a YBS program, limited emphasis has been placed on strategically planning, analyzing, and assessing such a program. Just as most direct lender associations require YBS borrowers to submit a business plan for their operation, we believe that business

[7] The Department of Agriculture (USDA) reported in 2017 that the average age of U.S. farm producers was 57.5 years, up 1.2 years from 2012. *USDA National Agricultural Statistics Service (NASS), 2017 Census of Agriculture.*

planning is important when it comes to YBS programs. Direct lender associations plan their YBS programs to varying degrees. This proposed strategic plan requirement will add consistency to longer-term planning and program development at each institution, while also requiring performance analysis, all of which should strengthen the direct lender association's YBS program.

The Farm Credit System, as a GSE, maintains a special responsibility to YBS, which is a mission-critical lending segment. For this reason, we propose the creation of an independent document that stands alone and separate from the operational and strategic business plan. Similar to the operational and strategic business plan required by § 618.8440, we propose that the YBS strategic plan must be forward looking by 3 years and submitted no later than 30 days after the commencement of each calendar year. This should allow direct lender associations to complete their entire planning process at one time.

We propose that the YBS strategic plan contain minimum elements detailed in proposed paragraph (d). Paragraph (e) of the existing regulation requires targets and goals be included in the direct lender association's strategic operational plan for the succeeding 3 years. We propose moving this requirement to paragraph (c)(2), and instead of including such goals in the operational and strategic business plan, they will be included in the standalone YBS strategic plan. YBS components will no longer be required as part of § 618.8440.

Further, we propose that the YBS strategic plan analyze performance. It is important for the direct lender association to use actual results when setting goals and developing the future years' YBS program. We also propose that the direct lender association discuss variances that occurred between actual performance and goals and provide the reasons for such variances. This analysis should also be helpful in ensuring the YBS program is relevant and appropriately serving the needs of the YBS segment. In proposed paragraph (c)(3)(iii), we propose that the YBS strategic plan identify how the efforts of the direct lender association, through its YBS program, are assisting YBS farmers and ranchers with receiving both credit and education. Also, under proposed paragraph (c)(3)(iv), we propose that the YBS strategic plan also assess the effectiveness in providing credit and services. This should discuss how the direct lender association's YBS planning, and program efforts are resulting in new and expanding YBS borrower operations and how the credit is being provided to these YBS borrowers.

E. Direct Lender Association YBS Program [Proposed § 614.4165(d)]

We propose redesignating existing paragraph (c) as paragraph (d) and reorganizing and revising its containing paragraphs. The YBS strategic plan outlined in proposed paragraph (c) will guide the development and implementation of the direct lender association's YBS program.

We propose moving language in existing paragraph (c)(4) that reads, ''safe and sound manner and within a direct lender association's risk-bearing capacity,'' to the main body of paragraph (d). In addition to the requirement that each YBS program must operate in a safe and sound manner within the direct lender association's risk-bearing capacity, such operation must be done ''while meeting the unique needs of YBS farmers and ranchers.'' There can be actual and perceived risk in lending to the YBS segment. These borrowers often lack certain credit elements such as abundant repayment capacity, liquidity, or collateralization. Generally, loans to YBS borrowers can be made in a safe and sound manner despite some increased risk relative to non-YBS borrowers.

Next, we propose adding paragraph headings to paragraphs (d)(1) (''Qualitative factors''), (d)(1)(i) (''Corporate governance''), (d)(1)(ii) (''Credit and related services''), (d)(1)(iii) (''Marketing, outreach, and education''), and (d)(2) (''Quantitative goals''). We propose moving the mission statement requirement in existing paragraph (c)(1) to proposed paragraph (d)(1)(i)(A), as a component of the Corporate Governance. Other than relocation, the requirement has not changed. We also propose moving the internal control requirement in existing paragraph (f) of current regulations to proposed paragraph (d)(1)(i)(B) and adding to its coverage the YBS strategic plan. We propose moving the related services requirement in existing paragraph (c)(3)(i) to proposed paragraph (d)(1)(ii)(A), and moving coordination requirements in existing paragraph (c)(3)(ii) to proposed paragraph (d)(1)(ii)(B). We also propose streamlining this requirement by striking the words, ''take full advantage of opportunities for coordinating,'' and replacing it with ''coordination.'' We propose to move outreach requirements in existing paragraph (c)(3)(iii) to proposed paragraph (d)(1)(iii). We propose minor changes to this requirement by replacing ''Implement'' with ''Implementation'' and adding the word ''retain.'' Further, we propose adding the consideration of a YBS mentoring program to the list of examples of outreach programs to better serve and understand the needs of this lending segment.

Within proposed paragraph (d)(2), we propose replacing instances of ''targets'' with ''goals'' to be more consistent with the terminology used in the remainder of the quantitative text section. We also propose adding the requirement that direct lender associations identify the sources of data used to establish the goals. Lastly, we propose replacing ''targets may'' with ''goals must.'' The regulatory text in proposed paragraphs (d)(2)(i)–(ii) remains the same as existing paragraphs (c)(2)(i)–(iv).

F. Annual Report Information Concerning YBS [Proposed § 620.5(k)(2)]

FCA proposes to revise § 620.5(k)(2) to update referencing. Specifically, we propose to change the paragraph's cross-reference from § 614.4165(c) to instead point to § 614.4165(d) which reflects the proposed reordering of text in that section. The rest of § 620.5(k)(2) remains unchanged.

IV. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), FCA hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

List of Subjects

12 CFR Part 614

Agriculture, Banks, banking, Flood insurance, Foreign trade, Reporting and recordkeeping requirements, Rural areas.

12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons set out in the preamble, FCA proposes to amend 12 CFR parts 614 and 620 as follows:

PART 614—LOAN POLICIES AND OPERATIONS

■ 1. The authority citation for part 614 continues to read as follows:

Authority: Secs. 1.3, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 2.0, 2.2, 2.3, 2.4, 2.10, 2.12, 2.13, 2.15, 3.0, 3.1, 3.3, 3.7, 3.8, 3.10, 3.20, 3.28, 4.12, 4.12A, 4.13B, 4.14, 4.14A, 4.14D, 4.14E, 4.18, 4.18A, 4.19, 4.25, 4.26, 4.27, 4.28, 4.36, 4.37, 5.9, 5.10, 5.17, 7.0, 7.2, 7.6, 7.8, 7.12, 7.13, 8.0, 8.5 of the Farm Credit Act (12 U.S.C. 2011, 2013, 2014, 2015, 2017, 2018, 2019, 2071, 2073, 2074, 2075, 2091, 2093, 2094, 2097, 2121, 2122, 2124, 2128, 2129, 2131, 2141, 2149, 2183, 2184, 2201, 2202, 2202a, 2202d, 2202e, 2206, 2206a, 2207, 2211, 2212, 2213, 2214, 2219a, 2219b, 2243, 2244, 2252, 2279a, 2279a–2, 2279b, 2279c–1, 2279f, 2279f–1, 2279aa, 2279aa–5); 12 U.S.C. 2121 note; 42 U.S.C. 4012a, 4104a, 4104b, 4106, and 4128.

■ 2. Section 614.4165 is revised to read as follows:

§ 614.4165 Young, beginning, and small (YBS) farmers and ranchers.

(a) *Definitions.* (1) For purposes of this subpart, the term ''credit'' includes:

(i) Loans made to farmers, ranchers, and producers or harvesters of aquatic products under title I or II of the Act; and

(ii) Interests in participations made to farmers, ranchers, and producers or harvesters of aquatic products under title I or II of the Act.

(2) For purposes of this subpart, the term ''services'' includes:

(i) Leases made to farmers, ranchers, and producers or harvesters of aquatic products under title I or II of the Act; and

(ii) Related services to farmers, ranchers, and producers or harvesters of aquatic products under title I or II of the Act.

(b) *Farm Credit banks oversight.* (1) Each Farm Credit Bank and Agricultural Credit Bank must adopt written policies that direct:

(i) The board of each affiliated direct lender association to establish an annual strategic plan, which includes the details of a program to provide sound and constructive credit and related services to young, beginning, and small farmers, ranchers, and producers or harvesters of aquatic products (YBS farmers and ranchers or YBS);

(ii) Each affiliated direct lender association to include in its YBS program provisions ensuring coordination with other System institutions in the territory and other governmental and private sources of credit;

(iii) Each affiliated direct lender association to submit to its funding bank its annual YBS strategic plan as described in paragraph (c) of this section and any other information regarding its YBS program, as described in paragraph (d) of this section, deemed necessary by the bank to meet the requirements of this paragraph (b); and

(iv) The bank to provide the FCA a complete and accurate annual report summarizing the YBS program operations and achievements of its affiliated direct lender associations.

(2) Annually, the direct lender association's YBS strategic plan and program are subject to the review and approval of its funding bank. The funding bank's review and approval must determine if the YBS strategic plan and program contain all required components as set forth in paragraphs (c) and (d) of this section. Any conclusion by the bank that a YBS strategic plan or program is deficient must be communicated to the direct lender association in writing.

(3) The Farm Credit Banks and Agricultural Credit Bank must implement internal controls that establish clear lines of responsibility for approving, reviewing, and monitoring of affiliated direct lender association YBS strategic plans, programs, and reporting.

(c) *Direct lender association YBS strategic plan.* (1) No later than 30 days after the commencement of each calendar year, the board of directors of each direct lender association must adopt a 3-year YBS strategic plan to develop and guide its YBS program. The YBS strategic plan is an independent document submitted to the FCA along with the annual operational and strategic business plan required by § 618.8440 of this chapter.

(2) At a minimum, the strategic plan must detail the operations of the YBS program, including all components in paragraph (d) of this section. Goals outlined in paragraph (d)(2) of this section must be included in each direct lender association's YBS strategic plan covering at least the succeeding 3 years.

(3) The YBS strategic plan must:

(i) Analyze the association's performance in the previous year toward achieving the components in paragraph (d) of this section;

(ii) Discuss variances and reasons for the results;

(iii) Identify how the efforts in paragraph (d) of this section assist YBS farmers and ranchers with both receiving credit and education; and

(iv) Assess the direct lender association's effectiveness in providing these efforts that result in new and expanding YBS operations to which credit is now provided.

(d) *Direct lender association YBS programs.* The board of directors of each direct lender association must establish a program to provide sound and constructive credit and services to YBS farmers and ranchers in its territory. Each YBS program must operate in a safe and sound manner and within the direct lender association's risk-bearing capacity, while meeting the unique needs of YBS farmers and ranchers. Such a program must include the following minimum components:

(1) *Qualitative factors*—(i) *Corporate governance.*

(A) A mission statement describing program objectives and specific means for achieving such objectives.

(B) Internal controls that establish clear lines of responsibility for YBS strategic plan development and the corresponding YBS program implementation, tracking YBS program performance, and YBS quarterly reporting to the association's board of directors.

(ii) *Credit and related services.* (A) Efforts to offer credit and related services, either directly or in coordination with others, that are responsive to the needs of the YBS farmers and ranchers in the territory. Examples include customized loan underwriting standards, loan guarantee programs, fee waivers, or other credit enhancements commensurate with the credit risk approved by the board of directors.

(B) Coordination with other System institutions in the territory and other governmental and private sources who offer credit and services to YBS farmers and ranchers.

(iii) *Marketing, outreach, and education.* Implementation of effective outreach programs to attract and retain YBS farmers and ranchers, which may include the use of advertising campaigns, educational programs, and advisory committees comprised of YBS farmers and ranchers and/or a YBS mentoring program to better serve and understand the needs of this lending segment.

(2) *Quantitative goals*—(i) *Annual quantitative goals.* Annual quantitative goals for credit to YBS farmers and ranchers based on an understanding of reasonably reliable demographic data for the lending territory. Direct lender associations must identify the sources of data used to establish the goals. Such goals must include at least one of the following:

(A) Loan volume and loan number goals for YBS farmers and ranchers in the territory;

(B) Percentage goals representative of the demographics for YBS farmers and ranchers in the territory;

(C) Percentage goals for loans made to new borrowers qualifying as YBS farmers and ranchers in the territory; or

(D) Goals for capital committed to loans made YBS farmers and ranchers in the territory.

(ii) *Board of directors approval and review.* Goals must be approved by the direct lender association's board of directors and reviewed quarterly with adjustments made as needed.

PART 620—DISCLOSURE TO SHAREHOLDERS

■ 3. The authority citation for part 620 continues to read as follows:

Authority: Secs. 4.3, 4.3A, 4.19, 5.9, 5.17, 5.19 of the Farm Credit Act (12 U.S.C. 2154, 2154a, 2207, 2243, 2252, 2254); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656; sec. 514 of Pub. L. 102–552, 106 Stat. 4102.

■ 4. Revise § 620.5(k)(2) to read as follows:

§ 620.5 Contents of the annual report to shareholders.

* * * * *

(k) * * *

(2) Each direct lender association must provide a description of its young, beginning, and small (YBS) farmers and ranchers program, including a status report on each program component as set forth in § 614.4165(d) of this chapter and the definitions of ''young,'' ''beginning,'' and ''small'' farmers and ranchers. The discussion must provide such other information necessary for a comprehensive understanding of the direct lender association's YBS program and its results.

* * * * *

Dated: June 9, 2022.

Ashley Waldron,

Secretary, Farm Credit Administration Board.

[FR Doc. 2022–12803 Filed 6–15–22; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0680; Project Identifier MCAI–2021–01415–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–22–03, which applies to all Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes. AD 2020–22–03 requires revising the existing airplane flight manual (AFM) to incorporate procedures to be applied if an engine bleed over-temperature occurs when the associated engine bleed valve is jammed open, and provides for the optional embodiment of updated flight warning computer (FWC) software, which terminates the AFM revision. Since the FAA issued AD 2020–22–03, new maintenance actions and software related to over-temperature failure conditions were developed. This proposed AD would continue to require the actions specified in AD 2020–22–03, would require accomplishing the new maintenance tasks and corrective actions, and would mandate embodiment of the updated FWC software for certain airplanes, as specified in a European Union Aviation Safety Agency (EASA), which is proposed for incorporation by reference. This proposed AD would also prohibit the installation of affected FWC software. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by 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 material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0680.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0680; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229; email: *vladimir.ulyanov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0680; Project Identifier MCAI–2021–01415–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential

under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229; email: *vladimir.ulyanov@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–22–03, Amendment 39–21299 (85 FR 66873, October 21, 2020) (AD 2020–22–03), which applies to all Airbus SAS Model A330–200, –200 Freighter, and –300 series airplanes. AD 2020–22–03 requires revising the existing AFM to incorporate procedures to be applied if an engine bleed over-temperature occurs when the associated engine bleed valve is jammed open. AD 2020–22–03 also provides for the optional embodiment of updated FWC software, which would terminate the AFM revision, as specified in EASA AD 2020–0205.

The FAA issued AD 2020–22–03 to address the possibility of a jammed engine bleed valve, which could lead to damage of the bleed manifold and the ducts downstream of the engine bleed system, exposure of the surrounding structure to heat stress, and possible reduced structural integrity of the airplane.

Actions Since AD 2020–22–03 Was Issued

Since the FAA issued AD 2020–22–03, it has been determined that new maintenance tasks for failures related to over-temperature conditions must be accomplished, and embodiment of updated FWC software must be mandated for certain airplanes.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0281, dated December 17, 2021 (EASA AD 2021–0281) (also referred to as the MCAI), to correct an unsafe condition for Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, and –243F airplanes, Model A330–301, –302, –303, –321, –322, –323, –341, –342, –343, and –743L airplanes.

Model A330–743L airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

EASA AD 2021–0281 specifies that after the software update (modification) required by this proposed AD is done on an airplane, that airplane remains compliant with the requirements of paragraph (2) of EASA AD 2020–0077 (which corresponds to FAA AD 2020–17–16, Amendment 39–21221 (85 FR 54900, September 3, 2020)). AD 2020–17–16 requires, among other actions, installing FWC standard T9 on Airbus SAS Model A330–200 and –300 series airplanes. This proposed AD would require installing FWC standard T9–3, which replaces FWC standard T9.

This proposed AD was prompted by the development of new maintenance actions and software related to over-temperature failure conditions. The FAA is proposing this AD to address the possibility of a jammed engine bleed valve, which could lead to damage of the bleed manifold and the ducts downstream of the engine bleed system, exposure of the surrounding structure to heat stress, and possible reduced structural integrity of the airplane. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2020–22–03, this proposed AD would retain the requirements of AD 2020–22–03. Those requirements are referenced in EASA AD 2021–0281, which, in turn, are referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0281 specifies procedures for amending the applicable AFM to incorporate procedures to be applied if an engine bleed over-temperature occurs when the associated engine bleed valve is jammed open. EASA AD 2020–0281 also specifies that embodiment of updated FWC software standard T9 would eliminate the need for the AFM amendment. EASA AD 2021–0281 also describes maintenance tasks for failures related to over-temperature conditions and corrective actions (repair). EASA AD 2021–0281 also specifies procedures for the embodiment of updated FWC software standard T9–3, and, for certain airplanes concurrent embodiment of system data acquisition concentrator (SDAC) software standard C13 or FWC software standard K3–2 and SDAC software standard C3–0A. Finally, EASA AD 2021–0281 prohibit the installation of affected FWC software (FWC software standard T9–2 or earlier). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0281 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also prohibit the installation of affected FWC software.

EASA AD 2021–0281 requires operators to ''inform all flight crews'' of revisions to the AFM, and thereafter to ''operate the aeroplane accordingly.'' However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot's training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating

this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0281 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0281 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0281 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0281. Service information required by EASA AD 2021–0281 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0680 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD affects 115 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision: 1 work-hour × $85 per hour = $85	$0	$85	$9,775.
Software Update: 3 work-hours × 85 per hour = $255	0	$255	Up to $29,325.
Maintenance Tasks: 7 work-hours × $85 per hour = $595	720	$595	$151,225.
Concurrent Actions: Up to 4 work-hours × $85 per hour = Up to $340	0	Up to $340	Up to $39,100.

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$0	$170

The FAA has received no definitive data that would enable the agency to provide cost estimates for the on-condition actions specified in this proposed 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–22–03, Amendment 39–21299 (85 FR 66873, October 21, 2020); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2022–0680; Project Identifier MCAI–2021–01415–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 1, 2022.

(b) Affected ADs

This AD replaces AD 2020–22–03, Amendment 39–21299 (85 FR 66873, October 21, 2020) (AD 2020–22–03).

(c) Applicability

This AD applies to all Airbus SAS Model airplanes, certificated in any category, as identified in paragraphs (c)(1) though (3) of this AD.

(1) Model A330–201, –202, –203, –223, and –243 airplanes.

(2) Model A330–223F and –243F airplanes.

(3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 75, Air; Code 36, Pnuematic.

(e) Unsafe Condition

This AD was prompted by a report that during a certification exercise, it was identified that there was a risk of an engine bleed system over-temperature, without the engine bleed valve closing; the associated engine bleed valve should automatically close. This AD was also prompted by the development of new maintenance actions and software related to over-temperature failure conditions. The FAA is issuing this AD to address the possibility of a jammed engine bleed valve, which could lead to damage of the bleed manifold and the ducts downstream of the engine bleed system, exposure of the surrounding structure to heat

stress, and possible reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0281, dated December 17, 2021 (EASA AD 2021–0281).

(h) Exceptions to EASA AD 2021–0281

(1) Where EASA AD 2021–0281 refers to October 1, 2020 (the effective date of EASA AD 2020–0205), this AD requires using November 5, 2020 (the effective date of AD 2020–22–03).

(2) Where EASA AD 2021–0281 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0281 specifies to ''inform all flight crews, and, thereafter, operate the aeroplane accordingly,'' this AD does not require those actions as those actions are already required by existing FAA operating regulations.

(4) Where paragraphs (6) and (7) of EASA AD 2021–0281 specifies actions if ''any discrepancies are detected,'' for this AD discrepancies include failures related to an over-temperature situation, hidden failures in equipment for a ''not isolated over-temperature'' failure condition, cracking on the exchanger outlet temperature sensor, or dual drift in the exchanger outlet temperature sensor.

(5) Where paragraph (11) of EASA AD 2021–0281 specifies that an airplane with certain modifications is compliant with ''the requirements of paragraph (2) of EASA AD 2020–0077,'' for this AD use ''for the corresponding requirements of paragraph (2) of EASA AD 2020–0077 that are required by paragraph (g) of AD 2020–17–16, Amendment 39–21221 (85 FR 54900, September 3, 2020).''

(6) The ''Remarks'' section of EASA AD 2021–0281 does not apply to this AD.

(i) No Reporting Requirements

Although the service information referenced in EASA AD 2021–0281 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (j)(2) of this AD, if any service information referenced in EASA AD 2021–0281 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Related Information

(1) For EASA AD 2021–0281, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0680.

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

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12936 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0679; Project Identifier MCAI–2021–01213–T]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This proposed AD was prompted by a determination that new and more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new and more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by 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 NPRM, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com*; internet *https://*

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

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0679; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Chirayu A. Gupta, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0679; Project Identifier MCAI–2021–01213–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 Chirayu A. Gupta, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–38, dated November 5, 2021 (TCCA AD CF–2021–38) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all MHI RJ Aviation ULC Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, Model CL–600–2C11 (Regional Jet Series 550) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0679.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. In-service reports of emergency ram air valve (ERAV) part number (P/N) GG670–95019–1 stuck in closed or partially open positions have been received. Further investigation revealed the ERAV is failing due to corrosion on multiple sub-components, causing an increase in the breakaway torque that cannot be overcome by the valve actuator. Based on these findings, MHI RJ Aviation ULC issued CRJ700/900/1000 Series Regional Jet Temporary Revision (TR) ALI–0744, dated April 27, 2021, which reduced the interval for the existing Maintenance Review Board (MRB) Task 215000–201, Operational Check of the Ram Air Shutoff Valve; and CRJ700/900/1000 Series Regional Jet TR ALI–0745, dated April 27, 2021, which added new MRB Task 215000–204, Detailed Inspection of the Pack Discharge and Ram Air Supply Duct. The FAA is proposing this AD to address in-service reports of ERAV P/N GG670–95019–1 stuck in closed or partially open positions, which if not corrected, could result in a complete loss of outside air supply, leading to an increase in flight deck and cabin temperatures and a possible increased level of contaminated air (carbon monoxide, carbon dioxide, or ozone). See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

MHI RJ Aviation issued the following TRs, which describe airworthiness limitations for the air conditioning system.

- CRJ700/900/1000 Series Regional Jet TR ALI–0744, dated April 27, 2021, specifies a reduced interval for the operational check of the ram air shutoff valve.
- CRJ700/900/1000 Series Regional Jet TR ALI–0745, dated April 27, 2021, describes a new MRB task for inspecting the pack discharge and ram air supply duct.

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed

AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (i)(1) of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 1,158 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2022–0679; Project Identifier MCAI–2021–01213–T.

(a) Comments Due Date

The FAA must receive comments by August 1, 2022.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC airplanes, certificated in any category, identified in paragraphs (c)(1) through (5) of this AD.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes.

(2) Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(3) Model CL–600–2D15 (Regional Jet Series 705) airplanes.

(4) Model CL–600–2D24 (Regional Jet Series 900) airplanes.

(5) Model CL–600–2E25 (Regional Jet Series 1000) airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 21, Air conditioning.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address in-service reports of emergency ram air valve part number GG670–95019–1 stuck in closed or partially open positions, which, if not corrected could result in a complete loss of outside air supply, leading to an increase in flight deck and cabin temperatures and a possible increased level of contaminated air (carbon monoxide, carbon dioxide, or ozone).

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

(1) Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in [MHI RJ] CRJ700/900/1000 Series Regional Jet Series Temporary Revision (TR) ALI–0744, dated April 27, 2021. The initial compliance time for doing the task is at the applicable time specified in paragraph (g)(1)(i) or (ii) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

(i) For airplanes that have accumulated less than 1,800 flight hours since the last operational check of the ram air shutoff valve was performed as specified in Maintenance Review Board (MRB) Task 215000–201, and for airplanes that have accumulated less than 1,800 flight hours from the date of issuance of the original airworthiness certificate or original export certificate of airworthiness: Within 3 months after the effective date of this AD, or before accumulating 1,800 total flight hours, whichever occurs later.

(ii) For airplanes that have accumulated 1,800 flight hours or more since the last operational check of the ram air shutoff valve was performed as specified in MRB Task 215000–201, and for airplanes that have accumulated 1,800 flight hours or more since the date of issuance of the original airworthiness certificate or original export certificate of airworthiness and for which no operational check of the valve has been performed: Within 3 months after the effective date of this AD or before accumulating 3,000 total flight hours, whichever occurs first.

(2) Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in [MHI RJ] CRJ700/900/1000 Series Regional Jet Series TR ALI–0745, dated April 27, 2021. The initial compliance time for doing the task is at the applicable time specified in paragraph (g)(2)(i) or (ii) of this AD, or within 90 days after the effective date of this AD, whichever occurs later.

(i) For airplanes that have accumulated less than 17,600 flight hours since the last detailed inspection of the pack discharge and ram air supply ducts was performed as specified in MRB Task 215000–204, and for airplanes that have accumulated less than 17,600 flight hours since the date of issuance of the original airworthiness certificate or original export certificate of airworthiness: Within 3 months after the effective date of this AD, or before accumulating 17,600 total flight hours, whichever occurs later.

(ii) For airplanes that have accumulated 17,600 flight hours or more since the last detailed inspection of the pack discharge and ram air supply ducts as specified in MRB

Task 215000–204, and for airplanes that have accumulated 17,600 flight hours or more since the date of issuance of the original airworthiness certificate or original export certificate of airworthiness, and for which no detailed inspection of the pack discharge and ram air supply ducts has been performed: Within 3 months after the effective date of this AD.

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals, may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–38, dated November 5, 2021, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0679.

(2) For more information about this AD, contact Chirayu A. Gupta, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact MHI RJ Aviation Group, Customer Response Center, 3655 Ave. des Grandes-Tourelles, Suite 110, Boisbriand, Québec J7H 0E2 Canada; North America toll-free telephone 833–990–7272 or direct-dial telephone 450–990–7272; fax 514–855–8501; email *thd.crj@mhirj.com*; internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12934 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0681; Project Identifier MCAI–2021–01292–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–2A12 airplanes. This proposed AD was prompted by reports that significant water accumulation was discovered in the oxygen service compartment access panels of multiple airplanes. This proposed AD would require modifying the oxygen service compartment door to introduce a means of water drainage. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by 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 NPRM, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com*; internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0681; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0681; Project Identifier MCAI–2021–01292–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM

contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Gabriel Kim, Aerospace Engineer, Mechanical Systems and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued TCCA AD CF–2021–40, dated November 19, 2021 (TCCA AD CF–2021–40) (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–2A12 airplanes. You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0681.

This proposed AD was prompted by reports that significant water accumulation was discovered in the oxygen service compartment access panels during production activities on multiple airplanes. An investigation concluded that this compartment had insufficient means of water drainage when the oxygen servicing pressure box and passenger door switch pressure box access panel doors are closed. The oxygen servicing pressure box panel may submerge the O_2 indicator (pressure gauge) dial, which is not rated for immersion and can potentially lead to its failure, causing an oxygen leakage. The FAA is proposing this AD to address water ingress through the oxygen service compartment access panels of the oxygen servicing pressure box and passenger door switch pressure box. If not addressed, the freeze/thaw cycle of accumulated water may damage oxygen connections inside the compartment, leading to oxygen leakage and risk of fire in the presence of an ignition source. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 700–52–7508, Revision 01, dated January 13, 2021. This service information describes procedures for, among other actions not specified in this proposed AD, modifying the oxygen service compartment door to introduce a means of water drainage. The modification also includes a general visual inspection for damage of the oxygen access panel placard, and replacement of a damaged placard.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 40 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
4 work-hours × $85 per hour = $340	$0	$340	$13,600

The FAA estimates the following costs to do any necessary on-condition action that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$40	$125

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil

aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2022–0681; Project Identifier MCAI–2021–01292–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 1, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–2A12 airplanes, certificated in any category, as identified in Bombardier Service Bulletin 700–52–7508, Revision 01, dated January 13, 2021.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports that significant water accumulation was discovered in the oxygen service compartment of multiple airplanes. The FAA is issuing this AD to address water ingress through oxygen service compartment access panels. If not addressed, the freeze/thaw cycle of accumulated water may damage oxygen connections inside the compartment, leading to oxygen leakage and risk of fire in the presence of an ignition source.

(f) Compliance

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

(g) Required Actions

Within 25 months after the effective date of this AD: Modify the oxygen service compartment door in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 700–52–7508, Revision 1, dated January 13, 2021.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–52–7508, dated September 4, 2020.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) TCCA AD CF–2021–40, dated November 19, 2021, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0681.

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

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com*; internet *https://www.bombardier.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12937 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–1105; Project Identifier AD–2020–01459–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to remove Airworthiness Directive (AD) 2020–25–03, which applies to all Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2020–25–03 requires repetitive checks of the pressure gauges on the inflation reservoir of each emergency escape slide/raft to determine the amount of pressure, and applicable corrective actions. AD 2020–25–03 also provides optional terminating action for the repetitive checks. AD 2020–25–03 is no longer necessary because the unsafe condition no longer exists. Accordingly, the FAA proposes to remove AD 2020–25–03.

DATES: The FAA must receive comments on this proposed 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.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–1105; 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 proposed AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *Dan.Rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2020–1105; Project Identifier AD–2020–01459–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this 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 Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *Dan.Rodina@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, previously issued AD 2020–0236, dated October 27, 2020 (EASA AD 2020–0236) (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; and Model A321 series airplanes.

The FAA issued corresponding AD 2020–25–03, Amendment 39–21345 (85 FR 79415, December 10, 2020) (AD 2020–25–03), for those airplanes except for Model A319–153N and A320–215 airplanes, which are not included on the U.S. type certificate data sheet. AD 2020–25–03 requires repetitive checks of the pressure gauges on the inflation reservoir of each emergency escape slide/raft to determine the amount of pressure, and applicable corrective actions. AD 2020–25–03 also provides optional terminating action for the repetitive checks. AD 2020–25–03 was prompted by a report of a loud bang heard during airplane boarding. A subsequent inspection revealed that one emergency escape slide/raft was found with zero reservoir pressure due to a burst rupture disk assembly in the inflation reservoir, which was probably caused by a manufacturing defect. The FAA issued AD 2020–25–03 to address insufficient reservoir pressure in an emergency escape slide/raft, which would prevent the deployment of the emergency escape slide/raft during an emergency, possibly resulting in injury to the occupants.

Actions Since AD 2020–25–03 Was Issued

Since the FAA issued AD 2020–25–03, EASA issued AD 2020–0236–CN, dated May 16, 2022, to cancel EASA AD 2020–0236. EASA has advised the FAA that SAFRAN Aerosystems, the manufacturer of the affected parts, produced service information with instructions for replacement of the rupture disk during overhaul of the affected parts. EASA reports that no rupture disk failures have occurred in service or during overhaul. Consequently, new risk analysis determined that an unsafe condition no longer exists that would warrant AD action.

On March 16, 2022, the FAA issued Special Airworthiness Information Bulletin (SAIB) 2022–06 to recommend replacement of the affected parts during overhaul.

FAA's Conclusions

Upon further consideration, the FAA has determined that AD 2020–25–03 is no longer appropriate. Accordingly, this proposed AD would remove AD 2020–25–03. Removal of AD 2020–25–03 would not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

Related Costs of Compliance

This proposed AD would add no cost. This proposed AD would remove AD 2020–25–03 from 14 CFR part 39; therefore, operators would no longer be required to show compliance with that 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.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive AD 2020–25–03, Amendment 39–21345 (85 FR 79415, December 10, 2020), and

■ b. Adding the following new airworthiness directive:

Airbus SAS: Docket No. FAA–2020–1105; Project Identifier AD–2020–01459–T.

(a) Comments Due Date

The FAA must receive comments on this AD action by August 1, 2022.

(b) Affected Airworthiness Directive (AD)

This AD replaces AD 2020–25–03, Amendment 39–21345 (85 FR 79415, December 10, 2020).

(c) Applicability

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

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

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

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

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

(d) Related Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3225; email *Dan.Rodina@faa.gov.*

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12935 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0678; Project Identifier MCAI–2022–00067–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2021–16–03, which applies to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–16–03 requires an inspection for missing or incorrect application of the lightning strike edge glow sealant protection at certain locations in the wing tanks, and corrective action. Since the FAA issued AD 2021–16–03, a modification was developed to restore two independent layers of lightning strike protection on the wing upper cover. This proposed AD would continue to require the actions of AD 2021–16–03 and would require a modification to restore two independent layers of lightning strike protection, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu.* You may find this material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0678.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0678; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0678; Project Identifier

MCAI–2022–00067–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–16–03, Amendment 39–21665 (86 FR 47555, August 26, 2021) (AD 2021–16–03), which applies to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2021–16–03 requires an inspection for missing or incorrect application of the lightning strike edge glow sealant protection at certain locations in the wing tanks, and corrective action. The FAA issued AD 2021–16–03 to address missing or incorrectly applied sealant, which in combination with an undetected incorrect installation of an adjacent fastener and a lightning strike in the immediate area, could result in ignition of the fuel-air mixture inside the affected fuel tanks and loss of the airplane.

Actions Since AD 2021–16–03 Was Issued

Since the FAA issued AD 2021–16–03, Airbus developed new service information to address this issue by providing a modification to aircraft wing upper cover locations that may be affected. Embodiment of this modification ensures that the correction of missing sealant will restore the two independent layers of lightning strike protection. In addition, the compliance time for the inspections was revised from ''the next scheduled maintenance tank entry, or before exceeding 6 years from Airbus date of manufacture'' to ''the next scheduled maintenance tank entry, or before exceeding 78 months since Airbus date of manufacture.''

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0011, dated January 21, 2022 (EASA AD 2022–0011) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–941 and –1041 airplanes.

This proposed AD was prompted by in-production findings of missing or incorrect application of the lightning strike edge glow sealant protection at specific locations in the wing tanks, and by the development of a modification to restore two independent layers of lightning strike protection on the wing upper cover. The FAA is proposing this AD to address missing or incorrectly applied sealant, which in combination with an undetected incorrect installation of an adjacent fastener and a lightning strike in the immediate area, could result in ignition of the fuel-air mixture inside the affected fuel tanks and loss of the airplane. See the MCAI for additional background information.

Explanation of Retained Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2021–16–03, this proposed AD would retain all of the requirements of AD 2021–16–03. Those requirements are referenced in EASA AD 2022–0011, which, in turn, is referenced in paragraph (g) of this proposed AD.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0011 specifies procedures for an inspection for missing or incorrect application of the lightning strike edge glow sealant protection at certain locations in the wing tanks (discrepancies), and corrective action. Corrective actions include applying sealant in areas where sealant was found to be missing or incorrectly applied. EASA AD 2022–0011 also specified procedures for a modification to restore two independent layers of lightning strike protection on the wing upper cover.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0011 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0011 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0011 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0011 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0011.

Service information required by EASA AD 2022–0011 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0678 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this proposed AD affects 27 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–16–03	Up to 67 work-hours × $85 per hour = $5,695.	$0	Up to $5,695	Up to $153,765.
New proposed actions (modification)	Up to 55 work-hours × $85 per hour = $4,675.	Up to $500	Up to $5,175	Up to $139,725.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–16–03, Amendment 39–21665 (86 FR 47555, August 26, 2021); and

■ b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2022–0678; Project Identifier MCAI–2022–00067–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by August 1, 2022.

(b) Affected ADs

This AD replaces AD 2021–16–03, Amendment 39–21665 (86 FR 47555, August 26, 2021) (AD 2021–16–03).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0011, dated January 21, 2022 (EASA AD 2022–0011).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by in-production findings of missing or incorrect application of the lightning strike edge glow sealant protection at specific locations in the wing tanks and by the development of a modification to restore two independent layers of lightning strike protection on the wing upper cover. The FAA is issuing this AD to address missing or incorrectly applied sealant, which in combination with an undetected incorrect installation of an adjacent fastener and a lightning strike in the immediate area, could result in ignition of the fuel-air mixture inside the affected fuel tanks and loss of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0011.

(h) Exceptions to EASA AD 2022–0011

(1) Where EASA AD 2022–0011 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2022–0011 refers to October 27, 2020 (the effective date of EASA AD 2020–0220), this AD requires using September 30, 2021 (the effective date of AD 2021–16–03).

(3) Where paragraph (1) of EASA AD 2022–0011 gives a compliance time of ''the next scheduled maintenance tank entry, or before exceeding 78 months since Airbus date of manufacture, whichever occurs first after 27 October 2020 [the effective date of EASA AD 2020–0220],'' for this AD, the compliance time is the later of the times specified in paragraphs (h)(3)(i) and (ii) of this AD.

(i) The next scheduled maintenance tank entry, or before exceeding 78 months since Airbus date of manufacture, whichever occurs first after September30, 2021 (the effective date of AD 2021–16–03).

(ii) Within 12 months after September 30, 2021 (the effective date of AD 2021–16–03).

(4) Where paragraph (2) of EASA AD 2022–0011 refers to ''discrepancies,'' for this AD, discrepancies include missing or incorrectly applied sealant.

(5) Where paragraph (3) of EASA AD 2022–0011 gives a compliance time of ''the next scheduled maintenance tank entry, or before exceeding 78 months since Airbus date of manufacture, whichever occurs first after the effective date of this [EASA] AD,'' for this AD, the compliance time is the later of the times specified in paragraphs (h)(5)(i) and (ii) of this AD.

(i) The next scheduled maintenance tank entry, or before exceeding 78 months since Airbus date of manufacture, whichever occurs first after the effective date of this AD.

(ii) Within 12 months after the effective date of this AD.

(6) The ''Remarks'' section of EASA AD 2022–0011 does not apply to this AD.

(i) Additional FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(j) Related Information

(1) For EASA AD 2022–0011, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *www.easa.europa.eu*. You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0678.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

Issued on June 10, 2022.

Christina Underwood,

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

[FR Doc. 2022–12933 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 514

RIN 3141–AA77

Fees

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend agency procedures for calculating the amount of annual fee a gaming operation owes the National Indian Gaming Commission. Comments sent to the listed email address, *information@nigc.gov,* may not have been received. In order to ensure that all submitted comments are received by the Commission for review, the NIGC is reopening the comment period for seven days to allow anyone that submitted comments during the original comment period to resubmit. If comments were submitted in any of the other methods specified in the Notice of Proposed Rulemaking, the NIGC received those comments, and there is no need to resubmit.

DATES: The comment period for the proposed rule published in the **Federal Register** on December 2, 2021, at 86 FR 68445, and corrected on January 14, 2022 at 87 FR 2383, is reopened. Comments should be received on or before June 23, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: information@nigc.gov.*
- *Mail:* National Indian Gaming Commission, 1849 C Street NW, MS 1621, Washington, DC 20240.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.
- *Hand Delivery:* National Indian Gaming Commission, 90 K Street NE, Suite 200, Washington, DC 20002, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission; Telephone: (202) 632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend agency procedures for calculating the amount of annual fee a gaming operation owes the National Indian Gaming Commission.

II. Reopening of Comment Period

Due to technical difficulties, comments sent to the email address *information@nigc.gov,* may not have been received by the NIGC. The NIGC has since corrected the issue and the email address is able to receive

submissions. So that the Commission may ensure that it may consider all comments, it is reopening the comment period for seven days. Please resubmit at comments sent via email to the same email address.

Michael Hoenig,

General Counsel.

[FR Doc. 2022–13024 Filed 6–15–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 518

RIN 3141–AA72

Self-Regulation of Class II Gaming

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On April 7, 2022, the National Indian Gaming Commission published a proposed to amend its regulations regarding self-regulation of Class II gaming under the Indian Gaming Regulatory Act. Comments sent to the listed email address, *information@nigc.gov,* may not have been received. In order to ensure that all submitted comments are received by the Commission for review, the NIGC is reopening the comment period for seven days to allow anyone that submitted comments during the original comment period to resubmit. If comments were submitted in any of the other methods specified in the Notice of Proposed Rulemaking, the NIGC received those comments, and there is no need to resubmit.

DATES: The comment period for the proposed rule published in the **Federal Register** on April 7, 2022 at 87 FR 20351 is reopened. Comments should be received on or before June 23, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: information@nigc.gov.*
- *Mail:* National Indian Gaming Commission, 1849 C Street NW, MS 1621, Washington, DC 20240.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.
- *Hand Delivery:* National Indian Gaming Commission, 90 K Street NE, Suite 200, Washington, DC 20002, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission; Telephone: (202) 632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend its regulations regarding self-regulation of Class II gaming under the Indian Gaming Regulatory Act.

II. Reopening of Comment Period

Due to technical difficulties, comments sent to the email address *information@nigc.gov,* may not have been received by the NIGC. The NIGC has since corrected the issue and the email address is able to receive submissions. So that the Commission may ensure that it may consider all comments, it is reopening the comment period for seven days. Please resubmit at comments sent via email to the same email address.

Michael Hoenig,

General Counsel.

[FR Doc. 2022–13019 Filed 6–15–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 522

RIN 3141–AA73

Submission of Gaming Ordinance or Resolution

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On December 9, 2021, the National Indian Gaming Commission published a proposed rule to amend the regulations for the Submission of a Gaming Ordinance or Resolution under the Indian Gaming Regulatory Act. Comments sent to the listed email address, *information@nigc.gov,* may not have been received. In order to ensure that all submitted comments are received by the Commission for review, the NIGC is reopening the comment period for seven days to allow anyone that submitted comments during the original comment period to resubmit. If comments were submitted in any of the other methods specified in the Notice of Proposed Rulemaking, the NIGC received those comments, and there is no need to resubmit.

DATES: The comment period for the proposed rule published in the **Federal Register** on December 2, 2021, at 86 FR 68445, and corrected on January 14, 2022 at 87 FR 2383, is reopened. Comments should be received on or before June 23, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: information@nigc.gov.*
- *Mail:* National Indian Gaming Commission, 1849 C Street NW, MS 1621, Washington, DC 20240.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.
- *Hand Delivery:* National Indian Gaming Commission, 90 K Street NE, Suite 200, Washington, DC 20002, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission; Telephone: (202) 632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend regulations for the Submission of Gaming Ordinances or Resolutions under the Indian Gaming Regulatory Act.

II. Reopening of Comment Period

Due to technical difficulties, comments sent to the email address *information@nigc.gov,* may not have been received by the NIGC. The NIGC has since corrected the issue and the email address is able to receive submissions. So that the Commission may ensure that it may consider all comments, it is reopening the comment period for seven days. Please resubmit at comments sent via email to the same email address.

Michael Hoenig,

General Counsel.

[FR Doc. 2022–13020 Filed 6–15–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 537

RIN 3141–AA58

Background Investigations for Persons or Entities With a Financial Interest in or Having a Management Responsibility for a Management Contract

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend the part 537 procedures for processing a request for approval of a management contract under the Indian Gaming Regulatory Act. Comments sent to the listed email address, *information@nigc.gov,* may not have been received. In order to ensure that all submitted comments are received by the Commission for review, the NIGC is reopening the comment period for seven days to allow anyone that submitted comments during the original comment period to resubmit. If comments were submitted in any of the other methods specified in the Notice of Proposed Rulemaking, the NIGC received those comments, and there is no need to resubmit.

DATES: The comment period for the proposed rule published in the **Federal Register** on December 2, 2021, at 86 FR 68446, and corrected on January 14, 2022 at 87 FR 2383, is reopened. Comments should be received on or before June 23, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: information@nigc.gov.*
- *Mail:* National Indian Gaming Commission, 1849 C Street NW, MS 1621, Washington, DC 20240.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.
- *Hand Delivery:* National Indian Gaming Commission, 90 K Street NE, Suite 200, Washington, DC 20002, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission; Telephone: (202) 632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

On December 2, 2021, the National Indian Gaming Commission published a proposed rule to amend its procedures for processing a request for approval of a management contract under the Indian Gaming Regulatory Act.

II. Reopening of Comment Period

Due to technical difficulties, comments sent to the email address *information@nigc.gov,* may not have been received by the NIGC. The NIGC has since corrected the issue and the email address is able to receive submissions. So that the Commission may ensure that it may consider all comments, it is reopening the comment period for seven days. Please resubmit at comments sent via email to the same email address.

Michael Hoenig,

General Counsel.

[FR Doc. 2022–13021 Filed 6–15–22; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

25 CFR Part 559

RIN 3141–AA76

Facility License Notifications

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On December 1, 2021, the National Indian Gaming Commission published a proposed rule to amend the Agency's facility license notification regulations. Due to a technical issue, Comments sent to the listed email address, *information@nigc.gov,* may not have been received. In order to ensure that all submitted comments are received by the Commission for review, the NIGC is reopening the comment period for seven days to allow anyone that submitted comments during the original comment period to resubmit. If comments were submitted in any of the other methods specified in the Notice of Proposed Rulemaking, the NIGC received those comments, and there is no need to resubmit.

DATES: The comment period for the proposed rule published in the **Federal Register** on December 1, 2021, at 86 FR 68200, and corrected on January 13, 2022 at 87 FR 2095, is reopened. Comments should be received on or before June 23, 2022.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: information@nigc.gov.*
- *Mail:* National Indian Gaming Commission, 1849 C Street NW, MS 1621, Washington, DC 20240.
- *Fax comments to:* National Indian Gaming Commission at 202–632–0045.
- *Hand Delivery:* National Indian Gaming Commission, 90 K Street NE, Suite 200, Washington, DC 20002, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Hoenig, National Indian Gaming Commission; Telephone: (202) 632–7003.

SUPPLEMENTARY INFORMATION:

I. Background

On December 1, 2021, the National Indian Gaming Commission published a proposed rule to amend the Agency's facility license notification regulations. The proposed rule would modify the requirement that facility license notice submissions include a name and address of the proposed gaming facility. Specifically, the National Indian Gaming Commission would require the submission of the name and address of the property only if known when the facility license notification is submitted to the NIGC Chair. The Commission proposes this action to assist tribal governments, and tribal gaming regulatory authorities that face challenges in meeting the regulatory requirement in instances where a facility has not been issued a name or address.

II. Reopening of Comment Period

Due to technical difficulties, comments sent to the email address *information@nigc.gov,* may not have been received by the NIGC. The NIGC has since corrected the issue and the email address is able to receive submissions. So that the Commission may ensure that it may consider all comments, it is reopening the comment period for seven days. Please resubmit at comments sent via email to the same email address.

Michael Hoenig,

General Counsel.

[FR Doc. 2022–13018 Filed 6–15–22; 8:45 am]

BILLING CODE 7565–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2021–0253; FRL–8506–03–OAR]

RIN 2060–AV29

Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock; Withdrawal of Proposed Rule

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule; withdrawal.

SUMMARY: On September 29, 2021, the U.S. EPA issued a proposed rulemaking to require the control, capture, and/or destruction of a hydrofluorocarbon that would otherwise be emitted from manufacture of hydrochlorofluorocarbons. Specifically, EPA proposed to require companies to control, capture, and/or destroy HFC–23 byproduct generated at plants that manufacture class II ozone-depleting substances regulated under current Clean Air Act regulations, such as HCFC–22. Upon our consideration of comments and based on further action by EPA, EPA is now withdrawing the proposed requirements described in that proposed rule. This document summarizes the proposed rule and provides an explanation for the Agency's decision not to finalize the proposed action.

DATES: The U.S. EPA is withdrawing the proposed rule published September 29, 2021 (86 FR 53916), as of June 16, 2022.

ADDRESSES: EPA established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0253. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information may not be publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard-copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov,* or in hard copy at the EPA Docket Center, WJC West Building, Room Number 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday (except Federal Holidays). The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Docket Center is (202) 566–1742. For further information on the EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: John Feather, U.S. Environmental Protection Agency, Stratospheric Protection Division; telephone number 202–564–1230; or email address: *feather.john@epa.gov.* You may also visit our website at *https://www.epa.gov/ozone-layer-protection* for further information.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' ''the Agency,'' or ''our'' is used, we mean EPA. Acronyms that are used in this rulemaking that may be helpful include:

AIM Act—American Innovation and Manufacturing Act
CAA—Clean Air Act
CBI—Confidential Business Information
CFR—Code of Federal Regulations
EPA—Environmental Protection Agency
FR—Federal Register
HCFC—Hydrochlorofluorocarbon
HFC—Hydrofluorocarbon
ODS—Ozone-depleting substances
U.S.C.—United States Code

I. General Information

A. Does this action apply to me?

You may be interested in this action if you manufacture class II ozone-depleting substances (ODS) listed at 40 CFR part 82, subpart A, Appendix B, and hydrofluorocarbon-23 (HFC–23) is also generated as a byproduct at your plant. This action may also be of interest to the public in general.

B. Why is EPA issuing this withdrawal of the proposed rule?

This document serves the following purposes:

1. It announces to the public that EPA is withdrawing a proposed rule for which the Agency no longer intends to issue a final rule; and

2. It officially terminates the ongoing rulemaking activity, which allows the Agency to close out the individual rulemaking entry for these actions that appear in EPA's Semiannual Regulatory Agenda.

C. What is the Agency's authority for this action?

The proposed action relied on authority provided by several sections of the Clean Air Act (CAA).[1] Section 603 provides authority to establish monitoring and reporting requirements for ODS, and section 605 provides authority to phase out the production and consumption of class II substances, to restrict the use of class II ODS, and to promulgate regulations associated with the production of class II ODS. EPA's regulations implementing the production and consumption controls for class II substances, including provisions implementing exceptions to those controls, can be found at 40 CFR part 82, subpart A.

To the extent the proposal involved recordkeeping and reporting requirements, it also relied on EPA's authority under section 114 of the CAA, which authorizes the EPA Administrator to require recordkeeping and reporting in carrying out any provision of the CAA (with certain exceptions that were not applicable to the proposed rulemaking). Additional authority for electronic reporting comes from the Government Paperwork Elimination Act (44 U.S.C. 3504), which provides ''(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and (2) for the use and acceptance of electronic signatures, when practicable.''

II. Background

EPA issued a proposed rule under sections 603 and 605 of the CAA, 42 U.S.C. 7671(b) and 7671(d), (86 FR 53916, September 29, 2021) (FRL–8506–01–OAR) to require companies to control, capture, and/or destroy HFC–23 byproduct generated at plants that manufacture class II ODS (*i.e.,* hydrochlorofluorocarbons (HCFCs)) regulated under current CAA regulations.

HFC–23 is a very potent greenhouse gas that is generated as a byproduct during the manufacture of certain HCFCs, including HCFC–22. Under the CAA and the implementing regulations, the production and consumption of HCFCs are restricted with limited exceptions. One such exception is production for use in transformation, or as a feedstock, which is allowed indefinitely. The Agency planned to limit emissions of HFC–23 from plants manufacturing HCFCs. In the proposal

[1] The Clean Air Act provisions addressing stratospheric ozone protection are codified at 42 U.S.C. 7671–7671q.

that EPA is withdrawing, EPA proposed standards for these emissions under the CAA. Specifically, EPA proposed that no later than October 1, 2022, as compared to the amount of HCFCs intentionally manufactured on a facility line, no more than 0.1 percent of HFC–23 generated on the line may be emitted. Proposed requirements were that HFC–23 byproduct must be captured and employed for a commercial use or destroyed using a technology approved by EPA, thereby ensuring it was not directly emitted. The proposed rule being withdrawn also referenced another proposed rulemaking under authority from the American Innovation and Manufacturing Act of 2020 (AIM Act), and stated in footnote 6, ''If that proposed approach under the AIM Act were to be finalized, all generation of HFC–23 would be regulated, including HFC–23 generated as a byproduct during production of HCFCs for feedstock use. Under such a scenario, EPA anticipates that it would not finalize this proposal'' (86 FR 53918).

On October 5, 2021, EPA finalized that rule, ''Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act'' (HFC Allocation Framework Rule) at 86 FR 55116, which codified regulatory standards for these HFC–23 byproducts (40 CFR 84.27). This HFC Allocation Framework Rule used EPA's discretion under the AIM Act to restrict the use of allocated allowances for HFC–23 byproducts to those that were consumptive, or to otherwise destroy the HFC–23 byproducts, and disallowed emitting HFC–23 at quantities greater than 0.1 percent of the amount of chemical intentionally produced on a facility line. The finalized HFC Allocation Framework Rule codified regulatory requirements that are duplicative of the proposed requirements included in the proposed rule being withdrawn.

As noted, EPA stated in footnote 6 of the proposal that it anticipated not finalizing this proposed rule if it were to finalize HFC–23 requirements under the referenced AIM Act rulemaking. EPA solicited comment on whether, in such a scenario, ''this CAA-specific rulemaking would still be beneficial'' (86 FR 53918). One commenter supported not finalizing this CAA-specific rulemaking if the AIM Act HFC–23 requirements were finalized. A separate commenter supported finalizing overlapping requirements due to a perceived benefit in reducing HFC–23 emissions and implementing the requirements but did not provide a supporting rationale. Additional comments on the proposed rule were submitted and are not relevant to the Agency's decision on whether to withdraw this proposed rule.

III. How does EPA intend to proceed?

Given the issuance of the HFC Allocation Framework Rule that codified regulatory standards that are duplicative of the requirements proposed in the proposed rule being withdrawn through this document, EPA has determined that finalizing the proposed rule would be unnecessarily duplicative. We considered comments on this issue to the proposed rule that is being withdrawn, but the one comment in favor of overlapping requirements did not justify that approach. That comment did not change our conclusion that the requirements proposed in the proposed rule being withdrawn are duplicative of what EPA has already established, and thus are not necessary.

For these reasons, EPA is withdrawing the proposed rule that was published on September 29, 2021 (86 FR 53916; FRL–8506–01–OAR).

IV. Impact Analysis

Because EPA is not promulgating any regulatory requirements, there are no compliance costs or impacts associated with this notice.

V. Statutory and Executive Order Reviews

This document does not establish new regulatory requirements. Hence, the requirements of other regulatory statutes and Executive Orders that generally apply to rulemakings (*e.g.,* the Unfunded Mandate Reform Act) do not apply.

Michael S. Regan,

Administrator.

[FR Doc. 2022–13007 Filed 6–15–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 36, 51, and 54

[WC Docket Nos. 10–90, 14–58, 09–197, 16–271; RM–11868; FCC 22–35; FR ID 89579]

Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible To Received Universal Service Support

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) seeks comment on a proposal by the ACAM Broadband Coalition (Coalition) to achieve widespread deployment of 100/20 Mbps broadband service throughout the rural areas served by carriers currently receiving Alternative Connect America Model (A–CAM) support.

DATES: Comments are due on or before July 18, 2022, and reply comments are due on or before August 1, 2022.

If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this document, you should advise the contact listed in the following as soon as possible.

ADDRESSES: You may submit comments, identified by WC Docket No. 10–90, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *www.fcc.gov/ecfs.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See* FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, 35 FCC Rcd 2788, 2788–89 (OS 2020).

Comments and reply comments exceeding ten pages must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with § 1.49 and all other applicable sections of the Commission's rules. The Commission directs all interested parties to include the name of the filing party and the date of the filing on each page of their

comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission. The Commission also strongly encourages parties to track the organization set forth in the Notice of Proposed Rulemaking (NPRM) in order to facilitate the Commission's internal review process.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202)418–0530 (voice), (202)418–0432 (tty).

FOR FURTHER INFORMATION CONTACT: For further information, please contact, Theodore Burmeister, Telecommunications Access Policy Division, Wireline Competition Bureau, at *Theodore.Burmeister@fcc.gov* or 202–418–7400, or Jesse Jachman, Telecommunications Access Policy Division, Wireline Competition Bureau, at *Jesse.Jachman@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's NPRM in WC Docket Nos. 10–90, 14–58,09–197, 16–271 and RM–11868, adopted on May 19, 2022 and released on May 20, 2022. Due to the COVID–19 pandemic, the Commission's headquarters will be closed to the general public until further notice. The full text of this document is available at the following internet address: *https://www.fcc.gov/document/fcc-proposes-higher-speed-goals-small-rural-broadband-providers-0.*

Ex Parte Presentations—Permit-But-Disclose. The proceeding this Notice of Proposed Rulemaking initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies).

In light of the Commission's trust relationship with Tribal Nations and its commitment to engage in government-to-government consultation with them, the Commission finds the public interest requires a limited modification of the *ex parte* rules in this proceeding. Tribal Nations, like other interested parties, should file comments, reply comments, and *ex parte* presentations in the record to put facts and arguments before the Commission in a manner such that they may be relied upon in the decision-making process consistent with the requirements of the Administrative Procedure Act. However, at the option of the Tribe, *ex parte* presentations made during consultations by elected and appointed leaders and duly appointed representatives of federally recognized Indian Tribes and Alaska Native Villages to Commission decision makers shall be exempt from disclosure in permit-but-disclose proceedings and exempt from the prohibitions during the Sunshine Agenda period. To be clear, while the Commission recognizes consultation is critically important, it emphasizes that the Commission will rely in its decision-making only on those presentations that are placed in the public record for this proceeding.

Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

I. Introduction

1. In the NPRM, the Commission seeks comment on a proposal by the Coalition to achieve widespread deployment of 100/20 Mbps broadband service throughout the rural areas served by carriers currently receiving A–CAM support. The areas served by A–CAM recipients are among the costliest to serve in the nation, and by improving access to modern communications services, the Commission can help connect individuals living in rural areas to high-speed broadband. In seeking comment on the Coalition's proposal, the Commission recognizes that the Infrastructure Investment and Jobs Act (Infrastructure Act) recently created several pathways for federal agencies, in partnership with the states, to fund deployment of broadband in unserved and underserved areas. Given that A–CAM is already supporting the deployment and ongoing provision of some level of broadband service in rural areas through 2028 for most A–CAM carriers, enhancements to the A–CAM program, as the Coalition has proposed, may be an efficient means of funding deployment in a manner complementary to other federal and state efforts. If appropriately high-quality broadband can be deployed in a cost-effective manner by A–CAM carriers pursuant to the cost model, other agencies and the states will be able to target their Infrastructure Act funds to achieve more deployment elsewhere.

2. In this NPRM, the Commission also initiates a targeted inquiry into the management and administration of the high-cost program. For more than a decade, the Commission has made substantial progress reforming and modernizing the various high-cost support mechanisms and has gained valuable experience administering and overseeing the program. Based on those lessons learned, the Commission proposes targeted modifications to its rules to improve the efficiency and efficacy of the high-cost program.

3. In the *2016 Rate-of-Return Reform Order,* 81 FR 24282, April 25, 2016, the Commission provided rate-of-return carriers a voluntary path from traditional rate-of-return support to model-based high-cost universal service support (A–CAM I), tailored to reflect the specific requirements in rate-of-return areas. The A–CAM model was used to establish fixed monthly support amounts over a ten-year term in exchange for broadband deployment to a pre-determined number of eligible locations. The Commission directed the Bureau to calculate support as model-estimated costs for eligible census blocks in excess of the funding threshold of $52.50 per location per month up to the cap of $200. Carriers were obligated to deploy broadband at speeds of at least 25/3 Mbps or 10/1 Mbps to a number of locations equal to the number of fully funded locations (*i.e.,* locations in eligible census blocks which the model determined could be

served for costs at or below the funding cap), and at least 4/1 Mbps or service on reasonable request to a number of locations equal to the number of capped locations (*i.e.,* locations in eligible census blocks which the model determined could be served for costs above the funding cap). Each carrier's specific mix of 25/3 Mbps or 10/1 Mbps obligations, and 4/1 Mbps or reasonable request obligations, was based on the housing unit density of the eligible areas in the offer. These deployment obligations could be met by serving any eligible location, whether fully funded or capped. Carriers that elected A–CAM I were required to elect for all affiliated study areas in the state.

4. The Commission excluded from A–CAM eligibility carriers that had reported deploying 10/1 Mbps service to more than 90% of eligible locations. For those carriers eligible to participate in A–CAM I, the Commission concluded that it would not provide support for locations in census blocks served by an unsubsidized competitor offering at least 10/1 Mbps, and locations in census blocks where the incumbent already deployed fiber to the premises (FTTP) or was providing 10/1 Mbps or better broadband using cable technologies.

5. To award support, the Bureau announced A–CAM I offer amounts and deployment obligations predicated on a monthly funding cap of $200 per location. Faced with substantial carrier interest in the offer and demand beyond the Commission-approved budget, however, the Commission later allocated an additional $50 million annually to the A–CAM I budget and adopted other measures to ensure that the model-based support stayed within the revised budget, including a reduced funding cap below $200 per location for most carriers. In the *March 2018 Rate-of-Return Reform Order and NPRM,* 83 FR 18951, May 1, 2018 and 83 FR 17968, April 25, 2018, the Commission authorized additional support for another offer to A–CAM I carriers, pursuant to which the funding cap was increased to $146.10 per location for carriers that elected it.

6. In the *December 2018 Rate-of-Return Reform Order,* 84 FR 4711, February 19, 2019, the Commission adopted another additional offer for carriers that had previously elected A–CAM. Pursuant to this Revised A–CAM I, the funding cap was increased to $200 per location per month for all electing carriers, and the term of support was extended by two years, through 2028, in exchange for increased 25/3 Mbps deployment obligations. The Bureau extended offers to eligible carriers in April 2019 and authorized Revised A–CAM I support in May 2019.

7. In the *December 2018 Rate-of-Return Reform Order,* the Commission also adopted a new model offer, A–CAM II, for carriers still receiving support pursuant to legacy support mechanisms based on historical costs, including carriers not previously eligible for A–CAM I. Consistent with Revised A–CAM I, the Commission set the per-location cap for A–CAM II at $200. For A–CAM II, the Commission revised the model parameters to include as eligible blocks those census blocks where the incumbent or its affiliate already provided FTTP or cable service. Further, the Commission excluded as ineligible census blocks served by unsubsidized competitors only if the unsubsidized competitors provided voice and at least 25/3 Mbps service under the then-most recently available FCC Form 477 data. Finally, the A–CAM II model parameters included a Tribal Broadband Factor, which set the funding threshold for locations on Tribal lands at $39.38 while increasing the support cap to $213.12. A–CAM II was offered for a ten-year term, ending in 2028. Carriers electing A–CAM II were required to deploy at least 25/3 Mbps service to a number of locations equal to the number of fully funded locations, and at least 4/1 Mbps or on reasonable request to a number of locations equal to the number of capped locations. The Commission adopted a single-step election process, under which the Bureau released a public notice announcing the offers of A–CAM II support amounts and deployment obligations, after which each carrier had 45 days to make an irrevocable acceptance of the offer. On August 22, 2019, the Bureau authorized 171 companies to receive A–CAM II support.

8. Currently, 262 companies are authorized to receive A–CAM I, including 243 companies that elected Revised A–CAM I, with a term ending in 2028, and 19 companies that did not elect Revised A–CAM I, whose term ends in 2026. These A–CAM I carriers collectively receive $607.6 million per year and have an obligation to deploy at least 25/3 Mbps service to 451,059 eligible locations, at least 10/1 Mbps to 170,491 eligible locations, and at least 4/1 Mbps service to 26,868 eligible locations, with an additional 65,555 locations subject to the reasonable request standard. In addition, there are 185 A–CAM II companies, with support terms ending in 2028, that collectively receive $494.3 million per year. These carriers have an obligation to provide at least 25/3 Mbps service to 364,108 eligible locations, at least 4/1 Mbps to 24,103 eligible locations, and service on reasonable request to another 68,034 locations. For the A–CAM I and II areas, there are approximately 1,170,000 eligible locations in the model. The total support currently provided to A–CAM I and A–CAM II companies is $1.1 billion per year.

9. Since 2013, the Commission has collected information on broadband deployment across the United States through the FCC Form 477. Using Form 477, broadband service providers have annually reported the census blocks in which they make service available to end users, as well as the maximum speed offered in each census block, distinguishing between residential and non-residential services and by the technology used to provide service. This reporting format made available a nationwide broadband deployment dataset. Over time, however, it became clear that more granular and accurate broadband data were needed to implement the Commission's Universal Service Fund (USF) programs and to support efforts to bridge the digital divide.

10. On August 1, 2019, the Commission adopted an order setting parameters for a new data collection distinct from the Form 477 that would collect fixed broadband deployment data in the form of granular coverage maps and that would include a process for accepting crowdsourced data to challenge the accuracy of the submitted data. The Commission stated its intention to establish a uniform national dataset of locations where broadband could be deployed and upon which new coverage data could be overlaid.

11. On March 23, 2020, the Broadband DATA Act was signed into law. In brief, the Broadband DATA Act requires the Commission to establish a semiannual collection of geographically granular broadband coverage data (which the Commission has titled the Broadband Data Collection or BDC) for use in creating coverage maps and processes for challenges to the coverage data and for accepting crowdsourced information, and it further directs the Commission to create a comprehensive database of broadband serviceable locations—*i.e.,* the Broadband Serviceable Location Fabric (Fabric). Further, it requires the Commission to use these maps ''to determine the areas in which terrestrial fixed, fixed wireless, mobile, and satellite broadband internet access service is and is not available,'' and ''when making any new award of funding with respect to the deployment of broadband internet access intended for use by residential and mobile customers.''

12. On November 15, 2021, President Biden signed the Infrastructure Act. The Act includes the largest-ever federal broadband investment, totaling approximately $65 billion, and directs multiple agencies to work towards expanding broadband access. In particular, Section 60104(c) of the Act instructs the Commission to report on how it may ''improv[e] its effectiveness in achieving the universal service goals for broadband in light of this Act,'' while Section 60104(b) instructs the Commission to commence a proceeding ''to evaluate the implications of this Act . . . on how the Commission should achieve the universal service goals for broadband.''

13. In accordance with these statutory directives, the Commission adopted a Notice of Inquiry initiating a proceeding regarding the future of the USF on December 15, 2021. In the *Future of USF Notice,* the Commission invited comment on the effect of the Infrastructure Act on existing USF programs and the Commission's ability to reach its goals of universal deployment, affordability, adoption, availability, and equitable access to broadband throughout the United States. The Commission also sought comment on recommended courses of action the Commission and Congress might take to further promote those goals.

14. Other provisions of the Infrastructure Act likewise aim to expand broadband access for all Americans. Section 60102 of the Act directs the National Telecommunications and Information Administration (NTIA) to establish the Broadband Equity, Access, and Deployment Program (BEAD Program), through which NTIA will allocate $42.45 billion to states for grants ''to bridge the digital divide.'' NTIA will provide minimum allocations of $100 million for each state and $100 million to be divided equally among the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Remaining funds will be allocated using a formula based on total unserved locations in each state. The Act instructs states to award funding in a way that gives priority to projects that will provide service to unserved locations (defined as those without access to 25/3 Mbps service), then to underserved locations (defined as those without access to 100/20 Mbps service), and next to community anchor institutions (defined as those without gigabit connections). Broadband networks funded by the BEAD Program must provide download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps and ''latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications.'' Grant recipients must provide service to every customer that desires broadband service in the project area and must offer at least one low-cost service option for eligible subscribers.

15. On January 7, 2022, NTIA announced a Request for Comment regarding the BEAD Program and other broadband programs authorized and funded by the Infrastructure Act. As explained in the Request for Comment, NTIA will first provide BEAD funding to states and territories to support planning efforts and coordination with local communities and stakeholders. Next, states and territories must collaborate with local and regional entities in submitting an initial broadband plan to NTIA. After submitting the initial broadband plan, the state or territory must conduct a ''transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the [state or territory] in the initial proposal as to whether a particular location or community anchor institution . . . is eligible for the grant funds, including whether a particular location is unserved or underserved.'' When NTIA approves a state's or territory's initial plan, the state or territory will then be able to access additional funds from its BEAD allocation, and final approval of a plan will permit access to the remaining allocated funds. In preparation for a Notice of Funding Opportunity (NOFO) with further specifics regarding the BEAD Program, NTIA asked commenters to explore how the agency ''should treat prior buildout commitments that are not reflected in the updated FCC maps because the projects themselves are not complete,'' as well as ''[w]hat risks should be mitigated in considering these areas as 'served' in the goal to connect all Americans to reliable, affordable, high-speed broadband.''

16. On May 13, 2022, NTIA released its NOFO detailing the process for requesting BEAD Program funding. The NOFO sets a July 18, 2022 deadline for NTIA to receive initial plans from states and territories, as well as an August 15, 2022 deadline for any supplemental information. The NOFO also specifies a number of a program requirements, including principles that states and territories must observe in their subgrantee selection, prioritization, and scoring processes. In particular, the NOFO prohibits states and territories from ''treat[ing] as 'unserved' or 'underserved' any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband'' at the conclusion of the state's or territory's challenge process. States and territories must also ensure that subgrantees comply with obligations spelled out in the NOFO regarding network capabilities (*i.e.,* speed, latency, and uptime), deployment requirements, and service obligations. Finally, the NOFO requires states and territories to ensure that prospective subgrantees have the managerial and financial capacity to meet the commitments of the subgrant and any BEAD Program requirements.

17. Other federal programs also work to further the goal of universal service. For instance, the U.S. Department of Agriculture (USDA)'s Rural Utilities Service supports broadband through a number of programs, including the Learning, Telemedicine, and Broadband Program, for which the Infrastructure Act provided an additional $2 billion. The Department of the Treasury also has several programs that may fund broadband projects, and other NTIA programs beyond the BEAD Program provide funding for broadband deployment, affordability, adoption, availability, and equitable access. Pursuant to the Broadband Interagency Coordination Act (BICA), the Commission, USDA, and NTIA must share information regarding these high-cost universal service efforts. Specifically, the BICA required the FCC, USDA, and NTIA to enter into an agreement within six months to provide for sharing information about existing or planned projects that have received, or will receive, funding through the Commission's high-cost programs and programs administered by NTIA and the USDA. The BICA also mandates that the interagency agreement requires the agencies to ''consider basing the distribution of funds for broadband deployment'' under the referenced programs ''on standardized data regarding broadband coverage.'' On June 25, 2021, the agencies announced that they had entered into the agreement, and representatives of the agencies have been meeting regularly pursuant to that agreement.

18. On October 30, 2020, the ACAM Broadband Coalition filed a Petition for Rulemaking asking the Commission to initiate a proceeding to consider the Coalition's proposal to extend both A–CAM I and A–CAM II. Pursuant to this original proposal, the terms of A–CAM I and A–CAM II would be extended in exchange for increased obligations to deploy 25/3 Mbps service. The

Commission initially sought comment on the Petition for Rulemaking on November 4, 2020. In response, several commenters supported the Coalition's request that the Commission initiate a rulemaking. One commenter objected, but said the Commission ''should consider alternatives to the Coalition's recommended approach'' if the Commission were to adopt a notice of proposed rulemaking. More recently, commenters also discussed the Coalition's proposal in response to the aforementioned *Future of USF Notice.*

19. On December 15, 2021, the Coalition revised its proposal in order to require deployment of at least 100/20 Mbps service to 90% of locations, as determined by the Fabric, in eligible census blocks, and at least 25/3 Mbps service to the remaining 10%. To fund the increased deployment costs, the Coalition proposed increasing monthly support for participating A–CAM carriers to the higher of 80% of a company's model-estimated costs or $300 per location. The Coalition provided additional details on its proposal on January 19, 2022. On February 17, 2022, the Coalition further proposed support, in exchange for the same revised deployment obligations, for locations in census blocks that had been excluded from A–CAM I because an unsubsidized competitor reported providing at least 10/1 Mbps service.

II. Discussion

20. The A–CAM programs currently provide support for more than 350,000 locations that could be considered ''unserved'' pursuant to the Infrastructure Act because the A–CAM carriers have commitments to provide service only at speeds of 10/1 Mbps or 4/1 Mbps, or on reasonable request, and more than 800,000 locations that could be considered ''underserved'' under the Infrastructure Act because the carriers have commitments to provide service only at 25/3 Mbps. The Commission seeks comment on the Enhanced A–CAM proposal and generally regarding how to leverage the existing, supported networks of A–CAM carriers to swiftly meet current legislative requirements and goals while avoiding duplicative support across programs and maximizing the efficient use of universal service funds. Furthermore, the Commission seeks comment on how to best and most efficiently implement and sequence Enhanced A–CAM so that it works in concert with the BEAD Program. Throughout, the Commission seeks comment regarding how these specific proposals are, or can be, made consistent with Congressional intent expressed through the Infrastructure Act and other legislation, as well as programs at other agencies.

21. The Commission notes when it first adopted A–CAM I that it expected in year eight of the mechanism (2024) to conduct a proceeding to address the determination of support after the end of A–CAM. The Commission proposes that the rulemaking initiated by this NPRM will satisfy that Commission expectation.

22. *Final Deployment Obligations*— The Coalition proposes that carriers electing Enhanced A–CAM support deploy to 100% of eligible ''post-Fabric'' locations. Post-Fabric locations are the locations identified in the Fabric that are determined to be in eligible census blocks. In some number of census blocks, the number of post-Fabric eligible locations may be fewer than the Connect America Model-estimated number of locations. At the same time, the Coalition proposes to expand the set of eligible locations to include locations in census blocks that were not eligible in the A–CAM I program because they were served by FTTP or cable broadband or were served with at least 10/1 Mbps broadband service by an unsubsidized competitor.

23. The Coalition proposes that carriers electing Enhanced A–CAM would be required to deploy 100/20 Mbps or faster broadband service to 90% of the eligible post-Fabric locations. For the remaining 10% of eligible post-Fabric locations, carriers would be required to deploy 25/3 Mbps or faster broadband service. The Commission seeks comment on the Coalition's proposal. In contrast to the Coalition proposal, the Commission seeks comment on whether carriers should be required to deploy at least 100/20 Mbps to all eligible locations or whether carriers should be required to deploy to all locations where deployment of this level of service is not cost prohibitive. In either scenario, should carriers electing Enhanced A–CAM be required to serve 100% of unserved locations in their study areas, including unserved or underserved locations in currently ineligible census blocks? Should carriers with changes in their study area boundaries since the development of the model also be required to serve locations in eligible census blocks that are newly within their study area boundaries?

24. If Enhanced A–CAM funds 25/3 Mbps broadband service, as the Coalition proposes for 10% of a carrier's eligible post-Fabric locations, when should those carriers be required to identify which specific locations will receive only 25/3 Mbps service? Would some obligations result in double support where recipients receive Enhanced A–CAM to improve speed to 25/3 Mbps and then could apply for BEAD Program funds to deploy 100/20 Mbps broadband to those same locations?

25. Pursuant to the Broadband DATA Act, the Commission must use its new fixed deployment maps ''when making any new award of funding with respect to the deployment of broadband internet access service intended for use by residential and mobile customers.'' In accord with the Broadband DATA Act, the Commission tentatively concludes that it will use the new fixed deployment maps when making any new award of funding to an A–CAM provider. The Commission seeks comment, specifically, on how its new fixed deployment maps should be applied to determine eligible areas and deployment obligations for the Enhanced A–CAM program.

26. The Commission also seeks comment on the impact of challenges to the Broadband Data Collection map. The Broadband DATA Act requires the Commission to accept challenges to both the Fabric and the availability maps, and those challenges will occur regularly to help improve all subsequent versions of the Fabric and the map. Given the importance of challenges to the accuracy of the Fabric and the map, and the continuous opportunity for challenges, when for the purposes of the Enhanced A–CAM should the Commission establish the post-Fabric locations? Should the Commission allow for a period of challenges to the fixed deployment reflected in the maps before relying upon them to award funding? Challenges to fixed broadband must be resolved within the timeframe established by the Commission when establishing the rules for the Broadband Data Collection. Can the Commission establish a different deadline for resolution of challenges associated with Enhanced A–CAM locations? If so, how long should challengers and providers have to resolve challenges before the Commission award funding? The Commission seeks comment on these questions and any other aspect of how it should comply with the requirements of the Broadband DATA Act in this program.

27. Pursuant to current A–CAM rules, as with other high-cost support mechanisms, the Universal Service Administrative Company (USAC) will recover an amount of support from A–CAM participants that do not meet their final deployment obligations. In those situations, § 54.320(d)(2) of the Commission's rules require that USAC recover ''the percentage of support that

is equal to 1.89 times the average amount of support per location received in the state for that carrier over the term of support for the relevant number of locations plus 10 percent of the eligible telecommunications carrier's total relevant high-cost support over the support term for that state.'' The Commission seeks comment on the applicability of this general rule to Enhanced A–CAM participants. On the other hand, is a stricter penalty more appropriate, given that the Fabric and Broadband Data Collection may permit the Enhanced A–CAM program to rely on a more accurate location count?

28. The Coalition proposes that Enhanced A–CAM carriers be considered in full compliance with their deployment obligations if they deploy to 95% of their required locations. For A–CAM I and A–CAM II carriers, the Commission has allowed ''some flexibility in their deployment obligations'' and permitted them to deploy to 95% of the required locations by the end of the 10-year term. Further, the Commission noted that ''to the extent that an electing carrier deploys to less than 100 percent of the requisite locations, the remaining percent of locations would be subject to the same deployment obligations as for the carrier's capped locations.'' Because these locations were still subject to deployment obligations, the Commission concluded that, unlike the price cap recipients of Connect America Phase II model support, it was not necessary for A–CAM recipients to refund any support when they took advantage of the 5% flexibility. For Enhanced A–CAM carriers, however, as with Rural Digital Opportunity Fund (RDOF) recipients, the Commission expects that using the Fabric will ensure that the location counts are more accurate than the data upon which it developed previous deployment obligations. Moreover, under the Enhanced A–CAM proposal, there are no ''capped locations'' or associated deployment obligations to apply to locations that are not fully funded. Thus, the Commission proposes not to extend the same kind of location count flexibility to Enhanced A–CAM carriers and seek comment on its proposal. Nonetheless, are there reasons why a buffer of this type may be appropriate or necessary under Enhanced A–CAM? Would a smaller buffer (*i.e.,* one that considered Enhanced A–CAM carriers to be in full compliance if they deployed to 99% of their required locations) be sufficient to protect the Commission's interests in full deployment? How would this comport with the Commission's goal of creating enforceable commitments?

29. With other agencies' ongoing broadband initiatives, including NTIA's BEAD Program, there is the potential for two providers to receive funding from different sources to deploy broadband to the same locations. The Commission seeks comment on how it may avoid such overlap in the Enhanced A–CAM program to maximize broadband deployment to unserved and underserved locations. For example, should the Commission require Enhanced A–CAM carriers to make binding commitments regarding specific locations based on the Fabric after it is created? Should any such binding commitments include an obligation to deploy at least 100/20 Mbps broadband service for all or some percentage of those specific locations? Should the Commission instead require carriers to commit to deployment at particular speeds at the census block level? If the BEAD Program requires full deployment by the end of a particular year, should Enhanced A–CAM likewise require full deployment by the end of that same year or even sooner? The Commission also seeks comment on the sequencing of Enhanced A–CAM with the BEAD Program. Should the Commission proceed with Enhanced A–CAM commitments before BEAD Program allocations? Should the Commission instead refrain from acting on the Enhanced A–CAM proposal until after the BEAD Program has awarded funding? What are the impacts of these options? Finally, should the Commission require, as a condition of accepting Enhanced A–CAM support, that carriers coordinate with the states in which they are receiving support to mitigate the risk of duplicative funding? The Commission invites states, in particular, to comment on these issues.

30. *Interim Deployment Milestones*—Consistent with other high-cost support mechanisms, including the existing A–CAM I and A–CAM II mechanisms, the Coalition proposes that Enhanced A–CAM participants meet interim deployment milestones before the final milestone of 100% of locations. Specifically, the Coalition proposes that Enhanced A–CAM carriers deploy 100/20 Mbps broadband service to at least 30% of eligible locations by the end of the second year after the program begins. Each subsequent year, carriers would be required to deploy to an additional 10% of eligible locations until meeting the final obligation of deploying 100/20 Mbps service to 90% of eligible locations. The Commission seeks comment on whether these particular interim deployment milestones would be appropriate if it were to adopt the eight-year deployment timeframe the Coalition has proposed, and also what interim deployment milestones would be appropriate if the Commission were to require deployment in four years, such as in the BEAD program, or a different timeframe. Should the Commission require deployment to the same number of additional locations each year?

31. The Commission tentatively concludes that any new interim milestones, for carriers that elect Enhanced A–CAM support, would supersede those associated with A–CAM I and A–CAM II. Retaining the interim milestones associated with the existing programs would introduce unnecessary administrative complexity. Moreover, the Commission expects that the Enhanced A–CAM milestones will require accelerated deployment at higher speeds, rendering previous milestones moot. The Commission seeks comment on this tentative conclusion. If the Commission were to retain the existing interim milestones for carriers electing Enhanced A–CAM support, is there a way to simplify deployment milestones in a way that is both fair and ensures regular progress?

32. Likewise, the Commission seeks comment on the applicability of the existing mechanisms for withholding support from A–CAM I and A–CAM II participants that do not meet interim deployment milestones, and whether a similar mechanism should apply to Enhanced A–CAM. § 54.320(d)(1) of the Commission's rules specifies different tiers of compliance gaps associated with different percentages of withheld support, with the goal of encouraging carriers to come into compliance and complete deployment in order to recover support. Should Enhanced A–CAM participants be subject to the same mechanisms for withholding support as A–CAM I and A–CAM II participants for failing to meet interim deployment milestones?

33. *Coordination of Deployment Obligations with BEAD Program.* The Coalition proposes that carriers electing Enhanced A–CAM support meet the proposed deployment obligations set forth above by the end of the eighth year under the enhanced program. The Commission seeks comment on the Coalition's proposal and whether the Commission should adopt a timeframe aligned closer to the BEAD Program, which generally requires buildout in four years after subgrants are made. To minimize administrative complexity and prioritize higher-speed broadband deployment, the Commission tentatively concludes that any carriers electing

Enhanced A–CAM support would be subject only to the final deployment obligations associated with Enhanced A–CAM support, which would supersede existing A–CAM I and A–CAM II final deployment obligations. The Commission seeks comment on this proposal.

34. *Performance Measures*—To ensure that recipients of high-cost universal service support deploy networks meeting their performance obligations, the Commission requires that those carriers annually test and report the speed and latency of a random sample of locations. Carriers that fail to meet the required performance standards are subject to additional reporting and may have a percentage of universal service support withheld based on the level of non-compliance. However, those carriers subject to support withholding that later come into compliance may have their support restored. A–CAM I carriers have begun the required performance testing as of this year, while A–CAM II carriers are currently required to conduct pre-testing, under which no support reductions are assessed as long as the carrier performs the pre-testing and reports the results in a timely manner. The Commission invites comment on whether these existing performance testing requirements applicable to A–CAM I and A–CAM II carriers should continue to apply to Enhanced A–CAM carriers, or whether any improvements to the testing requirements should be made.

35. *Affordability*—The Commission next considers the issue of affordability for customers of Enhanced A–CAM carriers. Promoting access to affordable, high-speed broadband is a priority for the Commission. And the Commission notes the important role that the Affordable Connectivity Program (ACP) is playing to help consumers obtain affordable or in many cases no cost internet services. In the context of the FCC's high-cost support programs, the Commission notes that all recipients of those funds, including A–CAM participants, must certify that broadband rates do not exceed the reasonably comparable benchmark announced annually by the Wireline Competition Bureau (the Bureau). The Commission also notes that, pursuant to the Infrastructure Act, subgrantees of the BEAD Program are required to offer at least one ''low-cost broadband option.'' The Commission seeks comment on the extent to which A–CAM providers are participating in the ACP or Lifeline programs or otherwise offer affordable internet plans. The Commission also seeks comment on whether it should require or incentivize Enhanced A–CAM carriers to participate in ACP. If so, should there be any minimum performance characteristics for the affordable option (*e.g.,* minimum download and upload speeds, usage allowances, and maximum latency)? The Commission seeks comment on this approach, how to implement this approach, and how it should determine the appropriate characteristics. At the same time, the Commission notes that it did not require similar minimum performance characteristics for plans from providers electing to participate in ACP. What other interactions between an affordable option, the Lifeline program, and the ACP should the Commission consider?

36. To achieve these deployment obligations, the Coalition proposes to retain the basic framework of A–CAM support but increase the total amount paid by increasing the cap on support, increasing the number of eligible locations, and extending the term of support. The Coalition estimates that, if all eligible carriers elect the Enhanced A–CAM, as it is proposed, the impact of increasing the cap and the number of eligible locations would be to increase A–CAM support by $389.5 million per year from approximately $1.1 billion per year to $1.49 billion per year, a 35.4% increase. Further, the proposal adds six years of support for most A–CAM I and A–CAM II carriers (eight years of additional support in the case of A–CAM I carriers that did not accept Revised A–CAM I support in 2019).

37. The Commission seeks comment regarding whether the A–CAM framework, and especially the model on which it is based, continues to be an appropriate method of calculating support going forward. Given the amount of time that has passed and the pace of technological developments since the development of the model, it seems likely that some model inputs are no longer the most appropriate for estimating the cost to provide service. The Commission notes in particular that location data and the need for assumptions about the placement of locations, which have a significant impact on model cost estimates, likely have changed or improved since the development of the model. On the other hand, a proceeding to develop an updated model would be time consuming and may not yield significantly different or more accurate results. What are the costs and benefits associated with relying on the existing model? Should the Commission develop a new cost model based upon 2020 census geographies and updated inputs?

38. The Commission also seeks comment on the overall plan and scope of the Coalition's support proposal, particularly in context of the deployment obligations discussed in this document. The Commission recognizes that the Coalition's proposal is intended to match its members' estimated long-term revenue requirements with the proposed deployment obligations and term of support. Do the proposed deployment obligations justify the proposed support increases, both in the aggregate and for specific A–CAM recipients? Are there other support mechanisms the Commission should explore to increase the efficiency of the support amounts in these areas? For example, the Commission has recognized the benefits of competitive mechanisms to efficiently allocate high-cost universal service support. The Commission seeks comment on what mechanism would be appropriate to allocate support most efficiently in this instance, given the time-sensitivity of receiving binding commitments to provide service at a level of at least 100/20 Mbps and the ongoing commitments to provide support for 25/3 Mbps service to A–CAM I and A–CAM II carriers through 2028. To the extent that these general questions have particular bearing on specific changes proposed by the Coalition, the Commission seeks comment in the following.

39. *Support Calculation*—The Commission seeks comment on the Coalition's proposal to increase the cap on support. Currently, support for most eligible locations is capped at $200 per month. For A–CAM II carriers, eligible locations in Tribal areas are capped at $213.12 in order to accommodate a lower support threshold. The Coalition proposes increasing the cap on support to $300 per location or 80% of model costs, whichever is greater. The Coalition's proposal would significantly increase the amount of model-based support to A–CAM carriers. For the 291 carriers to which the $300 cap would apply, Commission staff estimates that the number of locations in currently eligible census blocks that would be ''fully funded'' at $300 would increase to 719,061 from 682,200. The alternative support calculation equal to 80% of model-estimated costs implies a funding cap in excess of $300 for 136 companies. While 40 companies would have an implied cap of less than $400, pursuant to Commission staff analysis, 29 would have an implied cap of more than $1000. To provide the amount of support proposed by the Coalition, without the 80% of costs provision, the funding cap would need to be set at approximately $500. Is this

methodology consistent with the model design and framework? What is the rationale or justification for providing support as a percentage of model costs in some instances, rather than relying on a higher cap? Also, because upgrading capacity of existing fiber is less costly than installing new fiber, should the Commission offer a lower level of support for those areas where the provider has already deployed fiber? The Commission invites economic studies that address the efficiency of authorizing funding to existing A–CAM providers to build networks providing service of at least 100/20 Mbps as compared to maintaining the current A–CAM programs. The Commission seeks further comment on how to determine the appropriate amount of support recognizing existing commitments and funding to build networks in these areas. What are the incremental costs of the proposed commitments under the Enhanced A–CAM proposal? Would a subsidy that covered those costs be sufficient, and if not, what other costs should be covered, such as recovery of costs for existing A–CAM locations and why?

40. Pursuant to A–CAM II, census blocks in Tribal lands have a lower support threshold of $38.38 and a funding cap of $213.12, along with separately enforceable deployment obligations. The Commission seeks comment regarding how this Tribal Broadband Factor should be incorporated into Enhanced A–CAM. Do the generally increased support amounts and universal deployment obligations relieve the need for a separate Tribal Broadband Factor? Further, the Commission seeks comment on how to address intergovernmental coordination and eligibility for locations on Tribal lands. The Commission notes that, under the BEAD Program, a commitment to deploy broadband will not be considered enforceable ''unless it includes a legally binding agreement, which includes a Tribal Government Resolution, between the Tribal Government of the Tribal Lands encompassing that location, or its authorized agent, and a service provider offering qualifying broadband service to that location.''

41. *Eligible Locations*—The Coalition proposes to use eligible model locations, rather than eligible post-Fabric locations, to calculate support. However, the Broadband DATA Act requires that, after the creation of the Fabric and associated maps, the Commission use those maps ''when making any new award of funding with respect to the deployment of broadband internet access.'' The Commission seeks comment on the use of eligible model locations to calculate support, and specifically how it can reconcile the difference between model locations and Fabric locations, especially in cases where the number of model locations significantly exceeds the number of serviceable locations in the Fabric. The Commission notes that model costs are significantly affected by location density, and if the model were run with fewer locations, in many cases the per-location cost of providing service would likely increase. For that reason, it may not be appropriate to reduce support on a pro rata basis simply because the number of actual locations in the Fabric is ultimately fewer than in the model. Nonetheless, there may be instances in which the number of locations to be served is so greatly overstated by the model that it may create an apparent windfall to provide support based on model locations. In similar circumstances, the Commission requires a pro rata support adjustment when an RDOF support recipient's updated location count is less than 65% of the Connect America Cost Model locations within the recipient's area in a state. Would such an approach be useful for the Enhanced A–CAM plan and comply with the Broadband DATA Act?

42. The Coalition additionally proposes expanding the number of eligible locations in two ways. First, the Coalition proposes to add census blocks that were ineligible for A–CAM I because they were FTTP-served by the incumbent or an affiliate. In the *2016 Rate-of-Return Reform Order,* the Commission excluded from eligibility for A–CAM I census blocks that were FTTP-served in order to prioritize model support to those areas that were then unserved. In the *December 2018 Rate-of-Return Reform Order,* however, the Commission made such census blocks eligible for A–CAM II, concluding that their inclusion would ''promote more and higher speed deployment to location in those census blocks that do not currently have 25/3 Mbps or better service'' while recognizing that areas with partially or fully deployed fiber to the premises may still require high-cost support to maintain existing service. The Commission did not, in the same Order, make such census blocks eligible for revised A–CAM I offers. Given the Commission's recognition that areas with partial or complete fiber deployment may still require ongoing support for expenses, it may be reasonable to provide some support for these census blocks. Further, doing so could harmonize the treatment of A–CAM I and A–CAM II carriers. The Commission seeks comment on the Coalition's proposal to make eligible for Enhanced A–CAM census blocks excluded from A–CAM I because they were FTTP-served.

43. Nonetheless, the Commission also recognizes that it may not be cost-effective to provide support for census blocks where an A–CAM carrier is already offering service of at least 100/20 Mbps, and therefore seek comment on the Enhanced A–CAM treatment of census blocks that are fully served. The Commission notes that A–CAM carriers have already reported deployment of 100/20 Mbps or faster service to over 347,000 eligible locations. Thirty-three A–CAM carriers have deployed at least 100/20 Mbps service to at least 90% of the eligible locations in their service areas. The Commission therefore seeks comment regarding how to use the post-Fabric broadband deployment maps to establish eligibility for Enhanced A–CAM of census blocks to which an A–CAM carrier has already deployed 100/20 Mbps or faster to service to all locations in the block. One possibility would be for the Enhanced A–CAM offer to simply exclude locations in fully deployed census blocks, which would no longer be eligible for A–CAM support if a carrier elected the offer, and support for those locations would cease upon authorization of Enhanced A–CAM. However, the Commission recognizes that an A–CAM provider reporting 100/20 Mbps or faster service for certain locations may require continued support for those locations, particularly if the provider relied on loans to fund deployment under the terms of the existing A–CAM programs. If continued support is required for the fully deployed census blocks, the remaining authorized support associated with those census blocks could be incorporated into the Enhanced A–CAM support. Another option would be for the Enhanced A–CAM offers to include fully deployed census blocks, but only at the current A–CAM I or A–CAM II funding levels. The Commission seeks comment on these options.

44. The Coalition's second proposed expansion of eligibility is for census blocks that were excluded from A–CAM I because they were served by an unsubsidized competitor with at least 10/1 Mbps service. Given that locations with 10/1 Mbps service are considered ''unserved'' pursuant to the Infrastructure Act, it may be reasonable to expand eligibility to include these census blocks. On the other hand, some unsubsidized competitors serving these census blocks may now provide at least

100/20 Mbps. The Commission therefore proposes to re-assess the eligibility of census blocks under Enhanced A–CAM for all carriers based on the provision of service by unsubsidized competitors. The Commission seeks comment regarding what test should be applied to determine whether census blocks should be ineligible because they are served by an unsubsidized competitor. The Commission tentatively concludes that locations, rather than census blocks, in which an unsubsidized competitor provides at least 100/20 Mbps should be ineligible for support because those locations would be considered ''served'' pursuant to the Infrastructure Act. The Commission seeks comment on whether eligibility by served location, rather than census block, will be feasible for an Enhanced A–CAM offer.

45. Under A–CAM II census blocks were ineligible if an unsubsidized competitor provided at least 25/3 Mbps service. Should census blocks served by an unsubsidized competitor with at least 25/3 Mbps also be ineligible for support under Enhanced A–CAM? The Commission notes that such census blocks would be considered underserved pursuant to the Infrastructure Act. However, the provision of at least 25/3 Mbps service by an unsubsidized competitor may be evidence that the A–CAM carrier is not the most efficient provider of service in that area and that another program, such as BEAD, may be able to more cost effectively achieve deployment of 100/20 Mbps or faster service. Finally, the Commission notes that in some cases, these may be census blocks that were split by a study area boundary and a price cap carrier reported providing service in the census block. The Commission seeks comment regarding how those census blocks should be tested for eligibility. For both A–CAM I and A–CAM II carriers, should competitive overlap be re-assessed in all census blocks before making a new offer? What criteria should be used?

46. What other considerations should be made with respect to the eligibility of locations under an Enhanced A–CAM offer? The Commission proposes to remove from eligibility locations that are already funded through another federal/state program at 100/20 Mbps or higher, such as the Broadband Infrastructure Program, American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds, and Tribal Broadband Connectivity Program. Is it necessary to independently address the funding commitments made by each of these programs, or do any of the other eligibility rules proposed above effectively cover the locations associated with these commitments? To the extent that locations are funded through state mechanisms, rather than federal mechanisms, how should the Commission incorporate that into the eligibility requirements? How can the Commission collect state funding information in an efficient and complete manner? The Commission seeks comment on this proposal. On the other hand, are there other unserved or underserved locations in census blocks currently ineligible for A–CAM I or A–CAM II that can and should be made eligible for support?

47. *Extended Term*—The Coalition proposes that the increased support take effect immediately, with increased support paid retroactively to the beginning of 2022, and extend through 2034. The Commission recognizes that a primary purpose of extending the term of support is to provide additional time to recover the capital used to meet deployment obligations. As a result, the Commission would expect the term could be adjusted to coincide with adjustments to support amounts or deployment obligations, such as because of reconciliation with the Fabric. The Commission seeks comment on the Coalition's proposed term. What is the justification to pay increased support retroactively and prior to the imposition of the new Enhanced A–CAM obligations? How should the term be adjusted, if at all, if changes are made to the deployment obligations or annual support amounts?

48. *Glide Path Carriers*—Under A–CAM I and A–CAM II, carriers receive additional transitional support if their model-based support is less than the amount of legacy support they received prior to their election of model-based support (glidepath carriers). This transitional support declines over time based on the size of each carrier's support reduction. The Coalition proposes that glidepath companies that elect Enhanced A–CAM would ''either (1) continue to receive support pursuant to their current schedule until such time as their total annual support is less than that under the Enhancement Plan and, at that time, they would convert to the Enhancement Plan funding level; or (2) receive support at the level provided for in the Enhancement Plan.'' The Commission seeks comment on this proposal. Alternatively, should the glidepath carriers' transitional support amounts and schedule be re-assessed based on their new, Enhanced A–CAM support amounts?

49. The Coalition proposes that each A–CAM I or A–CAM II participant be permitted to elect, on a state-by-state basis, whether to participate in the Enhanced A–CAM program. A–CAM participants that decline to participate in the enhanced program would continue under the terms of the participant's existing A–CAM program, ''with no changes to the company's deployment schedule, obligations, term, or support level.'' The Commission seeks comment on this proposal and whether alternatively, they should be subject to an ''all or nothing'' election.

50. The Commission seeks comment regarding whether all current A–CAM I and A–CAM II carriers should be eligible to participate in Enhanced A–CAM. The Commission notes that some A–CAM carriers already have widespread deployment of 100/20 Mbps or faster service. The Commission estimates that 75 companies have deployed at least 100/20 Mbps to 75% or more of their proposed Enhanced A–CAM locations, including 33 companies that serve 90 percent of their locations. Of these, 20 companies serve all proposed Enhanced A–CAM locations with at least 100/20 Mbps. In all, 347,620 A–CAM eligible locations are served with 100/20 Mbps or faster service. Given that the stated purpose of providing additional support pursuant to Enhanced A–CAM is to permit carriers to deploy higher levels of 100/20 Mbps or faster broadband, is it an effective use of limited universal service funds to provide support to carriers that have already achieved universal or near-universal deployment of such speeds? Given that such carriers may require support for ongoing provision of service in these areas and may have obtained financing to deploy networks with these higher speed levels, is it reasonable to permit them to elect the extended A–CAM term for that purpose?

51. The Commission seeks comment regarding whether eligibility for Enhanced A–CAM should be extended to include rate-of-return carriers that currently receive legacy support. The Commission notes that including carriers currently receiving legacy support would be generally consistent with the Commission's longstanding objective of transitioning away from legacy rate-of-return support mechanisms and providing high-cost support based on a carrier's forward-looking, efficient costs. Would extending Enhanced A–CAM offers otherwise be consistent with the Commission's goals? Are there other eligibility considerations, at the company or census block levels, that should be applied specifically to legacy carriers?

52. In the event that the Commission adopts an Enhanced A–CAM mechanism, it seeks comment on the procedures for carriers to make this election. The Commission anticipates that it would instruct the Bureau to follow the same processes for making offers and processing elections as were used for A–CAM II. How much time do carriers require to evaluate their offers and make an election? In this document, the Commission seeks comment regarding whether locations should be re-assessed for eligibility based on unsubsidized competitors offering at least 100/20 Mbps. Assuming data from the Broadband Data Collection (BDC) are used to determine exclusion from eligibility, should the BDC challenge processes (*i.e.,* challenges to provider availability data and to the Fabric data) be used to determine eligible locations for Enhanced A–CAM, or is a separate process warranted? If the BDC processes are used for this purpose, how much time would be appropriate for these processes to run before the Commission makes eligibility determinations based on them? Are there any other procedural considerations related to the election process that the Commission should consider?

53. The Commission also seeks comment on adopting a minimum carrier participation threshold for implementing the Enhanced A–CAM program. If participation in any Enhanced A–CAM program is low, increasing broadband deployment in A–CAM I and A–CAM II areas may be more efficient and effective through another program. If the Commission adopts a minimum threshold, what should the parameters be? For example, should there be a set percentage of eligible locations in the entire program beyond which the program continues, or should the minimum threshold be a set percentage of A–CAM I and A–CAM II carriers opting into an enhanced program? In the event that the Commission does not adopt an Enhanced A–CAM mechanism, it seeks comment on how to use support efficiently and effectively in these areas, including where broadband deployment funding is provided by another agency to either an Eligible Telecommunications Carrier (ETC) high-cost recipient or another provider.

54. As discussed in this document, the Commission seeks to align key aspects of the proposed Enhanced A–CAM program with NTIA's BEAD Program. To implement a requirement from the Infrastructure Investment and Jobs Act, service providers receiving BEAD funding must attest that they have a cybersecurity risk management plan and a supply-chain risk management plan. The cybersecurity risk management plan must specify security and privacy controls and reflect the latest version of the NIST Framework for Improving Critical Infrastructure Cybersecurity. The supply chain risk management plan must be based on key practices in NIST publication NISTIR 8276 and other supply chain risk management guidance from NIST that specifies the supply chain risk management controls being implemented. Service providers must reevaluate and update both plans periodically and as events warrant, and provide the plans to NTIA at NTIA's request. The Commission seeks comment on whether it should require similar cybersecurity and supply chain risk management practices and certifications for A–CAM recipients or, alternatively, for all carriers receiving high-cost support.

55. The Commission notes that providers receiving Connect America Fund Broadband Loop Support (CAF BLS) support are subject to mandatory deployment obligations to deploy broadband service of at least 25/3 Mbps to a carrier-specific number of locations by the end of 2023. The Commission plans to separately and subsequently consider the deployment obligations and funding levels for such providers that will apply beginning in 2024. In considering how to update these commitments going forward, the Commission anticipates addressing questions regarding the level of services to be delivered, identifying eligible locations, and the level of support required. The Commission seeks comment now on whether and how it should align the deployment obligations and required timeframes for deployment for CAF BLS carriers with any Enhanced A–CAM plan adopted by the Commission. The Commission notes that such alignment would ensure similar deployment in areas served by carriers receiving support from an Enhanced A–CAM Plan and those receiving support from CAF BLS. In addition, such alignment would ease administration of the programs by minimizing the number of interim and final milestones in high-cost programs. Accordingly, the Commission invites comment generally on any additional benefits and potential costs of aligning the high-cost funding programs for rate of return areas.

56. In this NPRM, the Commission also evaluates opportunities to improve the administration of the high-cost program to enhance its efficiency and efficacy and better safeguard the USF. Specifically, the Commission seeks comment on: changes to annual reporting requirements and certification obligations; review of mergers between rate-of-return local exchange carriers (LECs); support for exchanges acquired by a CAF BLS recipient; the process to merge commonly-owned study areas; the schedule for CAF BLS recipients to file optional quarterly line counts; and the process to relinquish ETC status. The Commission also seeks comment on whether stakeholders have any additional recommendations to improve the administration of the high-cost program. Many high-cost support recipients are small businesses; the Commission therefore seeks comment generally on how the proposed rule changes will affect them.

57. The Commission seeks comment regarding several changes that would improve or streamline annual reporting and certification requirements.

58. The Commission has established performance and other programmatic reporting obligations to ensure accountability for high-cost support recipients and monitor compliance. By March 1 annually, support recipients that serve fixed locations must report locations deployed to in the prior year in satisfaction of build-out obligations and certify compliance with deployment milestones, as applicable. By July 1 annually, recipients must file certain financial and operations information. By October 1 annually, each state or ETC, if the ETC is not subject to the jurisdiction of a state, must file a certification that support was used during the preceding calendar year and will only be used in the coming calendar year for ''the provision, maintenance, and upgrading of facilities and services for which support is intended.''

59. *First,* the Commission seeks comment on modifying § 54.313(i) of its rules to streamline the process for submitting annual high-cost reports by requiring that such filings be made only with the universal service program administrator, USAC. In the *2017 Annual Report Streamlining Order,* the Commission decided it would ''no longer require ETCs to file duplicate copies of Form 481 with the FCC and with states, U.S. Territories, and/or Tribal governments beginning in 2018.'' However, because the change was contingent upon USAC completing the rollout of an online portal for the annual report, the Commission did not modify the rule at that time. That rollout has since been completed and the Commission proposes to revise 54.313(i) to clarify that annual reports must only be filed with USAC. The Commission finds that this modification would

remove ambiguity and reduce administrative burdens on support recipients, while ensuring that governmental entities continue to have ready access to the information they need. The Commission seeks comment on this proposal.

60. *Second,* and along similar lines, current rules require an annual certification be filed with both the Office of the Secretary (OSEC) of the Commission and USAC stating that support has been and will be used only for the intended purposes. To ease administrative burdens by eliminating duplication, the Commission proposes to remove the requirement to file with the Office of the Secretary and require only submission with USAC. Because Commission staff routinely coordinates with USAC, the Commission does not expect that the ability of the Commission to monitor the annual certification would be diminished in any way. The Commission seeks comment on this proposal and whether removing the requirement to file with OSEC would inhibit the filing becoming ''part of the public record maintained by the Commission.'' The Commission invites commenters to identify any other opportunities to streamline filing and reporting obligations to improve efficiency without compromising the effective oversight of the high-cost program.

61. *Third,* the Commission seeks comment on a proposal to more closely link support reductions with failing to certify locations in order to minimize confusion and improve carrier accountability. The Commission's rules establish deadlines for carriers to file reports and certifications, as well as a schedule for reducing support if the deadlines are missed. Currently, support reductions do not occur until January of the following year, well after the carrier may have come into compliance. The Commission proposes to more closely align any support reduction with the failure to comply with the reporting deadline by reducing support in the month immediately following the date of the missed deadline. The Commission believes this change will eliminate confusion that has occurred when support decreases unexpectedly months after a deadline is missed (and well after a carrier may have come into compliance) and facilitate carrier accountability. Since support reductions are based on the number of days late and payments usually occur mid-month, there may be situations where a filing is not received in time for USAC to calculate the requisite support reduction for the next month's payment. In those instances, the Commission proposes that USAC implement the support reduction in the following month as needed. The Commission seeks comment on this proposal. Alternatively, should the Commission continue to defer support reductions until January 1 of the following year? What is the best process to reduce support to ensure carriers comply with the reporting and certification deadlines and avoid confusion?

62. *Fourth,* the Commission seeks comment on modifying reporting requirements for performance testing to require all high-cost support recipients serving fixed locations to report on a quarterly basis. High-cost support recipients must perform broadband performance testing one week out of each quarter. Recipients that are not in compliance with speed and latency requirements must report the results of the performance tests quarterly, while other recipients must only report the results of tests conducted in the preceding calendar year annually on July 1. Support reductions are assessed for non-compliant carriers, but withheld support is returned once they achieve compliance.

63. The Commission seeks comment on making the quarterly reporting of performance test results mandatory for all recipients and not just those that are not in compliance with speed and latency requirements. Currently, there can be a lengthy lag between when quarterly performance testing is completed and when it is reported to the Commission and USAC. For example, under the Commission's current rules, a performance test conducted in January 2022 would not have to be reported until July 2023. Monitoring network performance to make sure consumers in supported areas are receiving service consistent with commitments is critical. The Commission's experience with the current lag time is that it has inhibited such monitoring. While the Commission already monitors non-compliant carriers through quarterly reporting, there are benefits to requiring it for all carriers. Quarterly reporting would allow the Commission to better track that carriers are meeting its requirements and determine if there are significant problems with a carrier's network. In addition, quarterly reporting would allow the Commission to better monitor trends that may interfere with consumer service and testing results, to more quickly adopt any necessary changes to its testing mechanism. While quarterly reporting could increase the burden on carriers, the Commission does not anticipate that any increased burden will be significant given that carriers are obligated to conduct tests on a quarterly basis already. Furthermore, the Commission believes that any increase in the burden is offset by the benefits. The Commission believes that some carriers may find additional reporting helpful—given that the performance measures can be a large volume of data, it could be helpful to report less of the data more often rather than all of it once a year. The Commission seeks comment regarding this analysis and its proposal. Also, the Commission notes that some carriers have not yet reported locations when they are scheduled to begin performance pre-testing or testing. The Commission seeks comment on the timeframe for such carriers to begin pre-testing or testing once such a carrier reports High Cost Universal Broadband locations for the first time.

64. The Commission also seeks comment on revising the filing schedule for quarterly reporting of performance tests. Currently, the Commission requires quarterly reporting of carriers' pre-testing data, reflecting the results of tests conducted prior to the commencement of the official test period. Those results must be reported within one week after the end of the quarter in which the tests are conducted, to provide insight into carriers' experience with the testing process. The Commission proposes that the same schedule be adopted to report other carrier testing. Does this provide carriers with sufficient time to prepare the results for filing? If not, the Commission seeks comment on how much time is required, and what filing deadlines it should require instead. The Commission's goal in establishing a specific reporting schedule is to provide certainty, promote accountability and conform with timelines for other testing protocols to minimize confusion.

65. *Fifth,* the Commission seeks comment on whether to relieve privately held rate-of-return carriers that receive A–CAM support of the requirement to file annually a report of the company's financial condition and operations —an issue raised by NTCA—The Rural Broadband Association (NTCA) in a petition for rulemaking. The Commission's rules require all privately held rate-of-return carriers that obtain high-cost support to provide ''a full and complete annual report of the company's financial condition and operations as of the end of the preceding fiscal year.'' The Commission adopted this requirement at a time when all rate-of-return support recipients received support through cost-based support mechanisms.

66. The Commission declined to impose such a requirement on price cap

carriers receiving model-based support, concluding that it was not ''necessary to require the filing of such information by recipients of funding determined through a forward-looking cost model . . . even if those recipients are privately held.'' The design of the model, the Commission expected, would produce a level of support ''sufficient but not excessive,'' thereby negating the need for reporting audited financial information. Should the Commission apply the same rationale to extend similar relief to A–CAM carriers, as NTCA requests? Commenters are invited to address NTCA's assertion that granting relief to A–CAM carriers will provide regulatory parity. Given that the term of support for CAF (Connect America Fund) Phase II model-based carriers ended, and A–CAM carriers are the only high-cost recipients remaining on model-based support, should the Commission take a fresh look at this obligation? The Commission notes, however, that most carriers that received CAF Phase II model-based support are publicly traded companies, and it can obtain such information directly for Securities and Exchange Commission registrants. What are the benefits, if any, in retaining the financial reporting requirement for privately held A–CAM carriers in enhancing the Commission's ability to assess the efficacy of its models? The Commission also seeks comment on other, potentially less burdensome, mechanisms that would allow us to monitor as needed. For instance, should the Commission collect financial information on a less frequent but recurring basis or collecting on an as-needed basis instead?

67. The NTCA Petition for Rulemaking also requests the same relief for Alaska Plan recipients. Alaska Plan recipients receive frozen support—essentially support set at 2011 cost-based levels. The Commission seeks comment on NTCA's request. The Commission notes, however, that the frozen support Alaska Plan carriers receive was not model-based, and it seeks comment on the benefits and burdens of keeping the filing requirement in place for Alaska Plan carriers.

68. *Sixth,* the Commission proposes to modify its rules to create a consistent one-time grace period for all compliance filings. Currently, several rules have a specific date, after the due date, by which carriers may file reports without a support reduction if they have not previously missed a deadline. For example, filings under § 54.316 for certain ETCs are due annually March 1 and have a grace period until March 5, but that same rule provides a grace period of ''three days'' for other ETCs. Filings under § 54.314 are due annually October 1 and have a grace period until October 5. Filings submitted under § 54.313 are due annually July 1 and have a grace period until July 5. The Commission proposes to modify all grace periods to ''within four business days.'' For instance, this change would mean that where a filing is due March 1, recipients must file by the end of March 5 or be subject to a support reduction. Consistent with the Commission's Computation of Time rule, if March 5 falls on a weekend or holiday, the filing must be made by the end of the next business day to avoid the support reduction. The Commission expects that establishing a uniform grace period will reduce confusion, and it seeks comment on its proposal.

69. *Seventh,* the Commission proposes to codify uniform deployment, certification and location reporting deadlines for all CAF Phase II auction funding recipients to reduce confusion and facilitate efficient program administration. As originally adopted, these deadlines were tied to the date that individual funding recipients were authorized to receive support, resulting in a patchwork compliance scheme due to the rolling nature of the authorizations. Recognizing that the varied deadlines could create confusion and unnecessarily burden program administration and oversight, the Bureau waived §§ 54.310(c), 54.316(b)(4), and 54.316(c)(2), and instead adopted uniform deadlines governing deployment, certification, and location reporting obligations. Consistent with the waiver, which will remain in effect through the support term, deployment deadlines for all CAF Phase II auction support recipients, including New York's New NY Broadband Program, fall at the end of the calendar year, and certification and location reporting deadlines fall on March 1 annually. The Commission proposes to make the waiver permanent by formally modifying the rules consistent with the waiver and seek comment on this proposal. Along similar lines, and to bring some clarity in the Commission's rules to the certification deadlines for the Bringing Puerto Rico Together Fund stage 2 fixed program and the Connect USVI Fund stage 2 fixed program, the Commission proposes to make explicit the March 1 deadline in the respective authorization public notices, which will also align the programs' rules with the rules for other high-cost programs. The Commission seeks comment on these proposals.

70. *Eighth,* the Commission seeks comment on methods to obtain more accurate information on the speeds of broadband service provided through the high-cost programs. § 54.316(a) requires recipients of high-cost support to report the geocoded locations to which they have deployed facilities capable of meeting the Commission's requirements. The current language directs ETCs to report ''whether they are offering service providing speeds of at least 4 Mbps downstream/1 Mbps upstream, 10 Mbps downstream/1 Mbps upstream, and 25 Mbps downstream/3 Mbps upstream,'' consistent with their required minimum deployment obligations. While this reporting enables USAC and the Commission to determine whether carriers have met their minimum obligations, it does not require carriers to provide a complete picture of the maximum speeds actually being offered, advertised, or delivered to customers, where the carrier is providing speeds higher than the obligated minimum. The Commission seeks comment regarding how to get a better overall understanding of actual deployment. Should the Commission require carriers to report the speeds they would offer a location, in addition to the required speeds that the deployment meets? How would the Commission define such ''maximum available speeds''? Would it be most appropriate to define these maximum speeds in terms of advertised speeds or is there some other measure of available speeds that could be used? Are there any other methods the Commission can use to ensure that it has reliable data regarding available broadband speeds at each location? Would it be feasible to extrapolate maximum available speeds for locations in an area from the data produced by the performance testing?

71. *Ninth,* the Commission proposes to amend § 54.316(a)(1) to more accurately reflect the current scope of its location reporting obligations. This rule directs ''recipients of high-cost support with defined broadband deployment obligations'' to ''provide to the Administrator on a recurring basis information regarding the locations to which the [ETC] is offering broadband service in satisfaction of its public interest obligations . . . .'' Given that all filers subject to this requirement have an established deadline to submit information, the Commission finds some of the qualifying language to be extraneous and therefore propose to delete ''on a recurring basis'' from the rule. The Commission seeks comment on this proposal.

72. *Tenth,* the Commission proposes to modify the voice and broadband rate

certifications to clarify the reporting period. The original requirements for the FCC Form 481 were adopted in the *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011. The Commission's discussion makes clear that the reports, which include voice and broadband pricing, are annual and would be due April 1, covering the prior year. Therefore, for the annual report due in a particular year, the relevant time period for the pricing data was originally intended to be January 1 to December 31 of the prior year. The Commission then moved the date of the annual reports to July 1. As a result of moving the date to July 1, the Commission moved the date for the relevant voice rates to the rate in place as of June 1 the year the report was filed, as opposed to the prior year. This was done to facilitate the implementation of the rate floor provision, which was subsequently eliminated. However, the Commission did not change the applicable reporting period for broadband rates.

73. Since the rate floor has been eliminated, there is no longer the same justification for carving out voice rates so they cover the year the report is filed rather than the prior year. Because all other reporting in the FCC Form 481 coves the prior calendar year, including compliance with the broadband rates, it creates confusion to treat voice rates differently. Recipients, not infrequently, have expressed confusion as to what year's rate benchmarks they are certifying compliance with when completing the FCC Form 481. To address this confusion and aid in program administration, the Commission proposes to modify the voice and broadband rate certification rules to make explicit that recipients are certifying to compliance with pricing benchmarks in the prior year. In other words, when certifying the FCC Form 481 by July 1, 2022, recipients will be certifying compliance with voice and broadband benchmarks for 2021. The Commission seeks comment on this proposal, and it also proposes to modify the rules to reflect that the Public Notice announcing the benchmarks is issued by the Bureau and the Office of Economics and Analytics.

74. *Finally,* the Commission proposes a new rule to allow high-cost support recipients to report locations that were deployed to during a given year, even after the reporting period has ended. The Commission requires that recipients with defined deployment obligations annually certify all locations deployed to in satisfaction of public interest obligations in the prior calendar year. For example, by March 1, 2023, recipients must certify all locations deployed to in 2022 where they began offering voice and at least one broadband plan that meets or exceeds the minimum speed and minimum usage, complies with latency requirements, and is offered at or below the applicable benchmark rate.

75. The Commission's rules set forth an explicit support reduction mechanism when recipients fail to certify on time. However, the Commission's rules do not allow a recipient that certified locations by the deadline to later certify additional locations that were deployed to during that reporting year. Since the Commission's rules require recipients to certify all locations deployed to in the prior year by the deadline, currently recipients must seek a waiver showing good cause to certify additional locations after the deadline.

76. There are sound reasons to prohibit recipients from filing deployed to locations after the reporting deadline (untimely reported locations) absent good cause. For instance, if the Commission were to freely allow recipients to certify additional locations after the deadline, recipients would have no incentive to file locations on time unless the locations were needed to meet a build-out obligation. Accurate and timely location data are critical for the Commission and USAC to monitor compliance and for USAC to conduct verifications.

77. However, the Commission also believes that it is inequitable and undesirable to prohibit recipients from certifying untimely reported locations under all circumstances. Such prohibition may ultimately result in recipients falling short of a deployment milestone and then facing support recovery and/or withholding when they have in actuality sufficiently and timely met their deployment obligations. Moreover, it seems unreasonable that a recipient that, for example, misses the March 1st deadline completely and certifies all locations by March 21st is permitted to count all those locations towards its milestone, but a recipient that certifies the vast majority of its locations by March 1st and subsequently seeks to certify additional locations by March 18th, for example, could not do so absent good cause—resulting in not being able to count those locations towards milestones. Furthermore, allowing recipients to certify untimely reported locations comports with their duty to correct or amend submitted information. Finally, prohibiting recipients from certifying untimely reported locations would leave us without a fully accurate representation of deployment using high-cost support.

78. To balance these considerations, the Commission seeks comment on whether it should amend its rules to allow recipients to file untimely reported locations, but also to apply a corresponding support reduction to provide a continued incentive for timely filing. The Commission proposes that the amended rule would apply, prospectively, a support reduction mechanism where recipients' support will be reduced for untimely reported locations based on the percentage of a recipient's total locations for the reporting year being reported after the deadline and the number of days after the deadline. Such a mechanism, which bases the reduction on the number of days late, is consistent with the existing mechanism that reduces support for failure to complete the annual certification. In addition, factoring in the number (percentage) of untimely reported locations for the reporting year further helps make the reduction in support proportional to the severity of the rule violation.

79. The Commission seeks comment on this proposal and whether it strikes the right balance of allowing untimely report locations to count towards deployment but also ensuring timely filing and efficient administration of the program. The Commission also seeks comment on any alternative proposals and whether there should be a cap on a support reduction for untimely reported locations. To further help efficiently administer this regime, unlike in the Commission's rule regarding late certifications, it does not propose to apply a one-time grace period or to reduce support at a minimum a full week given that in these situations recipients will have filed some locations by the deadline.

80. The Commission proposes to amend its rules to provide a simpler process for rate-of-return carriers seeking to merge, consolidate, or acquire one or more rate-of-return study areas to calculate the new entity's Access Recovery Charge; CAF ICC (Connect America Fund Intercarrier Compensation) support; and reciprocal compensation and switched access rate caps. The Commission anticipates that adopting such revisions to its rules would reduce the burden on carriers that currently have to seek waivers of the existing rules whenever they seek to merge, consolidate or acquire one or more rate-of-return study areas. Such rule revisions would also reduce the burden on the Commission of acting on these waiver requests and facilitate the Commission's goal of encouraging

carriers to become more efficient and to increase productivity. The Commission seeks comment on these proposals and on the costs and benefits of adopting these proposals.

81. In the *USF/ICC Transformation Order,* the Commission capped rate-of-return carriers' reciprocal compensation and interstate switched access rates and most intrastate switched access rates at the rates in effect on December 29, 2011. At the same time, the Commission adopted a multi-year transition for reducing most terminating switched access rates to bill-and-keep. As part of these reforms, the Commission adopted an Access Recovery Charge that allows rate-of-return carriers to recover a portion of the intercarrier compensation revenues lost due to the Commission's reforms, up to a defined amount (Eligible Recovery) for each year of the transition. If the projected Access Recovery Charge revenues are not sufficient to cover the entire Eligible Recovery amount, rate-of-return carriers may elect to collect the remainder in CAF ICC support.

82. The calculation of a rate-of-return Local Exchange Carriers (LECs) Eligible Recovery begins with its Base Period Revenue. A rate-of-return carrier's Base Period Revenue is the sum of certain intrastate switched access revenues and net reciprocal compensation revenues received by March 31, 2012, for services provided during Fiscal Year (FY) 2011, and the projected revenue requirement for interstate switched access services for the 2011–2012 tariff period. The Base Period Revenue for rate-of-return carriers was reduced by 5% initially and is reduced by an additional 5% in each year of the transition. A rate-of-return carrier's Eligible Recovery is equal to the adjusted Base Period Revenue for the year in question, less, for the relevant year of the transition, the sum of: (1) projected intrastate switched access revenue; (2) projected interstate switched access revenue; and (3) projected net reciprocal compensation revenue. The adjusted Base Period Revenue is also adjusted to reflect certain demand true-ups. A rate-of-return LECs Base Period Revenue is calculated only once, but is used during each step of the intercarrier compensation recovery mechanism calculations for each year of the transition.

83. The Commission's rules for calculating Eligible Recovery are based on study-area-specific data, and do not address what adjustments may be necessary when study areas are merged after one company acquires all or a portion of another. Because a carrier's Base Period Revenue and interstate revenue requirement are study-area-specific, as are a carrier's reciprocal compensation and capped switched access rates, combining two study areas requires a decision about how best to combine two different Base Period Revenues and interstate revenue requirements, and—when the study areas do not have the same capped rates—a waiver of the Commission's rules to establish the proper rate levels.

84. Since the Eligible Recovery rules have taken effect, several rate-of-return LECs have partially or fully merged study areas or acquired new study areas. Because the intercarrier compensation and CAF ICC rules adopted in the *USF/ICC Transformation Order* do not contemplate study area changes, these carriers have had to file petitions for waiver of portions of §§ 51.917 and 51.909 of the Commission's rules to reset the applicable Base Period Revenue associated with the study areas they have merged or acquired. In this line of waiver orders, the Bureau has permitted carriers to add together the relevant interstate revenues from FY 2011 of the merging study areas and the 2011–2012 interstate revenue requirement of the merging study areas. This calculation then creates a combined Base Period Revenue which serves as the baseline for calculating the Eligible Recovery of the company serving the combined study area going forward. To facilitate mergers for entities that participate in the National Exchange Carrier Association (NECA) Tariff, the Bureau has granted waivers to allow NECA to place the consolidated study area in the rate band that most closely approximates the merged entities' cost characteristics. The rate for that rate band then becomes the rate cap for that rate element in the merged study area.

85. The waiver process has imposed additional costs on these carriers and, in some instances, delayed mergers or acquisitions. The Commission's experience in reviewing these waiver requests has shown that certain patterns recur with predictable outcomes that can be addressed through rule revisions rather than by requiring individual waiver requests in the future. Adopting such revisions to the Commission's rules would reduce the burden on carriers and on the Commission. The Commission, therefore, proposes to revise its rules to eliminate the need for a rate-of-return LEC that is involved in a merger, consolidation, or acquisition with another rate-of-return carrier to obtain a waiver of these intercarrier compensation rules when certain conditions apply.

86. First, the Commission proposes to revise § 51.917 of its rules to provide that merging, consolidating, or acquiring rate-of-return carriers shall combine separate Base Period Revenue and interstate revenue requirement factors when two or more entire study areas are being merged. This approach is consistent with the Commission's precedent and the proposed rule revisions will eliminate the need for individual waiver requests in these circumstances. If only a portion of a study area is being acquired and merged into another study area, the Commission proposes to allow the acquiring entity and the remaining entity to allocate the Base Period Revenue and interstate revenue requirement levels of the partial study area on the proportion of access lines acquired compared to the total access lines in the pre-merger study area of the remaining entity. This proposal is consistent with the approach the Commission has previously taken when dealing with transactions affecting only part of a study area.

87. Similarly, the Commission proposes to revise § 51.909 of its rules to establish procedures that will allow us to set new rate caps for merging rate-of-return carriers without requiring the merging carriers to file a waiver request. The Commission proposes to amend its rule to provide that, for merging, acquiring or consolidating carriers that will file their own tariffs, the new rate cap for each rate element shall be the weighted average of the preexisting rates in each of the study areas. For merging carriers that participate in the NECA traffic-sensitive tariff and that have to establish a single switched access rate for a rate element, the Commission proposes that the new consolidated rate, as determined by NECA pursuant to the rate bands in its traffic-sensitive tariff, will serve as the new rate cap if the merged entity's CAF ICC support will not increase as a result of the merger by more than 2% above the amount received by the merging entities, using the demand and rate data for the preceding calendar year. The Commission invites comment on these proposals. In particular, the Commission seeks comment on whether the two percent factor represents a reasonable level for determining that a merger should be allowed at the rate(s) determined by NECA.

88. Finally, the Commission proposes to streamline the process by which rate-of-return carriers seeking to merge, consolidate, or acquire study areas can establish new reciprocal compensation and switched access rate caps if the impact of using the weighted average of the preexisting rates in the previous

study areas to establish the rates for the new combined study area would result in the new entity's CAF ICC support exceeding the 2 percent threshold described in this document. Under those circumstances, the Commission proposes to require carriers to file a petition for waiver, specifying the impact of the merger, acquisition or consolidation on the new entity's rates and CAF ICC support, but the Commission proposes to adopt a streamlined public notice period after which petitions for waiver would be deemed granted after 60 days if there is no opposition and the Bureau or Commission has not acted to extend the review period. The Commission proposes that the petitions for waiver be submitted for consideration via the Commission's ECFS and a courtesy copy emailed to the Chief, Pricing Policy Division, Wireline Competition Bureau.

89. The Commission further proposes that carriers filing petitions under these revised rules must include: (1) a description of the merging study areas, or portions of study areas involved; (2) the switched access demand; (3) relevant pre- and post-merger rates for the study areas involved, as proposed; (4) the effect on CAF ICC resulting from the merger; and (5) a brief statement of the benefits of the merger. The Bureau would then release a public notice announcing receipt of a petition and a 30-day comment period would begin upon release of that public notice. Reply comments would be due 45 days after the release of the public notice. If no oppositions are received, the petition for waiver will be deemed granted on the 60th day after the public notice, unless the Bureau or Commission acts to prevent the ''automatic'' grant. If an opposition is received during the comment or reply comment period, the Commission proposes that the petition would be automatically removed from the streamlined grant process. The Commission invites parties to comment on this proposal and whether the requested information to be included in the petition is sufficient to permit interested parties and the Bureau or Commission to determine whether the proposed merger is in the public interest. The Commission proposes to delegate to the Bureau the authority to review, analyze and approve these petitions for waiver.

90. The Commission seeks comment on amending § 54.902 of its rules, which governs the amount of CAF BLS support a rate-of-return carrier receives when it acquires exchanges from another incumbent local exchange carrier, to better reflect the current state of high-cost universal service.

91. Currently, § 54.902(a) describes how CAF BLS support is calculated when a rate-of-return carrier acquires exchanges from another rate-of-return carrier, while § 54.902(b) specifies that when a rate-of-return carrier acquires exchanges from a price cap carrier, the acquired exchanges remain subject to the support amounts and obligations established by CAF Phases I and II. Since this rule was last amended, the Commission has adopted and implemented several new high-cost support mechanisms, for areas served by both rate-of-return and price cap carriers, as well as non-incumbent LEC's. These new mechanisms include auction-based mechanisms and model-based support for rate-of-return carriers (A–CAM I and II).

92. The Commission proposes to modify § 54.902(a) to expressly limit its application, so that a carrier would only be eligible to receive CAF BLS support for exchanges acquired from existing CAF BLS recipients. The Commission further proposes to modify § 54.902(b) to include any model-based, auction-based or frozen support. Specifically, the Commission proposes that any transferred exchanges subject to § 54.902(b) would be subject to the support and obligations in place at the time of the exchange. These proposed modifications would be consistent generally with the rule as originally adopted, when all rate-of-return carriers were subject to the Interstate Common Line Support (ICLS) mechanism (which was renamed CAF BLS when modernized by the Commission in 2016). Because the Commission also created a voluntary pathway to model-based support for rate-of-return carriers in 2016, it is no longer accurate to assume, as § 54.902(a) does, that all rate-of-return carriers are subject to CAF BLS. Similarly, because the Commission has adopted competitive bidding processes to allocate high-cost support in many areas, rate-of-return carriers may acquire exchanges from carriers that are not subject to rate-of-return or price cap regulation. The proposed rule would clarify that only transferred exchanges that are already eligible for CAF BLS would be eligible for CAF BLS after their transfers. Though exchanges not subject to ICLS (or CAF BLS) would have been eligible for ICLS (or CAF BLS) as the rule was originally designed in 2001, today the alternatives to CAF BLS are model-based or auction-based support mechanisms in which support recipients have agreed to fixed support amounts in exchange for defined obligations over specified terms, and it would not typically be appropriate for those fixed obligations and support amounts to be changed because some exchanges were transferred. This includes exchanges served by rate-of-return carriers under the A–CAM I and A–CAM II mechanisms. The Commission, of course, may address unique circumstances justifying a different result through the waiver process. The Commission seeks comment on these proposals.

93. The Commission seeks comment on several proposals to modify the study area boundary waiver process. A study area is a geographic segment of an incumbent LECs telephone operations and forms the basis of the jurisdictional separations of its costs and its cost studies. The Commission froze all study area boundaries effective November 15, 1984 to prevent incumbent LECs from establishing separate study areas made up of only high-cost exchanges to maximize their receipt of high-cost universal service support. The study area freeze also prevents incumbent LECs from transferring exchanges among existing study areas for the purpose of increasing interstate revenue requirements and maximizing universal service compensation. Carriers operating in more than one state typically have one study area for each state, and carriers operating in a single state typically only have a single study area.

94. In 1996, the then Common Carrier Bureau (now known as the Wireline Competition Bureau) issued an order stating that ''carriers are not required to seek study area waivers if: (1) a separately incorporated company is establishing a study area for a previously unserved area; (2) a company is combining previously unserved territory with one of its existing study areas in the same state; and (3) a holding company is consolidating existing study areas in the same state.'' Accordingly, any carrier seeking to merge study areas that does not fall into one of those three categories must petition the Commission for a waiver. In 2004, the Commission adopted the *Skyline Order,* which stated that ''the Commission has never enunciated an exception to its study area waiver requirements for unserved areas [and] that treating an area as unserved when it was previously within an existing study area would be inconsistent with the purpose of the study area freeze.'' It clarified that ''a study area waiver request must be filed with the Commission where a company is seeking to create a new study area from within one or more existing study areas.'' The *Skyline Order* therefore modified the 1996 Bureau-level order by prohibiting the establishment of a new

study area in previously unserved territory if the unserved area was within an existing study area.

95. In the *USF/ICC Transformation Order,* the Commission recognized the administrative burden the ad hoc approach placed on the Bureau. Because most petitions are ''routine in nature,'' the Commission adopted a streamlined process to address all study area waiver petitions. Under this process, once a carrier submits a petition the Bureau will issue a public notice seeking comment and noting whether the waiver is appropriate for streamlined treatment. Absent any further action by the Bureau, if the waiver is subject to streamlined treatment, it is granted on the 60th day after the reply comment due date. Alternatively, if the petition requires further analysis and review, the public notice will state that the petition is not suitable for streamlined treatment.

96. Since then, the Commission has substantially reformed how universal service support is awarded. Incumbent LECs now receive support in different ways, including model-based support and auction support, in addition to traditional rate-of-return regulation (legacy support). Currently, when a carrier that owns multiple study areas within a state wants to merge these commonly-owned study areas, the carrier is not required to petition the Commission. However, allowing carriers to merge study areas that receive support under different mechanisms could create opportunities for carriers to manipulate the Commission's support. For example, if a carrier sought to merge two study areas in a state, one of which receives legacy rate-of-return support and another that receives model-based support, it would be difficult for the Commission to determine which lines in the new study area are entitled to rate-of-return support, which typically increases as the number of lines increases. Similarly, such a merger could create confusion regarding tracking carrier mandatory build-out obligations by changing the areas in which they must deploy broadband. For example, an A–CAM carrier receives a fixed amount of support in exchange for deploying broadband to a specific number of locations based on costs as determined by a model. If the A–CAM carrier merges its study area with a legacy rate-of-return study area in the same state owned by the same carrier, it would then be harder to track the deployment obligations under each program.

97. In addition, allowing carriers to add unserved areas to their study areas, even if those areas are not within an existing study area, could undermine the Commission's goal of distributing universal service support in the most efficient manner possible. In furtherance of this objective, the Commission has encouraged the transition to model-based support and auction-awarded support over traditional rate-of-return regulation. If rate-of-return carriers can extend their existing study area into unserved areas, this could result in the use of legacy support in additional areas when such areas could be served with broadband more efficiently using model-based or auction-based support.

98. To avoid the issues created by merging study areas receiving different types of support or the expanded use of less efficient support methodologies, the Commission seeks comment on requiring waivers for all study area boundary changes. Requiring changes in study area boundaries to be reviewed by the Bureau would ensure that any proposed changes are not approved until the effects on the Fund are taken into account. Because the Commission has already established a streamlined process for such waivers, those requests that do not present any support or other concerns could be swiftly granted, thereby minimizing the burden on those carriers proposing mergers that promote efficiency and are clearly in the public interest. The Commissions seeks comment on this proposal. Are there any alternatives that the Commissions should consider that would address these concerns?

99. The Commission seeks comment on eliminating optional line count filings for CAF BLS support recipients reported on FCC Form 507, or, alternatively, updating the filing schedule for optional quarterly line counts to better align with the mandatory annual filing deadline.

100. The Commission adopted quarterly filing provisions for rate-of-return carriers in 2001 in the *Multi-Association Group (MAG) Order.* The filing schedule tracked the existing schedule for reporting line counts for high cost loop support, with annual line counts due on July 31 each year (reporting line counts as of the prior December 31), and quarterly updates due on September 30, December 31, and March 31 (each reporting lines as of six months earlier). The quarterly line counts were mandatory for rate-of-return carriers serving areas in which a competitive ETC was operating, and permissive for all other rate-of-return carriers. In 2012, mandatory quarterly filings were eliminated because competitive ETCs no longer received support based on the incumbent rate-of-return carriers' per-line support amounts. In the *December 2018 Rate-of-Return Reform Order,* the Commission changed the date of the mandatory annual filing from July 31 to March 31 but did not address the optional quarterly updates. As a result, the optional quarterly update of lines as of September 30 is due on the same day, March 31, as the mandatory annual filing of line counts as of December 31, and other optional line count filings have an unnecessary six-month lag.

101. The Commission seeks comment on whether to eliminate the option of submitting quarterly line counts or alternatively to align the schedule to conform to the recently revised schedule for annual line count filings. The optional line counts are currently used for two purposes. First, USAC uses the quarterly line count updates to administer the monthly per-line cap on high-cost universal service support each quarter. In practice, only 17 carriers filed updated line counts on December 31, 2020, and most of those were not subject to the per-line cap. The Commission notes that using the quarterly line counts to calculate a carrier's per-line support gives carriers that may be subject to monthly per-line cap a benefit, in that they can choose to file updated line counts only if the change would increase support to the carrier. Second, the quarterly line counts are used to determine preliminary CAF BLS when a CAF BLS support recipient acquires exchanges from another CAF BLS support recipient. This preliminary CAF BLS amount is ultimately subject to true-up based on the carrier's actual cost and revenue data, including the transferred exchanges. Under either scenario, it is possible that the Commission could rely on the mandatory annual line counts with minimal loss of utility. Given the limited utility of the quarterly line count filings, should the Commission eliminate them altogether?

102. In the event that the Commission decides to retain the optional quarterly filings, it seeks comment on revising the filing schedule to align with the recently revised schedule for reporting annual lines. Consistent with § 54.903(a)(1), carriers must annually report lines counts as of December 31 on March 31. The Commission proposes to revise § 54.903(a)(2) to permit carriers optionally to report updated lines as of March 31 on June 30, lines as of June 30 on September 30, and lines as of September 30 on December 31. This would eliminate confusion and provide a more consistent flow of line count data over the course of the year. The Commission seeks comment on this proposal.

103. The Commission seeks comment on revising the process by which a support recipient subject to a state commission's jurisdiction can relinquish its ETC designation by requiring the ETC to provide advance notice to the Commission prior to seeking relinquishment and within 10 days after such relinquishment has been granted.

104. Section 254(e) of the Communications Act of 1934 provides that ''only an eligible telecommunications carrier . . . shall be eligible to receive specific Federal universal service support.'' States have primary jurisdiction for designating ETCs; the Commission generally has authority only when ''a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.'' An ETC may relinquish its designation ''in any area served by more than one'' ETC so long as ''the remaining [ETCs] ensure that all customers served by the relinquishing carrier will continue to be served.'' Once the requesting carrier makes the required showing, the state commission or the Commission grants the request for relinquishment.

105. Where states designate ETCs, the Commission currently has no oversight over the ETC relinquishment process. As a result, a carrier could seek and be granted relinquishment of its ETC designation while it still has high-cost support obligations, such as an outstanding debt to USAC or unfulfilled deployment commitment.

106. Section 54.205 of the Commission's rules requires an ETC seeking to relinquish its ETC designation granted by a state commission to give advance notice to the state commission. The Commission proposes to extend that obligation to also require advance notice to them. In addition, after the state commission grants its request to relinquish its designation, the Commission proposes to require the ETC to notify them within 10 days. The Commission believes the proposed notification requirements would help deter waste, fraud, and abuse in the management of the USF. In that regard, the Commission notes that, while states are largely responsible for granting ETC status, ETCs receive universal service support from them on the basis of this designation. Moreover, such notification would enable the Commission to end support payments in a timely fashion and, where applicable, take action where a carrier fails to meet its deployment, performance, or other obligations. Conversely, when an ETC does not receive any federal USF support, the Commission believes such notification is appropriate as it would allow to us confirm that in fact, there are not federal USF issues as stake. Given the impact of relinquishments on federal USF support, the Commission believes it has ample legal authority to adopt the foregoing notice requirements, under Section 254 and as reasonably ancillary thereto. The Commission also proposes to find that the benefits of providing an additional safeguard to protect the integrity of the Fund outweighs any modest burden resulting from the proposed notification obligation. The Commission seeks comment on these proposals and assessments of legal authority and costs and benefits.

107. The Commission seeks comment on whether it should consider any other clarifications, modifications or additions to its rules in this proceeding. Are there modifications that would improve administrative efficiency or reduce unnecessary burdens in the high-cost program? Are there examples where the Commission's rules have not kept pace or are otherwise not aligned with Commission orders? Are there any high-cost rules that are reflected solely in Commission orders but not in the Commission's rules? In considering additional changes, the Commission seeks to balance its goals of facilitating the efficient operation of the high-cost program for all parties, while ensuring that the Commission continues to protect the fund from waste, fraud and abuse. Commenters are invited to specifically address how any suggested modifications will meet those goals.

108. The Commission, as part of its continuing effort to advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations and benefits (if any) that may be associated with the proposals and issues discussed herein. Specifically, the Commission seeks comment on how its proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

III. Procedural Matters

109. *Paperwork Reduction Act Analysis.* This document contains proposed new information collection requirements. The Commission as part of its continuing effort to reduce paperwork burdens, will be inviting the general public and OMB to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

110. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this NPRM. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments provided on the first page of the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the NPRM and IRFA (or summaries thereof) will be published in the **Federal Register**.

111. In this proposed rule, the Commission seeks comment on a proposal by the Coalition to achieve widespread deployment of 100/20 Mbps broadband service throughout the areas served by carriers currently receiving A–CAM support, and the Commission initiates a targeted inquiry into the management and administration of the high-cost program of the USF. For more than a decade, the Commission has made substantial progress in reforming and modernizing the various high-cost universal service support mechanisms. This NPRM continues the progress by seeking methods to increase efficiency and efficacy of the program.

112. The proposed action is authorized pursuant to sections 4(i), 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214, 254, 303(r), and 403.

113. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and by the rule revisions on which the Notice seeks comment, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the

SBA. A ''small-business concern'' is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

114. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes here, at the outset, three broad groups of small entities that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 32.5 million businesses.

115. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2020, there were approximately 447,689 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

116. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2017 Census of Governments indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. Of this number there were 36,931 general purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,040 special purpose governments—independent school districts with enrollment populations of less than 50,000. Accordingly, based on the 2017 U.S. Census of Governments data, the Commission estimates that at least 48,971 entities fall into the category of ''small governmental jurisdictions.''

117. Small entities potentially affected by the proposed regulations herein include Wired Telecommunications Carriers, LECs, Incumbent LECs, Competitive Local Exchange Carriers, Interexchange Carriers, Local Resellers, Toll Resellers, Other Toll Carriers, Prepaid Calling Card Providers, Telecommunications Carriers (except Satellite), Cable and Other Subscription Programming, Cable Companies and Systems (Rate Regulation Cable System Operators (Telecom Act Standard), All Other Telecommunications, Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, Semiconductor and Related Device Manufacturing, Software Publishers, Wired Broadband internet Access Service Providers, Wireless Broadband internet Access Service Providers, internet Service Providers (Non-Broadband), and All Other Information Services.

118. In this NPRM the Commission seeks comment on ways to improve the management, administration, and oversight of the high-cost program, including: streamlining reporting and certification requirements; improving review of mergers between rate-of-return local exchange carriers; clarifying support for exchanges acquired by a CAF BLS recipient; establishing a streamlined process to merge jointly-owned study areas; aligning the schedule for CAF BLS recipients to file optional quarterly line count updates; improving the process to relinquish ETC status; and improving its audit program. At this time the Commission cannot quantify the cost of compliance with the potential rule changes discussed in this document. However, the Commission does not believe that the costs and/or administrative burdens associated with any of the proposal rule changes will unduly burden small entities. The Commission discusses the new or modified obligations that result in this document, and seek comment on these matters, including cost and benefit analyses supported by quantitative and qualitative data from the parties in the proceeding.

119. Specifically, the NPRM seeks comment on a proposal by the by Coalition for new A–CAM. The NPRM also seeks comment regarding several changes that would improve or streamline annual reporting and certification requirements. First, the NPRM seeks comment on and proposes modifying § 54.313(i) of the Commission's rules from the CFR because, pursuant to a previous Commission order, high-cost recipients are no longer subject to the requirement to file annual reporting and certifications with the Commission, relevant state commissions, relevant or authority in a U.S. Territory, or Tribal government now that the information is available from USAC. Second, the Commission proposes to align more closely support reductions for a carrier's actual failure to comply with the reporting and certification deadline by directing USAC to reduce support in the month immediately following the date of failure. Third, the NPRM seeks comment on quarterly reporting requirements for performance testing, on making such requirements mandatory for all high-cost support recipients, and on the filing schedule. Fourth, the Commission seeks comment on relieving privately held A–CAM carriers of the requirement to file audited financials annually. Fifth, the NPRM proposes to modify the Commission's rules to create a consistent grace period for all compliance filings by modifying all grace periods to ''within four business days.'' Sixth the NPRM seeks comment on provisions related to the location reporting and certification requirements for ETCs receiving high-cost USF support. Seventh, the NPRM proposes to codify uniform deployment, certification and location reporting deadlines for all CAF Phase II auction recipients and clarify deadlines for the Bringing Puerto Rico Together and Connect USVI stage 2 fixed funds. Eighth, the NPRM seeks comment on methods to obtain more accurate information on the actual speeds of broadband service provided through the high-cost programs. Ninth, the NPRM proposes amending § 54.316(a)(1) by deleting extraneous language to more accurately reflect the current scope of the Commission's location reporting obligations. Tenth, the NPRM proposes to modify the voice and broadband rate certifications rules to clarify the reporting period. Finally, the NPRM proposes a support reduction scheme for when a carrier reports some locations after the deadline for the reporting period.

120. In addition, the NPRM seeks comment on proposals to eliminate the need for a rate-of-return LEC that is involved in a merger, consolidation, or acquisition with another rate-of-return carrier to obtain a waiver of specified intercarrier compensation rules when certain conditions apply. The NPRM also seeks comment on amending § 54.902, which governs the amount of CAF BLS received by a rate-of-return carrier when it acquires exchanges from another incumbent local exchange carrier. The NPRM proposes to modify § 54.902(a) to expressly limit its application, so that a carrier would only

be eligible for CAF BLS for exchanges acquired from existing CAF BLS recipients, and to modify § 54.902(b) to include any model-based, auction-based or frozen support. The NPRM also seeks comment on several proposals to modify the study area boundary process.

121. The NPRM also seeks comment on updating the schedule for CAF BLS support recipients to file optional quarterly line counts on the FCC Form 507 or, alternatively, eliminating optional quarterly line counts entirely. Additionally, the NPRM seeks comment on revising the process by which a support recipient can relinquish its ETC designation by requiring a certification that all outstanding universal service issues have been satisfied prior to relinquishment. Taken together, all of these proposals will reduce burdens on carriers and the Commission and will encourage carriers to become more efficient and productive.

122. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

123. In the NPRM, the Commission seeks comment from all entities, including small entities, regarding the impact of these proposed rules to improve the efficiency and efficacy of the high-cost program. The NRPM proposes changes that would improve or streamline annual reporting and certification requirements and proposes to eliminate a codified rule that is no longer applicable. These changes will eliminate ambiguity and reduce administrative burdens on all recipients, including small entities. The NPRM seeks comment on relieving privately held carriers receiving A–CAM support, most of which are small entities, of the requirement to file audited financial statements annually. The NPRM proposes to adopt consistent grace periods of ''four business days'' which will eliminate confusion for all entities from grace periods falling on a weekend or holiday. The NPRM also proposes to eliminate the need for rate-of-return local exchange carriers, most of which are small entities, involved in a merger, consolidation, or acquisition with another rate-of-return carrier to obtain a waiver of certain intercarrier compensation rules. For carriers that do not satisfy the criteria identified for transactions when waiver is not required, the NPRM proposes to streamline the CAF ICC merger approval process. The Commission asks and will consider alternatives to the proposals and on alternative ways of implementing the proposals.

124. More generally, the Commission expects to consider the economic impact on small entities, as identified in comments filed in response to the Notice and this IRFA, in reaching its final conclusions and taking action in this proceeding. The proposals and questions laid out in the NPRM are designed to ensure the Commission has a complete understanding of the benefits and potential burdens associated with the different actions and methods.

IV. Ordering Clauses

125. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 4(i), 214, 218–220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 214, 218–220, 254, 303(r), and 403, and §§ 1.1, 1.3, 1.407, 1.411, and 1.412 of the Commission's rules, 47 CFR 1.1, 1.3, 1.407, 1.411, and 1.412, the petition for rulemaking filed by the ACAM Broadband Coalition, RM–11868, *is granted* to the extent discussed herein, and this Notice of Proposed Rulemaking *is adopted*.

126. *It is further ordered* that this NPRM will be *effective* upon publication in the **Federal Register**, with comment dates indicated therein.

List of Subjects

47 CFR Part 36

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications, Telephone, Uniform System of Accounts.

47 CFR Part 51

Communications, Communications common carriers, Telecommunications, Telephone.

47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, internet, Libraries, Puerto Rico, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone, Virgin Islands.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Proposed Regulations

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR parts 36, 51, and 54 as follows:

PART 36—JURISDICTIONAL SEPARATIONS PROCEDURES; STANDARD PROCEDURES FOR SEPARATING TELECOMMUNICATIONS PROPERTY COSTS, REVENUES, EXPENSES, TAXES AND RESERVES FOR TELECOMMUNICATIONS COMPANIES

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154(i) and (j), 201, 205, 220, 221(c), 254, 303(r), 403, 410, and 1302 unless otherwise noted.

■ 2. Amend § 36.4 by adding paragraph (c) to read as follows:

§ 36.4 Streamlining procedures for processing petitions for waiver of study area boundaries.

* * * * *

(c) As of 30 days after the effective date of this paragraph, incumbent local exchange carrier must seek waiver for study area boundary changes notwithstanding any prior exemptions from such waiver requests including, but not limited to, when a company is combining previously unserved territory with one of its study areas or a holding company is consolidating existing study areas within the same state. The Wireline Competition Bureau or the Office of Economics and Analytics may accept study area boundary corrections without a waiver.

PART 51—INTERCONNECTION

■ 3. The authority citation for part 51 continues to read as follows:

Authority: 47 U.S.C. 151–55, 201–05, 207–09, 218, 225–27, 251–52, 271, 332, unless otherwise noted.

■ 4. Amend § 51.909 by adding paragraph (a)(7) to read as follows:

§ 51.909 Transition of rate-of-return carrier access charges.

(a) * * *

(7) Rate-of-return carriers subject to § 51.917 that merge with, consolidate with, or acquire, other rate-of-return carriers shall establish new rate caps as follows:

(i) If the merged entity will file its own access tariff, the new rate cap for each rate element shall be the average of the preexisting rates of each study area

weighted by the number of access lines in each study area; or

(ii) If the merged entity participates in the Association traffic-sensitive tariff and has to establish a single switched access rate for one or more rate elements, the new consolidated rate reflecting the cost characteristics of the merged entity, as determined by the Association, will serve as the new rate cap if the merged entity's CAF ICC support will not be more than two percent higher than the combined amount received by the entities prior to merger, using rate and demand levels for the preceding calendar year. A merging entity that does not satisfy this requirement may file a streamlined waiver petition that will be subject to the following procedure:

(A) *Public notice and review period.* The Wireline Competition Bureau will issue a public notice seeking comment on a petition for waiver of the two-percent threshold established by this rule.

(B) *Comment cycle.* Comments on petitions for waiver may be filed during the first 30 days following public notice, and reply comments may be filed during the first 45 days following public notice, unless the public notice specifies a different pleading cycle. All comments on petitions for waiver shall be filed electronically, and shall satisfy such other filing requirements as may be specified in the public notice.

(C) *Effectuating waiver grant.* A waiver petition filed pursuant to this paragraph will be deemed granted 60 days after the release of the public notice seeking comment on the petition, unless opposed or the Commission acts to prevent the waiver from taking effect. The Association and the petitioner shall coordinate the timing of any tariff filing necessary to effectuate this change. The revised rate filed by the Association shall be the rate cap for purposes of applying § 51.909(a).

* * * * *

■ 5. Amend § 51.917 by revising paragraph (c) to read as follows:

§ 51.917 Revenue Recovery for Rate-of-Return Carriers.

* * * * *

(c) *Base Period Revenue*—(1) *Adjustment for Access Stimulation activity.* 2011 Rate-of-Return Carrier Base Period Revenue shall be adjusted to reflect the removal of any increases in revenue requirement or revenues resulting from Access Stimulation activity the Rate-of-Return Carrier engaged in during the relevant measuring period. A Rate-of-Return Carrier should make this adjustment for its initial July 1, 2012, tariff filing, but the adjustment may result from a subsequent Commission or court ruling.

(2) *Adjustment for Merger, Consolidation or Acquisition.* Rate-of-return carriers subject to this section that merge with, consolidate with, or acquire, other rate-of-return carriers shall establish combined Base Period Revenue and interstate revenue requirement levels as follows:

(i) If the merger or acquisition is of two or more study areas, the Base Period Revenue and interstate revenue requirement levels of the study areas shall be added together to establish a new Base Period Revenue and interstate revenue requirement for the newly combined entity; or

(ii) If a portion of a study area is being acquired and merged into another study area, the Base Period Revenue and interstate revenue requirement levels of the partial study area shall be based on the proportion of access lines acquired compared to the total access lines in the pre-merger study area.

* * * * *

PART 54—UNIVERSAL SERVICE

■ 6. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, and 1302, 1609, and 1752, unless otherwise noted.

■ 7. Amend § 54.205 by revising the last sentence of paragraph (a) to read as follows:

§ 54.205 Relinquishment of universal service.

(a) * * * An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission and the Commission of such relinquishment.

* * * * *

■ 8. Amend § 54.310 by revising paragraph (c) introductory text to read as follows:

§ 54.310 Connect America Fund for Price Cap Territories—Phase II.

* * * * *

(c) *Deployment obligation.* Recipients of Connect America Phase II model-based support must complete deployment to 40 percent of supported locations by December 31, 2017, to 60 percent of supported locations by December 31, 2018, to 80 percent of supported locations by December 31, 2019, and to 100 percent of supported locations by December 31, 2020. Recipients of Connect America Phase II awarded through a competitive bidding process, including New York's New NY Broadband Program, must complete deployment to 40 percent of supported locations by December 31, 2022, to 60 percent of supported locations December 31, 2023, to 80 percent of supported locations by December 31, 2024, and to 100 percent of supported locations by December 31, 2025. Compliance shall be determined based on the total number of supported locations in a state.

* * * * *

■ 9. Amend § 54.313 by revising paragraphs (a)(2) and (3) and (i), the first sentence of paragraph (j)(1), paragraph (j)(2), and adding paragraphs (j)(3) and (4) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

(a) * * *

(2) A certification that the pricing of the company's voice services during the prior calendar year is no more than two standard deviations above the applicable national average urban rate for voice service, as specified in the public notice issued by the Wireline Competition Bureau and the Office of Economics and Analytics;

(3) A certification that the pricing of a service that meets the Commission's broadband public interest obligations during the prior calendar year is no more than the applicable benchmark to be announced annually in a public notice issued by the Wireline Competition Bureau and the Office of Economics and Analytics, or is no more than the non-promotional price charged for a comparable fixed wireline service in urban areas in the states or U.S. Territories where the eligible telecommunications carrier receives support;

* * * * *

(i) All reports pursuant to this section shall be filed with the Administrator.

(j) * * *

(1) *Annual deadline.* In order for a recipient of high-cost support to continue to receive support or to retain its eligible telecommunications carrier designation, it must submit the annual reporting information required by this section annually by July 1 of each year.

* * *

(2) *Grace period.* An eligible telecommunications carrier that submits the annual reporting information required by this section after July 1, or the quarterly reporting required by subparagraph (j)(3) of this section after the required date, but within 4 business days will not receive a reduction in support if the eligible

telecommunications carrier and its holding company, operating companies, and affiliates as reported pursuant to paragraph (a)(4) of this section have not missed the July 1 deadline in any prior year.

(3) *Performance testing reports.* Reports of network performance testing results pursuant to subparagraph (a)(6) of this section shall be filed quarterly on the first day of the second month following the quarter in the tests were conducted, except reports for the first quarter of each year may be reported on July 1 in conjunction with the annual reports.

(4) *Support reductions.* Any support reductions resulting from a failure to make required filing pursuant to this section shall be applied in the next month following the missed deadline.

* * * * *

■ 10. Revise § 54.314 to read as follows:

§ 54.314 Certification of support for eligible telecommunications carriers.

(a) *Certification.* States that desire eligible telecommunications carriers to receive support pursuant to the high-cost program must file an annual certification with the Administrator stating that all federal high-cost support provided to such carriers within that State was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

(b) *Carriers not subject to State jurisdiction.* An eligible telecommunications carrier not subject to the jurisdiction of a State that desires to receive support pursuant to the high-cost program must file an annual certification with the Administrator stating that all federal high-cost support provided to such carrier was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

(c) *Certification format.* (1) A certification pursuant to this section may be filed in the form of a letter from the appropriate regulatory authority for the State, and must be filed with the Administrator of the high-cost universal mechanism, on or before the deadlines set forth in paragraph (d) of this section. If provided by the appropriate regulatory authority for the State, the annual certification must identify which carriers in the State are eligible to receive federal support during the applicable 12-month period, and must certify that those carriers only used support during the preceding calendar year and will only use support in the coming calendar year for the provision, maintenance, and upgrading of facilities and services for which support is intended. A State may file a supplemental certification for carriers not subject to the State's annual certification.

(2) An eligible telecommunications carrier not subject to the jurisdiction of a State shall file a sworn affidavit executed by a corporate officer attesting that the carrier only used support during the preceding calendar year and will only use support in the coming calendar year for the provision, maintenance, and upgrading of facilities and services for which support is intended. The affidavit must be filed with the Administrator of the high-cost universal service support mechanism, on or before the deadlines set forth in paragraph (d) of this section.

(d) *Filing deadlines*—(1) *Annual deadline.* In order for an eligible telecommunications carrier to receive Federal high-cost support, the state or the eligible telecommunications carrier, if not subject to the jurisdiction of a state, must file an annual certification, as described in paragraph (c) of this section, with the Administrator by October 1 of each year. If a state or eligible telecommunications carrier files the annual certification after the October 1 deadline, the carrier subject to the certification shall receive a reduction in its support pursuant to the following schedule:

(i) An eligible telecommunications carrier subject to certifications filed after the October 1 deadline, but by October 8, will have its support reduced in an amount equivalent to seven days in support;

(ii) An eligible telecommunications carrier subject to certifications filed on or after October 9 will have its support reduced on a pro-rata daily basis equivalent to the period of non-compliance, plus the minimum seven-day reduction.

(iii) Any support reductions resulting from a failure to make required filing pursuant to this section shall be applied in the next month following the missed deadline.

(2) *Grace period.* If an eligible telecommunications carrier or state submits the annual certification required by this section after October 1 but within 4 business days, the eligible telecommunications carrier subject to the certification will not receive a reduction in support if the eligible telecommunications carrier and its holding company, operating companies, and affiliates as reported pursuant to § 54.313(a)(4) have not missed the October 1 deadline in any prior year.

■ 11. Amend § 54.316 by revising paragraphs (a)(1), (b) introductory text, (b)(4) and (7), and (c) to read as follows.

§ 54.316 Broadband deployment and certification requirements for high-cost recipients.

(a) * * *

(1) Recipients of high-cost support with defined broadband deployment obligations pursuant to § 54.308(a), 54.308(c), or § 54.310(c) shall provide to the Administrator information regarding the locations to which the eligible telecommunications carrier is offering broadband service in satisfaction of its public interest obligations, as defined in either § 54.308 or § 54.309.

* * * * *

(b) *Broadband deployment certifications.* ETCs that receive support to serve fixed locations shall have the following broadband deployment certification obligations:

* * * * *

(4) Recipients of Connect America Phase II auction support, including New York's New NY Broadband Program, shall provide: No later than March 1, 2023, and every year thereafter ending March 1, 2026 a certification that by the end of the prior calendar year, it was offering broadband meeting the requisite public interest obligations specific in § 54.309 to the required percentage of its supported locations in each state as set forth in § 54.310(c).

* * * * *

(7) Recipients of Uniendo a Puerto Rico Fund Stage 2 fixed and Connect USVI Fund fixed Stage 2 fixed support shall provide: No later than March 1 following each service milestone in § 54.1506, a certification that by the end of the prior support year, it was offering broadband meeting the requisite public interest obligations specified in § 54.1507 to the required percentage of its supported locations in Puerto Rico and the U.S. Virgin Islands as set forth in § 54.1506. The annual certification shall quantify the carrier's progress toward or, as applicable, completion of deployment in accordance with the resilience and redundancy commitments in its application and in accordance with the detailed network plan it submitted to the Wireline Competition Bureau.

* * * * *

(c) *Filing deadlines.* In order for a recipient of high-cost support to continue to receive support for the following calendar year, or retain its eligible telecommunications carrier designations, it must submit the annual

reporting information by March 1 as described in paragraphs (a) and (b) of this section. ETCs that file their reports after the March 1 deadline shall receive a reduction in support pursuant to the following schedule:

(1) An ETC that certifies after the March 1 deadline, but by March 8, will have its support reduced in an amount equivalent to seven days in support.

(2) An ETC that certifies on or after March 9 will have its support reduced on a pro-rata daily basis equivalent to the period of non-compliance, plus the minimum seven-day reduction;

(3) An ETC that certifies the information required by this section within 4 business days of March 1 will not receive a reduction in support if the ETC and its holding company, operating companies, and affiliates as reported pursuant to § 54.313(a)(4) in their report due July 1 of the prior year, have not missed the deadline in any prior year.

(4) Any support reductions resulting from a failure to make a required filing pursuant to this section shall be applied in the next month following the missed deadline.

(5) An ETC that met the March 1 deadline by reporting locations pursuant to paragraph (a)(1), is permitted to report locations after the March 1 deadline (untimely reported locations) but shall have support reduced based on the percentage of the ETC's total locations for the reporting year being reported after March 1 and the number of days after March 1. The grace period in paragraph (c)(3) does not apply to support reductions for untimely reported locations.

■ 12. Revise the heading of subpart K to read as follows:

Subpart K—Connect America Fund Broadband Loop Support

■ 13. Amend § 54.902 by revising paragraphs (a) introductory text and (b) to read as follows:

§ 54.902 Calculation of CAF BLS Support for Transferred Exchanges.

(a) In the event that a rate-of-return carrier receiving CAF BLS acquires exchanges from an entity that also receives CAF BLS, CAF BLS for the transferred exchanges shall be distributed as follows:

* * * * *

(b) In the event that a rate-of-return carrier receiving CAF BLS acquires exchanges from an entity receiving frozen support, model-based support, or auction-based support, absent further action by the Commission, the exchanges shall receive the same amount of support and be subject to the same public interest obligations as specified pursuant to the frozen, model-based, or auction-based program.

* * * * *

■ 14. Amend § 54.903 by revising the first sentence of paragraph (a)(2) to read as follows:

§ 54.903 Obligations of rate-of-return carriers and the Administrator.

(a) * * *

(2) A rate-of-return carrier may submit quarterly updates of the information in paragraph (a)(1) of this section, reporting data as of the last day of a quarter on the final day of the next quarter. * * *

* * * * *

■ 15. Amend § 54.1302 by adding two sentences to the end of paragraph (a) to read as follows:

§ 54.1302 Calculation of the incumbent local exchange carrier portion of the nationwide loop cost expense adjustment for rate-of-return carriers.

(a) * * * Beginning January 1, 2021, and each calendar year thereafter, the base amount of the nationwide loop cost expense adjustment shall be the annualized amount of the final six months of the preceding calendar year. The total amount of the incumbent local exchange carrier portion of the nationwide loop cost expense adjustment for the first six months of the calendar year shall be the base amount divided by two and for the second six months of the calendar year shall be the base amount divided by two, multiplied times one plus the Rural Growth Factor calculated pursuant to § 54.1303.

* * * * *

■ 16. Amend § 54.1307 by adding a sentence to the end of paragraph (a)(2) to read as follows:

§ 54.1307 Submission of Information by the National Exchange Carrier Association

(a) * * *

(2) * * * The amounts for January 1 to June 30 and for July 1 to December 31 shall be shown separately.

* * * * *

[FR Doc. 2022–12685 Filed 6–15–22; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 87, No. 116
Thursday, June 16, 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 COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) continues to determine that the mandatory respondents, Riverside Plywood Corporation (Riverside) and Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. (Jiangsu Senmao), and 66 other producers and/or exporters of multilayered wood flooring (wood flooring) from the People's Republic of China (China), received countervailable subsidies during the period of review (POR) January 1, 2019, through December 31, 2019.

DATES: Applicable June 16, 2022.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Jonathan Schueler, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5973 or (202) 482–9175, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review in the **Federal Register** on December 27, 2021, and invited interested parties to comment.[1] On February 18, 2022, we received case briefs from the following interested parties: Riverside,[2] Jiangsu Senmao, Fine Furniture (Shanghai) Limited and Double F Limited (collectively, Fine Furniture), Lumber Liquidators Services, LLC (including various Chinese exporters and producers) (Lumber Liquidators and Foreign Exporters/Producers), the Government of the People's Republic of China (GOC), and the American Manufacturers of Multilayered Wood Flooring (the petitioner).[3] Struxtur, Inc. & Evolutions Flooring, Inc. (Struxtur) and Jiaxing Hengtong Wood Co., Ltd. (Hengtong) submitted letters in lieu of case briefs on February 18, 2022, concurring with the arguments of other respondent parties.[4] On March 2, 2022, we received rebuttal briefs from Riverside, Fine Furniture, Jiangsu Senmao, and the petitioner.[5] Zhejiang Dadongwu Green Home Wood Co., Ltd. (Dadongwu) and Struxtur submitted letters in lieu of a rebuttal case brief on March 2, 2022, incorporating the rebuttal comments of other respondent parties.[6] On March 30, 2022, we held a public hearing to discuss the interested parties' comments.[7] For a complete description of the events that occurred since the *Preliminary Results, see* the Issues and Decision Memorandum.[8]

Scope of the Order

The product covered by the *Order*[9] is multilayered wood flooring from China. For a complete description of the scope of the *Order, see* the Issues and Decision Memorandum.

Verification

Commerce was unable to conduct on-site verification of the information relied upon for the final results of this review. However, we took additional steps in lieu of an on-site verification to verify this information, in accordance with section 782(i) of the Act.[10]

Analysis of Comments Received

All issues raised in the parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues addressed is attached to this notice at Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Changes Since the Preliminary Results

Based on our analysis of the case and rebuttal briefs and the evidence on the record, we made certain changes from the *Preliminary Results*. These changes

[1] *See Multilayered Wood Flooring from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Intent to Rescind Review, in Part; 2019,* 86 FR 73244 (December 27, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] Cross-owned affiliates are Baroque Timber Industries (Baroque Timber), Suzhou Times Flooring Co., Ltd., and Zhongshan Lianjia Flooring Co., Ltd.

[3] *See* Petitioner's Letter, ''Case Brief,'' dated February 18, 2022; *see also* GOC's Letter, ''Case Brief,'' dated February 18, 2022; Riverside's Letter, ''Administrative Case Brief,'' dated February 22, 2022 (bracketing made final on February 22, 2022); Jiangsu Senmao's Letter, ''Case Brief,'' dated February 18, 2022; Fine Furniture's Letter, ''Case Brief,'' dated February 18, 2022; and Lumber Liquidators and Foreign Exporters/Producers' Letter, ''Case Brief,'' dated February 18, 2022.

[4] *See* Struxtur's Letter, ''Case Brief;'' dated February 18, 2022; *see also* Hengtong's Letter, ''CBP Data & Letter in Lieu of Case Brief,'' dated February 18, 2022.

[5] *See* Petitioner's Letter, ''Rebuttal Brief,'' dated March 2, 2022; *see also* Fine Furniture's Letter, ''Rebuttal Brief,'' dated March 2, 2022; Riverside's Letter, ''Rebuttal Brief,'' dated March 2, 2022; and Jiangsu Senmao's Letter, ''Rebuttal Brief,'' dated June 15, 2021.

[6] *See* Struxtur's Letter, ''Rebuttal Brief,'' dated March 2, 2022; *see also* Dadongwu's Letter, ''Letter in Lieu of Rebuttal Brief,'' dated March 2, 2022.

[7] *See* Memorandum, ''Multilayered Wood Flooring from the People's Republic of China—9th Administrative Review: Scheduling of Public Hearing,'' dated March 7, 2022; *see also* Submission of Neal R. Gross and Co., Transcript of Public Hearing, filed April 6, 2022.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2019 Countervailing Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *See Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011) (*Order*); *see also Multilayered Wood Flooring from the People's Republic of China: Amended Antidumping and Countervailing Duty Orders,* 77 FR 5484 (February 3, 2012) (*Amended Order*); and *Multilayered Wood Flooring from the People's Republic of China: Final Clarification of the Scope of the Antidumping and Countervailing Duty Orders,* 82 FR 27799 (June 19, 2017).

[10] *See* Commerce's Letters, ''Jiangsu Senmao Bamboo and Wood Industry Co., Ltd. Verification Questionnaire,'' dated January 10, 2022; and ''Riverside Plywood Corp. Verification Questionnaire,'' dated January 10, 2022.

are explained in the Issues and Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we find that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[11] The Issues and Decision Memorandum contains a full description of the methodology underlying Commerce's conclusions, including any determination that relied upon the use of adverse facts available pursuant to sections 776(a) and (b) of the Act.

Partial Rescission of Administrative Review

As noted in the *Preliminary Results,* Commerce received timely no-shipment certifications from Anhui Longhua Bamboo Product Co., Ltd. (Anhui); Benxi Flooring Factory (General Partnership) (Benxi); Dalian Deerfu Wooden Product Co., Ltd. (Deerfu); Dalian Shengyu Science and Technology Development Co., Ltd. (Shengyu); Dunhua Dexin Wood Industry Co., Ltd./Dunhua City Dexin Wood Industry Co., Ltd. (Dexin); Jiangsu Yuhui International Trade Co., Ltd. (Yuhui); Jiashan Fengyun Timber Co., Ltd. (Fengyun); Hengtong; Kember Flooring, Inc. (Kember); Kingman Wood Industry Co., Ltd. (Kingman); Muchsee Wood (Chuzhou) Co., Ltd. (Muchsee); Power Dekor Group Co., Ltd. (Power Dekor); Yingyi-Nature (Kunshan) Wood Industry Co., Ltd. (Yingyi-Nature); Zhejiang Dadongwu Greenhome Wood Co., Ltd. (Dadongwu); Zhejiang Shiyou Timber Co., Ltd. (Shiyou); and Zhejiang Shuimojiangnan New Material Technology Co., Ltd. (New Material). Based on our analysis of U.S. Customs and Border Protection (CBP) information and comments received from interested parties, we determine that eleven companies, namely, Anhui, Benxi, Shengyu, Dexin, Yuhui, Kingman, Muchsee, Power Dekor, Yingyi-Nature, Shiyou, and New Material, had no shipments of subject merchandise during the POR.[12] [13] We inquired with CBP whether these companies had shipped merchandise to the United States during the POR, and CBP provided no evidence to contradict the claims of no shipments made by these companies. Therefore, we are rescinding the administrative review for Anhui, Benxi, Shengyu, Dexin, Yuhui, Kingman, Muchsee, Power Dekor, Yingyi-Nature, Shiyou, and New Material because these companies had no shipments of subject merchandise during the POR.

Further, in the *Preliminary Results,* Commerce stated its intention to rescind the review with respect to the above-referenced companies, except for Hengtong, Dadongwu, and Kember, in the final results.[14] Concerning Dadongwu and Kember, we continue to find that both companies had entries of the subject merchandise during the POR; therefore, we are not rescinding the administrative review for these two companies.

Regarding Hengtong, we requested CBP to provide entry documentation to determine whether Hengtong had no shipments during the POR.[15] After reviewing the CBP entry documentation, we determine that the record evidence supports Hengtong's claim of no shipments during the POR. Therefore, we are rescinding the administrative review of Hengtong, pursuant to 19 CFR 351.213(d)(3). For additional information regarding this determination, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

In accordance with 19 CFR 351.221(b)(5), we calculated a final countervailable subsidy rate for each of the mandatory respondents, Riverside and Jiangsu Senmao. For the companies subject to this review that were not selected for individual examination, we followed Commerce practice, which is to base the subsidy rates on an average of the subsidy rates calculated for those companies selected for individual examination, excluding *de minimis* rates or rates based entirely on adverse facts available. In this case, for the non-selected companies, we calculated a rate by weight-averaging the calculated subsidy rates of Riverside and Jiangsu Senmao using their publicly ranged sales data for exports of subject merchandise to the United States during the POR.[16] We find the countervailable subsidy rates for the producers/exporters under review to be as follows:

Producer/exporter	Subsidy rate (percent)
Riverside Plywood Corporation and its Cross-Owned Affiliates [17]	12.74
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd	3.36
Non-Selected Companies Under Review [18]	9.85

Disclosure

Commerce intends to disclose the calculations and analysis performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to 19 CFR 351.212(b)(2), Commerce will determine, and CBP shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review, for the above-listed companies at the applicable *ad valorem* assessment rates listed. We intend to issue assessment instructions to CBP 35 days after the date of publication of these final results of review. 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).

For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR in accordance with 19 CFR 351.212(c)(l)(i).

Cash Deposit Instructions

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise

[11] *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.

[12] *See* Memorandum, ''No Shipment Inquiry for Certain Companies During the Period 01/01/2019 through 12/31/2019,'' dated November 17, 2021.

[13] We did not consider Deerfu's no shipment certification and Fengyun's no shipment certification because we rescinded the review for these companies. *See Multilayered Wood Flooring from the People's Republic of China: Partial Rescission of Countervailing Duty Administrative Review; 2019,* 86 FR at 31696 (June 15, 2021).

[14] *See Preliminary Results* PDM at 4 and 5.

[15] *See* Memorandum, ''U.S. Customs and Border Protection (CBP) Entry Documents,'' dated February 15, 2022, at Attachment 1.

[16] *See* Memorandum, ''Calculation of the Non-Selected Rate for the Final Results,'' dated June 10, 2022.

[17] Cross-owned affiliates are Baroque Timber (Zhongshan) Industries, Suzhou Times Flooring Co., Ltd., and Zhongshan Lianjia Flooring Co., Ltd.

[18] *See* Appendix II.

entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms subject to the *Order,* we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 10, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Final Decision Memorandum

Appendix II

Non-Selected Companies Under Review

1. Anhui Boya Bamboo & Wood Products Co., Ltd.
2. Anhui Yaolong Bamboo & Wood Products Co. Ltd.
3. Armstrong Wood Products (Kunshan) Co., Ltd.
4. Benxi Wood Company
5. Changzhou Hawd Flooring Co., Ltd.
6. Dalian Guhua Wooden Product Co., Ltd.
7. Dalian Huilong Wooden Products Co., Ltd.
8. Dalian Jaenmaken Wood Industry Co., Ltd.
9. Dalian Jiahong Wood Industry Co., Ltd.
10. Dalian Kemian Wood Industry Co., Ltd.
11. Dalian Penghong Floor Products Co., Ltd.
12. Dalian Qianqiu Wooden Product Co., Ltd.
13. Dalian Shumaike Floor Manufacturing Co., Ltd.
14. Dalian T-Boom Wood Products Co., Ltd.
15. Dongtai Fuan Universal Dynamics, LLC
16. Dun Hua Sen Tai Wood Co., Ltd.
17. Dunhua City Hongyuan Wood Industry Co., Ltd.
18. Dunhua City Jisen Wood Industry Co., Ltd.
19. Dunhua Shengda Wood Industry Co., Ltd.
20. Fine Furniture (Shanghai) Limited
21. Fusong Jinlong Wooden Group Co., Ltd.
22. Fusong Jinqiu Wooden Product Co., Ltd.
23. Fusong Qianqiu Wooden Product Co., Ltd.
24. Guangdong Yihua Timber Industry Co., Ltd.
25. Guangzhou Homebon Timber Manufacturing Co., Ltd.
26. HaiLin LinJing Wooden Products Co., Ltd.
27. Hangzhou Hanje Tec Company Limited
28. Hangzhou Zhengtian Industrial Co., Ltd.
29. Hunchun Forest Wolf Wooden Industry Co., Ltd.
30. Hunchun Xingjia Wooden Flooring Inc.
31. Huzhou Chenghang Wood Co., Ltd.
32. Huzhou Fulinmen Imp. & Exp. Co., Ltd.
33. Huzhou Jesonwood Co., Ltd.
34. Huzhou Sunergy World Trade Co., Ltd.
35. Jiangsu Guyu International Trading Co., Ltd.
36. Jiangsu Keri Wood Co., Ltd.
37. Jiangsu Mingle Flooring Co., Ltd.
38. Jiangsu Simba Flooring Co., Ltd.
39. Jiashan HuiJiaLe Decoration Material Co., Ltd.
40. Jiashan On-Line Lumber Co., Ltd.
41. Jiaxing Brilliant Import & Export Co., Ltd.
42. Jilin Xinyuan Wooden Industry Co., Ltd.
43. Karly Wood Product Limited
44. Kember Flooring, Inc., a.k.a. Kember Hardwood Flooring, Inc.
45. Kemian Wood Industry (Kunshan) Co., Ltd.
46. Kingman Floors Co., Ltd.
47. Lauzon Distinctive Hardwood Flooring
48. Linyi Anying Wood Co., Ltd.
49. Linyi Youyou Wood Co., Ltd. (successor-in-interest to Shanghai Lizhong Wood Products Co., Ltd.) (a/k/a The Lizhong Wood Industry Limited Company of Shanghai)
50. Metropolitan Hardwood Floors, Inc.
51. Pinge Timber Manufacturing (Zhejiang) Co., Ltd.
52. Power Dekor North America Inc.
53. Scholar Home (Shanghai) New Material Co. Ltd.
54. Shanghaifloor Timber (Shanghai) Co., Ltd.
55. Sino-Maple (Jiangsu) Co., Ltd.
56. Suzhou Dongda Wood Co., Ltd.
57. Tongxiang Jisheng Import and Export Co., Ltd.
58. Xiamen Yung De Ornament Co., Ltd.
59. Xuzhou Shenghe Wood Co., Ltd.
60. Yekalon Industry, Inc.
61. Yihua Lifestyle Technology Co., Ltd.
62. Zhejiang Dadongwu GreenHome Wood Co., Ltd. (a.k.a. Zhejiang Dadongwu Greenhome Wood Co., Ltd. and Zhejiang Dadongwu Green Home Wood Co., Ltd.)
63. Zhejiang Fuerjia Wooden Co., Ltd.
64. Zhejiang Jiechen Wood Industry Co., Ltd.
65. Zhejiang Longsen Lumbering Co., Ltd.
66. Zhejiang Simite Wooden Co., Ltd.

[FR Doc. 2022–13006 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Proposal To Find That Illinois Has Satisfied Conditions on Earlier Approval

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and U.S. Environmental Protection Agency.

ACTION: Notice of proposed finding; request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) (''the agencies,'' hereafter) invite public comment on the agencies' proposed finding that Illinois has satisfied all conditions the agencies established as part of their 2016 approval of the State's coastal nonpoint pollution control program (coastal nonpoint program). The Coastal Zone Act Reauthorization Amendments (CZARA) directs states and territories with coastal zone management programs previously approved under Section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs, which must be submitted to the agencies for approval. Prior to making such a finding, NOAA and the EPA invite public input on the two agencies' rationale for this proposed finding.

DATES: Comments are due by July 18, 2022.

ADDRESSES: Copies of the proposed findings document may be found on *www.regulations.gov* (search for NOAA–NOS–2020–0102) and NOAA's Coastal Nonpoint Pollution Control Program website at *coast.noaa.gov/czm/pollutioncontrol/.*

Comments may be submitted by:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NOS–2020–0102 in the Search box, then click the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Joelle Gore, Chief, Stewardship Division (N/OCM6), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910; phone 240–533–0813; ATTN: Illinois Coastal Nonpoint Program.

Instructions: All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personally identifiable information (for example, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. The agencies will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). 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 agencies 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 FURTHER INFORMATION CONTACT: Allison Castellan, Office for Coastal Management, NOS, NOAA, 202–596–5039, *allison.castellan@noaa.gov;* or Janette Marsh, U.S. EPA Region 5, Water Division, 312–886–4856, *marsh.janette@epa.gov.*

SUPPLEMENTARY INFORMATION: Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. Section 1455b(a), requires that each state or territory with a coastal zone management program previously approved under Section 306 of the Coastal Zone Management Act must prepare and submit to the agencies a coastal nonpoint pollution control program for approval. Illinois submitted its program to the agencies for approval in 2014 after gaining federal approval of its coastal zone management program in 2012. The agencies provided public notice of and invited public comment on their proposal to approve, with conditions, the Illinois program (81 FR 33216). The agencies approved the program in the **Federal Register** notice dated August 23, 2016, subject to the conditions specified therein (68 FR 59588). The agencies now propose to find, and invite public comment on the proposed findings, that Illinois has satisfied the conditions associated with the earlier approval of its coastal nonpoint program.

The proposed findings document for Illinois' program is available at *www.regulations.gov* (search for NOAA–NOS–2020–0102) and information on the Coastal Nonpoint Program in general is available on the NOAA website at *coast.noaa.gov/czm/pollutioncontrol/.*

Radhika Fox,

Assistant Administrator, Office of Water, Environmental Protection Agency.

Nicole R. LeBoeuf,

Assistant Administrator, for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–13013 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold a public meeting to solicit comments on the performance evaluation of the Tijuana River National Estuarine Research Reserve.

DATES: NOAA will consider all written comments received by Friday, August 5, 2022. A virtual public meeting will be held on Wednesday, July 27, 2022, at 1:30 p.m. Pacific Time (PT).

ADDRESSES: Comments may be submitted by one of the following methods:

Email: Michael Migliori, Evaluator, NOAA Office for Coastal Management, at *Michael.Migliori@noaa.gov.*

Public Meeting: Provide oral comments during the virtual public meeting on Wednesday, July 27, 2022, at 1:30 p.m. PT by registering as a speaker at *https://forms.gle/jWKHzoaVU9rY9u3FA.* Please register by Tuesday, July 26, 2022, at 5 p.m. PT. Upon registration, a confirmation email will be sent. The lineup of speakers will be based on the date and time of registration. Two hours prior to the start of the meeting on July 27, 2022, an email will be sent out with a link to the public meeting and information about participating.

Written comments received are considered part of the public record. The entirety of the comment, including the email address, attachments, and other supporting materials, will become part of the public record. Sensitive

personal information, such as account numbers, Social Security numbers, or names of individuals, should not be included with the comment. Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Michael Migliori, Evaluator, NOAA Office for Coastal Management, by email at *Michael.Migliori@noaa.gov* or by phone at (443) 332–8936. Copies of the previous evaluation findings, reserve management plan, and reserve site profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations/.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Michael Migliori.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of California has met the national objectives, adhered to the reserve's management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–13011 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Public Meeting; Request for Comments

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of public meeting and opportunity to comment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold a public meeting to solicit comments on the performance evaluation of the Weeks Bay National Estuarine Research Reserve.

DATES: NOAA will consider all written comments received by Friday, August 5, 2022. A public meeting will be held on Wednesday, July 27, 2022, at 6 p.m. Central Time (CT).

ADDRESSES: Comments may be submitted by one of the following methods:

Email: Pam Kylstra, Evaluator, NOAA Office for Coastal Management, at *Pam.Kylstra@noaa.gov.*

Public Meeting: Provide oral comments during the virtual and in-person public meeting on Wednesday, July 27, 2022, at 6 p.m. CT.

For virtual participation, register as a speaker at *https://forms.gle/AXkfSgzLKQsVWnMw5* by Wednesday, July 27, 2022, at 4 p.m. CT. Upon registration, a confirmation email will be sent. The lineup of speakers will be based on the date and time of registration. One hour prior to the start of the meeting on July 27, 2022, registrants will be emailed a link to join the public meeting and information about participating. Members of the public may also register to attend the meeting as a non-speaker.

For in-person participation, you may attend the public meeting onsite on Wednesday, July 27, 2022, 6 p.m. CT at the Weeks Bay Reserve Tonsmeire Resource Center, 11525 US–98, Fairhope, AL 36532. Oral and written public comments may be provided during the public meeting. To attend onsite at the Weeks Bay Reserve Tonsmeire Resource Center, registration will occur when you arrive; advance registration to attend onsite is not required.

Written comments received are considered part of the public record. The entirety of the comment, including the email address, attachments, and other supporting materials, will become part of the public record. Sensitive personal information, such as account numbers, Social Security numbers, or names of individuals, should not be included with the comment. Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

FOR FURTHER INFORMATION CONTACT: Pam Kylstra, Evaluator, NOAA Office for Coastal Management, by email at *Pam.Kylstra@noaa.gov* or by phone at (843) 439–5568. Copies of the previous evaluation findings, reserve management plan, and reserve site profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations/.* A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Pam Kylstra.

SUPPLEMENTARY INFORMATION: Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved national estuarine research reserves. The process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of Alabama has met the national objectives, adhered to the reserve's management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Keelin Kuipers,

Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–13010 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC045]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Coastal Pelagic Species Fishery; Applications for Exempted Fishing Permits; 2022–2023 Fishing Year

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

ACTION: Notice of receipt of application; request for comments.

SUMMARY: The Regional Administrator, West Coast Region, NMFS, has made a preliminary determination that three Exempted Fishing Permit applications warrant further consideration. All three

applications, two from the California Wetfish Producers Association and one from the West Coast Pelagic Conservation Group, request an exemption from the expected prohibition on primary directed fishing for Pacific sardine during the 2022–2023 fishing year to collect Pacific sardine as part of industry-based scientific research. NMFS requests public comment on the applications.

DATES: Comments must be received by July 1, 2022.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2022–0055, by the following method:

• *Electronic Submissions:* Submit all public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov* and enter NOAA–NMFS–2022–0055 in the Search box. Click the ''Comment'' icon, complete the required fields, and enter or attach your comments. The EFP applications will be available under Supporting and Related Materials through the same link.

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

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, West Coast Region, NMFS, (562) 980–4066, *taylor.debevec@noaa.gov.*

SUPPLEMENTARY INFORMATION: This action is authorized by the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and regulations at 50 CFR 600.745, which allow NMFS Regional Administrators to authorize exempted fishing permits (EFPs) for fishing activities that would otherwise be prohibited.

At its April 2022 meeting, the Pacific Fishery Management Council (Council) recommended that NMFS approve three EFP applications for the 2022–2023 Pacific sardine fishing year. All three applications, two from the California Wetfish Producers Association (CWPA) and one from the West Coast Pelagic Conservation Group (WCPCG), are renewal requests for an exemption from the expected prohibition on primary directed fishing for Pacific sardine during the 2022–2023 fishing year; the purpose of the requests are to collect Pacific sardine as part of industry-based scientific research. The Council considered these EFP applications concurrently with the 2022–2023 annual harvest specifications for Pacific sardine because Pacific sardine catch under each EFP would be accounted for under the proposed 2022–2023 annual catch limit (ACL), which is 4,274 metric tons (mt). A summary of each EFP application is provided below:

(1) *Proposal for renewal of exempted fishery permit (EFP) to allow take of Pacific sardine (for point sets) in 2022–23 nearshore research program:* The CWPA submitted a renewal application for their CPS Nearshore Cooperative Survey (NCS) program. The purpose of this EFP project is to continue to develop sampling methodology for estimating CPS biomass in shallow waters that are not accessible to NOAA survey ships. Since 2012 the California Department of Fish and Wildlife, in partnership with the CWPA, has been conducting aerial surveys to estimate the biomass and distribution of Pacific sardine and certain other CPS in nearshore waters in the Southern California Bight, and in the Monterey-San Francisco area since the summer of 2017. Currently, there is uncertainty in the biomass estimates from aerial spotter pilots. The CPS–NCS survey aims to quantify that level of uncertainty by capturing CPS schools identified by aerial spotter pilots and validating the biomass and species composition of the schools. If approved, this EFP would allow up to six participating vessels to directly harvest a total of 300 mt of Pacific sardine during the 2022–2023 fishing year. A portion of each point set (*i.e.,* an individual haul of fish captured with a purse seine net) would be retained for biological sampling, and the remainder would be sold by participating fishermen and processors to offset research costs and avoid unnecessary discard.

(2) *Request for renewal of exempted fishery permit (EFP) to allow fishing of Pacific sardine for biological samples in 2022–23 nearshore research program:* The CWPA submitted a renewal application for their biological sampling EFP project. The primary directed fishery for Pacific sardine has been closed since 2015, and consequently, scientists at the Southwest Fisheries Science Center (Science Center) have a limited amount of fishery-dependent data to use in their stock assessment. The goal of this EFP project is to provide fishery-dependent catch data, including biological data (*i.e.,* age and length data from directed harvest), for potential use in Pacific sardine stock assessments. An additional goal for this year is to collaborate with the Science Center in a research project designed to enhance understanding of stock structure by collecting year-round data. If approved, this EFP would allow up to six participating vessels to directly harvest up to 520 mt of Pacific sardine during the 2022–2023 fishing year. A portion of each landing would be retained for biological sampling by the California Department of Fish and Wildlife, and the remainder would be sold by participating fishermen and processors to offset research costs and avoid unnecessary discard.

(3) *Exempted fishery permit to continue an industry-federal-state collaborative acoustic survey for CPS in nearshore waters:* The WCPCG submitted a renewal application for their Nearshore Surveillance Acoustic Trawl Methodology Survey of North West Coastal Waters EFP project. Since 2017, the WCPCG has been working with NMFS' Science Center and the Washington Department of Fish and Wildlife to survey CPS in nearshore Oregon/Washington coastal waters. The purpose of the EFP is to collect biological samples in areas inshore of the Science Center acoustic trawl survey to better assess species composition and CPS distribution and abundance. A portion of each individual haul of fish captured with a purse seine net (set) would be retained by the Washington Department of Fish and Wildlife for biological sampling, and the remainder of the set would be released from the purse seine net immediately after collecting the biological samples. If approved, this EFP would allow one research vessel to harvest up to 10 mt of Pacific sardine during the 2022–2023 fishing year.

Altogether, these EFP projects total 830 mt. If NMFS does not issue one or more of these EFPs, the requested tonnage would be available for harvest by other permissible fishing activities during the 2022–2023 fishing year (*e.g.,* live bait or minor directed harvest).

After publication of this notice in the **Federal Register**, NMFS may approve and issue permits to participating vessels after the close of the public comment period. NMFS will consider comments submitted in deciding whether to approve the applications as requested. NMFS may approve the applications in their entirety or may make any alterations needed to achieve the goals of the EFP projects and the FMP. NMFS may also approve different amounts of Pacific sardine allocation for each EFP project if any changes are

made to the 2022–2023 proposed sardine harvest specifications before final implementation.

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

Jennifer M. Wallace,

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

[FR Doc. 2022–12956 Filed 6–15–22; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2014–0011]

Notice of Availability and Request for Comment: Revision to the Voluntary Standard for Frame Child Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of availability and request for comment.

SUMMARY: The U.S. Consumer Product Safety Commission's (Commission or CPSC) mandatory rule, Safety Standard for Frame Child Carriers, incorporates by reference ASTM F2549–14a, Standard Consumer Safety Specification for Frame Child Carriers. The Commission has received notice of a revision to this incorporated voluntary standard. CPSC seeks comment on whether the revision improves the safety of the consumer product covered by the standard.

DATES: Comments must be received by June 30, 2022.

ADDRESSES: Submit comments, identified by Docket No. CPSC–2014–0011, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *https://www.regulations.gov.* Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (email), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal.

Mail/Hand Delivery/Courier/Confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Division of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to: *cpsc-os@cpsc.gov.*

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: *https://www.regulations.gov.* Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* and insert the docket number, CPSC–2014–0011, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Kevin K. Lee, Project Manager, Division of Engineering Sciences, U.S. Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2086; email: *klee@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Section 104(b) of the Consumer Product Safety Improvement Act of 2008 (CPSIA) requires the Commission to adopt mandatory standards for durable infant or toddler products. 15 U.S.C. 2056a(b)(1). Mandatory standards must be ''substantially the same as'' voluntary standards, or may be ''more stringent'' than voluntary standards, if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. *Id.* Mandatory standards may be based, in whole or in part, on a voluntary standard.

Pursuant to section 104(b)(4)(B) of the CPSIA, if a voluntary standards organization revises a standard that has been adopted, in whole or in part, as a consumer product safety standard under CPSIA section 104, it must notify the Commission. The revised voluntary standard then shall be considered to be a consumer product safety standard issued by the Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), effective 180 days after the date on which the organization notifies the Commission (or a later date specified by the Commission in the **Federal Register**) unless, within 90 days after receiving that notice, the Commission responds to the organization that it has determined that the proposed revision does not improve the safety of the consumer product covered by the standard, and therefore, the Commission is retaining its existing mandatory consumer product safety standard. 15 U.S.C. 2056a(b)(4)(B).

Under this authority, in 2015 the Commission issued a mandatory safety rule for frame child carriers. The rulemaking created 16 CFR part 1230, which incorporated by reference ASTM F2549–14a, Standard Consumer Safety Specification for Frame Child Carriers. 80 FR 11121 (Mar. 2, 2015). The mandatory standard included performance requirements and test methods, as well as requirements for warning labels and instructions, to address hazards to children associated with frame child carriers. The voluntary standard has not been revised since promulgation of the final rule.

In May 2022, ASTM published a revised version of the incorporated voluntary standard. On June 6, 2022, ASTM notified the Commission that it had approved the revised version of the voluntary standard. CPSC staff is assessing the revised voluntary standard to determine, consistent with section 104(b)(4)(B) of the CPSIA, its effect on the safety of consumer products covered by the standard. The Commission invites public comment on that question to inform Staff's assessment and any subsequent Commission consideration of the revisions in ASTM F2549–22.[1]

The existing voluntary standard and the revised voluntary standard are available for review in several ways. ASTM has provided on its website (*https://www.astm.org/CPSC.htm*), at no cost, a read-only copy of ASTM F2549–22 and a red-lined version that identifies the changes made to ASTM F2549–14a. Likewise, a read-only copy of the existing, incorporated standard is available for viewing, at no cost, on the ASTM website at: *https://www.astm.org/READINGLIBRARY/.* Interested parties can also download copies of the standards by purchasing them from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; *https://www.astm.org.* Alternatively, interested parties can schedule an appointment to inspect copies of the standards at CPSC's Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone: 301–504–7479; email: *cpsc-os@cpsc.gov.*

Comments must be received by June 30, 2022. Because of the short statutory time frame Congress established for the Commission to consider revised

[1] The Commission voted 3–0–1 to approve this notice. Chair Hoehn-Saric, Commissioners Feldman and Trumka voted to approve the notice as drafted. Commissioner Baiocco did not vote.

voluntary standards under section 104(b)(4) of the CPSIA, CPSC will not consider comments received after this date.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2022–12979 Filed 6–15–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0085]

Agency Information Collection Activities; Comment Request; FY 2022 Child Care Access Means Parents in School Annual Performance Report Package 84.335A

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement without change of a previously approved collection.

DATES: Interested persons are invited to submit comments on or before August 15, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0085. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Harold Wells, 202–453–6131.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: FY 2022 Child Care Access Means Parents in School Annual Performance Report Package 84.335A.

OMB Control Number: 1840–0763.

Type of Review: Reinstatement without change of a previously approved collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 350.

Total Estimated Number of Annual Burden Hours: 9,800.

Abstract: The Child Care Access Means Parents In School (CCAMPIS) annual performance reports are used to collect programmatic data for purposes of annual reporting; budget submissions to OMB; Congressional hearings and testimonials; Congressional inquiries; and responding to inquiries from higher education interest groups and the general public.

Dated: June 13, 2022.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–13025 Filed 6–15–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15275–000]

Joe Stephens; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 31, 2022, Mr. Joe Stephens filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Joe Stephens Small Hydroelectric Power #1 (Small Hydroelectric Power #1 or project) to be located on the east coast of Baranof Island, near Sitka, Alaska. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) a lake with a surface area of 148 acres, having a total storage capacity of 45,000,000 cubic-feet at a normal maximum operating elevation of 460 feet above mean sea level (msl); (2) an intake structure at a set distance below the lake level that will limit the amount of potential draw down; (3) an approximately 1,000 foot penstock (engineering specifications still to be determined); (4) a power house; (5) a single 500-kW turbine; (6) an approximately 100 foot tailrace conduit connecting the turbine outlet with Nelson Bay; (7) a charging station that will supply power to floating vessels in the vicinity of the project; and (8) appurtenant facilities.

The estimated annual generation of the Project would be 4,104 MW-hr.

Applicant Contact: Joe Stephens, 3609 Tongass Ave., #5416, Ketchikan, AK 99901, (757) 652–7689.

FERC Contact: Jeffrey Ackley at *jeffrey.ackley@ferc.gov.*

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of

intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–15275–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–15275) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12997 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC22–61–000]

LSP-Whitewater Limited Partnership, Wisconsin Public Service Corporation, Wisconsin Electric Power Company; Notice of Extension of Time Request

On June 9, 2022, LSP-Whitewater Limited Partnership; Wisconsin Public Service Corporation; and Wisconsin Electric Power Company (Applicants) filed a request for an extension of time to respond to the deficiency letter issued in this docket issued on May 19, 2022.[1] Applicants request an extension so that they may develop a horizontal market power analysis that may include a Delivered Price Test.

Upon consideration, notice is hereby given that Applicant's request is granted, extending the deadline to respond an additional 30 days until July 18, 2022.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12990 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21–38–000]

Commission Information Collection Activities (FERC–920, Electric Quarterly Report); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–920 (Electric Quarterly Report (EQR)), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements. The Commission published a 60-day notice on September 24, 2021 (86 FR 53048) and received no comments.

DATES: Comments on the collection of information are due July 18, 2022.

ADDRESSES: Send written comments on FERC–920 to OMB through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902–0255) 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. IC21–38–000) to the Commission as noted below. Electronic filing through *https://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–920, Electric Quarterly Reports (EQR).

OMB Control No.: 1902–0255.

Type of Respondent: Public utilities, and non-public utilities with more than a *de minimis* market presence.

Type of Request: Three-year extension of the FERC–920 information collection with no changes to the current reporting requirements.[1]

Abstract: The Commission originally set forth the EQR filing requirements in Order No. 2001 (Docket No. RM01–8–000) which required public utilities to electronically file EQRs summarizing transaction information for short-term and long-term cost-based sales and market-based rate sales and the contractual terms and conditions in their agreements for all jurisdictional services.[2] The Commission established

[1] *LSP-Whitewater Limited Partnership,* Docket No. EC22–61–000 (May 19, 2022) (deficiency letter).

[1] The activities in the instant Docket No. IC21–38–000 are separate from, and do not address, the activities in *Technical Conference on Reassessment of the Electric Quarterly Report Requirements,* Docket No. AD21–8–000 (technical conferences designed to provide a forum for Commission staff, filers, and data users to discuss potential changes to the current EQR data fields).

[2] *Revised Public Utility Filing Requirements,* Order No. 2001, 67 FR 31043 (May 8, 2002), FERC

Continued

the EQR reporting requirements to help ensure the collection of information needed to perform its regulatory functions over transmission and sales, while making data more useful to the public and allowing public utilities to better fulfill their responsibility under Federal Power Act (FPA) section 205(c) [3] to have rates on file in a convenient form and place. As noted in Order No. 2001, the EQR data is designed to ''provide greater price transparency, promote competition, enhance confidence in the fairness of the markets, and provide a better means to detect and discourage discriminatory practices.''

Since issuing Order No. 2001, the Commission has provided guidance and refined the reporting requirements, as necessary, to reflect changes in the Commission's rules and regulations.[4] The Commission also adopted an Electric Quarterly Report Data Dictionary, which provides the definitions of certain terms and values used in filing EQR data.[5]

To increase transparency broadly across all wholesale markets subject to the Commission's jurisdiction, the Commission issued Order No. 768 in 2012.[6] Order No. 768 required market participants that are excluded from the Commission's jurisdiction under FPA section 205 (non-public utilities) and have more than a *de minimis* market presence to file EQRs with the Commission.[7] In addition, Order No. 768 revised the EQR filing requirements to build upon the Commission's prior improvements to the reporting requirements and further enhance the goals of providing greater price transparency, promoting competition, instilling confidence in the fairness of the markets, and providing a better means to detect and discourage anti-competitive, discriminatory, and manipulative practices.

EQR information allows the public to assess supply and demand fundamentals and to price interstate wholesale market transactions. This, in turn, results in greater market confidence, lower transaction costs, and ultimately supports competitive markets. In addition, the data filed in the EQR strengthens the Commission's ability to exercise its wholesale electric rate and electric power transmission oversight and enforcement responsibilities in accordance with the Federal Power Act. Without this information, the Commission would lack some of the data it needs to support its regulatory function over transmission and sales.

Estimate of Annual Burden and Cost: [8] The Commission estimates the annual public reporting burden [9] and cost (rounded) for the information collection [10] as:

FERC–920—ELECTRIC QUARTELY REPORT (EQR)

Requirements	Number of respondents	Average annual number of responses per respondent	Total number of responses	Average annual burden hrs. & cost per response	Total average annual burden hours & total annual cost	Cost per respondent ($)
	1	2	(1) * (2) = (3)	4	(3) * (4) = (5)	(5) ÷ (1)
Electric Quarterly Report	2,929	4	11,716	18.1 $1,575	212,060 $18,452,700	$6,300
Total					212,060 $18,452,700	6,300

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 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.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–13000 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5944–024]

Moretown Hydroelectric, LLC; Notice of Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

Stats. & Regs. ¶ 31,127, *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reh'g denied,* Order No. 2001–B, 100 FERC ¶ 61,342, *order directing filing,* Order No. 2001–C, 101 FERC ¶ 61,314 (2002), *order directing filing,* Order No. 2001–D, 102 FERC ¶ 61,334, *order refining filing requirements,* Order No. 2001–E, 105 FERC ¶ 61,352 (2003), *order on clarification,* Order No. 2001–F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements,* Order No. 2001–G, 72 FR 56735 (Oct. 4, 2007), 120 FERC ¶ 61,270, *order on reh'g and clarification,* Order No. 2001–H, 73 FR 1876 (Jan. 10, 2008), 121 FERC ¶ 61,289 (2007), *order revising filing requirements,* Order No. 2001–I, 73 FR 65526 (Nov. 4, 2008), 125 FERC ¶ 61,103 (2008).

[3] 16 U.S.C. 824d(c).

[4] *See, e.g., Revised Public Utility Filing Requirements for Electric Quarterly Reports,* 124 FERC ¶ 61,244 (2008) (providing guidance on the filing of information on transmission capacity reassignments in EQRs).

[5] Order No. 2001–G, 120 FERC ¶ 61,270 (2007). See the Data Dictionary at *https://www.ferc.gov/sites/default/files/2020-11/Data_Dictionary_V3_5_Clean.pdf.*

[6] Order No. 768, 77 FR 61896 (Oct. 11, 2012), FERC Stats. & Regs. ¶ 31,336 (2012).

[7] 18 CFR 35.10b(b) provides that the term ''*de minimis* market presence'' means ''any non-public utility that makes 4,000,000 megawatt hours or less of annual wholesale sales, based on the average annual sales for resale over the preceding three years as published by the Energy Information Administration's Form 861.''

[8] The cost is based on FERC's 2021 Commission-wide average salary cost (wages plus benefits) of $87.00/hour. The Commission staff believes the FERC FTE (full-time equivalent) average cost for wages plus benefits is representative of the corresponding cost for the industry respondents.

[9] 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, refer to 5 CFR 1320.3.

[10] The current OMB-approved inventory for FERC–920 includes a separate Information Collection (IC) labelled ''Adding time zone (Order issued 6/18/2020), implementation & ongoing burden averaged over Years 1–3.'' It covers 34 responses and 193 burden hours. The stand-alone IC and the related figures (averaged over three years) are being consolidated into the the overall estimates for the EQR.

a. *Type of Application:* New Minor License.

b. *Project No.:* 5944–024.

c. *Date filed:* November 30, 2020.

d. *Applicant:* Moretown Hydroelectric, LLC.

e. *Name of Project:* Moretown No. 8 Project.

f. *Location:* On the Mad River, immediately downstream from the Town of Moretown, Washington County, Vermont. The project does not occupy federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Arion Thiboumery, Moretown Hydroelectric, LLC, 1273 Fowler Rd., Plainfield, VT 05667; (415) 260–6890 or email at *arion@ar-ion.net*.

i. *FERC Contact:* Maryam Zavareh at (202) 502–8474, or email at *maryam.zavareh@ferc.gov*.

j. *Deadline for filing scoping comments:* July 11, 2022.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Moretown Hydroelectric Project (P–5944–024).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The project consists of the following existing facilities: (1) a 333-foot-long, 31-foot-high concrete gravity dam with a 164-foot-long overflow spillway and a crest elevation of 524.7 feet; (2) a 36-acre impoundment with a normal maximum elevation of 524.7; (3) a 40-foot-long, 17-foot-wide, 28-foot-high concrete intake structure with a trashrack; (4) a 40-foot-long, 8.5-foot-diameter buried steel penstock; (5) a 39.4-foot-long, 19.7-foot-wide concrete powerhouse containing a single 1.25-megawatt Kaplan turbine-generator unit; (6) a tailrace; (7) a 106-foot-long, 12.5-kilovolt transmission line; and (8) appurtenant facilities. The Moretown Project is operated in a run-of-river mode with an average annual generation of 2,094 megawatt-hours.

Moretown hydroelectric LLC proposes to continue to operate the project in a run-of-river mode.

m. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

n. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *Scoping Process:* Commission staff will prepare either an environmental assessment (EA) or an Environmental Impact Statement (EIS) that describes and evaluates the probable effects of the licensee's proposed action and alternatives. The EA or EIS will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an EA or an EIS.

At this time, we do not anticipate holding on-site scoping meetings. Instead, we are soliciting written comments and suggestions on the preliminary list of issues and alternatives to be addressed in the NEPA document, as described in scoping document 1 (SD1), issued June 10, 2022.

Copies of the SD1 outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list and the applicant's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12999 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–137–000.

Applicants: Kossuth County Wind, LLC.

Description: Kossuth County Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator.

Filed Date: 6/9/22.

Accession Number: 20220609–5162.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: EG22–138–000.

Applicants: IP Lumina, LLC.

Description: IP Lumina, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/9/22.

Accession Number: 20220609–5197.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: EG22–139–000.

Applicants: IP Lumina II, LLC.

Description: IP Lumina II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/9/22.

Accession Number: 20220609–5198.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: EG22–140–000.

Applicants: Deerfield Wind Energy 2, LLC.

Description: Deerfield Wind Energy 2, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/10/22.

Accession Number: 20220610–5145.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: EG22–141–000.

Applicants: IP Oberon, LLC.

Description: IP Oberon, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/10/22.

Accession Number: 20220610–5194.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: EG22–142–000.

Applicants: IP Oberon II, LLC.

Description: IP Oberon II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 6/10/22.

Accession Number: 20220610–5197.

Comment Date: 5 p.m. ET 7/1/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–2077–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-King Creek Wind Farm 1 2nd A&R Generation Interconnection Agreement to be effective 5/13/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5152.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2078–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Guadalupe Valley EC 2nd A&R Interconnection Agreement to be effective 5/23/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5156.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2079–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-King Creek Wind Farm 2 GIA to be effective 5/13/2022.

Filed Date: 6/9/22.

Accession Number: 20220609–5163.

Comment Date: 5 p.m. ET 6/30/22.

Docket Numbers: ER22–2080–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2022–06–07_SA 3028 Ameren IL-Prairie Power Project #35 Illiopolis to be effective 8/10/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5033.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2081–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2900R17 KMEA NITSA NOA to be effective 6/1/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5047.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2082–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2022–06–10 SA 3840 Rock Creek Solar FSA (J1084) to be effective 8/10/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5056.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2083–000.

Applicants: Evergy Kansas Central, Inc., Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Evergy Kansas Central, Inc. submits tariff filing per 35.13(a)(2)(iii: Evergy Kansas Central and Evergy Kansas South Formula Rate Revisions to be effective 6/1/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5062.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2083–001.

Applicants: Evergy Kansas Central, Inc., Southwest Power Pool, Inc.

Description: Tariff Amendment: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Errata Filing—Evergy Kansas Central Formula Rate Revisions to be effective 8/1/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5131.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2085–000.

Applicants: Bear Ridge Solar LLC.

Description: Bear Ridge Solar LLC submits Request for Limited Waiver Requesting Relief from the Regulatory Milestone Requirement of the New York Independent System Operator, Inc's Open Access Transmission Tariff.

Filed Date: 6/8/22.

Accession Number: 20220608–5144.

Comment Date: 5 p.m. ET 6/29/22.

Docket Numbers: ER22–2086–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA, Service Agreement No. 6471; Queue No. AE1–020 (AE2–000) to be effective 5/13/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5155.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2087–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–06–10 Revisions to Att N–LGIP-Annual Cluster Study Process to be effective 8/9/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5163.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2088–000

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 3604; Queue No. W4–009/X4–005 to be effective 1/26/2019.

Filed Date: 6/10/22.

Accession Number: 20220610–5171.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2089–000.

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: Origis Development (Thalmann 1 Solar & Battery) LGIA Filing to be effective 6/1/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5178.

Comment Date: 5 p.m. ET 7/1/22.

Docket Numbers: ER22–2090–000.

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: Origis Development (Thalmann 2 Solar & Battery) LGIA Filing to be effective 6/1/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5181.

Comment Date: 5 p.m. ET 7/1/22.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR21–9–001.

Applicants: North American Electric Reliability Corporation.

Description: Request of the North American Electric Reliability Corporation to redirect budgeted funds and to expend funds from the CRISP Operating Reserve.

Filed Date: 6/9/22.

Accession Number: 20220609–5199.

Comment Date: 5 p.m. ET 6/23/22.

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 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12988 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2600–088]

Bangor-Pacific Hydro Associates; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2600–088.

c. *Date Filed:* May 27, 2022.

d. *Applicant:* Bangor-Pacific Hydro Associates (Bangor Hydro).

e. *Name of Project:* West Enfield Hydroelectric Project (project).

f. *Location:* On the Penobscot River in Penobscot County, Maine. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Randy Dorman, Relicensing Manager, Brookfield Renewable, 150 Maine Street, Lewiston, ME 04240; phone at (207) 755–5605, or email at *Randy.Dorman@brookfieldrenewable.com.*

i. *FERC Contact:* Bill Connelly at (202) 502–8587, or *william.connelly@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. *Project Description:* The existing West Enfield Hydroelectric Project consists of: (1) a 664-foot-long, 39-foot-high concrete dam that includes: (a) a 363-foot-long overflow spillway with 7-foot-high flashboards and a crest elevation of 156.1 feet National Geodetic Vertical Datum 1929 (NGVD 29) at the top of the flashboards; (b) a 107-foot-long gated spillway with three 26-foot-wide, 25-foot-high radial spillway gates at an elevation of 149.1 feet NGVD 29; and (c) a 194-foot-long, 39-foot-high non-overflow section; (2) an 1,148-acre impoundment at the spillway crest elevation of 156.1 feet NGVD 29; (3) a 106-foot-long, 46.75-foot-high intake structure at the non-overflow section of the dam with four 47-foot-high, 21.25-foot-wide intake gates that are equipped with four trashracks having 1.25-inch clear bar spacing; (4) a concrete dam (Runaround Dam) located on the west bank of Merrill Brook, a tributary to the impoundment, with three 6.33-foot-wide, 7.67-foot-high metal gates; (5) a 130-foot-long, 110-foot-wide concrete powerhouse that is integral with the dam and contains two 6.5-megawatt (MW) horizontal Kaplan turbine-generator units, for a total installed capacity of 13.0 MW; (6) a 1,100-foot-long tailrace; (7) a downstream fish passage facility located on top of the intake structure; (8) a concrete vertical slot fish ladder located on the east end of the dam; (9) an upstream eel passage facility located on the east end of the gated spillway; (10) a 13.2/44-kilovolt (kV) step-up transformer, and a 1,400-foot long, 44-kV overhead transmission line connecting the project generators to the regional grid; and (11) appurtenant facilities.

The current license requires Bangor-Pacific Hydro to operate the project in a run-of-river mode, such that project outflow approximates inflow. Bangor Hydro maintains the impoundment at the flashboard crest elevation of 156.1 feet NGVD 29. The current license also requires a minimum bypassed reach flow of 500 cubic feet per second or the inflow to the impoundment, whichever is less. The current license requires the following measures: (1) an Atlantic salmon smolt stockout pond; (2) funding anadromous fisheries management activities in the Penobscot River Basin; and (4) a Species Protection Plan for Atlantic salmon. Upstream and downstream passage for diadromous fish are provided from April 1 to December 31. Upstream passage for American eel is provided from April 1 to November 30.

The minimum and maximum hydraulic capacities of the powerhouse are 1,200 and 6,730 cfs, respectively. The average annual generation of the project was approximately 86,748 megawatt-hours from 2017 through 2021.

Bangor Hydro proposes to: (1) continue to operate the project in run-of-river mode; (2) develop an operation and compliance monitoring plan; (3) develop a debris management plan; (4) develop a historic properties management plan; and (5) construct a formal canoe take-out, portage, and put-in around West Enfield Dam.

l. In addition to publishing the full text of this notice in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this notice, as well as other documents in the proceeding (*e.g.,* license application) via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–2600). For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY).

m. You may also register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Issue Deficiency Letter	June 2022.
Request Additional Information (if necessary)	July 2022.
Notice of Acceptance/Notice of Ready for Environmental Analysis	February 2023.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	April 2023.

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12995 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6115–016]

Pyrites Hydro, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

June 10, 2022.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 6115–016.

c. *Date Filed:* August 31, 2021.

d. *Applicant:* Pyrites Hydro, LLC (Pyrites Hydro).

e. *Name of Project:* Pyrites Hydroelectric Project (Pyrites Project or project).

f. *Location:* The existing project is located on the Grass River near the Town of Canton, St. Lawrence County, New York. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Kevin M. Webb, Hydro Licensing Manager, Pyrites Hydro, LLC, 670 N Commercial Street, Suite 204, Manchester, NH 03101, (978) 935–6039; email—*kwebb@centralriverspower.com.*

i. *FERC Contact:* Chris Millard at (202) 502–8256; or email at *christopher.millard@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Pyrites Hydroelectric Project (P–6115–016).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis.

l. *The project consists of the following existing facilities:* (1) a 170-foot-long and 12-foot-high concrete Ambursen overflow spillway with 1.5-foot-high flashboards, a 115-foot-long concrete auxiliary spillway, and a 208-foot-long non-overflow dam, which includes a 50-foot-wide intake structure; (2) a 6-foot-diameter, 700-foot-long steel penstock running from the intake structure to an upper powerhouse and a 10-foot-diameter, 2,160-foot-long penstock running from the intake structure to a lower powerhouse; (3) a 21-foot by 31-foot upper powerhouse located 700 feet downstream of the intake structure containing one 1.2-megawatt (MW) turbine/generator unit operating under a rated head of 76 feet and a 50-foot by 53-foot lower powerhouse located 1,200 feet downstream of the tailrace containing two 3.5–MW turbine/generator units operating under a rated head of 111 feet; (4) a 50-foot by 97-foot 115/4.16/2.3-kilovolt (kV) switchyard and substation for use by both powerhouses; (5) a 470-foot-long 2.3-kV transmission line connecting the upper powerhouse to the switchyard; (6) a 1,150-foot-long 4.16-kV transmission line connecting the lower powerhouse to the switchyard; and (7) appurtenant facilities.

The Pyrites Project is operated in a run-of-river mode with an average annual generation of 27,865 megawatt-hours.

Pyrites Hydro proposes to continue to operate the project in a run-of-river mode and maintain a continuous minimum flow to the bypassed reach of 45 cubic feet per second or inflow to the impoundment, whichever is less.

m. A copy of the application is available for review via the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–6115). For assistance, contact FERC Online Support. In addition, the public portions of the application are available during regular business hours at the Canton Free Library located at 8 Park Street, Canton, New York 13617.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments—July 2022

Request Additional Information (if necessary)—September 2022

Issue Scoping Document 2 (if necessary)—October 2022

Issue Notice of Ready for Environmental Analysis—October 2022

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12998 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–469–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on May 31, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77251–1396 filed in the above referenced docket a prior notice pursuant to Section 157.205 and 157.216 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act, requesting that the Commission authorize its Pt. Au Fer Abandonment Project (Project), under Transco's blanket certificate authority issued in Docket No. CP82–426–000.[1]

Specifically, Transco requests that the Commission authorize to abandon its existing Point Au Fer Lateral that consists of approximately 7.4 miles of 10-inch-diameter pipeline and its Smythe Point Au Fer Lateral that consists of approximately 1.8 miles of 4-inch-diameter pipeline, and appurtenant metering facilities, all located in Terrebonne Parish, Louisiana.

Transco states that these its Pt. Au Fer Abandonment Project facilities have not been used in the previous 12 months to provide service to any shippers and that no new firm contracts have been established with the producers, and therefore, Transco does not anticipate the need to flow gas through the Project facilities in the future. Transco affirms that by abandoning the Project facilities, Transco will reduce long-term costs associated with the required maintenance of the Project facilities. The total cost of the abandonment is estimated to be approximately $3.19 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 application should be directed to Andre Pereira, Lead Regulatory Analyst, Transcontinental Gas Pipe Line Company, LLC, Post Office Box 1396, Houston, Texas 77251–1396, (713) 215–4362, *Andre.S.Pereira@Williams.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[2] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are 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 9, 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,[3] any person [4] 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,[5] and must be submitted by the protest deadline, which is August 9, 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 [6] and the regulations under the NGA [7] by the intervention deadline for the project, which is August 9, 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

[1] *Transcontinental Gas Pipe Line Corporation,* 20 FERC ¶ 62,420 (1982).

[2] 18 CFR (Code of Federal Regulations) § 157.9.

[3] 18 CFR 157.205.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 157.205(e).

[6] 18 CFR 385.214.

[7] 18 CFR 157.10.

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 9, 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 CP22–469–000 in your submission.

(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''; or [8]

(2) You can file a paper copy of your submission by mailing it to the address below.[9] Your submission must reference the Project docket number CP22–469–000.

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.

The Commission encourages electronic filing of submissions (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 (with a link to the document) at: *Andre.S.Pereira@Williams.com,* or Andre Pereira, Lead Regulatory Analyst, Transcontinental Gas Pipe Line Company, LLC, Post Office Box 1396, Houston, Texas 77251–1396. 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.*

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12991 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings in Existing Proceedings

Docket Numbers: RP22–976–000.

Applicants: Gulfstream Natural Gas System, L.L.C.

Description: Compliance filing: Phase VI Expansion Project In-Service Filing CP19–475–000 to be effective 7/15/2022.

Filed Date: 6/10/22.

Accession Number: 20220610–5032.

Comment Date: 5 p.m. ET 6/22/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date. The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number. eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at:*http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12994 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP22–466–000; PF21–4–000]

WBI Energy Transmission, Inc; Notice of Application and Establishing Intervention Deadline

Take notice that on May 27, 2022, WBI Energy Transmission, Inc (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting that the Commission authorize its Wahpeton Expansion Project (Project) which will provide up to 22,600 dekatherms per day of firm natural gas transportation service in North Dakota. WBI Energy projects the total cost for the Project will be $75,313,022, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, WBI Energy requests authorization to: (1) construct 60.5 miles of 12-inch-diameter natural gas pipeline from WBI Energy's existing Mapleton Compressor Station in Cass County, North Dakota to a proposed delivery

[8] Additionally, 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.

[9] Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

station near Wahpeton, North Dakota in Richland County; (2) make minor modifications at the Mapleton Compressor Station; (3) construct a delivery station near Kindred, North Dakota in Cass County; and (4) install block valve settings, pig launcher/receiver settings and other associated appurtenances.

On September 27, 2021, Commission staff granted WBI Energy's request to use the pre-filing process and assigned Docket No. PF21–4–000 to staff activities involving the Project. Now, as of the filing of this application on May 27, 2022, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP22–466–000 as noted in the caption of this Notice.

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 the proposed project should be directed to Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, by phone (701) 530–1563, or by email at *lori.myerchin@wbienergy.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.

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 July 1, 2022.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before July 1, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–466–000 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 (CP22–466–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

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 July 1, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances,

[1] 18 CFR (Code of Federal Regulations) 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

please reference the Project docket number CP22–466–000 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 CP22–466–000.

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.*

Motions to intervene must be served on the applicant either by mail or email at: 1250 West Century Avenue, Bismarck, North Dakota 58503 or at *lori.myerchin@wbienergy.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 project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *http://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 July 1, 2022.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12992 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–113–000]

Alliance Pipeline, L.P.; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Three Rivers Interconnection Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the Three Rivers Interconnection Project (Project), proposed by Alliance Pipeline L.P. (Alliance) in the above-referenced docket. Alliance proposes to construct and operate about 2.9 miles of 20-inch-diameter natural gas transmission pipeline and associated facilities in Grundy County, Illinois. This pipeline would connect Alliance's existing interstate natural gas transmission system to Competitive Power Venture's Three Rivers Energy Center, currently under construction; and as proposed, would transport up to 210 million standard cubic feet per day of natural gas to this facility. According to Alliance, the Project is necessary to provide Competitive Power Venture's Three Rivers Energy Center with access to an additional natural gas supply source.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would result in some adverse environmental impacts, but none that are considered significant. Regarding climate change impacts, this EIS is not characterizing the Project's greenhouse gas emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.[1] The EIS also concludes that no system, route, or other alternative would meet the Project objective while providing a significant environmental advantage over the Project as proposed.

The U.S. Environmental Protection Agency and the U.S. Nuclear Regulatory Commission participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The Commission mailed a copy of the *Notice of Availability* of the draft EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*) select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.* CP21–113). Be sure you have selected

[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).

[1] *Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews,* 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on the draft EIS' disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on August 1, 2022.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided orally. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. 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.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–113–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. 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 that 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. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12993 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5261–023]

Green Mountain Power Corporation; Notice of Intent To Prepare an Environmental Assessment

On August 27, 2021, Green Mountain Power Corporation filed an application for a subsequent minor license for the 365-kilowatt Newbury Hydroelectric Project (Newbury Project; FERC No. 5261). The Newbury Project is located on the Wells River in the Town of Newbury in Orange County, Vermont. The project does not occupy federal lands.

In accordance with the Commission's regulations, on April 6, 2022, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the Newbury Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA	January 2023.[1]
Comments on EA	February 2023.

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Newbury Project. Therefore, in accordance with CEQ's regulations, the EA must be issued within 1 year of the issuance date of this notice.

Any questions regarding this notice may be directed to Adam Peer at (202) 502–8449 or *adam.peer@ferc.gov.*

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–13002 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 485–076]

Georgia Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed

with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License.

b. *Project No:* 485–076.

c. *Date Filed:* May 6, 2022, and supplemented on May 23, 2022.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Bartletts Ferry Hydroelectric Project.

f. *Location:* Chattahoochee River, in Harris County, Georgia, and Lee and Chambers counties, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Courtenay O'Mara, Hydro Licensing & Compliance Supervisor, 241 Ralph McGill Boulevard NE, BIN 10193, Atlanta, Georgia 30308–3374, 404–506–7219, *cromara@southernco.com.*

i. *FERC Contact:* Aneela Mousam, (202) 502–8357, *aneela.mousam@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* July 11, 2022.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–485–076. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Georgia Power Company (licensee) requests Commission approval to upgrade four generating units in the west Bartletts Ferry powerhouse. The licensee proposes to replace existing turbine runners, rehabilitate generators, and install new trashracks. The unit modifications would increase the installed capacity by 13.65 megawatts and increase the maximum hydraulic capacity by 5 cubic feet per second. To facilitate the proposed unit upgrades, the licensee may implement a reservoir drawdown. As required by license Article 401 *Project Operation and Lake Levels,* if a drawdown is needed for the proposed work, the licensee would consult with the Georgia Department of Natural Resources, the Alabama Department of Conservation and Natural Resources, and U.S. Fish and Wildlife Service Alabama Ecological Office. The licensee would also, notify the Alabama Department of Environmental Management and provide boat ramp elevations.

The proposed upgrades also include installing aerating turbine runners in three of the four turbine units (units 1, 2 and 4). The aerating turbine runners will enhance the project's ability to continue to achieve Georgia water quality standards by increasing the dissolved oxygen. Therefore, the licensee also requests to amend Article 403 *Tailrace Water Quality Enhancement* and Article 404 *Tailrace Water Quality Monitoring* of the project license to implement the proposed Dissolved Oxygen and Water Temperature Monitoring Plan following the unit upgrades.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12996 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL22–61–000]

Big River Solar, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On June 10, 2022, the Commission issued an order in Docket No. EL22–61–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation into whether Big River Solar, LLC's Rate Schedule [1] is unjust, unreasonable, unduly discriminatory or preferential,

[1] Big River Solar, LLC, Rate Schedule FERC No. 1, Rate Schedule FERC No. 1, Reactive Power Compensation (0.0.0).

or otherwise unlawful. *Big River Solar, LLC,* 179 FERC ¶ 61,177 (2022).

The refund effective date in Docket No. EL22–61–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL22–61–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2021), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFile'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Dated: June 10, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–12989 Filed 6–15–22; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, June 22, 2022 at 10 a.m. and its continuation at the conclusion of the open meeting on June 23, 2022.

PLACE: 1050 First Street NE, Washington, DC and virtual (this meeting will be a hybrid meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2022–13124 Filed 6–14–22; 4:15 pm]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–XXXX; Docket No. 2020–0001; Sequence No. 3]

Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: General Services Administration.

ACTION: Notice; request for comment.

SUMMARY: The General Services Administration (GSA) as part of its continuing effort to reduce paperwork and respondent burden, is announcing an opportunity for public comment on a new proposed collection of information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on new collection proposed by the Agency.

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

ADDRESSES: Submit comments identified by Information Collection 3090–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), to: *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. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite Information Collection 3090–XXXX, Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), in all correspondence related to this collection. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three business days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Camille Tucker, U.S. General Services Administration, 1800 F Street NW, Washington, DC 20405, via phone at 202–603–2666, or email to *camille.tucker@gsa.gov*.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under the PRA, (44 U.S.C. 3501–3520) Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, GSA is publishing notice of the proposed collection of information set forth in this document.

Whether seeking a loan, Social Security benefits, veterans benefits, or other services provided by the Federal Government, individuals and businesses expect Government customer services to be efficient and intuitive, just like services from leading private-sector organizations. Yet the 2016 American Consumer Satisfaction Index and the 2017 Forrester Federal Customer Experience Index show that, on average, Government services lag nine percentage points behind the private sector.

A modern, streamlined and responsive customer experience means: raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and

mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership. To support this, OMB Circular A–11 Section 280 established government-wide standards for mature customer experience organizations in government and measurement. To enable Federal programs to deliver the experience taxpayers deserve, they must undertake three general categories of activities: conduct ongoing customer research, gather and share customer feedback, and test services and digital products.

These data collection efforts may be either qualitative or quantitative in nature or may consist of mixed methods. Additionally, data may be collected via a variety of means, including but not limited to electronic or social media, direct or indirect observation (*i.e.,* in person, video and audio collections), interviews, questionnaires, surveys, and focus groups. GSA will limit its inquiries to data collections that solicit strictly voluntary opinions or responses.

The results of the data collected will be used to improve the delivery of Federal services and programs. It will include the creation of personas, customer journey maps, and reports and summaries of customer feedback data and user insights. It will also provide government-wide data on customer experience that can be displayed on *performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

Method of Collection:

GSA will collect this information by electronic means when possible, as well as by mail, fax, telephone, technical discussions, and in-person interviews. GSA may also utilize observational techniques to collect this information.

Data:

Form Number(s): None.

Type of Review: New.

B. Annual Reporting Burden

Affected Public: Collections will be targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future. For the purposes of this request, ''customers'' are individuals, businesses, and organizations that interact with a Federal Government agency or program, either directly or via a Federal contractor. This could include individuals or households; businesses or other for-profit organizations; not-for-profit institutions; State, local or tribal governments; Federal government; and Universities.

Estimated Number of Respondents: 2,001,550.

Estimated Time per Response: Varied, dependent upon the data collection method used. The possible response time to complete a questionnaire or survey may be 3 minutes or up to 2 hours to participate in an interview.

Estimated Total Annual Burden Hours: 101,125.

Estimated Total Annual Cost to Public: $0.

C. Public Comments

GSA invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection 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 on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Beth Anne Killoran,

Deputy Chief Information Officer.

[FR Doc. 2022–12982 Filed 6–15–22; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Study on the Conversion of Enrollment Slots From Head Start to Early Head Start (HS2EHS Study) (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) is proposing a new information collection, using qualitative case studies, to examine how and why Head Start grant recipients convert enrollment slots from Head Start to Early Head Start and the facilitators and barriers to the implementation of high-quality Early Head Start services following conversion. This information collection aims to present an internally valid description of the experiences of up to six purposively selected cases, not to promote statistical generalization to different sites or service populations.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *OPREinfocollection@acf.hhs.gov.* All emailed requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This primary data collection request for the Study on the Conversion of Enrollment Slots from Head Start to Early Head Start (HS2EHS Study) aims to gather qualitative data about the experiences of up to six grant recipients that have converted enrollment slots from Head Start to Early Head Start. The HS2EHS Study will collect information about (a) how and why each grant recipient converted enrollment slots from Head Start to Early Head Start; (b) strategic planning for and implementation of high-quality Early Head Start services following conversion; and (c) barriers and facilitators to the provision of high-quality Early Head Start services that meet community needs. The HS2EHS team will also collect information about the state and local early care and education context and community need for Early Head Start services.

Respondents: Head Start directors and staff, Head Start policy council members, Head Start Training and Technical Assistance staff, and state and local Early Care and Education leaders and community partners.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total/annual burden (in hours)
Coordination Activities (Coordinator)	6	1	3	18
Prep Email Request (Director)	9	1	.5	5
Preparatory Interview (Director, Onsite coordinator)	18	1	1	18
Full Interview for Head Start Staff Protocol	70	1	1.5	105
Full Interview for Non-Head Start Staff Protocol	12	1	1.5	18

Estimated Total Annual Burden Hours: 164 hours.

Authority: Head Start Act section 640 [42 U.S.C. 9835].

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–12967 Filed 6–15–22; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–0745]

Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies; Draft Guidance for Industry; Availability; Agency Information Collection Activities; Proposed Collection; Comment Request

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 document entitled ''Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies; Draft Guidance for Industry.'' The draft guidance describes a standards recognition program for regenerative medicine therapies (SRP–RMT) at FDA's Center for Biologics Evaluation and Research (CBER) designed to identify Voluntary Consensus Standards (VCS) to facilitate the development and assessment of regenerative medicine therapy (RMT) products regulated by CBER when such standards are appropriate. The voluntary use of recognized VCS can assist stakeholders in more efficiently meeting regulatory requirements and increasing regulatory predictability for RMT products. The program is modeled after the formal standards and conformity assessment program (S–CAP) for medical devices.

DATES: Submit either electronic or written comments on the draft guidance by September 14, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance. Submit either electronic or written comments on the collection of information by August 15, 2022.

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–0745 for ''Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies; Draft Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the

electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the 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. Send one self-addressed adhesive label to assist the office in processing your requests. The draft 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 draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the draft guidance: Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the proposed collection of information: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies; Draft Guidance for Industry.'' The draft guidance describes a program at FDA's CBER for recognition of VCS relevant to RMT products regulated in CBER. The SRP–RMT is designed to identify and recognize VCS to facilitate the development and assessment of RMT products. The voluntary use of recognized VCS can assist stakeholders in more efficiently meeting regulatory requirements and increasing regulatory predictability for RMT products. The program parallels the S–CAP for medical devices. CBER is issuing this draft guidance to obtain public comments on the program.

The draft guidance describes the purpose of the program, how the SRP–RMT is expected to facilitate RMT development, and describes how the Office of Tissues and Advanced Therapies in CBER generally intends to evaluate VCS for recognition in the SRP–RMT. This program will not apply to: (1) statutory and regulatory standards that are legally binding, such as certain provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*); (2) standards developed by Standards Development Organizations (SDOs) that do not follow consensus mechanisms; or (3) electronic data exchange standards for submissions to CBER.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies.'' 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

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Request for Recognition of a Voluntary Consensus Standard

OMB Control Number 0910–0338—Revision

Description: The draft guidance for industry entitled ''Voluntary Consensus Standards Recognition Program for Regenerative Medicine Therapies'' provides guidance to industry about a program at CBER for recognition of VCS relevant to RMT products regulated in CBER. The voluntary use of recognized standards can assist stakeholders in more efficiently meeting regulatory requirements and increasing regulatory predictability for RMT products.

The draft guidance describes the procedures CBER follows when a request for recognition of a VCS is received. The draft guidance also provides that any interested party may request recognition of a VCS. Section V of the draft guidance provides that a stakeholder can request recognition of a specific VCS by submitting an email request to SRP–RMT, and recommends that the request should, at a minimum, contain the following information:

- Name and electronic or mailing address of the requester;
- Name of the SDO;
- Title of the VCS;
- The VCS reference or SDO designation number and publication date (*e.g.,* Q1234–2019);
- Proposed list of products for which a standard could apply routinely;
- Rationale for request; and
- A brief description of the testing, performance, or other characteristics of the RMT products(s) or process(es) that would be addressed by the proposed standard.

We will use the requests to help identify for recognition appropriate VCS to facilitate the development and assessment of RMT products. The information is needed to support FDA's efforts to protect the public health and increase regulatory predictability for RMT products. We are requesting approval to revise the information collections included in OMB control number 0910–0338 to include the information collection associated with the draft guidance.

Description of Respondents: Respondents to this collection of information are product sponsors, applicants and other stakeholders interested in the development of RMT products regulated in CBER.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/draft guidance section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Request for recognition of a voluntary consensus standard/Section V	9	1	9	3	27

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In preparing our estimates of the annual number of respondents and the average burden per response, we reviewed estimates made by other FDA Centers regarding similar requests for recognition of standards, specifically the Center for Devices and Radiological Health (83 FR 46740 at 46742; September 14, 2018) and the Center for Drug Evaluation and Research (84 FR 4076 at 4078; February 14, 2019). We note that standards development is a lengthy process and the list of VCS that are potentially suitable for recognition by CBER is growing but not extensive. We determined that it would be reasonable to use an estimate of nine respondents, consistent with the estimates made by the other Centers. However, we increased our estimate of the amount of time it would take to prepare a request from 1 hour to 3 hours, given the amount of information that needs to be included in each VCS request. Still, because this is a new program, FDA is uncertain of the burden and seeks input on this estimate.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.regulations.gov.*

Dated: June 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12928 Filed 6–15–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–P–1154]

Determination That THEO–DUR (Theophylline) Extended-Release Tablets, 100 Milligrams and 300 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) has determined that THEO–DUR (theophylline) extended-release tablets, 100 milligrams (mg) and 300 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to this drug product, and it will allow FDA to continue to approve ANDAs that refer to the product as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Nisha Shah, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6222, Silver Spring, MD 20993–0002, 301–796–4455, *Nisha.Shah@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 505(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)) allows the submission of an ANDA to market a generic version of a previously approved drug product. To obtain approval, the ANDA applicant must show, among other things, that the generic drug product: (1) has the same active ingredient(s), dosage form, route of administration, strength, conditions of use, and (with certain exceptions) labeling as the listed drug, which is a version of the drug that was previously approved, and (2) is bioequivalent to the listed drug. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

Section 505(j)(7) of the FD&C Act requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

THEO–DUR (theophylline) extended-release tablets, 100 mg and 300 mg, are the subject of ANDA 085328, currently held by Merck & Co., Inc. (previously held by Schering Corporation),[1] initially approved on April 12, 1979. THEO–DUR is indicated for the treatment of the symptoms and reversible airflow obstruction associated with chronic asthma and other chronic lung diseases, *e.g.,* emphysema and chronic bronchitis.

In a letter dated March 18, 2003, Schering Corporation requested withdrawal of ANDA 085328 for THEO–DUR (theophylline) extended-release tablets. In the **Federal Register** of May 5, 2004 (69 FR 25124), FDA announced that it was withdrawing approval of ANDA 085328, effective June 4, 2004.

Lachman Consultants submitted a citizen petition dated October 25, 2021 (Docket No. FDA–2021–P–1154), under 21 CFR 10.30, requesting that the Agency determine whether THEO–DUR (theophylline) extended-release tablets, 300 mg, were withdrawn from sale for reasons of safety or effectiveness.

[1] In 2009, Schering Corporation merged with Merck and is now referred to as Merck & Co., Inc.

Although the citizen petition did not address the 100-mg strength, that strength has also been discontinued. On our own initiative, we have also determined whether that strength was withdrawn for safety or effectiveness reasons.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that THEO–DUR (theophylline) extended-release tablets, 100 mg and 300 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that this drug product was withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of THEO–DUR (theophylline) extended-release tablets, 100 mg and 300 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list THEO–DUR (theophylline) extended-release tablets, 100 mg and 300 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to this drug product. Additional ANDAs for this drug product may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: June 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12920 Filed 6–15–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0514]

Agency Information Collection Activities; Proposed Collection; Comment Request; Administrative Procedures for Clinical Laboratory Improvement Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with implementation of the Clinical Laboratory Improvement Amendments of 1988 (CLIA).

DATES: Submit either electronic or written comments on the collection of information by August 15, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 15, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of August 15, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–N–0514 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Administrative Procedures for Clinical Laboratory Improvement Amendments Categorization.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and

contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St, North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Administrative Procedures for Clinical Laboratory Improvement Amendments of 1988

OMB Control Number 0910–0607—Revision

This information collection helps support implementation of statutory provisions applicable to laboratories that conduct testing on human specimen under CLIA. These requirements are codified in 42 U.S.C. 263a and implementing regulations are found in 42 CFR 493. Regulations in 42 CFR 493.17 set forth certain notice requirements and establish test categorization criteria with regard to laboratory tests and are implemented by FDA's Center for Devices and Radiological Health. The guidance document entitled ''Administrative Procedures for CLIA Categorization'' (available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/administrative-procedures-clia-categorization*) describes procedures FDA uses to assign the complexity category to a device. Typically, FDA assigns complexity categorizations to devices at the time of clearance or approval of the device. In some cases, however, a manufacturer may request CLIA categorization even if FDA is not simultaneously reviewing a 510(k) or premarket approval application. One example is when a manufacturer requests that FDA assign CLIA categorization to a previously cleared device that has changed names since the original CLIA categorization. Another example is when a device is exempt from premarket review. In such cases, the guidance recommends that manufacturers provide FDA with a copy of the package insert for the device and a cover letter indicating why the manufacturer is requesting a categorization (*e.g.,* name change, exempt from 510(k) review). The guidance recommends that in the correspondence to FDA the manufacturer should identify the product code and classification as well as reference to the original 510(k) when this is available.

We are revising the information collection to include provisions associated with certificates of waiver. On February 26, 2020, FDA revised the guidance document entitled ''Recommendations for Clinical Laboratory Improvement Amendments of 1988 (CLIA) Waiver Applications for Manufacturers of In Vitro Diagnostic Devices—Guidance for Industry and FDA Staff'' (available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/recommendations-clinical-laboratory-improvement-amendments-1988-clia-waiver-applications*). This guidance describes recommendations for device manufacturers submitting to FDA an application for determination that a cleared or approved device meets this CLIA standard (CLIA waiver application). The guidance recommends that CLIA waiver applications include a description of the features of the device that make it ''simple''; a report describing a hazard analysis that identifies potential sources of error, including a summary of the design and results of flex studies and conclusions drawn from the flex studies; a description of fail-safe and failure alert mechanisms and a description of the studies validating these mechanisms; a description of clinical tests that demonstrate the accuracy of the test in the hands of intended operators; and statistical analyses of clinical study results.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Information collection activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Request for CLIA categorization (see 42 CFR 493.17)	80	5	400	1	400	$2,000
CLIA Waiver Application Submissions	13	1	13	1,200	15,600	350,000

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]—Continued

Information collection activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours	Total operating and maintenance costs
Total						352,000

[1] There are no capital costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Information collection activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
CLIA Waiver Recordkeeping as discussed in FDA Guidance	13	1	13	2,800	36,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We have revised the information collection to include coverage previously accounted for under OMB control number 0910–0598 and discussed in revised Agency guidance. We otherwise retain our estimates of the burden we attribute to the individual elements included in the information collection.

Dated: June 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12929 Filed 6–15–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–N–0571]

Ortho-phthalates for Food Contact Use; Request for Information

Correction

In notice document 2022–10532, appearing on pages 31090–31091, in the issue of Friday, May 20, 2022, make the following correction:

On page 31090, in the first column, in the standard document heading, the Subject line that reads ''Ortho-phthlates for Food Contact Use; Request for Information'' is corrected to read ''Ortho-phthalates for Food Contact Use; Request for Information''.

[FR Doc. C1–2022–10532 Filed 6–15–22; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–D–1470]

Technical Performance Assessment of Quantitative Imaging in Radiological Device Premarket Submissions; Guidance for Industry and Food and Drug Administration Staff; 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 final guidance entitled ''Technical Performance Assessment of Quantitative Imaging in Radiological Device Premarket Submissions.'' FDA is issuing this guidance to provide recommendations for manufacturers about the information that should be included in premarket submissions for radiological devices that include quantitative imaging functions. This guidance document is broadly applicable to a variety of premarket submission types (*i.e.,* premarket approval applications (PMAs), humanitarian device exemption (HDE) applications, premarket notification (510(k)) submissions, investigational device exemption (IDE) applications, and De Novo requests) for these devices and should be used in conjunction with existing device- and submission-specific guidance documents.

DATES: The announcement of the guidance is published in the **Federal Register** on June 16, 2022.

ADDRESSES: You may submit either electronic or written comments on Agency guidances 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–2019–D–1470 for ''Technical Performance Assessment of Quantitative Imaging in Radiological Device Premarket Submissions.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Technical Performance Assessment of Quantitative Imaging in Radiological Device Premarket Submissions'' to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Jana Delfino, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, Rm. 3116, Silver Spring, MD 20993–0002, 301–796–6503.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing this guidance to provide recommendations for manufacturers about the information that should be included in premarket submissions for radiological devices that include quantitative imaging functions. This guidance document is broadly applicable to a variety of premarket submission types (*i.e.,* PMAs, HDE applications, 510(k) submissions, IDE applications, and De Novo requests) for these devices and should be used in conjunction with existing device- and submission-specific guidance documents.

This guidance document clarifies that, in general, manufacturers preparing premarket submissions for radiological devices that include quantitative imaging functions should provide performance specifications for the quantitative imaging functions, supporting performance data to demonstrate that the quantitative imaging functions meet those performance specifications, and sufficient information for the end user to obtain, understand, and interpret the values provided by the quantitative imaging functions.

A notice of availability of the draft guidance appeared in the **Federal Register** of April 19, 2019 (84 FR 16517). FDA considered comments received and revised the guidance as appropriate in response to the comments, including clarification in scope that the guidance is intended to provide recommendations for radiological devices with quantitative imaging functions, and other technical clarifications.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on technical performance assessment of quantitative imaging in radiological device premarket submissions. 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. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products.* This guidance document is also available at *https://www.regulations.gov* or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.* Persons unable to download an electronic copy of ''Technical Performance Assessment of Quantitative Imaging in Radiological Device Premarket Submissions'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 18017 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information in the following FDA regulations and guidance have been approved by OMB as listed in the following table:

21 CFR part or guidance	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120

21 CFR part or guidance	Topic	OMB control No.
814, subparts A through E	Premarket approval	0910–0231
814, subpart H	Humanitarian Device Exemption	0910–0332
812	Investigational Device Exemption	0910–0078
"De Novo Classification Process (Evaluation of Automatic Class III Designation)"	De Novo classification process	0910–0844
"Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program and Meetings with Food and Drug Administration Staff".	Q-submissions; pre-submissions	0910–0756
800, 801, and 809	Medical Device Labeling Regulations	0910–0485

Dated: June 9, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–12930 Filed 6–15–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0955–0020]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before August 15, 2022.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0955–0020–60D and project title for reference, to Sherrette A. Funn, email: *Sherrette.Funn@hhs.gov,* or call (202) 795–7714 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: United States Core Data for Interoperability New Data Element.

Type of Collection: Revision.

OMB No.: 0955–0020—Office of the National Coordinator for Health Information Technology—Specific program collecting the data (is applicable).

Abstract: The Office of the National Coordinator for Health Information Technology is seeking the revision on a previously approved by OMB #0955–0020 information collection request item ''United States Core Data for Interoperability (USCDI) New Data Element Submission Form.'' The USCDI is a standardized set of health data classes and constituent data elements used to support nationwide, interoperable health information exchange. The USCDI Version 1 is the required standard data elements set to which all health IT developers must conform to obtain ONC certification. This certification is required for participation in some federal healthcare payment plans. In order to ensure the USCDI remains current and reflects the needs of the health IT community, ONC has established a predictable, transparent, and collaborative process to solicit broad stakeholder input to expand the USCDI. Anyone, including ONC staff, staff from other federal agencies, and other stakeholders may submit proposals for new data elements and classes. ONC will evaluate each submission and provide feedback to the submitter. ONC will draft a new version of the USCDI based on these submissions and this draft will undergo review by ONC's federal advisory committee, the Health Information Technology Advisory Committee (HITAC), as well as by the general public. Upon approval by the National Coordinator for Health Information Technology, new data classes and data elements from these submissions will be added to the newest version of the USCDI standard for integration into health information technology products such as electronic health records. ONC is seeking approval to continue to collect this information from health IT stakeholders.

Need and Proposed Use of the Information: The information collected from this submission system is needed as it will comprise the sum total of the items ONC will evaluate for addition to the next version of the USCDI. The requested data will provide supporting documentation to justify addition of the data elements to the USCDI, and, if the documentation does justify addition to the USCDI, to one of several levels of candidate data elements for future development and consideration. The requested data and ONC's evaluation of the data will be publicly available for review at any time to provide transparency and predictability in the USCDI expansion process. It will contain information about the submitter to allow ONC to provide direct feedback to submitters on ONC's evaluation of such submission.

Likely Respondents: Likely respondents to this new submission system will be various health IT stakeholders including health care providers, standards development organizations, health IT developers and vendors as well as members of the HITAC.

The total annual burden hours estimated for this ICR are summarized in the table below.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
USCDI Submission		200	1	20/60	67

ANNUALIZED BURDEN HOUR TABLE—Continued

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Total		200			67

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2022–12958 Filed 6–15–22; 8:45 am]

BILLING CODE 4150–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Mechanism for Time-Sensitive Drug Abuse Research (R21 Clinical Trial Optional).

Date: July 25, 2022.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC, 6021, Bethesda, MD 20892, (301) 594–9460, *Soyoun.cho@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: June 10, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12950 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Review of the NIH Pathway to Independence Award (K99/R00) Applications.

Date: July 7, 2022.

Time: 10:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

Contact Person: Qingdi Quentin Li, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (240) 858–3914, *liquenti@nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Review of the Transition to Independent Environmental Health Research Career Award (K01/K08) Applications.

Date: July 8, 2022.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

Contact Person: Qingdi Quentin Li, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat'l Institute Environmental Health Sciences, Research Triangle Park, NC 27709, (240) 858–3914, *liquenti@nih.gov.*

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Review of the Outstanding New Environmental Scientist Program.

Date: July 26, 2022.

Time: 10:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Durham, NC 27709 (Virtual Meeting).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, 984–287–3340, *worth@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 10, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12925 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S.

Government and is available for licensing to achieve expeditious commercialization of results of federally funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov.* Licensing information may be obtained by communicating with the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD 20852; tel. 301–496–2644. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished information related to the invention.

SUPPLEMENTARY INFORMATION: Technology description follows:

Methods for Using Modulators of Extracellular Adenosine or an Adenosine Receptor To Enhance Immune Response and Inflammation

Description of Technology

Local inflammation processes are crucially important in the host defense against pathogens and for successful immunization because proinflammatory cytokines are necessary for initiation and propagation of an immune response. However, normal inflammatory responses are eventually terminated by physiological termination mechanisms, thereby limiting the strength and duration of immune responses, especially to weak antigens. The inventors have shown that adenosine A2a and A3a receptors play a critical role in down-regulation of inflammation in vivo. They act as the physiological termination mechanism that can limit the immune response. Thus, a method was developed for inhibiting signaling through the adenosine receptor to prolong and intensify the immune response. The method involves administering either an adenosine-degrading drug or an adenosine receptor agonist. These compounds can be also used as vaccine adjuvants and treatments for accomplishing targeted tissue damage such as for tumor destruction.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

- Anti-tumor therapy
- Vaccine adjuvants for tumors
- Immunotherapy

Competitive Advantages

- Use of adenosine receptor agonist or adenosine-degrading drug to inhibit signaling through the adenosine receptor to prolong and intensify the immune response.
- Use of adenosine receptor agonists or adenosine-degrading drugs as vaccine adjuvants for tumor destruction.

Development Stage

- Pre-clinical

Inventors: Michail V. Sitkovsky, M.D. (previously at NIAID), Akio Ohta (previously at NIAID).

Publications: Ohta A. et al., ''Role of G-protein-coupled adenosine receptors in downregulation of inflammation and protection from tissue damage,'' Nature 2001 Dec 20–27; 414 (6866):916–20.

Intellectual Property: HHS Reference No. E–051–2002–0.

- U.S. Divisional Application No. 16/391,423- filed April 23, 2019, entitled ''Methods for Using Modulators of Extracellular Adenosine or an Adenosine Receptor to Enhance Immune Response and Inflammation'' [HHS Reference No. E–051–2002/0–US–19].

All issued and active U.S. patents (claiming priority to U.S. Provisional Application Nos 60/340,772 filed December 12, 2011, and 60/342,585 filed December 19, 2001) related to the above-referenced technology:

- U.S. Patent 8,080,554, issued December 20, 2011 (application 10/498,416 filed on 06/10/2004)
- U.S. Patent 8,716,301, issued May 06, 2014 (application 13/310,264 filed on 12/02/2001)
- U.S. Patent 9,415,105, issued August 16, 2016 (application 14/067,005 filed on 10/30/2013)
- U.S. Patent 10,314,908, issued June 11, 2019 (application 15/237,316 filed on 08/15/2016)

Licensing Contact: To license this technology, please contact Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov,* and reference E–051–2002–0.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize this technology. For collaboration opportunities, please contact Yogikala Prabhu, Ph.D., 301–761–7789; *prabhuyo@niaid.nih.gov.*

Dated: June 10, 2022.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2022–12959 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Maximizing Opportunities for Scientific and Academic Independent Careers (MOSAIC) Postdoctoral Career Transition Award to Promote Diversity (K99/R00).

Date: July 26, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 10, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12927 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Chimeric Adaptor Proteins (CAPs) for Use in Cancer Immunotherapy Against Solid Tumors

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the U.S. Patents and Patent Applications listed in the Supplementary Information section of this notice to Preverna, Inc. located in California, USA.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before July 1, 2022 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Suna Gulay French, Technology Transfer Manager, Telephone: (240) 276–7424; Email: *suna.gulay@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

1. United States Provisional Patent Application No. 62/819,386, filed March 15, 2019 and entitled ''Recombinant Molecules Containing Linker for Activation of T cells and Their Use in Immunotherapy'' [HHS Ref. No. E–210–2018–0–US–01];

2. PCT Patent Application No. PCT/US2020/022752, filed March 13, 2020 and entitled ''Chimeric Adaptor and Kinase Signaling Proteins and Their Use in Immunotherapy'' [HHS Ref. No. E–210–2018–0–PCT–02];

3. European Patent Application No. 20718061.3, filed March 13, 2020 and entitled ''Chimeric Adaptor and Kinase Signaling Proteins and Their Use in Immunotherapy'' [HHS Ref. No. E–210–2018–0–EP–03];

4. Chinese Patent Application No. 202080021582.5, filed March 13, 2020 and entitled ''Chimeric Adaptor and Kinase Signaling Proteins and Their Use in Immunotherapy'' [HHS Ref. No. E–210–2018–0–CN–04];

5. Hong Kong Patent Application No. 62022051308.4, filed March 13, 2020 and entitled ''Chimeric Adaptor and Kinase Signaling Proteins and Their Use in Immunotherapy'' [HHS Ref. No. E–210–2018–0–HK–05]; and

6. United States Patent Application No. 17/475,810, filed September 15, 2021 and entitled ''Chimeric Adaptor Proteins (CAPs) for Improved T-Cell Immunotherapy'' [HHS Ref. No. E–210–2018–1–US–01].

(and U.S. and foreign patent applications claiming priority to the aforementioned applications).

The patent rights in these inventions have been assigned and/or exclusively licensed to the government of the United States of America.

The prospective exclusive license territory may be worldwide and the field of use may be limited to: ''Development and commercialization of T cell and Natural Killer cell therapy products engineered by lentiviral transduction and/or lipid nanoparticle encapsulated mRNA transfection to express the Chimeric Adaptor Proteins claimed in the prospective licensed patent rights, for the treatment of solid tumors.''

This technology discloses Chimeric Adaptor Proteins (CAPs) for use in cancer immunotherapy. While similar to chimeric antigen receptors (CARs) in their content and mechanism of action, CAPs do not comprise a T cell receptor (TCR) domain and do not rely on TCR activation to stimulate the immune response. The inventors have instead found that adaptor molecules such as the linker for activation of T cells (LAT) are sufficient to form a distinct signaling complex and cause full immune cell activation. The functional features of CAPs may provide an advantage in immunotherapy, particularly against solid tumors.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: June 10, 2022.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2022–12954 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Development of microbiome-related approaches for diagnosis/mitigation/treatment of radiation injuries (U01 clinical trial not allowed).

Date: July 11–12, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Kelly L. Hudspeth, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G41 Rockville, MD 20852, 240–669–5067, *kelly.hudspeth@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12952 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; NST–1 Overflow Review.

Date: June 29, 2022.

Time: 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, NINDS, NIH NSC, 6001 Executive Boulevard, Suite 3204, MSC, 9529 Rockville, MD 20852, 301–496–0660, *benzingw@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: June 10, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12949 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Integrated Multi-Component Projects in Aging Research.

Date: July 7, 2022.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Isis S. Mikhail, MD, MPH, DRPH, National Institute on Aging Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *mikhaili@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 10, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12926 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–22–037: HEAL Initiative: Advancing Health Equity in Pain and Comorbidities.

Date: July 19, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Randolph Christopher Capps, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435–1042, *cappsrac@mail.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 10, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12951 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Peter Tung at 240–669–5483, or *peter.tung@nih.gov*. Licensing information and copies of the patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Rockville, MD, 20852; tel. 301–496–2644. A signed Confidential

Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows:

Beta Globin Mimetic Peptides and Their Use

Description of Technology

Feedback vasodilation by endothelium-derived nitric oxide (NO) is under the regulation of globins. Inventors discovered that not only the alpha globin but also the beta globin subunits of hemoglobin are expressed in the human artery wall, with beta globin interacting directly with endothelial nitric oxide synthase (eNOS). This discovery of tetrameric hemoglobin binding to eNOS has led inventors to develop novel mimetic peptides that disrupt the binding of beta globin to eNOS, diminishing the ability of hemoglobin to restrict NO release and thereby enhancing NO-mediated feedback vasodilation. These agents can be used to increase NO signaling from endothelial cells and thus inhibit, prevent, or reverse vasoconstriction.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications

• Novel peptides to treat vascular diseases characterized by vasoconstriction, excess alpha adrenergic signaling, or insufficient nitric oxide signaling. Applications could range from cerebral vasospasm to pulmonary hypertension to chronic kidney disease to transfusion medicine to erectile dysfunction to exercise physiology.

Competitive Advantages

• New pathway for regulation of vasoconstriction/vasodilation.

• Enhancement of NO release at the junction between the endothelial cell and smooth muscle cell may provide greater potency and fewer off-target effects than other forms of NO delivery.

Development Stage: Peptides have been tested in human and canine arteries ex vivo.

Inventors: Drs. Hans Ackerman, Steven Brooks, Phillip Cruz, all of NIAID.

Publications: ''Hemoglobin Interacts with Endothelial Nitric Oxide Synthase to Regulate Vasodilation in Human Resistance Arteries'', *https://doi.org/10.1101/2021.04.06.21255004*.

Intellectual Property: HHS Reference No. E–060–2022–0–US–01—U.S. Provisional Application No. 63/328,615, filed April 7, 2022.

Licensing Contact: To license this technology, please contact Peter Tung at 240–669–5483, or *peter.tung@nih.gov*.

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the invention. For collaboration opportunities, please contact Peter Tung at 240–669–5483; *peter.tung@nih.gov*.

Dated: June 9, 2022.

Surekha Vathyam,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2022–12922 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of NRSA Institutional Postdoctoral Training Grant (T32) Applications.

Date: July 15, 2022.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John J. Laffan, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN18J, Bethesda, MD 20892, 301–594–2773, *laffanjo@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: June 10, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12923 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS RE–JOIN UCT2 Review Meeting.

Date: July 12, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 10, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–12924 Filed 6–15–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0391]

Area Maritime Security Advisory Committee for San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for membership.

SUMMARY: This notice requests individuals interested in serving on the San Diego Area Maritime Security Advisory Committee (AMSC) submit their applications for membership to the Captain of the Port (COTP) Sector San Diego. The Committee assists the Federal Maritime Security Coordinator (FMSC) in developing, reviewing, and updating the Area Maritime Security Plan for their area of responsibility.

DATES: Requests for membership should reach the U.S. Coast Guard COTP Sector San Diego by July 1, 2022.

ADDRESSES: Applications for membership should be submitted to the Captain of the Port at the following address: Commander, Sector San Diego Attn: Mr. Kris Szczechowicz, San Diego AMSC Executive Secretary, 2710 N Harbor Drive, San Diego, CA 92101.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application or about the AMSC in general, contact Mr. Kris Szczechowicz, San Diego AMSC Executive Secretary, Phone: (619) 278–7089.

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Advisory Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C. 70112; 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1). The MTSA includes a provision exempting these AMSCs from the Federal Advisory Committee Act (FACA), Public Law 92–436, 86 Stat. 470 (5 U.S.C. App.2).

San Diego AMSC Mission

The AMSCs assists the Federal Maritime Security Coordinator in the development, review, update, and exercising of the AMS Plan for their area of responsibility. Such matters include, but are not limited to; Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing strategies to facilitate the recovery of the MTS after a Transportation Security Incident; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the Federal Maritime Security Coordinator in developing and maintaining the Area Maritime Security Plan.

The San Diego Area Maritime Security Committee was chartered by the Commander, Sector San Diego to study and consider issues related to security in the Port of San Diego, in addition to reviewing the proposed Area Maritime Security Plan and serve as a link to communicating threats to waterway users in the Port of San Diego and Southern California, and identifying and quantifying those threats. It serves to protect the Port of San Diego through improved security procedures and communication and as a forum to coordinate security procedures to decrease the vulnerability of resources in the Port of San Diego. It shall serve as an interface between regulators and industry and will assist governmental agencies to implement policies and procedures to improve security in the Port of San Diego. Details regarding the specific objectives of the San Diego Maritime Security Committee can be found in the charter.

AMSC Composition

The composition of an AMSC, to include the San Diego AMSC, is prescribed under 33 CFR 103.305. Pursuant to that regulation, members may be selected from the Federal, Territorial, or Tribal government; the State government and political subdivision of the State; local public safety, crisis management, and emergency response agencies; law enforcement and security organizations; maritime industry, including labor; other port stakeholders having a special competence in maritime security; and port stakeholders affected by security practices and policies. Members of the AMSC should have at least five years of experience related to maritime or port security operations.

AMSC Membership

The San Diego AMSC has fourteen members. Members of the AMSC should have at least five years of experience related to maritime or port security operations. We are seeking to fill five vacancies with this solicitation:

Vice-Chairperson: The Vice Chairperson will act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson. The ideal candidate for this position will have more than ten years of experience in security and/or emergency operations management with a significant amount of time spent working in the Port of San Diego or similar operational environments.

Co-Chairperson (Preventative Radiological/Nuclear Detection Subcommittee): This subcommittee assists on matters building on the work performed and other matters involving Preventative Radiological/Nuclear Detection (PRND) technology and equipment, sustainment, training, exercises, and operations within the San Diego area. This sub-committee will serve as the primary interface for agencies in the San Diego AMSC region with existing or developing maritime PRND capabilities. The PRND Subcommittee will coordinate and promote the development of a sustainable, regional PRND capability among the federal, state, and local agencies that make up the San Diego AMSC. The ideal candidates for these positions will have experience in the PRND field (such as participation in the legacy West Coast Maritime Pilot program and the PRND Task Force of CalEMA) and be knowledgeable about maritime domain awareness and port security issues of the San Diego region.

Applicants may be required to pass an appropriate security background check prior to appointment to the committee. Members' terms of office will be for five years; however, a member is eligible to serve additional terms of office. Members will not receive any salary or other compensation for their service on an AMSC. In support of the USCG policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Request for Applications

Please submit an application or nomination to the address indicated under the **ADDRESSES** section of this notice. Those seeking membership are not required to submit formal

applications to the local FMSC; however, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

Timothy J. Barelli,

Captain, U.S. Coast Guard, Federal Maritime Security Coordinator—San Diego.

[FR Doc. 2022–13009 Filed 6–15–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2022–0079; FXES11140400000–212–FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Sand Skink, Lake County, FL; Categorical Exclusion

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce receipt of an application from Park Square Enterprises, LLC (Fruitland Park) (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed sand skink incidental to the construction of a residential development in Lake County, Florida. We request public comment on the application, which includes the applicant's proposed habitat conservation plan (HCP), and on the Service's preliminary determination that this HCP qualifies as ''low effect,'' categorically excluded under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before July 18, 2022.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS–R4–ES–2022–0079 at *https://www.regulations.gov.*

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by one of the following methods:

- *Online: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2022–0079.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2022–0079; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera by U.S. mail (see **ADDRESSES**) or via phone at 904–731–3121. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the Fish and Wildlife Service (Service), announce receipt of an application from Park Square Enterprises, LLC (Fruitland Park) (applicant) for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant requests the ITP to take the federally listed sand skink (*Neoseps reynoldsi*) incidental to the construction of a residential development (project) in Lake County, Florida. We request public comment on the application, which includes the applicant's HCP, and on the Service's preliminary determination that this HCP qualifies as ''low effect,'' categorically excluded under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Project

The applicant requests a 5-year ITP to take sand skinks through the conversion of approximately 7.20 acres (ac) of occupied sand skink foraging and sheltering habitat incidental to the construction of a residential development on a 176.47-ac parcel in Sections 9 and 16, Township 19 South, Range 24 East, Lake County, Florida, identified by Parcel ID numbers 09–19–24–0400–046–00000, 09–19–24–0400–046–00002, 09–19–24–0400–046–00100, 16–19–24–0001–000–06500, 16–19–24–0001–000–00200, 16–19–24–0001–000–00401, 16–19–24–0001–000–05300, 16–19–24–0001–000–00400, 16–19–24–0002–000–00600, and 16–19–24–0002–000–05400. The applicant proposes to mitigate for take of the sand skinks by the purchase of 14.40 credits from Lake Livingston Conservation Bank or another Service-approved conservation bank. The Service would require the applicant to purchase the credits prior to engaging in activities associated with the project on the parcel.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, be aware that your entire comment, including your personal identifying information, may be made available to the public. While you may request that we withhold your personal identifying information, we cannot guarantee that we will be able to do so.

Our Preliminary Determination

The Service has made a preliminary determination that the applicant's project—including land clearing, infrastructure building, landscaping, ground disturbance, site preparation activities and the proposed mitigation measures—would individually and cumulatively have a minor or negligible effect on the sand skink and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion and that the HCP is low effect under our NEPA regulations at 43 CFR 46.205 and 46.210. A low-effect HCP is one that would result in (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) minor or negligible effects on other environmental values or resources; and (3) impacts that, when considered together with the impacts of other past, present, and reasonable foreseeable similarly situated projects, would not result in significant cumulative effects to environmental values or resources over time.

Next Steps

The Service will evaluate the application and the comments to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the preceding and other matters, we will determine whether the

permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If met, the Service will issue ITP number PER0026087 to Park Square Enterprises, LLC.

Authority

The Service provides this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.32) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Robert L. Carey,

Division Manager, Environmental Review, Florida Ecological Services Office.

[FR Doc. 2022–13012 Filed 6–15–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[2231A2100DD/AAKC001030/ A0A501010.999900; OMB Control Number 1076–0111]

Agency Information Collection Activities; Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before August 15, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; or by email to *comments@bia.gov.* Please reference Office of Management and Budget (OMB) Control Number 1076–0111 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jeanette Hanna, Deputy Bureau Director, Indian Services, Office of Indian Services, BIA, by email at *jeanette.hanna@bia.gov* or telephone at (202) 208–2874. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

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

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BIA is seeking renewal of the approval for the information collection conducted under 25 CFR 23.13, implementing the Indian Child Welfare Act (25 U.S.C. 1901 *et seq.*). The information collection allows BIA to receive written requests by State courts that appoint counsel for an indigent Indian parent or Indian custodian in an involuntary Indian child custody proceeding when appointment of counsel is not authorized by State law. The applicable BIA Regional Director uses this information to decide whether to certify that the client in the notice is eligible to have his/her counsel compensated by the BIA in accordance with the Indian Child Welfare Act.

Title of Collection: Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts.

OMB Control Number: 1076–0111.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State courts.

Total Estimated Number of Annual Respondents: Two (2) per year.

Total Estimated Number of Annual Responses: Two (2) per year.

Estimated Completion Time per Response: Two (2) hours for reporting and one (1) for recordkeeping.

Total Estimated Number of Annual Burden Hours: Six (6) hours.

Respondent's Obligation: Required to obtain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2022–13023 Filed 6–15–22; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–545–546 and 731–TA–1291–1297 (Review) and 731–TA–808 (Fourth Review)]

Hot-Rolled Steel Flat Products From Australia, Brazil, Japan, Korea, Netherlands, Russia, Turkey, and the United Kingdom; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on hot-rolled steel flat products from Australia, Brazil, Japan, Korea, Netherlands, Russia, Turkey, and the United Kingdom and revocation of the countervailing duty orders on hot-rolled steel flat products from Brazil and Korea would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: June 9, 2022.

FOR FURTHER INFORMATION CONTACT: Andres Andrade ((202) 205–2078), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 6, 2021, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that a full review should proceed (87 FR 3123, January 20, 2022); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the reviews and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of these reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to these reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in these reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of these reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in these reviews will be placed in the nonpublic record on August 31, 2022, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with these reviews beginning at 9:30 a.m. on September 15, 2022. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before September 9, 2022. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held at 9:30 a.m. on September 14, 2022. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is September 8, 2022. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is September 26, 2022. In addition, any person who has not entered an appearance as a party to these reviews may submit a written statement of information pertinent to the subject of these reviews on or before September 26, 2022. On October 14, 2022, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before October 18, 2022, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's

Handbook on Filing Procedures, available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to these reviews must be served on all other parties to these reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 10, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–12955 Filed 6–15–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–New]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; New Collection

AGENCY: Laboratory Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Laboratory Division, is submitting 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: The Department of Justice encourages public comment and will accept input until July 18, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Dr. JoAnn Buscaglia, Research Chemist, Laboratory Division, Federal Bureau of Investigation, 2501 Investigation Parkway, Quantico, VA 22135, *LPBB22@fbi.gov,* 703–632–7856.

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 Laboratory Division, Federal Bureau of Investigation, 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:* New collection.

2. *The Title of the Form/Collection:* Latent Print Examiner Black Box Study 2022.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the Laboratory Division, Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public will consist of U.S. Federal, state, local, and tribal government employees, and contractors for these government agencies (''business or other non-profit'').

Abstract: This study is being conducted to measure the accuracy and reproducibility of latent print examiners' decisions when comparing latents to known fingerprints acquired by a search of the FBI NGI system, and to compare these results with those from published studies using the FBI IAFIS. Respondents will be latent fingerprint examiners (employees and contractors) from U.S. Federal, state, local, and tribal governments.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 250 respondents is anticipated, though the research study will be open to all practicing latent fingerprint examiners from U.S. Federal, state, local, and tribal governments. Individuals will work at their own paces, but the project was scaled for an average of 12 hours total per individual to respond to the collection.

6. *An estimate of the total public burden (in hours) associated with the collection:* 3,000 hours.

If additional information is required contact: Robert Houser, Assistant Director, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 10, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, Justice Management Division, U.S. Department of Justice.

[FR Doc. 2022–12957 Filed 6–15–22; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[AAG/A Order No. 001/2022]

Privacy Act of 1974; Matching Program

AGENCY: Justice Management Division, United States Department of Justice.

ACTION: Notice of a new matching program.

SUMMARY: The Department of Justice (DOJ) is issuing a public notice of its intent to conduct a computer matching program with the Internal Revenue Service (IRS), Department of the Treasury. Under this matching program, entitled Taxpayer Address Request (TAR), the IRS will provide information relating to taxpayers' mailing addresses to the DOJ for purposes of enabling DOJ to locate debtors to initiate litigation and/or enforce the collection of debts

owed by the taxpayers to the United States.

DATES: This matching program will become effective on July 30, 2022. This matching program will continue for 18 months after the effective date. Please submit any comments by July 18, 2022.

ADDRESSES: Interested persons are invited to submit written comments regarding this notice by mail to Dennis Dauphin, Director, Debt Collection Management Staff, Justice Management Division, 145 N St. NE, Rm 6W.102, Washington, DC 20530, or by email at *Dennis.E.Dauphin2@usdoj.gov.*

FOR FURTHER INFORMATION CONTACT: Dennis Dauphin, Director, Debt Collection Management Staff, Justice Management Division, *Dennis.E.Dauphin2@usdoj.gov,* 145 N St. NE, Rm 6W.102, Washington, DC 20530.

SUPPLEMENTARY INFORMATION: This agreement reestablishes a matching program between the IRS and the DOJ to provide DOJ with the mailing addresses of taxpayers to assist DOJ in its effort to collect or to compromise debts owed to the United States. DOJ will provide IRS with an electronic file containing the names and Social Security Numbers (SSN) of individuals who owe debts to the U.S. and whose debts have been referred to DOJ for litigation and/or enforced collection. The IRS provides direct notice to taxpayers in the instructions to Form 1040, and constructive notice in the **Federal Register** system of records notice. The notice informs taxpayers that information provided on the income tax returns may be given to other Federal agencies, as provided by law. For the records involved in this match, both IRS and DOJ have provided constructive notice to record subjects through the publication, in the **Federal Register**, of systems of records notices that contain routine uses permitting disclosures consistent with this matching program.

Participating Agencies

The participating agencies include: DOJ and the IRS.

Authority for Conducting the Matching Program

This matching agreement is executed pursuant to 5 U.S.C. 552a(o), the Privacy Act of 1974, as amended, and sets forth the terms under which the IRS agrees to disclose taxpayer mailing addresses to the DOJ. This matching program is being conducted under the authority of the Internal Revenue Code § 6103(m)(2), and the routine uses published in the agencies' Privacy Act systems of records notices for the systems of records used in this match. This provides for disclosure, upon written request, of a taxpayer's mailing address for use by officers, employees, or agents of a Federal agency for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer in accordance with Title 31, §§ 3711, 3717, and 3718. These statutory provisions authorize DOJ to collect debts on behalf of the United States through litigation.

Purpose(s)

The purpose of this program is to provide DOJ with the most current addresses of taxpayers, to notify debtors of legal actions that may be taken by DOJ and the rights afforded them in the litigation, and to enforce collection of debts owed to the United States.

Categories of Individuals

Individuals who owe debts to the United States and whose debts have been referred to the DOJ for litigation and/or enforced collection.

Categories of Records

DOJ will submit the nine-digit SSN and four-character Name Control (the first four letters of the surname) of each individual whose current address is requested. IRS will provide:

a. Nine-digit SSN and four-character Name Control; and

b. The latest street address, P.O. Box, or other address, city, State and ZIP Code, only if the input SSN and Name Control both match the Individual Master File (IMF); or

c. A code explaining that no match was found on the IMF.

System(s) of Records

DOJ will provide records from the Debt Collection Enforcement System, JUSTICE/DOJ–016, last published in its entirety at 77 FR 9965 (February 21, 2012). This system of records contains information on persons who owe debts to the United States and whose debts have been referred to the DOJ for litigation and/or enforced collection. DOJ records will be matched against records contained in Treasury's Privacy Act System of Records: Customer Account Data Engine (CADE) IMF, Treasury/IRS 24.030, last published at 80 FR 54082 (September 8, 2015). This system of records contains, among other information, the taxpayer's name, SSN, and most recent address known by IRS.

In accordance with 5 U.S.C. 552a(o)(2)(A) and 5 U.S.C. 552a(r), the Department has provided a report to the Office of Management and Budget (OMB) and Congress on this new Computer Matching Program.

Dated: June 10, 2022.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

[FR Doc. 2022–12931 Filed 6–15–22; 8:45 am]

BILLING CODE 4410–CN–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1801]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), DOJ.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting (via WebEx/conference call-in) of the Public Safety Officer Medal of Valor Review Board to cover a range of issues of importance to the Board, to include but not limited to: Membership/terms; nomination eligibility; pending 2021–2022 nominations; program marketing and outreach.

DATES: July 18, 2022, 1:00 p.m. to 2:00 p.m. EDT.

ADDRESSES: This meeting will be held virtually using web conferencing technology. The public may hear the proceedings of this virtual meeting/conference call by registering at last seven (7) days in advance with Gregory Joy (contact information below).

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *Gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

This virtual meeting/conference call is open to the public to participate remotely. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy.

Access to the virtual meeting/conference call will not be allowed without prior registration. Please submit any comments or written statements for

consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

Gregory Joy,

Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.

[FR Doc. 2022–13017 Filed 6–15–22; 8:45 am]

BILLING CODE 4410–18–P

NUCLEAR REGULATORY COMMISSION

697th Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232(b)), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on July 6–7, 2022. The Committee will be conducting meetings that will include some Members being physically present at the NRC while other Members participate remotely. Interested members of the public are encouraged to participate remotely in any open sessions via MSTeams or via phone at 301–576–2978, passcode 477692024#. A more detailed agenda including the MSTeams link may be found at the ACRS public website at *https://www.nrc.gov/reading-rm/doc-collections/acrs/agenda/index.html.* If you would like the MSTeams link forwarded to you, please contact the Designated Federal Officer as follows: *Quynh.Nguyen@nrc.gov* or *Lawrence.Burkhart@nrc.gov.*

Wednesday, July 6, 2022

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Proposed Rule Language for 10 CFR Part 53—Framework B and Framework A, Subpart F (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

10:30 a.m.–11:30 a.m.: Committee Deliberation on Proposed Rule Language for 10 CFR Part 53—Framework B and Framework A, Subpart F (Open)—The Committee will deliberate regarding the subject topic.

1:00 p.m.–2:30 p.m.: Advanced Manufacturing Technologies (Open)—The Committee will have presentations and discussion with representatives from the NRC staff regarding the subject topic.

2:45 p.m.–6:00 p.m.: Report Preparation/SHINE Memoranda Review and Deliberation (Open/Closed)—The Committee will deliberate regarding the subject topic and will continue its discussion of proposed ACRS reports. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Thursday, July 7, 2022

8:30 a.m.–12:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations/Preparation of Reports/SHINE Memoranda Review and Deliberation (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings, and/or proceed to preparation of reports as determined by the Chairman. [*Note:* Pursuant to 5 U.S.C. 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.] [*Note:* Pursuant to 5 U.S.C. 552b(c)(2) and (6), a portion of this meeting may be closed to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

1:30 p.m.–6:00 p.m.: Preparation of Reports/SHINE Memoranda Review and Deliberation (Open/Closed)—The Committee will deliberate regarding the subject topic and will continue its discussion of proposed ACRS reports. [*Note:* Pursuant to 5 U.S.C 552b(c)(4), a portion of this session may be closed in order to discuss and protect information designated as proprietary.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Officer (DFO) (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the cognizant ACRS staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's Agencywide Documents Access and Management System, which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Dated: June 13, 2022.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2022–12968 Filed 6–15–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–66 and CP2022–72; MC2022–67 and CP2022–73]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 21, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–66 and CP2022–72; *Filing Title:* USPS Request to Add Priority Mail Contract 746 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 10, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Gregory Stanton; *Comments Due:* June 21, 2022.

2. *Docket No(s).:* MC2022–67 and CP2022–73; *Filing Title:* USPS Request to Add Priority Mail Contract 747 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 10, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Jennaca Upperman; *Comments Due:* June 21, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–12971 Filed 6–15–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

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 16, 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 10, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 746 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–66, CP2022–72.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2022–12948 Filed 6–15–22; 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 16, 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 10, 2022, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 747 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2022–67, CP2022–73.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2022–12945 Filed 6–15–22; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95082; File No. SR–NASDAQ–2022–035]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the ALPS Active REIT ETF of ALPS ETF Trust To Provide for the Use of "Custom Baskets" Applicable to a Series of Proxy Portfolio Shares Listed Pursuant to Nasdaq Rule 5750

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 27, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 provide for the use of ''Custom Baskets'' consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 applicable to a series of Proxy Portfolio Shares.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/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

In June 2020 Nasdaq submitted a proposed rule change for immediate effectiveness with the Commission for the listing and trading, or trading pursuant to unlisted trading privileges, of Proxy Portfolio Shares under Nasdaq Rule 5750 (''Proxy Portfolio Shares''), the rule governing the listing and trading of Proxy Portfolio Shares on the Exchange.[3] In February 2021 Nasdaq filed a proposed rule change for immediate effectiveness to list and trade shares of the Fund under Nasdaq Rule 5750 (''ALPS Fund Filing'').[4] Subsequently, the Commission approved a filing to amend Nasdaq Rule 5750 (''Custom Baskets Filing'') to provide for the use of ''Custom Baskets'' consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 (the ''1940 Act'') applicable to a series of Proxy Portfolio Shares.[5] The Exchange filed this proposed rule change to permit the Fund to use Custom Baskets.

As set forth in the ALPS Fund Filing, the Fund is an actively-managed exchange-traded fund. The Shares are offered by the Trust, which was established as a Delaware statutory trust on September 13, 2007. The Commission issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act.[6] The Trust, which is registered with the Commission as an investment company under the 1940 Act, has filed a registration statement on Form N–1A (''Registration Statement'') relating to the Fund with the Commission.[7] The Fund is a series of the Trust.

The Shares are currently listed and traded on the Exchange and the proposed rule change updates certain representations made in the ALPS Fund Filing to incorporate the necessary additional representations in the Custom Baskets Filing to permit the Fund to avail itself of the use of Custom Baskets.

The ALPS Fund Filing currently says that the names and quantities of the instruments that constitute the basket of securities for creations and redemptions will be the same as the Fund's Proxy Basket, except to the extent purchases and redemptions are made entirely or in part on a cash basis. The representation adds that in the event that the value of the Proxy Basket is not the same as the Fund's net asset value (''NAV''), the creation and redemption baskets will consist of the securities included in the Proxy Basket plus or minus an amount of cash equal to the difference between the NAV and the value of the Proxy Basket, as described in more detail in the ALPS Fund Filing (the representations referred to in this paragraph are collectively referred to hereafter as the ''Names and Quantities Rep'').

This Names and Quantities Rep will be updated to take into account that the Custom Baskets Filing adopted subparagraph (c)(6) under Nasdaq Rule 5750 (Definitions), which defines ''Custom Basket,'' for the purposes of Nasdaq Rule 5750. The issuer represents that for the purposes of this rule, the term ''Custom Basket'' means a portfolio of securities that is different from the Proxy Basket and is otherwise consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 applicable to a series of Proxy Portfolio Shares.

The ALPS Fund Filing also says the Exchange will obtain a representation from the issuer of the shares of the Fund that the NAV per share of the Fund will be calculated daily and will be made available to all market participants at the same time. This representation will be updated to comply with the Custom Baskets Filing's initial listing requirement and as reflected in Nasdaq Rule 5750(d)(1)(B). The issuer represents that (i) the NAV per share for the Fund will be calculated daily, (ii) each of the following will be made available to all market participants at the same time when disclosed: the NAV, the Proxy Basket, and the Fund Portfolio, and (iii) the issuer and any person acting on behalf of the series of Proxy Portfolio Shares will comply with Regulation Fair Disclosure under the Securities Exchange Act of 1934,[8] including with respect to any Custom Basket.

The issuer represents that it will update the representation in the ALPS Fund Filing to reflect Nasdaq Rule 5750(b)(5), as amended by the Custom Basket filing, to take into account Custom Baskets. Specifically, the issuer represents that if the investment adviser to the Investment Company issuing Proxy Portfolio Shares is registered as a broker-dealer or is affiliated with a broker-dealer, such investment adviser will erect and maintain a ''fire wall'' between the investment adviser and personnel of the broker-dealer or broker-dealer affiliate, as applicable, with respect to access to information concerning the composition of and/or changes to the Fund Portfolio, the Proxy Basket, and/or Custom Basket, as applicable. Any person related to the investment adviser or Investment

[3] Nasdaq submitted for immediate effectiveness a proposed rule change for Nasdaq Rule 5750 in Securities Exchange Act Release No. 89110 (June 22, 2020), 85 FR 38461 (June 26, 2020) (SR–NASDAQ–2020–032).

[4] *See* Securities Exchange Act Release No. 91062 (Feb. 4, 2021), 86 FR 8972 (Feb. 10, 2021) (SR–NASDAQ–2021–005).

[5] *See* Securities Exchange Act Release No. 93277 (Oct. 8, 2021), 86 FR 57227 (Oct. 14, 2021) (SR–NASDAQ–2021–065); *see also* Securities Exchange Act Release No. 92790 (Aug. 27, 2021), 86 FR 49357 (Sept. 2, 2021) (SR–NASDAQ–2021–065); *see also* Investment Company Act Release No. 34194 (Feb. 10, 2021) (notice); *see also* Investment Company Act Release No. 34221 (March 9, 2021) (order).

[6] *See* ALPS ETF Trust, et al., Investment Company Act Release No. 34149 (Dec. 22, 2020) (notice); *see also* Investment Company Act Release No. 34181 (Jan. 21, 2021) (order); *see also* Investment Company Act Release No. 34194 (Feb. 10, 2021) (notice); *see also* Investment Company Act Release No. 34221 (March 9, 2021) (order).

[7] The Registration Statement, as amended to date, is available on the Commission's website: *https://www.sec.gov/ix?doc=/Archives/edgar/data/0001414040/000139834422006698/fp0074021_485bpos-ixbrl.htm.*

[8] 17 CFR 243.100–243.103. Regulation Fair Disclosure provides that whenever an issuer, or any person acting on its behalf, discloses material nonpublic information regarding that issuer or its securities to certain individuals or entities—generally, securities market professionals, such as stock analysts, or holders of the issuer's securities who may well trade on the basis of the information—the issuer must make public disclosure of that information.

Company who makes decisions pertaining to the Investment Company's Fund Portfolio, the Proxy Basket, and/or Custom Basket, as applicable, or has access to nonpublic information regarding the Fund Portfolio, the Proxy Basket, and/or Custom Basket, as applicable, or changes thereto must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund Portfolio and/or the Proxy Basket, and/or Custom Basket, as applicable, or changes thereto.

Under the ALPS Fund Filing, the issuer represents that it will continue to comply with all aspects of the listing rule and additionally will comply with the revised listing rule, Nasdaq Rule 5750(d)(2)(A), as amended by the Custom Baskets Filing, to provide that with respect to each Custom Basket utilized by a series of Proxy Portfolio Shares, each business day, before the opening of trading in the regular market session, the investment company shall make publicly available on its website the composition of any Custom Basket transacted on the previous business day, except a Custom Basket that differs from the applicable Proxy Basket only with respect to cash.

The Custom Baskets Filing added ''Custom Basket'' to the non-exclusive list of information relating to Proxy Portfolio Shares that a Reporting Authority calculates and reports, *i.e.,* including, but not limited to, the Proxy Basket; the Fund Portfolio; the amount of any cash distribution to holders of Proxy Portfolio Shares, net asset value, or other information relating to the issuance, redemption or trading of Proxy Portfolio Shares. The issuer represents that it will comply with this and the Custom Baskets Filing's additional requirement in Nasdaq Rule 5750(b)(6). Thus, the issuer represents that any person or entity, including a custodian, Reporting Authority, distributor, or administrator, who has access to nonpublic information regarding the Fund Portfolio, the Proxy Basket, or the Custom Basket, as applicable, or changes thereto, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund Portfolio, the Proxy Basket, or the Custom Basket, as applicable, or changes thereto. Moreover, if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund Portfolio, Proxy Basket, or the Custom Basket, as applicable.

The adviser/sub-adviser firewall representation in the ALPS Fund Filing is being updated to reflect Custom Baskets and will now state that in the event (a) the Adviser or any sub adviser registers as a broker dealer, or becomes newly affiliated with a broker dealer, or (b) any new adviser or sub adviser is a registered broker dealer or becomes affiliated with another broker dealer, it will implement and will maintain a fire wall with respect to its relevant personnel and/or such broker dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the Fund's Portfolio, the Proxy Basket, and/or the Custom Basket, as applicable, and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's Portfolio, the Proxy Basket, and/or the Custom Basket, as applicable.

The Fund will comply with the above-described conditions and with the Proxy Portfolio Shares listing rule Nasdaq Rule 5750, as amended, to provide for the use of Custom Baskets consistent with the exemptive relief issued pursuant to the Investment Company Act of 1940 [9] applicable to a series of Proxy Portfolio Shares. Otherwise, the listing and trading rules, including all representations made in the ALPS Fund Filing, will remain unchanged and will continue to comply with Nasdaq Rule 5750.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act, in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that proposed rule change to update certain representations made in the ALPS Fund Filing to incorporate the necessary additional representations in the Custom Baskets Filing to permit the Fund to use Custom Baskets will perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will permit use of Custom Baskets by the Fund, and is consistent with the applicable exemptive relief, in a manner that will benefit investors by increasing efficiencies in the creation and redemption process. More specifically, Custom Baskets will provide flexibility in portfolio construction that may assist in reducing taxable capital gains distributions for investors and may generally improve tax efficiencies. Further, the use of Custom Baskets, to the extent permitted by the Fund's exemptive relief, may also result in narrower bid/ask spreads and smaller premiums and discounts to the NAV for Proxy Portfolio Shares to the extent that the Fund utilizes Custom Baskets with fewer securities which may, in turn, allow authorized participants to more efficiently hedge and participate generally in the Proxy Portfolio Shares. In addition to this, the flexibility provided in the creation of Custom Baskets may serve to increase competition between the issuer of the Shares and other issuers. The Exchange believes the proposed rule change will enhance competition among market participants overall, to the benefit of investors and the marketplace.

The Exchange also believes that updating the Names and Quantities Rep in the ALPS Fund Filing to take into account that the Custom Baskets Filing adopted subparagraph (c)(6) under Nasdaq Rule 5750 (Definitions), which defines ''Custom Basket,'' for the purposes of Nasdaq Rule 5750, to mean a portfolio of securities that is different from the Proxy Basket and is otherwise consistent with the exemptive relief issued pursuant to the 1940 Act applicable to a series of Proxy Portfolio Shares, will remove impediments to and perfects the mechanism of a free and open market and, in general, protects investors and the public interest.

Additionally, the Exchange believes that updating the current representation in the ALPS Fund Filing that says the Exchange will obtain a representation from the issuer of the Shares of the Fund that the NAV per share of the Fund will be calculated daily and will be made available to all market participants at the same time, to provide that the Exchange will also obtain a representation from the issuer of each series of Proxy Portfolio Shares that the issuer and any person acting on behalf of the series of Proxy Portfolio Shares will comply with Regulation Fair Disclosure under the Securities Exchange Act of 1934, including with respect to any Custom Basket,[10] will be

[9] 15 U.S.C. 80a *et seq.*

[10] *See* Nasdaq Rule 5750(d)(1)(B).

to the benefit of the investing public and market participants.

Nasdaq believes that having the issuer update its representation in the ALPS Fund Filing to reflect Nasdaq Rule 5750(b)(5), as amended by the Custom Basket filing, to take into account Custom Baskets is designed to prevent fraudulent and manipulative acts and practices by acting as a safeguard against any misuse and improper dissemination of nonpublic information related to the Fund's Custom Basket or changes thereto.

The Exchange also believes that updating the current representation under the ALPS Fund Filing will continue to comply with all aspects of the listing rule and additionally will comply with the revised listing rule, Nasdaq Rule 5750(d)(2)(A), as amended by the Custom Baskets Filing, to provide that with respect to each Custom Basket utilized by a series of Proxy Portfolio Shares, each business day, before the opening of trading in the regular market session, the investment company shall make publicly available on its website the composition of any Custom Basket transacted on the previous business day, except a Custom Basket that differs from the applicable Proxy Basket only with respect to cash, will remove impediments to and perfect the mechanism of a free and open market and, in general, protect investors and the public interest.

Additionally, the Exchange believes that in accordance with the Custom Baskets Filing that added ''Custom Basket'' to the non-exclusive list of information relating to Proxy Portfolio Shares that a Reporting Authority calculates and reports, that updating the representation to include the issuer representing the Custom Baskets Filing's additional requirement set forth in Nasdaq Rule 5750(b)(6) that says any person or entity, including a custodian, Reporting Authority, distributor, or administrator, who has access to nonpublic information regarding the Fund Portfolio, the Proxy Basket, or the Custom Basket, as applicable, or changes thereto, must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the applicable Fund Portfolio, the Proxy Basket, or the Custom Basket, as applicable, or changes thereto, will remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. Nasdaq also believes that the issuer updating its representation to include that if any such person or entity is registered as a broker-dealer or affiliated with a broker-dealer, such person or entity will erect and maintain a ''fire wall'' between the person or entity and the broker-dealer with respect to access to information concerning the composition and/or changes to such Fund Portfolio, Proxy Basket, or Custom Basket, as applicable, will remove impediments to and perfect the mechanism of a free and open market and, in general, protect investors and the public interest.

The Exchange also believes that updating the current adviser/sub-adviser firewall representation under the ALPS Fund Filing to reflect Custom Baskets and to now state that in the event (a) the Adviser or any sub adviser registers as a broker dealer, or becomes newly affiliated with a broker dealer, or (b) any new adviser or sub adviser is a registered broker dealer or becomes affiliated with another broker dealer, it will implement and will maintain a fire wall with respect to its relevant personnel and/or such broker dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the Fund's Portfolio, the Proxy Basket, and/or the Custom Basket, as applicable, and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the Fund's Portfolio, the Proxy Basket, and/or the Custom Basket, as applicable, will remove impediments to and perfect the mechanism of a free and open market and, in general, protect investors and the public interest.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change, by permitting the use of Custom Baskets by the Fund, is consistent with the Fund's exemptive relief and would be to the benefit of investors and the marketplace.

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 foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6)[13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may take effect upon filing. The Commission notes that the Exchange represents that the Fund will comply with all representations stated herein, in particular, regarding its use of Custom Baskets, consistent with Nasdaq Rule 5750, as amended by the Custom Baskets Filing.[15] In addition, the Exchange represents that all other representations made in the ALPS Fund Filing remain unchanged, and the Fund will continue to comply with Nasdaq Rule 5750, as amended. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change does not raise any new or novel issues.[16] Accordingly, the Commission waives the 30-day operative delay and designates the proposal operative upon filing.[17]

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange 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.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 5.

[16] *See id*. *See also* Securities Exchange Act No. 93546 (November 9, 2021) 86 FR 63429 (November 16, 2021) (SR–CboeBZX–2021–075) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Reflect a Modification to the Permitted Components of the Tracking Baskets of the Invesco Real Assets ESG ETF and Invesco US Large Cap Core ESG ETF).

[17] For purposes only of waiving the 30-day operative delay, the Commission has considered the

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–NASDAQ–2022–035 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–NASDAQ–2022–035. 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–NASDAQ–2022–035 and should be submitted on or before July 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12943 Filed 6–15–22; 8:45 am]

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proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95084; File No. SR–CBOE–2022–025]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule

June 10, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2022, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective June 1, 2022. Particularly, the Exchange proposes to amend fees relating to Customer orders in OEX, OEX Weekly, XEO and XEO Weekly. Currently, Customer orders in OEX and XEO yield fee code CO and are assessed a fee of $0.40 per contract. Customer orders in OEX Weekly and XEO Weekly yield fee code CP and are assessed a fee of $0.30 per contract. The Exchange proposes now to apply a single rate for both monthly and weekly OEX and XEO Customer orders. Specifically, the Exchange proposes to assess $0.35 per contract for all OEX and XEO Customers orders, which will each yield Fee Code CO going forward.[3]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to,

[3] In light of the proposed change, the Exchange proposes to eliminate the reference to Fee Code CP in the Rate Table—Underlying Symbol List A table in the Fee Schedule. Fee Code CP will continue to apply to Sector Indexes, which will continue to be reflected in the Rate Table—All Products Excluding Underlying Symbol List A.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes that the proposed change is reasonable as the proposed rate does not significantly deviate from the current rates applicable to Customer orders in OEX, XEO, OEX Weekly or XEO Weekly. The Exchange believes the proposed change is reasonable, equitable and not unfairly discriminatory because the proposed rate will apply to all Trading Permit Holders uniformly. Additionally, the proposed rate will apply equally to all customer orders in OEX and XEO, regardless of whether the orders are for monthly (OEX and XEO) or weekly (OEX Weekly and XEO Weekly) expirations, which the Exchange believes will simplify and streamline transaction fees for the underlying product. The Exchange notes it assesses a single rate for both monthly and weekly OEX and XEO orders for all other order capacities.[7]

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition because the proposed change applies uniformly to all Trading Permit Holders. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed changes apply only to products traded exclusively on Cboe Options. Additionally, the Exchange notes that it operates in a highly competitive market. TPHs have numerous alternative venues that they may participate on and direct their order flow, including 15 other options exchanges, as well as off-exchange venues, where competitive products are available for trading. Based on publicly available information, no single options exchange has more than 16% of the market share.[8] Therefore, no exchange possesses significant pricing power in the execution of option order flow. Indeed, participants can readily choose to send their orders to other exchange, and, additionally off-exchange venues, if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [9] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[10] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and paragraph (f) of Rule 19b–4 [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2022–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2022–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public

[6] 15 U.S.C. 78f(b)(4).

[7] *See* Cboe Options Fees Schedule, Rate Table—Underlying Symbol List A.

[8] *See* Cboe Global Markets U.S. Options Market Volume Summary, Month-to-Date (May 31, 2022), available at *https://www.cboe.com/us/options/market_statistics/.*

[9] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[10] NetCoalition v. SEC, 615 F.3d 525, 539 (DC Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f).

Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change.

Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2022–025 and should be submitted on or before July 7, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12939 Filed 6–15–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–127, OMB Control No. 3235–0108]

Proposed Collection; Comment Request: Extension; Rule 14f–1

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.

Under Exchange Act Rule 14f–1 (17 CFR 240.14f–1), if a person or persons have acquired securities of an issuer in a transaction subject to Sections 13(d) or 14(d) of the Exchange Act, and changes a majority of the directors of the issuer otherwise than at a meeting of security holders, then the issuer must file with the Commission and transmit to security holders information related to the change in directors within 10 days prior to the date the new majority takes office as directors. The information filed under Rule 14f–1 must be filed with the Commission and is publicly available. We estimate that it takes approximately 18 burden hours to provide the information required under Rule 14f–1 and that the information is filed by approximately 30 respondents for a total annual reporting burden of 540 hours (18 hours per response × 30 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 10, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12946 Filed 6–15–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95085; File No. SR–ISE–2022–10]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend ISE Options 4, Section 5, Series of Options Contracts Open for Trading

June 10, 2022.

I. Introduction

On April 11, 2022, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Supplementary Material .07 to Options 4, Section 5 to limit the strike price intervals for certain Short Term Options Series with an expiration date more than twenty-one days from the listing date. The proposed rule change was published for comment in the **Federal Register** on April 27, 2022.[3] On June 1, 2022, the Exchange filed Amendment No. 1, which replaced and superseded the proposed rule change in its entirety.[4] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description of Proposed Rule Change, as Modified by Amendment No. 1

Background

Pursuant to Supplementary Material .03 to Options 4, Section 5, the Exchange may open for trading certain option series that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly options series or quarterly option series expire (''Short Term Option Series Program''). Supplementary Material .03(e)[5] specifies the strike intervals for the Short Term Option Series Program.

To reduce the density of strike intervals that would be listed in later weeks, ISE amended Options 4, Section 5 to limit the intervals between strikes

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94773 (April 11, 2022), 87 FR 25065 (''Notice''). The Commission received comment letters that are not germane to the proposed rule change and are available on the Commission's website at: *https://www.sec.gov/comments/sr-ise-2022-10/srise202210.htm.*

[4] In Amendment No. 1, the Exchange revised the three examples provided in the proposal for greater clarity. Because the changes in Amendment No. 1 do not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues, Amendment No. 1 is not subject to notice and comment. Amendment No. 1 is available on the Commission's website at: *https://www.sec.gov/comments/sr-ise-2022-10/srise202210.htm.*

[5] Supplementary Material .03(e) of Options 4, Section 5 states, ''Strike Interval. During the month prior to expiration of an option class that is selected for the Short Term Option Series Program pursuant to this Rule (''Short Term Option''), the strike price intervals for the related non-Short Term Option (''Related non-Short Term Option'') shall be the same as the strike price intervals for the Short Term Option. The Exchange may open for trading Short Term Option Series on the Short Term Option Opening Date that expire on the Short Term Option Expiration Date at strike price intervals of (i) $0.50 or greater where the strike price is less than $100, and $1 or greater where the strike price is between $100 and $150 for all option classes that participate in the Short Term Options Series Program; (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program; or (iii) $2.50 or greater where the strike price is above $150.''

in equity options listed as part of the Short Term Option Series Program, excluding Exchange-Traded Fund Shares and ETNs, that have an expiration date more than twenty-one days from the listing date (''Outer STOs'').[6] The Strike Interval Proposal adopted Supplementary Material .07 to Options 4, Section 5, which specifies the applicable strike intervals for Outer STOs, and Supplementary Material .03(f), which provides that the strike intervals for Outer STOs shall be based on the table within Supplementary Material .07.[7] Currently, the table within Supplementary Material .07 to Options 4, Section 5 provides: [8]

SHARE PRICE

Tier	Average daily volume	Less than $25	$25 to less than $75	$75 to less than $150	$150 to less than $500	$500 or greater
1	Greater than 5,000	$0.50	$1.00	$1.00	$5.00	$5.00
2	Greater than 1,000 to 5,000	1.00	1.00	1.00	5.00	10.00
3	0 to 1,000	2.50	5.00	5.00	5.00	10.00

According to the Exchange, the Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks within the Short Term Options Series Program by utilizing limitations for intervals between strikes with an expiration date more than twenty-one days from the listing date.[9] However, there may be instances where the allowable strike intervals under Supplementary Material .07 and Supplementary Material .03(e) conflict, potentially resulting in narrower strike intervals in those series with more than twenty-one days from the listing date.[10]

Proposal

The Exchange proposes to amend Supplementary Material .07 to Options 4, Section 5, to state that when Supplementary Material .07 and Supplementary Material .03(e) conflict, the greater interval would apply. Specifically, the Exchange proposes to add a new sentence within Supplementary Material .07 which states, ''To the extent there is a conflict between applying Supplementary Material .03(e) and the below table, the greater interval would apply.'' [11] Supplementary Material .03(e) would apply to Outer STOs only in the event that the interval would be greater.[12] The Exchange states that this rule change would harmonize strike intervals as between inner weeklies (those having less than twenty-one days from the listing date) and outer weeklies (those having more than twenty-one days from the listing date) so that strike intervals are not widening closer to expiration.[13] The Exchange provides Example 1 below to illustrate this point: [14]

Example 1: Assume a Tier 1 stock that closed on the last day of Q1 with a quarterly share price higher than $75 but less than $150. Therefore, utilizing the table within Supplementary Material .07, the interval would be $1.00 for strikes added during Q2 even for strikes above $150. Next, assume during Q2 the share price rises above $150. Utilizing only the table within Supplementary Material .07, the interval would be $1.00 even though the stock is now trading above $150 because the Share Price for purposes of Supplementary Material .07 was calculated utilizing data from the prior calendar quarter. However, a separate rule, Supplementary Material .03(e), provides that the Exchange may list a Short Term Option Series at $2.50 intervals where the strike price is above $150. In other words, there is a potential conflict between the permitted strike intervals above $150. In this example, Supplementary Material .07 would specify a $1.00 interval whereas Supplementary Material .03(e) would specify a $2.50 interval. As proposed, the Exchange proposes to apply the greater interval. The greater interval would then be $2.50 as per Supplementary Material .03(e) in this scenario. Therefore, the following strikes would be eligible to list: $152.5 and $157.5. For strikes less than $150, the following strikes would be eligible to list: $149 and $148 because Short Term Options Series with expiration dates more than 21 days from the listing date as well as Short Term Options Series with expiration dates less than 21 days from the listing date would both be eligible to list $1 intervals pursuant to Supplementary Material .07 and Supplementary Material .03(e) of Options 5, Section 4.

The Exchange also proposes to amend the first sentence of Supplementary Material .07 to provide, ''With respect to listing Short Term Option Series in equity options, excluding Exchange-Traded Fund Shares and ETNs, which have an expiration date more than twenty-one days from the listing date, the following table, *which specifies the applicable interval for listing,* will apply as noted within Supplementary Material .03(*f*).'' [15] The Exchange proposes to add the phrase ''which specifies the applicable interval for listing'' to make clear that the only permitted intervals are as specified in the table within Supplementary Material .07, except in the case where Supplementary Material .03(e) provides for a greater interval as described above.[16] The Exchange also proposes to update the reference within this sentence from Supplementary Material .03(e) to Supplementary Material .03(f), as paragraph (f) indicates when the table within Supplementary Material .07 applies.[17]

The Exchange also proposes to delete the sentence from Supplementary Material .07, which states, ''The below table indicates the applicable strike

[6] *See* Securities Exchange Act Release No. 91930 (May 18, 2021), 86 FR 27907 (May 24, 2021) (SR–ISE–2021–09) (''Strike Interval Proposal'').

[7] *See supra* note 6. *See also* Supplementary Material .03(f) of Options 4, Section 5 and Supplementary Material .07 to Options 4, Section 5.

[8] The Share Price would be the closing price on the primary market on the last day of the calendar quarter and the Average Daily Volume would be the total number of options contracts traded in a given security for the applicable calendar quarter divided by the number of trading days in the applicable calendar quarter The Average Daily Volume would be the total number of options contracts traded in a given security for the applicable calendar quarter divided by the number of trading days in the applicable calendar quarter. Beginning on the second trading day in the first month of each calendar quarter, the Average Daily Volume shall be calculated by utilizing data from the prior calendar quarter based on Customer-cleared volume at The Options Clearing Corporation. For options listed on the first trading day of a given calendar quarter, the Average Daily Volume shall be calculated using the quarter prior to the last trading calendar quarter. *See* Supplementary Material .07 to Options 4, Section 5.

[9] *See* Amendment No. 1, *supra* note 4, at 13–14.

[10] *See e.g.,* Amendment No. 1, *supra* note 4, Examples 1–3 at 8–10.

[11] *See* Amendment No. 1, *supra* note 4, at 7.

[12] *See id.* at 7–8.

[13] *See id.* at 14.

[14] *See id.* at 8. The Exchange provided three examples in Amendment No. 1. *See also supra* note 10.

[15] *See* Amendment No. 1, *supra* note 4, at 6.

[16] *See id.*

[17] *See id.* at 7.

intervals and supersedes Supplementary Material .03(d) which permits additional series to be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened.'' [18] The Exchange states that Supplementary Material .07 is related to strike intervals, but does not supersede rules governing the addition of option series.[19] The Exchange further states that Supplementary Material .07 and Supplementary Material .03(d) do not conflict, and deleting the reference to Supplementary .03(d) will avoid confusion.[20]

Finally, the Exchange proposes to delete the sentence from Supplementary Material .03, which states, ''Notwithstanding the limitations imposed by Supplementary Material .07, this proposal does not amend the range of strikes that may be listed pursuant to Supplementary Material .03, regarding the Short Term Option Series Program.'' [21] The Exchange states that while the range limitations continue to be applicable to the table within Supplementary Material .07, the strike ranges do not conflict with strike intervals and therefore the sentence is not necessary.[22] The Exchange further states that Supplementary Material .03(f) otherwise indicates when Supplementary Material .07 would apply.[23]

The Exchange proposes to implement this rule change on August 1, 2022.[24] The Exchange represents that it will issue an Options Trader Alert to notify Members of the implementation date.[25]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[26] In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,[27] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange states that the Strike Interval Proposal was designed to reduce the density of strike intervals that have an expiration date more than twenty-one days from the listing date.[28] In support of the current proposal, the Exchange states it would result in a reduction of the number of strikes listed in a manner consistent with the intent of the Strike Interval Proposal, which was to reduce strikes which were further out in time and would harmonize strike intervals for the Short Term Option Series such that strike intervals would not widen as the expiration date approaches.[29] The Exchange further states that Strike Interval Proposal continues to reduce the number of strikes listed on ISE, allowing Lead Market Makers and Market Makers to expend their capital in the options market in a more efficient manner, thereby improving overall market quality on ISE.[30]

The Exchange's proposal to apply the greater interval to Outer STOs in cases where Supplementary Material .03(e) and .07 conflict serves to increase, and thus limit, the intervals between strikes in those cases. The proposal seeks to continue to focus more granular strike increments on those series where they are more relevant, applicable, and likely more in demand from customers and eliminate certain clusters of relatively granular strikes in further out weekly series, consistent with the Strike Interval Proposal.[31] Further, the proposal would add additional clarity to the Exchange's Short Term Option Series rules, which should provide greater certainty as to the permitted strike intervals and minimize confusion. The Commission believes that the proposal is reasonably designed to effectuate the Exchange's goal of balancing a reduction in the number of strikes in the Short Term Option Series Program with the needs of market participants. Accordingly, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act [32] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[33] that the proposed rule change (SR–ISE–2022–10), as modified by Amendment No. 1, be and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12940 Filed 6–15–22; 8:45 am]

BILLING CODE 8011–01–P

[18] *See id.* at 10.

[19] *See id.*

[20] *See id.*

[21] *See id.* at 10–11.

[22] *See id.* at 11.

[23] *See id.*

[24] *See id.*

[25] *See id.*

[26] In approving this proposed rule change, as modified by Amendment No. 1, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 15 U.S.C. 78f(b)(5).

[28] *See* Amendment No. 1, *supra* note 4, at 13–14.

[29] *See id.* at 14.

[30] *See id.* at 14.

[31] *See also* Securities Exchange Act Release No. 91125 (Feb. 12, 2021), 86 FR 10375 (Feb. 19, 2021) (SR–BX–2020–032) (Order approving proposal by Nasdaq BX, Inc. to limit Short Term Options Series intervals).

[32] 15 U.S.C. 78f(b)(5).

[33] 15 U.S.C. 78f(b)(2).

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–306, OMB Control No. 3235–0522]

Proposed Collection; Comment Request: Extension; Rule 701

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.

Rule 701(17 CFR 230.701) under the Securities Act of 1933 (''Securities Act'') (15 U.S.C. 77a *et seq.*) provides an exemption for certain issuers from the registration requirements of the Securities Act for limited offerings and sales of securities issued under compensatory benefit plans or contracts. The purpose of Rule 701 is to ensure that a basic level of information is available to employees and others when substantial amounts of securities are issued in compensatory arrangements. We estimate that approximately 800 companies annually rely on the Rule 701 exemption and that it takes 2 hours to prepare each response. We estimate

that 25% of the 2 hours per response (0.5 hours) is prepared by the company for a total annual reporting burden of 400 hours (0.5 hours per response × 800 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 10, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12947 Filed 6–15–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 95086; File No. SR–NYSE–2021–74]

Self-Regulatory Organizations; New York Stock Exchange LLC; Order Granting Approval of a Proposed Rule Change To Amend the Provisions of NYSE Rule 7.35B

June 10, 2022.

I. Introduction

On December 14, 2021, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Rule 7.35B relating to the cancellation of MOC, LOC, and Closing IO Orders before the Closing Auction. The proposed rule change was published for comment in the **Federal Register** on December 29, 2021.[3] On February 8, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed change.[5]

On March 22, 2022, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change.[6] The Commission has received one comment on the proposed rule change.[7] This Order approves the proposal.

II. Description of the Proposal

The Exchange proposes to modify NYSE Rule 7.35B(f)(2), which sets forth rules pertaining to the cancellation of MOC, LOC, and Closing IO Orders before the Closing Auction Imbalance Freeze,[8] and to make conforming changes to NYSE Rule 7.35B(j)(2)(B).

NYSE Rule 7.35B(f)(2)(A) currently provides that, between the Closing Auction Imbalance Freeze Time, which is 10 minutes before the scheduled end of Core Trading Hours,[9] and two minutes before the scheduled end of the Core Trading Hours, MOC, LOC, and Closing IO Orders may be canceled or reduced in size only to correct a Legitimate Error.[10] NYSE Rule 7.35B(f)(2)(B) currently specifies that, except as provided for in NYSE Rule 7.35B(j)(2)(B),[11] a request to cancel, cancel and replace, or reduce in size a MOC, LOC, or Closing IO Order entered two minutes or less before the scheduled end of the Core Trading Hours will be rejected.

The Exchange proposes to modify NYSE Rule 7.35B(f)(2) to provide that any requests to cancel, cancel and replace, or reduce in size a MOC, LOC, or Closing IO Order that is entered between the beginning of the Auction Imbalance Freeze and the scheduled end of Core Trading Hours would be rejected. Thus, as proposed, requests to cancel, replace, or reduce in size a MOC, LOC, or Closing IO Order would have to be received before the beginning of the Auction Imbalance Freeze (*i.e.,* 10 minutes prior to the scheduled end of Core Trading Hours), even in the case of a Legitimate Error. The Exchange represents that, since August 2021, the Exchange has not received any requests to cancel, cancel and replace, or reduce in size a MOC, LOC, or Closing IO Order between the beginning of the Auction Imbalance Freeze and two minutes before the scheduled end of Core Trading Hours.[12]

Additionally, NYSE proposes to make the following conforming changes to make NYSE Rule 7.35B(j)(2)(B) consistent with the proposed changes described above: (1) replace the reference to ''two minutes before the scheduled end of Core Trading Hours'' with ''the beginning of the Auction Imbalance Freeze,'' and (2) replace the reference to ''paragraph (f)(2)(B)'' with ''paragraph (f)(2).'' Thus, NYSE Rule 7.35B(j)(2)(B), as amended, would provide that the Exchange may temporarily suspend the prohibition on cancelling an MOC or LOC Order after the beginning of the Auction Imbalance Freeze (as such prohibition would be set forth in NYSE Rule 7.35B(f)(2), as amended).

III. Discussion and Commission Findings

After careful review of the proposal and the comment letter, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[13] In particular, the Commission finds that the proposed rule change is consistent with Section

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 93849 (Dec. 22, 2021), 86 FR 74204 (Dec. 29, 2021 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 94181 (Feb. 8, 2022), 87 FR 8305 (Feb. 14, 2022).

[6] *See* Securities Exchange Act Release No. 94483 (Mar. 22, 2022), 87 FR 17346 (Mar. 28, 2022) (''OIP'').

[7] *See* letter to Vanessa Countryman, Secretary, Commission, from Hope M. Jarkowski, General Counsel, New York Stock Exchange LLC (May 24, 2022) (''NYSE Letter'').

[8] A ''MOC Order'' or ''Market-on-Close Order'' is a Market Order that is to be traded only during a closing auction. *See* NYSE Rule 7.31(c)(2)(B). A ''LOC Order'' or ''Limit-on-Close Order'' is a Limit Order that is to be traded only during a closing auction. *See* NYSE Rule 7.31(c)(2)(A). A ''Closing IO Order'' or ''Closing Imbalance Offset Order'' is a Limit Order to buy (sell) an in an Auction-Eligible Security that it to be traded only in a Closing Auction. *See* NYSE Rule 7.31(c)(2)(D).

[9] *See* NYSE Rule 7.35(a)(8).

[10] ''Legitimate Error'' means an error in any term of an order, such as price, number of shares, side of the transaction (buy or sell), or identification of the security. *See* NYSE Rule 7.35(a)(13).

[11] NYSE Rule 7.35B(j)(2)(B) currently specifies the circumstances under which the Exchange may temporarily suspend the prohibition on canceling an MOC or LOC Order in connection with the Closing Auction.

[12] *See* Notice, *supra* note 3, 86 FR at 74205.

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

6(b)(5) of the Act,[14] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and that the rules of a national securities exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In the OIP, the Commission noted that the Exchange had separately proposed a different set of changes to its Closing Auction process,[15] and that the Commission was instituting proceedings to allow for additional analysis and input concerning the instant proposed rule change's consistency with requirements of the Act and to evaluate the proposal in light of of other pending proposed changes to the Closing Auction.[16] In response to the OIP, the Exchange states that, because the two filings set forth independent proposed changes with distinct purposes, the Commission should approve the proposed rule change.[17] The Exchange states that, while the instant proposal addresses certain orders that participate in the NYSE Closing Auction, the instant proposal is otherwise unrelated to changes proposed under the Closing Auction Filing.[18] The Exchange further states that whereas the Closing Auction Filing proposed to modify how the Closing Auction Price would be determined and how Designated Market Makers would be able to participate in the Closing Auction, the proposed rule change in this instance proposes a discrete change pertaining only to the cancellation of MOC, LOC, and Closing IO Orders after the Auction Imbalance Freeze for the Closing Auction.[19] In addition, the Exchange has withdrawn the Closing Auction Filing.[20]

The Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act, because it is reasonably designed to provide greater certainty regarding MOC, LOC, and Closing IO Orders represented in the Exchange's auction imbalance information by requiring that any changes to those orders to correct a Legitimate Error be made by 10 minutes before the scheduled end of Regular Trading, which is the existing deadline for entering a MOC, LOC, or Closing IO Order, and because the restriction will apply equally to all users of MOC, LOC, or Closing IO Orders.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–NYSE–2021–74) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–12941 Filed 6–15–22; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Securities Exchange Act Release No. 93037 (Sept. 16, 2021), 86 FR 52719 (Sept. 22, 2021) (SR–NYSE–2021–44) (''Closing Auction Filing'').

[16] *See* OIP, *supra* note 8, 87 FR at 17347.

[17] *See* NYSE Letter, *supra* note 9 at 2.

[18] *See* NYSE Letter, *supra* note 9 at 1.

[19] *See* NYSE Letter, *supra* note 9 at 1–2.

[20] *See* Securities Exchange Act Release No. 94835 (May 3, 2022), 87 FR 27669 (May 9, 2022).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Delegation of Authority No. 524–2]

Delegation of Authorities Under Section 102 of the Mutual Educational and Cultural Exchange Act of 1961

By virtue of the authority vested in the Assistant Secretary of State for Educational and Cultural Affairs, including by Delegation of Authority No. 236–3 (August 28, 2000), and to the extent permitted by law, I hereby delegate to the Deputy Assistant Secretary for Private Sector Exchange and the Deputy Assistant Secretary for Professional and Cultural Exchanges the authorities and functions in section 102 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452), relating to the provision by grant, contract or otherwise for educational and cultural exchanges.

Any authorities covered by this delegation may also be exercised by the Secretary, the Deputy Secretary, the Deputy Secretary for Management and Resources, the Under Secretary for Public Diplomacy and Public Affairs, and the Assistant Secretary for Educational and Cultural Affairs.

This Delegation of Authority does not revoke or otherwise affect any other delegation of authority currently in effect.

Any reference in this Delegation of Authority to any statute or delegation of authority shall be deemed to be a reference to such statute or delegation of authority as amended from time to time.

This Delegation shall be published in the **Federal Register**.

Lee A. Satterfield,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 2022–12932 Filed 6–15–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11757]

Renewal of Defense Trade Advisory Group Charter

ACTION: Notice.

SUMMARY: The Department of State announces the renewal of the Charter for the Defense Trade Advisory Group (DTAG) for another two years. The DTAG advises the Department on its support for and regulation of defense trade to help ensure the foreign policy and national security of the United States continues to be protected and advanced, while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of U.S. friends and allies. It is the only Department of State advisory committee that addresses defense trade related topics. The DTAG will remain in existence for two years after the filing date of the Charter unless terminated sooner. The DTAG is authorized by Department of State regulations and the Federal Advisory Committee Act. For more information, contact Michael Miller, Designated Federal Officer, Defense Trade Advisory Group, and Deputy Assistant Secretary, Directorate of Defense Trade Controls, Department of State, Washington, DC 20520, telephone: (202) 663–2861.

Michael Miller,

Designated Federal Officer, Defense Trade Advisory Group, Department of State.

[FR Doc. 2022–12983 Filed 6–15–22; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36620]

OPSEU Pension Plan Trust Fund, Jaguar Transport Holdings, LLC, and Jaguar Rail Holdings, LLC—Continuance in Control Exemption—Kinston Railroad, LLC

OPSEU Pension Plan Trust Fund (OPTrust), Jaguar Transport Holdings, LLC (JTH), and Jaguar Rail Holdings, LLC (JRH, and collectively with OPTrust and JTH, Jaguar), all noncarriers, have filed a verified notice of exemption

under 49 CFR 1180.2(d)(2) to continue in control of Kinston Railroad, LLC (KNR), a noncarrier, upon KNR's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in *Kinston Railroad—Change in Operator Exemption—Kinston & Snow Hill Railroad,* Docket No. FD 36621. In that proceeding, KNR has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to assume operation of approximately 5.7 miles of rail line currently operated by Kinston & Snow Hill Railroad Co., Inc. (KSHR), and owned by the North Carolina Department of Transportation (NCDOT), extending between milepost GTP–0.0 (and a connection at that location to a North Carolina Railroad Company track) and milepost GTP–5.7 at the North Carolina Global TransPark (the Line), near Kinston, in Lenoir County, N.C. KNR will assume an existing lease of the Line, to be assigned to KNR by KSHR with NCDOT's consent.

Jaguar states that it will continue in control of KNR upon KNR's becoming a railroad common carrier. According to the verified notice, OPTrust indirectly controls JTH, which directly controls JRH. JTH currently controls, indirectly: five Class III railroads directly controlled by JRH—Southwestern Railroad, Inc., Texas & Eastern Railroad, LLC, Wyoming and Colorado Railroad, Inc. (WYCO) (which also does business under the name Oregon Eastern Railroad), Missouri Eastern Railroad, LLC, and Charlotte Western Railroad, LLC; two Class III railroads indirectly controlled by JRH through WYCO—Cimarron Valley Railroad, L.C., and Washington Eastern Railroad, LLC; and one Class III railroad, West Memphis Base Railroad, L.L.C., which is indirectly controlled by JTH through its subsidiary Jaguar Transport, LLC. The lines of the rail carriers controlled by JTH and JRH are located in Arkansas, Colorado, Kansas, Missouri, New Mexico, North Carolina, Oklahoma, Oregon, Texas, and Washington.

Jaguar states that: (1) the Line does not connect with any other rail lines operated by carriers controlled by Jaguar; (2) the continuance in control transaction is not part of a series of anticipated transactions that would connect the Line with any rail lines controlled by Jaguar or that would connect any of those rail lines with each other; and (3) the transaction does not involve a Class I rail carrier. Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. However, 49 U.S.C. 11326(c) does not provide for labor protection for transactions under 49 U.S.C. 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

The earliest this transaction may be consummated is June 30, 2022, the effective date of the exemption (30 days after the verified notice was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than June 23, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36620, must be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Jaguar's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to Jaguar, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov*.

Decided: June 13, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–13003 Filed 6–15–22; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36621]

Kinston Railroad, LLC—Change in Operator Exemption—Kinston & Snow Hill Railroad Co., Inc.

Kinston Railroad, LLC (KNR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to assume operation of approximately 5.7 miles of rail line near Kinston, Lenoir County, N.C., extending between milepost GTP–0.0 (and a connection at that location to a North Carolina Railroad Company track) and milepost GTP–5.7 at the North Carolina Global TransPark (the Line). The North Carolina Department of Transportation (NCDOT) owns the Line, and Kinston & Snow Hill Railroad Co., Inc. (KSHR), currently operates the Line pursuant to a 2015 lease with NCDOT (the Lease).[1] *See N.C. & Atl. R.R.—Lease & Operation Exemption—N.C. Dep't of Transp.,* FD 36008 (STB served Mar. 25, 2016); *N.C. & Atl. R.R.—Lease & Operation Exemption—N.C. Dep't of Transp.,* FD 36008 et al., (STB served Nov. 4, 2016) (providing notice that North Carolina & Atlantic Railroad Co., Inc., changed its name to Kinston & Snow Hill Railroad Co., Inc.).

According to the verified notice, KNR has entered into an agreement with KSHR—with NCDOT's consent—under which KSHR will assign its interest in the Lease to KNR, and KNR will commence common carrier operations over the Line in place of KSHR. Based on projected annual revenues for the Line, KNR expects to become a Class III rail carrier after consummation of the proposed transaction.

This transaction is related to a concurrently filed verified notice in *OPSEU Pension Plan Trust Fund—Continuance in Control Exemption—Kinston Railroad,* Docket No. FD 36620, in which the filing parties seek to continue in control of KNR upon KNR's becoming a Class III rail carrier.

As required under 49 CFR 1150.33(h)(1), KNR certifies in its verified notice that the proposed change of operator on the Line does not involve, and the Lease between NCDOT and KSHR does not include, any provision or agreement that may limit future interchange with a third-party connecting carrier.

KNR certifies that its projected annual revenues as a result of the transaction will not exceed $5 million and will not result in the creation of a Class I or Class II rail carrier. Under 49 CFR 1150.32(b), a change in operator exemption requires that notice be given to shippers. KNR certifies that it has provided notice of the proposed change in operator to the shippers on the Line.

The transaction may be consummated on or after June 30, 2022, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d)

[1] Public and confidential versions of the Lease were filed with the verified notice. The confidential version was submitted under seal concurrently with a motion for protective order, which will be addressed in a separate decision.

may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than June 23, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36621, must be filed with the Surface Transportation Board via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on KNR's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to KNR, this action is categorically excluded from historic preservation reporting requirements under 49 CFR 1105.8(b) and from environmental reporting requirements under 49 CFR 1105.6(c).

Board decisions and notices are available at *www.stb.gov.*

Decided: June 13, 2022.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2022–13001 Filed 6–15–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration; Advanced Aviation Advisory Committee (AAAC); Renewal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of renewal.

SUMMARY: The FAA announces the charter renewal of the Advanced Aviation Advisory Committee (AAAC), a Federal advisory committee that works with industry, community stakeholders, and the public to improve the development of the FAA's regulations.

DATES: This charter will take effect June 10, 2022, and will expire after two years unless it is renewed.

FOR FURTHER INFORMATION CONTACT: Gary Kolb, UAS Integration Office, Federal Aviation Administration, 490 L'Enfant Plaza SW, Suite 2206, Washington, DC, telephone (202) 267–4441; email *Gary.Kolb@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), the FAA is giving notice of the charter renewal for the AAAC. The AAAC is a broad-based Federal advisory committee that provides the FAA with advice on key drone and advanced air mobility (AAM) integration issues by helping to identify challenges and prioritize improvements. The committee helps to create broad support for an overall integration strategy and vision. Membership comprises individuals who currently serve on an organization's core senior leadership team with the ability to make decisions on UAS or AAM-related matters. See the AAAC website for more information details on pending tasks at *https://www.faa.gov/uas/programs_partnerships/advanced_aviation_advisory_committee/.*

Issued in Washington, DC.

Jessica A. Orquina,

Acting Manager, Executive Office, AUS–10, UAS Integration Office, Federal Aviation Administration.

[FR Doc. 2022–13008 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0385; FMCSA–2014–0387; FMCSA–2018–0139; FMCSA–2019–0109]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 12 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2018–0139, or FMCSA–2019–0109 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On October 1, 2021, FMCSA published a notice announcing its decision to renew exemptions for 12 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (86 FR 54503). The public comment period ended on November 1, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric

device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 12 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of October and are discussed below:

As of October 1, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (86 FR 54503):

Azulita-Jane Camacho (AZ)
Wayne Crowl (IN)
Robert Culp (FL)
Charles Davis (AL)
Christopher Fisher (WA)
Jerrell McCrary (NC)
John Price (TX)

The drivers were included in docket number FMCSA–2014–0385 or FMCSA–2018–0139. Their exemptions were applicable as of October 1, 2021 and will expire on October 1, 2023.

As of October 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (86 FR 54503):

Kurt Bernabei (IL); Steven Gandee (PA); Steven Robelia (WI)

The drivers were included in docket number FMCSA–2019–0109. Their exemptions were applicable as of October 10, 2021 and will expire on October 10, 2023.

As of October 22, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (86 FR 54503):

Richard Carter (MD) and Clinton Homon (IL)

The drivers were included in docket number FMCSA–2014–0387. Their exemptions were applicable as of October 22, 2021 and will expire on October 22, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12978 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0406]

Commercial Driver's License Standards: Application for Exemption Renewal; C.R. England, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of exemption renewal; request for comments.

SUMMARY: FMCSA announces its decision to provisionally renew a C.R. England, Inc. (C.R. England) exemption from the regulatory provisions that require a commercial learner's permit (CLP) holder to be accompanied by a commercial driver's license (CDL) holder with the proper CDL class and endorsements seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways. The exemption allows a CLP holder who has passed the skills test but not yet received the CDL document to drive a C.R. England commercial motor vehicle (CMV) accompanied by a CDL holder who is not necessarily in the passenger seat, provided the driver has documentation of passing the skills test. The exemption renewal is for 5 years.

DATES: This renewed exemption is effective June 13, 2022 and expires on June 12, 2027. Comments must be received on or before July 18, 2022.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2014–0406 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, Washington, DC 20590–0001 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 for this notice (FMCSA–2014–0406). 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 Dockets Operations.

Privacy Act: In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption renewal request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*.

FOR FURTHER INFORMATION CONTACT: Mrs. Bernadette Walker, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 385–2415; *MCPSD@dot.gov*. If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (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–2014–0406), 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–2014–0406 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 material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b)(2) and 49 CFR 381.300(b) to renew an exemption from the Federal Motor Carrier Safety Regulations for a 5-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' C.R. England has requested a five-year extension of the current exemption in Docket No. FMCSA–2014–0406.

III. Background

Current Regulation(s) Requirements

FMCSA's CDL regulations provide minimum training conditions for behind-the-wheel training of a CLP holder in 49 CFR 383.25. Section 383.25(a)(1) requires that a CLP holder at all times be accompanied by a CDL holder with the proper CDL class and endorsements. The CDL holder must be seated in the front seat of the vehicle while the CLP holder performs behind-the-wheel training on public roads or highways.

Application for Renewal of Exemption

FMCSA published notice of C.R. England's initial application for exemption from 49 CFR 383.25(a)(1) to this docket on November 28, 2014 [79 FR 70916]. That notice described the nature of C.R. England's operations. FMCSA published a notice granting C.R. England's exemption request on June 11, 2015, which was effective through June 12, 2017 [80 FR 33329]. FMCSA found that C.R. England would likely achieve a level of safety that was equivalent to, or greater than, the level of safety that would be obtained by complying with the regulation because CLP holders who have passed the CDL skills test are qualified and eligible to obtain a CDL. FMCSA published a notice granting C.R. England's request to renew its exemption to this docket on June 12, 2017 [82 FR 26975]. FMCSA addressed public comments and reaffirmed the renewal on October 20, 2017 [82 FR 48889]. The renewal expires on June 12, 2022.

C.R. England has now requested an additional renewal of the exemption for another 5-year period. A copy of C.R. England's request has been placed in the docket to this notice.

IV. Equivalent Level of Safety

FMCSA determined in 2015 and again in 2017 that C.R. England drivers would likely achieve a level of safety equivalent to, or greater than, the level of safety achieved without the exemption. FMCSA noted in its October 20, 2017 notice that CLP holders who have passed the CDL skills test are qualified and eligible to obtain a CDL. If those CLP holders obtained their CLPs and training in their State of domicile, they could immediately receive their CDL at the State driver licensing agency and begin driving a CMV without any on-board supervision.

In its January 21, 2022 application for renewal, C.R. England states that in the six and a half years that it has operated under the exemption (from mid-2015 through the end of 2021), 17,249 drivers used the exemption and traveled over 150 million miles. During that period, 52 injury and no fatal crashes occurred. C.R. England states that its overall crash rates have declined since 2015, with a 10% reduction in total crashes and a 38% reduction in injury crashes. C.R. England believes that, under the exemption, it achieves a level of safety that is greater than the level of safety obtained by compliance with section 383.25(a)(1), because new drivers may immediately begin using their skills rather than waiting until they return to their State of domicile to obtain the permanent CDL.

FMCSA is unaware of any evidence of a degradation of safety attributable to the current exemption for C.R. England drivers. There is no indication of an adverse impact on safety while operating under the terms and conditions specified in the initial exemption or exemption renewal.

FMCSA concludes that provisionally extending the exemption granted on June 11, 2015 for another five years, under the terms and conditions listed below, will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

V. Exemption Decision

A. Grant of Exemption

FMCSA provisionally renews the exemption for a period of five years subject to the terms and conditions of this decision and the absence of public comments that would cause the Agency to terminate the exemption under Sec. V.F. below. The exemption from the requirements of 49 CFR 383.25(a)(1), is otherwise effective June 13, 2022 through June 12, 2027, 11:59 p.m. local time, unless renewed or rescinded.

B. Applicability of Exemption

The exemption excuses C.R. England from the requirement that a driver accompanying a CLP holder always be physically present in the front seat of a CMV, on the condition that the CLP holder has successfully passed an approved CDL skills test.

C. Terms and Conditions

When operating under this exemption, C.R. England and its drivers are subject to the following terms and conditions:

(1) C.R. England and its drivers must comply with all other applicable Federal Motor Carrier Safety Regulations (49 CFR part 350–399);

(2) The drivers must be in possession of a valid State driver's license, CLP with the required endorsements, and documentation that they have passed the CDL skills test;

(3) The drivers must not be subject to any OOS order or suspension of driving privileges; and

(4) The drivers must be able to provide this exemption document to enforcement officials.

D. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall

enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

E. Notification to FMCSA

C.R. England must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving any of its CMVs operating under the terms of this exemption. The notification must include the following information:

(a) Name of the exemption: ''C.R. England'';

(b) Date of the accident;

(c) City or town, and State, in which the accident occurred, or closest to the accident scene;

(d) Driver's name and license number;

(e) Vehicle number and State license number;

(f) Number of individuals suffering physical injury;

(g) Number of fatalities;

(h) The police-reported cause of the accident;

(i) Whether the driver was cited for violation of any traffic laws, motor carrier safety regulations; and

(j) The driver's total driving time and total on-duty time prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV*.

F. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. The exemption will be rescinded if: (1) C.R. England and drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objects of 49 U.S.C. 31136(e) and 31315.

VI. Request for Comments

FMCSA requests public comment from all interested persons on C.R. England's application for a renewal of the exemption. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to rescind the exemption of the company or companies and drivers in question.

Robin Hutcheson,

Deputy Administrator.

[FR Doc. 2022–12921 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0332; FMCSA–2013–0121; FMCSA–2013–0122; FMCSA–2013–0123; FMCSA–2013–0124; FMCSA–2013–0125; FMCSA–2013–0126; FMCSA–2015–0325; FMCSA–2015–0327; FMCSA–2016–0003; FMCSA–2017–0057; FMCSA–2017–0059; FMCSA–2019–0111]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 31 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2012–0332, FMCSA–2013–0121, FMCSA–2013–0122, FMCSA–2013–0123, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2013–0126, FMCSA–2015–0325, FMCSA–2015–0327, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0059, or FMCSA–2019–0111 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On April 1, 2022, FMCSA published a notice announcing its decision to renew exemptions for 31 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (81 FR 19171). The public comment period ended on April 1, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR

6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 31 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of April and are discussed below:

As of April 2, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 19171):

Kathleen Abenchuchan (IA)
Marion Bennett (MD)
Roger Boge (IA)
Johnny Brewer (OH)
Arthur Brown (FL)
Michael Bunjer (MD)
Stephen Daniels (KS)
Keith Drown (ID)
Jerry Ferguson (TX)
Edison Garcia (MD)
James Gooch (MO)
Daniel Harnish (OR)
Jada Hart (IA)
Paul Klug (IA)
Dayton Lawson, Jr. (MI)
Calvin Payne (MD)
Kiley Peterson (IA)
Joseph Piros (CA)
Ronald Rumsey (IA)
Khon Saysanam (TX)
James Schubin (CA)
Samuel Sherman (MN)
Johnny Wu (DE)

The drivers were included in docket number FMCSA–2013–0122, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2013–0126, FMCSA–2015–0325, FMCSA–2015–0327, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0059, or FMCSA–2019–0111. Their exemptions were applicable as of April 2, 2022 and will expire on April 2, 2024.

As of April 21, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 19171):

Andrew Alcozer (IL)
Jacob Paullin (WI)
Ryan Pope (CA)
Russell Smith (OH)

The drivers were included in docket number FMCSA–2013–0121, FMCSA–2013–0122, or FMCSA–2013–0123. Their exemptions were applicable as of April 21, 2022 and will expire on April 21, 2024.

As of April 23, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 19171):

Donald Lynch (AR) and Zachary Rietz (TX).

The drivers were included in docket number FMCSA–2012–0332. Their exemptions were applicable as of April 23, 2022 and will expire on April 23, 2024.

As of April 24, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 19171):

Kwinton Carpenter (OH) and Andrey Shevchenko (MN).

The drivers were included in docket number FMCSA–2013–0124. Their exemptions were applicable as of April 24, 2022 and will expire on April 24, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12974 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383; FMCSA–2014–0385; FMCSA–2014–0387; FMCSA–2015–0328; FMCSA–2018–0137; FMCSA–2018–0139; FMCSA–2019–0109; FMCSA–2019–0110]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 16 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on November 19, 2021. The exemptions expire on November 19, 2023.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2015–0328, FMCSA–2018–0137, FMCSA–2018–0139, FMCSA–2019–0109, or FMCSA–2019–0110 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to

help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On November 22, 2021, FMCSA published a notice announcing its decision to renew exemptions for 16 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (86 FR 66385). The public comment period ended on December 22, 2021, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 16 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of November 19, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 16 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (86 FR 66385):

Carlos Arellano (CA)
Jeffrey Barbuto (NH)
John Fazio (FL)
Debbie Gaskill (GA)
Derek Hawkins (NH)
Emil Iontchev (IL)
Justin Kilgore (FL)
Danny McGowan (WV)
Matthew Moore (TX)
Abdiwahab Olow (MN)
Tami Richardson-Nelson (NE)
Willis Ryan (GA)
Anthony Saive (TN)
Dustin Selby (OH)
Jennifer Valentine (TX)
Derron Washington (IL)

The drivers were included in docket number FMCSA–2014–0383, FMCSA–2014–0385, FMCSA–2014–0387, FMCSA–2015–0328, FMCSA–2018–0137, FMCSA–2018–0139, FMCSA–2019–0109, or FMCSA–2019–0110. Their exemptions were applicable as of November 19, 2021 and will expire on November 19, 2023.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12977 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0123; FMCSA–2014–0104; FMCSA–2014–0385; FMCSA–2016–0003; FMCSA–2017–0057; FMCSA–2017–0058; FMCSA–2018–0139; FMCSA–2019–0011; FMCSA–2019–0112]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 17 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0011, or FMCSA–2019–0112 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On January 20, 2022, FMCSA published a notice announcing its decision to renew exemptions for 17 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (87 FR 3164). The public comment period ended on February 22, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 17 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of February and are discussed below:

As of February 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 3164):

Jared Gunn (IL)
Daniel Krystosek (MN)
Lucius Fowler (IL)
John Malm (IL)
Ray Norris (TX)
Abel Talamantes (WA)
Andrew Tessin (NC)
Charles Wirick (MD)

The drivers were included in docket number FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0111, or FMCSA–2019–0112. Their exemptions were applicable as of February 14, 2022 and will expire on February 14, 2024.

As of February 19, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 3164):

Wyatt Baldwin (NV)
Richard Davis (OH)
Adam Hayes (CA)
Adrian Lopez (TX)
Jeffrey Schulkers (KY)
Joshua J. Tinley (AZ)
Jason Thomas (TX)
Roderick Thomas (GA)
Kerri Wright (OK)

The drivers were included in docket number FMCSA–2014–0385, FMCSA–2016–0003, or FMCSA–2017–0057. Their exemptions were applicable as of February 19, 2022 and will expire on February 19, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12975 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0332; FMCSA–2013–0124; FMCSA–2013–0125; FMCSA–2017–0057; FMCSA–2017–0058; FMCSA–2020–0024]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 10 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on May 15, 2022. The exemptions expire on May 15, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2012–0332, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2017–0057, FMCSA–2017–0058, or FMCSA–2020–0024 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On April 5, 2022, FMCSA published a notice announcing its decision to renew exemptions for 10 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (87 FR 19731). The public comment period ended on May 5, 2022, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 10 renewal exemption applications, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41(b)(11).

As of May 15, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (87 FR 19731):

Dustin Bemesderfer (FL)
Marquarius Boyd (MS)
Thomas Jensen (IA)
William Larson (NC)
Michael Paasch (NE)
Jesus Perez (IL)
Michael Quinonez (NM)
Jonathan Ramirez (CA)
Byron Smith (TX)
Aldale Williamson (DC)

The drivers were included in docket number FMCSA–2012–0332, FMCSA–2013–0124, FMCSA–2013–0125, FMCSA–2017–0057, FMCSA–2017–0058, or FMCSA–2020–0024. Their exemptions were applicable as of May 15, 2022 and will expire on May 15, 2024.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–12976 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0002–N–10]

Proposed Agency Information Collection Activities; Comment Request

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

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICRs) abstracted below. Before submitting these ICRs to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICRs.

DATES: Interested persons are invited to submit comments on or before August 15, 2022.

ADDRESSES: Written comments and recommendations for the proposed ICRs should be submitted on *regulations.gov* to the docket, Docket No. FRA–2022–0002. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Hodan Wells, Information Collection Clearance Officer, at email: *hodan.wells@dot.gov* or telephone: (202) 868–9412.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Special Notice for Repairs.

OMB Control Number: 2130–0504.

Abstract: Under 49 CFR part 216, FRA and State inspectors may issue a Special Notice for Repairs to notify a railroad in writing of an unsafe condition involving a locomotive, car, or track. The railroad must notify FRA in writing when the equipment is returned to service or the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying

the repairs completed. FRA and State inspectors use this information to remove from service freight cars, passenger cars, and locomotives until they can be restored to a serviceable condition. They also use this information to reduce the maximum authorized speed on a section of track until repairs can be made.

In this 60-day notice, FRA made adjustments which decreased the previously approved burden hours from 16 hours to 3 hours. For instance:

- Under § 216.15(b), the burden decreased from 13 hours to .25 hour due to changes in the number of responses—from fifty (50) form replies to one (1) form reply per year. FRA's estimate is based on how infrequently these replies have been submitted to date.
- FRA anticipates zero submissions under § 216.25 as noted in the PRA table printed below.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): FRA F 6180.8; FRA F 6180.8A.

Respondent Universe: 754 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

Section	Respondent universe	Total annual responses (A)	Average time per responses (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar (D = C * wage rates) [1]
216.13(b)—Special Notice for Repairs: Locomotive—RR reply to special notice for repair informing FRA that affected locomotive is returned to service—FRA Form F 6180.8.	754 railroads	5 form replies	15 minutes	1.25	96.80
216.15(b)—Special Notice for Repairs: Track—RR reply to special notice for repair informing FRA that affected track is restored to condition permitting operations at speeds authorized at higher speeds—FRA Form F 6180.8a.	754 railroads	1 form reply	15 minutes	.25	19.36
216.21(b)—Notice of track conditions: Letter from railroad to FRA track engineer that affected track has been repaired and is ready for re-inspection.	754 railroads	1 letter	1 hour	1.00	77.44
216.25—Issuance of review and emergency order: Petition for review of order or letter stating track has been repaired.	FRA anticipates zero submissions in this 3-year ICR period.				
Total [2]	754 railroads	7 responses	N/A	3	194

Total Estimated Annual Responses: 7.

Total Estimated Annual Burden: 3 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $194.

Title: Bridge Safety Standards.

OMB Control Number: 2130–0586.

Abstract: The Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114–94, Dec. 4, 2015), Section 11405, ''Bridge Inspection Reports,'' provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within its respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA.[3] FRA developed a form titled ''Bridge Inspection Report Public Version Request Form'' (FRA F 6180.167) to facilitate such requests by States and their political subdivisions.

Additionally, the collection of information set forth under 49 CFR 214.105(c) establishes standards and practices for safety net systems. Safety nets and net installations must be drop-tested at the job site after initial installation and before being used as a fall-protection system, after major repairs, and at 6-month intervals if left at one site. If a drop-test is not feasible and is not performed, then the railroad or railroad contractor, or a designated certified person, must provide written certification the net complies with the safety standards under § 214.105. FRA and State inspectors use the information to enforce Federal regulations. The information maintained at the job site promotes safe bridge worker practices while providing flexibility at bridge work job sites.

Furthermore, the collection of information set forth under 49 CFR part 237 normalized and established Federal requirements for railroad bridges.[4] In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges, as well as special inspections, which must be carried out if natural or accidental events cause conditions that warrant such inspections. Further, railroads/track owners must incorporate provisions for internal audits into their bridge management programs and must conduct internal audits of bridge inspection reports. FRA uses the information collected to ensure that railroads/track owners meet Federal

[1] The dollar equivalent cost is derived from the Surface Transportation Board's 2020 Full Year Wage A&B data series for railroad workers. The wage rate of $77.44 per hour includes a 75-percent overhead charge.

[2] Totals may not add due to rounding.

[3] 49 CFR 1.89(a).

[4] 75 FR 41281 (July 15, 2010).

standards for bridge safety and comply with all the requirements of part 237.

In this 60-day notice, FRA made several adjustments which increased the previously approved burden hours from 4,858 hours to 34,616 hours. For instance:

- Under § 237.31, the burden increased by 360 hours because FRA anticipates it will receive 15 bridge management programs.
- Under § 237.109, FRA corrected the number of bridge inspection reports anticipated from 15,450 to 100,000 reports which consequently increased the burden by 21,137 hours.
- Under § 237.109, FRA updated this burden which added 8,333 hours.
- FRA found that the burden associated with § 237.109(g) is covered under § 237.109. Thus, FRA removed the duplicative burden of 25 hours and included an explanatory note in the PRA table printed below.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses (railroads and track owners), States, the District of Columbia (DC), and political subdivisions of States.

Form(s): FRA F 6180.167.

Respondent Universe: 784 track owners, 50 States and DC, and 200 political subdivisions of States.

Frequency of Submission: On occasion and annual.

Reporting Burden:

Section [5]	Respondent universe	Total annual responses (A)	Average time per responses (B)	Total annual burden hours (C = A * B)	Total cost equivalent in U.S. dollar [6] (D = C * wage rates)
FAST Act, Section 11405—Written request or filing of Form FRA F 6180.167 ''Bridge Inspection Report Public Version Request Form'' by State or a political subdivision of a State.	50 states and DC and 200 state political subdivisions.	50 forms or written requests.	5 minutes	4.17	340.73
FAST Act, Section 11405—Submission of public version of bridge inspection report from railroads to FRA.	754 railroads	47 reports	1 hour	47.00	3,639.68
214.105(c)(4)—Fall protection systems standards and practices—Safety net systems certification records.	754 railroads	3 written certification records.	5 minutes	.25	19.36
237.3(b)—Notifications to FRA of assignment of bridge responsibility and signed statement by assignee concerning bridge responsibility.	784 track owners	10 notifications	2 hours	20.00	1,548.80
237.9—Waivers	784 track owners	.33 petition	4 hours	1.32	102.22
237.31—Adoption of bridge management programs—Existing and new track owners.	784 track owners	15 programs	24 hours	360.00	27,878.40
237.57—Designation of qualified individuals.	784 track owners	200 records	15 minutes	50.00	3,872.00
237.71—Determination of bridge load capacities.	The burden associated with this requirement is covered above under § 237.31.				
237.73—Protection of bridges from overweight and over-dimension loads—Issuance of instructions to railroad personnel by track owner.	784 track owners	100 written instructions.	2 hours	200.00	15,488.00
237.109—Bridge inspection records—Reports and records.	784 track owners	100,000 inspection reports and records.	15 minutes	25,000.00	1,936,000.00
—(g) Report of deficient condition on a bridge.	The burden associated with this requirement is covered above under § 237.109.				
237.111—Review of bridge inspection reports by railroad bridge supervisors.	784 track owners	100,000 reviews	5 minutes	8,333.33	645,333.08
237.155—Documents & records—Establishment of information technology security systems for electronic recordkeeping.	784 track owners	5 electronic recordkeeping systems.	80 hours	400.00	30,976.00
—(a)(4) Training of track owner's employees who use the system on the proper use of the electronic recordkeeping system.	784 track owners	50 information system trainings.	4 hours	200.00	15,488.00
Total [7]	784 track owners, 50 States and DC, and 200 political subdivisions.	200,480 responses	N/A	34,616	2,680,686

Total Estimated Annual Responses: 200,480.

Total Estimated Annual Burden: 34,616 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $2,680,686.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

(Authority: 44 U.S.C. 3501–3520)

Brett A. Jortland,

Deputy Chief Counsel.

[FR Doc. 2022–12942 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2021–0051]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a reinstatement with modification of a previously approved collection of information.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the information collection and its expected burden. The ICR is for a reinstatement with modification of a previously approved collection of information for a one-time voluntary survey regarding knowledge, attitudes, and behaviors associated with speeding. A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on April 4, 2022. NHTSA received two comments, which we address below.

DATES: Comments must be submitted on or before July 18, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function. Comments may also be sent by mail to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for Department of Transportation, National Highway Traffic Safety Administration, or by email at *oira_submission@omb.eop.gov,* or fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Kristie Johnson, Ph.D., Office of Behavioral Safety Research (NPD–310), (202) 366–2755, *kristie.johnson@dot.gov,* National Highway Traffic Safety Administration, W46–498, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number 2127–0684.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted to OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on April 4, 2022 (**Federal Register**/Vol. 87, No. 64/pp. 19576–19579). NHTSA received one comment and one letter in support. Steven Morris provided remarks about ebikes, but no mention of the proposed survey or general traffic safety. The letter in support of the survey was submitted by the National Association of Mutual Insurance Companies (NAMIC).

Mr. Morris takes issue with the prohibition on using ebikes on an Ohio National Forest Service bicycle trail system. He also supplied a photo of his ebike contending that they do no more damage than regular bikes to the trails. His remarks did not mention the proposed survey. In NAMIC's letter addressed to NHTSA Administrator Steven Cliff, ''NAMIC supports NHTSA's proposed collection of information as necessary and appropriate and believes that the information surveyed will have significant practical utility.'' They further believe that the survey effort will provide valuable information to help their members work with NHTSA, State legislators and regulars, and law enforcement agencies to improve pedestrian and bicyclist safety. NAMIC recognizes the importance of the collection citing recent statistics from NHTSA and the Governors Highway Safety Administration of the rising number of vulnerable road user deaths.

Comments on the proposed information collection are appreciated. Thank you to NAMIC for providing thoughtful commentary as to the importance of conducting the National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors.

Title: National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors.

OMB Control Number: 2127–0684.

Form Numbers: NHTSA Forms 1148, 1613, 1614, 1615, 1616, 1617, 1618.

Type of Request: Reinstatement with modification of a previously approved information collection (OMB Control No. 2127–0684).

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information: NHTSA is seeking approval to conduct a National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors by web and mail among a national probability sample of 7,500 adults (and 150 adults for a pilot survey), age 18 and older to obtain up-to-date information about bicyclist and pedestrian attitudes and behaviors. Participation by respondents would be voluntary. Survey topics include the extent to which Americans engage in walking and bicycling activity, their attitudes toward and experience with various facilities, road conditions, and technologies, and their opinions on pedestrian and bicycling safety topics.

[5] The burden associated with § 214.105(c)(4), formerly covered under OMB Control No. 2130–0535, is now combined with the burden under OMB Control No. 2130–0586.

[6] For State respondents, the dollar equivalent cost is derived from the Bureau of Labor Statistics data for management occupations, NAICS 99920—State Government, excluding schools and hospitals, for State government employees. To calculate the mean hourly wage of $46.69 for this category of workers, FRA included a 75-percent charge for overhead costs. The calculation is $46.69 per hour * 1.75 = $81.71. The Web address for this data is: *https://www.bls.gov/oes/current/naics4_999200.htm#11-0000.* Additionally, for railroad and track owner respondents, the dollar equivalent cost is derived from the Surface Transportation Board's 2020 Full Year Wage A&B data series for railroad workers. The wage rate of $77.44 per hour includes a 75-percent overhead charge.

[7] Totals may not add due to rounding.

In conducting the proposed research, the survey would use computer-assisted web interviewing (*i.e.,* a programmed, self-administered web survey) to minimize recording errors, as well as optical mark recognition and image scanning for the paper and pencil survey to facilitate ease of use and data accuracy. A Spanish-language survey option would be used to minimize language barriers to participation. Surveys would be conducted with respondents using an address-based sampling design that encourages respondents to complete the survey online. Although web-based interviewing would be the primary data collection mode, a paper questionnaire would be sent to households that do not respond to the web invitations. This collection only requires respondents to report their answers; there are no record-keeping costs to the respondents.

Description of the Need for the Information and Proposed Use of the Information: NHTSA was established by the Highway Safety Act of 1970 and its mission is to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. To further this mission, NHTSA is authorized to conduct research as a foundation for the development of traffic safety programs. Title 23, United States Code, Section 403, gives the Secretary of Transportation (NHTSA by delegation) authorization to use funds appropriated to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information, with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; and human behavioral factors and their effect on highway and traffic safety. Pedestrian safety and bicyclist safety are two of multiple behavioral areas for which NHTSA has developed comprehensive programs to meet its injury reduction goals. The major components of pedestrian and bicyclist safety programs are education, enforcement, and outreach.

NHTSA encourages walking and bicycling as alternate modes of transportation to motor vehicle travel; however, pedestrians and bicyclists are among the most vulnerable road users. Motor vehicle crashes in 2019 accounted for 6,205 pedestrian fatalities and 846 bicyclist and other cyclist fatalities.[1] That same year, 76,000 pedestrians and 49,000 bicyclists were injured in traffic crashes. Moreover, increasing safe walking and bicycling behavior is promoted as a positive contributor to the quality of life. But an increase in walking and bicycling often means an increase in exposure to potential risk of collision with motor vehicles, underscoring the need to have in place aggressive pedestrian and bicyclist safety programs to reduce injuries and fatalities. This in turn requires periodic data collection to assess whether the programs continue to be responsive to the public's information needs, behavioral intentions, attitudes, physical environment, and other factors that contribute to safety while walking or bicycling.

The National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors was conducted on two previous occasions—first in 2002 and again in 2012. Those surveys provided program planners and community leaders with detailed information on walking and bicycling behavior, level of support for facilities assisting those activities and awareness of safety issues. Since it has been ten years since NHTSA last conducted the survey, the information needs updating, especially given recent programs and initiatives to increase walking and bicycling, as well as the emergence of new technologies including e-bikes, e-scooters, and fitness trackers. This project will provide that update by conducting the 2022 National Survey of Bicyclist and Pedestrian Attitudes and Behaviors. In the 2022 survey, NHTSA intends to examine the extent to which Americans engage in walking and bicycling activity, their attitudes towards and experience with various facilities, road conditions, and technologies, and their opinions on pedestrian and bicycling safety topics. Furthermore, NHTSA plans to assess whether self-reported behaviors, attitudes, and perceptions regarding walking and bicycling have changed over time since the administration of the prior national surveys. NHTSA will use the findings to assist States, localities, and communities in developing and refining walking and bicycling safety programs that will aid in their efforts to reduce pedestrian and bicyclist crashes and injuries.

NHTSA will use the information to produce a technical report that presents the results of the study. The technical report will provide aggregate (summary) statistics and tables as well as the results of statistical analysis of the information, but it will not include any personally identifiable information. The technical report will be shared with State highway offices, local governments, and those who develop traffic safety communications that aim to reduce pedestrian and bicyclist crashes.

Affected Public: Participants will be U.S. adults (18 years old and older). Businesses are ineligible for the sample and would not be interviewed.

Estimated Number of Respondents: 7,650.

Participation in this study will be voluntary. For the main survey collection, 7,500 participants will be sampled from all 50 States and the District of Columbia using address data from the most recent U.S. Postal Service (USPS) computerized Delivery Sequence File (DSF) of residential addresses. An estimated 22,943 households will be contacted and have the study described to them. No more than one respondent will be selected per household.

Prior to the main survey, a pilot survey will be administered to test the survey and the mailing protocol and procedures. Participation in this study will be voluntary with 150 participants sampled from all 50 States and the District of Columbia using address data from the most recent USPS computerized DSF of residential addresses. An estimated 459 households will be contacted and have the study described to them. No more than one respondent will be selected per household.

Frequency of Collection: The study will be conducted one time during the three-year period for which NHTSA is requesting approval, with a small pilot study occurring several months before the study's full launch. This study is part of a tracking and trending study to measure changes over time. The last study was administered in 2012.

Estimated Total Annual Burden Hours: NHTSA estimates the total burden of this information collection by estimating the burden to those who NHTSA contacts but do not respond (non-responders) and those who respond and are eligible for participation (eligible respondents or actual participants). As virtually all households have at least one adult 18 or older, all households are eligible to participate and, as such, no burden is calculated for ineligible respondents. The estimated time to contact 22,943 potential participants (actual participants and non-responders) for the

[1] National Center for Statistics and Analysis. (2021, March). *Quick facts 2019* (Report No. DOT HS 813 124). National Highway Traffic Safety Administration. *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813124.*

survey and 459 potential participants (actual participants and non-responders) for the pilot is one minute per person per contact attempt. Contact attempts will be made in five waves with fewer potential participants contacted in each subsequent wave. NHTSA estimates that 7,500 people will respond to the survey request and 150 will respond to the pilot. The estimated time to contact (1 minute) and complete the survey (20 minutes) for 7,500 participants and 150 pilot participants is 21 minutes per person. Table 1 provides a description for each of the forms used in the survey protocol as well as their mailing wave. Details of the burden hours for each wave in the pilot and full survey are included in Tables 2 and 3 below. When rounded up to the nearest whole hour for each data collection effort, the total estimated annual burden is 4,182 hours for the project activities. Table 4 provides total burden hours associated with each form.

TABLE 1—NHTSA FORM NUMBER, DESCRIPTION, AND MAILING WAVE

NHTSA form No.	Description	Mailing wave
1148	Questionnaire—National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors (English)	3, 5
1613	Questionnaire—National Survey of Pedestrian and Bicyclist Attitudes, Knowledge, and Behaviors (Spanish)	3, 5
1614	Initial Invitation Letter	1
1615	Reminder Postcard #1	2
1616	Cover Letter included with 1st mailing of the paper survey	3
1617	Reminder Postcard #2	4
1618	Cover Letter included with 2nd mailing of the paper survey	5

TABLE 2—ESTIMATED TOTAL BURDEN FOR PILOT SURVEY

Mailing wave (form No.)	Number of contacts	Participant type	Estimated burden per sample unit (in minutes)	Frequency of burden	Number of sample units	Burden hours *	Total burden hours *
Wave 1 (NHTSA Form 1614).	459	Contacted potential participant—Non-respondent.	1	1	409	7	25
		Recruited participant—Eligible respondent.	21	1	50	18	
Wave 2 (NHTSA Form 1615).	409	Contacted potential participant—Non-respondent.	1	1	379	7	18
		Recruited participant—Eligible respondent.	21	1	30	11	
Wave 3 (NHTSA Forms 1148, 1613, 1616).	379	Contacted potential participant—Non-respondent.	1	1	341	6	20
		Recruited participant—Eligible respondent.	21	1	38	14	
Wave 4 (NHTSA Form 1617).	341	Contacted potential participant—Non-respondent.	1	1	322	6	13
		Recruited participant—Eligible respondent.	21	1	19	7	
Wave 5 (NHTSA Forms 1148, 1613, 1618).	322	Contacted potential participant—Non-respondent.	1	1	309	6	11
		Recruited participant—Eligible respondent.	21	1	13	5	
Total							87

* Rounded up to the nearest hour.

TABLE 3—ESTIMATED TOTAL BURDEN FOR MAIN DATA COLLECTION SURVEY

Mailing wave (form No.)	Number of contacts	Participant type	Estimated burden per sample unit (in minutes)	Frequency of burden	Number of sample units	Burden hours *	Total burden hours *
Wave 1 (NHTSA Form 1614).	22,943	Contacted potential participant—Non-respondent.	1	1	20,443	341	1,216
		Recruited participant—Eligible respondent.	21	1	2,500	875	
Wave 2 (NHTSA Form 1615).	20,443	Contacted potential participant—Non-respondent.	1	1	18,943	316	841
		Recruited participant—Eligible respondent.	21	1	1,500	525	
Wave 3 (NHTSA Forms 1148, 1613, 1616).	18,943	Contacted potential participant—Non-respondent.	1	1	17,049	285	948
		Recruited participant—Eligible respondent.	21	1	1,894	663	
Wave 4 (NHTSA Form 1617).	17,049	Contacted potential participant—Non-respondent.	1	1	16,102	269	601
		Recruited participant—Eligible respondent.	21	1	947	332	

TABLE 3—ESTIMATED TOTAL BURDEN FOR MAIN DATA COLLECTION SURVEY—Continued

Mailing wave (form No.)	Number of contacts	Participant type	Estimated burden per sample unit (in minutes)	Frequency of burden	Number of sample units	Burden hours *	Total burden hours *
Wave 5 (NHTSA Forms 1148, 1613, 1618).	16,102	Contacted potential participant—Non-respondent.	1	1	15,443	258	489
		Recruited participant—Eligible respondent.	21	1	659	231	
Total							4,095

* Rounded up to the nearest hour.

TABLE 4—ESTIMATED TOTAL BURDEN BY NHTSA FORM FOR THE PILOT AND MAIN DATA COLLECTION SURVEYS

Information collection	Number of responses	Burden per response (minutes)	Burden per respondent (minutes)	Total burden hours
NHTSA Forms 1148 and 1613	7,650	20	20	2,550
NHTSA Form 1614	* 23,850	1	1	* 398
NHTSA Form 1615	20,852	1	1	348
NHTSA Form 1616	19,322	1	1	322
NHTSA Form 1617	17,390	1	1	290
NHTSA Form 1618	16,424	1	1	274
Total				4,182

* Rounded up based on individual waves.

Estimated Total Annual Burden Cost: Participation in this study is voluntary, and there are no costs to respondents beyond the time spent completing the questionnaires.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

[FR Doc. 2022–13015 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2022–0073]

Pipeline Safety: Information Collection Activities

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, PHMSA invites public comments on the Agency's intention to request Office of Management and Budget (OMB) approval to renew three information collections that are scheduled to expire on January 31, 2023. PHMSA has reviewed each information collection and considers them vital to maintaining pipeline safety. As such, PHMSA will request renewal from OMB, without change, for each information collection.

DATES: Interested persons are invited to submit comments on or before August 15, 2022.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Website: http://www.regulations.gov. This site allows the public to submit comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2022–0073, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between

9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on: PHMSA–2022–0073.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement: DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT: Angela Hill by telephone at 202–366–1246 or by email at *Angela.Hill@dot.gov.*

SUPPLEMENTARY INFORMATION: Title 5, Code of Federal Regulations (CFR) section 1320.8(d), requires PHMSA to provide interested members of the public and affected agencies the opportunity to comment on information collection and recordkeeping requests before they are submitted to OMB for approval. This notice identifies three information collection requests that PHMSA will submit to OMB for renewal and requests comment from interested parties. The three information collections (including their expiration dates) are as follows: (1) OMB control number 2137–0578, Reporting Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities (1/31/2023); (2) OMB control number 2137–0630, Hazardous Liquid Operator Notifications (1/31/2023); and (3) OMB control number 2137–0636, Notification Requirements for Gas Transmission Pipelines (1/31/2023).

The following information is provided for these information collections: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection.

PHMSA will request a three-year term of approval for each of the following information collection activities. PHMSA requests comments on the following information:

1. *Title:* Reporting Safety-Related Conditions on Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

OMB Control Number: 2137–0578.

Current Expiration Date: 1/31/2023.

Type of Request: Renewal of a currently approved information collection.

Abstract: 49 CFR 191.23 and 195.55 require each operator of a pipeline facility (except master meter operators) to submit to PHMSA a written report on any safety-related condition that causes or has caused a significant change or restriction in the operation of a pipeline facility or a condition that is a hazard to life, property or the environment. This information collection supports the PHMSA strategic goal of safety by reducing the number of incidents in natural gas, hazardous liquid, and carbon dioxide pipelines as well as in liquefied natural gas facilities.

Affected Public: Operators of Natural Gas, Hazardous Liquid, and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

Annual Reporting and Recordkeeping Burden:

Total Annual Responses: 174.

Total Annual Burden Hours: 1,044.

Frequency of Collection: On occasion.

2. *Title:* Hazardous Liquid Operator Notifications.

OMB Control Number: 2137–0630.

Current Expiration Date: 1/31/2023.

Type of Request: Renewal of a currently approved information collection.

Abstract: The pipeline safety regulations contained within 49 CFR part 195 require hazardous liquid operators to notify PHMSA in various instances. Section 195.414 requires hazardous liquid operators who are unable to inspect their pipeline facilities within 72 hours of an extreme weather event to notify the appropriate PHMSA Region Director as soon as practicable. Section 195.452 requires operators of pipelines that cannot accommodate an in-line inspection tool to file a petition in compliance with Section 190.9. These mandatory notifications help PHMSA to stay abreast of issues related to the health and safety of the nation's pipeline infrastructure.

Affected Public: Hazardous liquid pipeline operators.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 110.

Estimated annual burden hours: 125.

Frequency of Collection: On occasion.

3. *Title:* Notification Requirements for Gas Transmission Pipelines.

OMB Control Number: 2137–0636.

Current Expiration Date: 1/31/2023.

Type of Request: Renewal of a currently approved information collection.

Abstract: The pipeline safety regulations contained within 49 CFR part 192 require operators to make various notifications upon the occurrence of certain events. Section 192.506(g) requires that operators who use alternative technologies or evaluation processes when conducting spike hydrostatic pressure tests to notify PHMSA at least 90 days in advance. Section 192.607(e)(4) specifies the reporting requirements associated with the expanded sampling and testing programs required (under § 192.607(e)) when sampling of unknown material properties on onshore steel transmission pipelines identify unknown or unexpected materials. Section 192.607(e)(5) requires that operators who use alternative statistical sampling approaches when verifying unknown materials properties to notify PHMSA at least 90 days in advance and provide

information about the alternative program.

Section 192.624(b)(4) allows operators to petition for an extension of the completion deadlines to reconfirm maximum allowable operating pressure (MAOP) by up to one year if they provide an up-to-date plan, the reason for the requested extension, current status, completion date, remediation activities outstanding, and other factors. Section 192.624(c)(2)(iii) requires that operators notify PHMSA when they choose to use a less conservative pressure reduction factor or longer look-back period when reconfirming MAOP under § 192.624(c). Section 192.624(c)(3)(iii)(A) requires operators to notify PHMSA at least 90 days in advance when using an ''other technology'' besides those enumerated in § 192.624(c)(3) for reconfirming MAOP using engineering critical assessment and analysis.

Section 192.624(c)(6) requires operators to notify PHMSA at least 90 days in advance of using an alternative technical evaluation process in reconfirming MAOP in onshore steel transmission pipelines. Section 192.712(e)(2)(i)(E) allows operators to use other appropriate Charpy energy values (other than those specified in § 192.712(e)(2)(i)) if they notify PHMSA in advance.

Section 192.921(a)(7) requires operators to notify PHMSA (and applicable state and local authorities) at least 90 days in advance of using alternative baseline integrity assessment methods. Section 192.937(c)(7) requires operators to notify PHMSA (and applicable state and local authorities) at least 90 days in advance of using alternative ongoing integrity assessment methods.

These mandatory notifications help PHMSA to stay abreast of issues related to the health and safety of the nation's pipeline infrastructure. These notification requirements are necessary to ensure safe operation of transmission pipelines, ascertain compliance with gas pipeline safety regulations, and to provide a background for incident investigations.

Affected Public: Operators of natural gas transmission pipelines.

Estimated number of responses: 722.

Estimated annual burden hours: 1,070.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on June 10, 2022, under authority delegated in 49 CFR 1.97.

John A. Gale,

Director, Standards and Rulemaking Division.

[FR Doc. 2022–12972 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No: PHMSA–2022–0009]

Pipeline Safety: Information Collection Activities: Natural Gas Distribution Infrastructure Safety and Modernization Grant Program

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites public comments on its intent to request Office of Management and Budget (OMB) three-year approval of an information collection titled: ''The Natural Gas Distribution Infrastructure Safety and Modernization Grant Program'' under OMB Control No. 2137–0641. The information collection enables eligible municipality and community-owned utilities (not including for-profit entities) to apply for grant assistance set forth under the heading ''Department of Transportation—Pipeline and Hazardous Materials Safety Administration—Natural Gas Distribution Infrastructure Safety and Modernization Grant Program'' in title VIII of division J of Public Law 117–58.

DATES: Interested persons are invited to submit comments on or before August 15, 2022.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Website: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., ET, Monday through Friday, except federal holidays.

Instructions: Identify the docket number PHMSA–2022–0009 at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., ET, Monday through Friday, except federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on: PHMSA–2022–0009.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement: DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in

the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the Agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Angela Hill, DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT: Angela Hill by telephone at 202–366–1246 or by email at *Angela.Hill@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58) was enacted. Under the heading ''Department of Transportation—Pipeline and Hazardous Materials Safety Administration—Natural Gas Distribution Infrastructure Safety and Modernization Grant Program'' in title VIII of division J, the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program was established. The stated purpose of the program is for certain utilities ''to repair, rehabilitate, or replace its natural gas distribution pipeline system or portions thereof or to acquire equipment to (1) reduce incidents and fatalities and (2) avoid economic losses'' by providing grant opportunities to municipality and community-owned utilities (not including for-profit entities). The statutory requirements for PHMSA's implementation of the program are mandatory, and PHMSA is expected to implement the program as swiftly as possible to reduce incidents, fatalities, and adverse impacts to the public and the environment, particularly in disadvantaged communities.

The statutory requirements of the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program established a 180-day deadline for DOT to publish a Notice of Funding Opportunity (NOFO) with a subsequent 270-day deadline for making awards. In an effort to meet the statutory deadlines, PHMSA published a **Federal Register** notice on April 6, 2022; (87 FR 20031) notifying the public of its plan to seek emergency OMB approval for this information collection. During the 10-day comment period, PHMSA received one (1) comment from Red Bay Water and Gas seeking a reimbursement grant for a cast iron replacement project that began in October 2021 and is projected to be completed by August 2022. PHMSA encourages all potential applicants to submit an application via *www.grants.gov* in response to the NOFO issued on March 24, 2022. The application closes on July 25, 2022.

On May 10, 2022, OMB granted PHMSA an emergency 6-month approval to collect the required information. PHMSA is publishing this notice, in compliance with the Paperwork Reduction Act of 1995, to give stakeholders an opportunity to comment on PHMSA's plan to request OMB's full three-year approval of this information collection.

II. Natural Gas Distribution Infrastructure Safety and Modernization Grant Program

Solicitation for grants under the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program is voluntary. No eligible entity is required to apply. To be eligible, however, municipality and community-owned utilities must meet all the requirements set forth in the law. Therefore, DOT must collect certain information from applicants to determine eligibility and evaluate applications. DOT must also verify the accuracy of grant requests from approved applicants, in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other laws and regulations governing Federal financial assistance programs, including (but not limited to) the Anti-Deficiency Act, the Federal Funding Accountability and Transparency Act, the Payment Integrity Information Act of 2019, and 2 CFR part 200, among others. In accordance with the IIJA, DOT must not award more than 12.5 percent of the funds available under the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program to a single municipality or community-owned utility.

DOT anticipates using *grants.gov* to collect the applicant information for the NOFO which will include the following information:

- Legal name of the applicant (*i.e.,* the legal name of the business entity), as well as any other identities under which the applicant may be doing business.
- Business address, telephone, and email contact information for the applicant.
- Legal authority under which the applicant is established.
- Name and title of the authorized representative of the applicant (who will attest to the required certifications). DOT may also require the identity of external parties involved in preparation of the application, including outside accountants, attorneys, or auditors who may be assisting the business entity that is applying for assistance under this program.
- The specific statutory criteria that the applicant meets for eligibility under this program. The statute defines eligible applicants to include municipality or community-owned utilities excluding for-profit entities. Accordingly, DOT will require the applicant to identify which of these categories they meet and to describe how they meet it.
- Information regarding the possible environmental effects caused by the proposed project(s) specific to each site. Further, PHMSA will collect project information on (1) actions to comply with state and Federal environmental regulations, environmental justice, and historic preservation requirements, including the National Environmental Policy Act, and (2) additional mitigation actions to ensure that environmental impacts, such as those from excavation or the use of heavy equipment, are minimal.
- Location where the applicant was legally established, created, or organized to do business. This information and supporting documentation will be required to demonstrate how the applicant meets the statutory requirement to be ''established, created, or organized in the United States or under the laws of the United States.''
- Other identification numbers, including but not limited to, the Employer/Taxpayer Identification Number, Unique Entity Identifier under

2 CFR part 25, etc. All applicants will be required to have pre-registered with the System for Award Management at *https://sam.gov/SAM/.*

• Description of the applicant's business operations, in sufficient detail to demonstrate how the applicant meets the statutory requirement as a municipality or community-owned utility.

• Whether the applicant is currently engaged in any legal proceeding that could jeopardize its ability to fulfill the legal commitments required in statute as conditions for receiving funds under the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program. Examples of such proceedings could include, but are not limited to, any process related to the United States Bankruptcy Code, potential merger or acquisition discussions, or current litigation against the applicant. The NOFO will request that applicants identify any such issues at a high level and avoid including unnecessary details in the application.

• Whether the applicant is delinquent on any debt to any Federal agency, along with supporting details.

• A sworn certification as to the complete and accurate nature of all information provided, including all supporting documentation, subject to civil or criminal penalties. The specific certification language will include: ''I certify under penalty of perjury that the information and certifications provided in the application and its attachments are true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil penalties. (18 U.S.C. 287, 1001; 31 U.S.C. 3729, 3802).''

Award recipients will be required to provide supporting documentation in sufficient detail to substantiate the actual costs, specifically excluding any personally identifiable information for any individual employees. Recipients will also be required to provide additional information and certifications in support of disbursement requests.

III. Summary of Impacted Collection

Section 1320.8(d), Title 5, CFR, requires PHMSA to provide interested members of the public and affected entities an opportunity to comment on information collection and recordkeeping requests. This notice identifies the proposed information collection request that PHMSA will forward to OMB for approval.

The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection.

PHMSA will request a three-year approval for this information collection. PHMSA requests comments on the following information:

Title: Natural Gas Distribution Infrastructure Safety and Modernization Grant Program.

OMB Control Number: 2137–0641.

Current Expiration Date: 11/30/2022.

Type of Request: Extension of an approved information collection.

Abstract: This information collection covers the collection of applicant data from municipality and community-owned utilities that are interested in applying to receive funds from the ''Natural Gas Distribution Infrastructure Safety and Modernization Grant Program.'' Solicitation for grants under the Natural Gas Distribution Infrastructure Safety and Modernization Grant Program is voluntary. No eligible entity is required to apply. To be eligible, however, municipality and community-owned utilities must meet all the requirements set forth in the law. Therefore, DOT must collect certain information from applicants to determine eligibility and evaluate applications. DOT must also verify the accuracy of grant requests from approved applicants, in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and other laws and regulations governing Federal financial assistance programs, including (but not limited to) the Anti-Deficiency Act, the Federal Funding Accountability and Transparency Act (FFATA), the Payment Integrity Information Act of 2019, and 2 CFR part 200, among others. This information collection also covers the collection of data from grant recipients. PHMSA expects to receive approximately 200 applications from potential grantees. PHMSA estimates that it will take the 200 applicants approximately 82 hours to compile and submit the forms required to complete the application process for an annual burden of 16,400 hours. PHMSA estimates that 100 grant recipients will, on 8 occasions over the course of one year, spend 2.5 hours, or 20 hours annually, submitting post-award reports for an annual burden of 2,000 hours. Therefore, PHMSA estimates that there will be a total of 1,000 responses (200 applications + 800 post-award reports) for an aggregate total annual burden for the information collection of 18,400 hours (16,400 hours for applications + 2,000 hours for post-award reports).

Affected Public: Municipality and Community-owned Utilities.

Annual Burden:

Estimated number of responses: 1,000.

Estimated annual burden hours: 18,400.

Frequency of Collection: One-time application, grant reports no more than quarterly, to be followed by disbursement requests and closeout.

Comments are invited on:

(a) The need for this information collection for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(b) The accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques; and

(e) Additional information that would be appropriate to collect to inform the reduction in risk to people, property, and the environment due to excavation damages.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Issued in Washington, DC, on June 10, 2022, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2022–12970 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket Number DOT–OST–2017–0043]

Agency Information Collection Activity; Continue To Collect Information: Oil and Gas Industry Safety Data Program

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), U.S. Department of Transportation.

ACTION: 30-Day notice.

SUMMARY: On October 21, 2021, the Bureau of Transportation Statistics (BTS) announced its intention in a **Federal Register** Notice to request that the Office of Management and Budget (OMB) approve the following information collection: Voluntary Oil and Gas Industry Safety Data Program. The Oil and Gas Industry Safety Data (ISD) program, is a component of BTS's SafeOCS data sharing framework, that provides a trusted, proactive means for the oil and gas industry to report sensitive and proprietary safety information, and to identify early warnings of safety problems and potential issues by uncovering hidden, at-risk conditions not previously exposed through analysis of reportable accidents and incidents. The ISD identifies a broader range of data categories to ensure safe performance and appropriate risk management, which adds a learning component to assist the oil and gas industry in achieving improved safety performance.

DATES: Written comments should be submitted by July 18, 2022.

ADDRESSES: BTS seeks public comments on its proposed information collection. Comments should address whether the information will have practical utility; the accuracy of the estimated burden hours of the proposed information collection's 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 respondents, including the use of automated collection techniques or other forms of information technology. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW, Washington, DC 20503, Attention: BTS Desk Officer.

FOR FURTHER INFORMATION CONTACT: Demetra V. Collia, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation, Office of Safety Data and Analysis (OSDA), RTS–34, E36–302, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; Phone No. (202) 366–1610; Fax No. (202) 366–3383; email: *demetra.collia@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

Data Confidentiality Provisions: The confidentiality of oil and gas industry safety data information submitted to BTS is protected under the BTS confidentiality statute (49 U.S.C. 6307) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2018; (Pub. L.: 115–435 Foundations for Evidence-Based Policymaking Act of 2018, Title III.)

In accordance with these confidentiality statutes, only statistical (aggregated) and non-identifying data will be made publicly available by BTS through its reports. BTS will not release to the Bureau of Safety and Environmental Enforcement (BSEE), or to any other public or private entity, any information that might reveal the identity of individuals or organizations mentioned in failure notices or reports without explicit consent of the respondent and any other affected entities.

SUPPLEMENTARY INFORMATION:

I. The Data Collection

The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. BTS is seeking OMB approval for the following BTS information collection activity:

Title: Oil and Gas Industry Safety Data (ISD) Program.

OMB Control Number: TBD.

Type of Review: Approval to Continue to Collect.

Respondent: Oil and Gas industry companies involved in the exploration and/or productions working in the Gulf of Mexico (GOM).

Number of Potential Responses: 100.

Estimated Time per Response: 4 hours per data file.

Frequency: Annual.

Total Annual Burden: 400 hours.

II. Public Participation and Request for Public Comments

On October 21, 2021, BTS published a Notice (86 FR 58391) encouraging interested parties to submit comments to Document Number 2021–22280 and allowing for a 60-day comment period. The comment period closed on December 20, 2021. There were no comments. To view the Notice, go to *http://www.regulations.gov* and insert the Document Number 2021–22280 in the ''search'' box and click ''Search.'' Next click ''Open Docket Folder'' button and choose document listed to review. If you do not have access to the internet, you may view the docket by visiting the Docket Management Facility in Room Wl 2–140 on the ground floor of the DOT West Building, 1200 New Jersey Ave. SE, Washington, DC 20590, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Privacy Act

All comments the BTS received were posted without change to *http://www.regulations.gov.* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf*).

III. Discussion of Public Comments and BTS Responses

On October 21, 2021, BTS announced in a **Federal Register** Notice (86 FR 58391) its intention to request that OMB approve the continued collection of safety data from the oil and gas industry for the ISD Program. BTS received no comments during the 60-day public comment period.

Demetra Collia,

Director, Office of Safety Data and Analysis, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation.

[FR Doc. 2022–12981 Filed 6–15–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8554 and 8554–EP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8554, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service and Form 8554–EP, Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

DATES: Written comments should be received on or before August 15, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Molly Stasko, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224 or

by email to *pra.comments@irs.gov.* Please include the ''OMB Number 1545–0946'' in the Subject Line.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Sara Covington, (202) 317–5744, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *sara.l.covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service.

OMB Number: 1545–0946.

Form Number: 8554.

Abstract: The information obtained from Form 8554 relates to the approval of continuing professional education programs and the renewal of the enrollment status for those individuals admitted (enrolled) to practice before the Internal Revenue Service. The information will be used by the Director of Practice to determine the qualifications of individuals who apply for renewal of enrollment.

Current Actions: There are no changes to the form since last renewal of this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 62,000.

Estimated Number of Responses: 21,000.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 7,000.

Title: Application for Renewal of Enrollment to Practice Before the Internal Revenue Service as an Enrolled Retirement Plan Agent (ERPA).

OMB Number: 1545–0946.

Form: 8554–EP.

Abstract: This form is used to renew your Enrolled Retirement Plan Agent (ERPA) status. You must renew your enrollment status every 3 years as determined by the last digit of your Tax Identification Number (TIN).

Current Actions: There are no changes being made to the form at this time. However, there are changes to the burden estimates due to the most current filing data.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 750.

Estimated Number of Responses: 250.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 83.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Approved: June 9, 2022.

Sara L. Covington,

IRS Tax Analyst.

[FR Doc. 2022–12962 Filed 6–15–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4506–C IVES Request for Transcript of Tax Return

AGENCY: Internal Revenue Service (IRS), 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 take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 4506–C IVES Request for Transcript of Tax Return.

DATES: Written comments should be received on or before August 15, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov*. Include 1545–1872 or Form 4506–C IVES Request for Transcript of Tax Return in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: IVES Request for Transcript of Tax Return.

OMB Number: 1545–1872.

Form Number: 4506–C.

Abstract: Internal Revenue Code section 7513 allows taxpayers to request a copy of a tax return or related products. Form 4506–C is used to permit the cleared and vetted Income Verification Express Service (IVES) participants to request tax return information on the behalf of the authorizing taxpayer.

Current Actions: There are changes being made to the form at this time.

Make changes in coordination with Taxpayer First Act (TFA) for 2023 implementation;

Add IVES participant number;

Add IVES client name and contact information;

Add optional Field Unique Identifier;

Provide a clearer separation of requesting tax transcripts (line 6) vs informational transcripts (line 7);

Updated signature requirement for each taxpayer;

Add checkbox for electronically signed forms;

Add checkbox for forms authorized by Authorized Representatives

Additionally, IRS is making an administrative change to move the Form 4506–T from being approved under OMB control 1545–1872 to 1545–2154.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, farms, and Federal, state, local, or tribal governments.

Estimated Number of Respondents: 15,370,941.

Estimated Time per Respondent: 1.47.

Estimated Total Annual Burden Hours: 22,595,283.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Approved: June 9, 2022.

Andres Garcia Leon,

Supervisory Tax Analyst.

[FR Doc. 2022–12964 Filed 6–15–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Requesting Comments on the Intake/Interview & Quality Review Sheets

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 13614 series, Intake/Interview & Quality Review Sheet.

DATES: Written comments should be received on or before August 15, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include OMB Control Number 1545–1964 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jon Callahan, (737) 800–7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *jon.r.callahan@irs.gov.*

SUPPLEMENTARY INFORMATION: The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

Title: Intake/Interview & Quality Review Sheets.

OMB Number: 1545–1964.

Form Numbers: 13614–C, 13614–C (AR), 13614–C (BN), 13614–C (BR), 13614–C (DE), 13614–C (FA), 13614–C (FR), 13614–C (GUJ), 13614–C (HT), 13614–C (IT) 13614–C (JA), 13614–C (KM), 13614–C (KO), 13614–C (LP), 13614–C (PA), 13614–C (PL), 13614–C (PT), 13614–C (RU), 13614–C (SO), 13614–C (SP), 13614–C (TL), 13614–C (UR), 13614–C (VIE), 13614–C (ZH–S) 13614–C (ZH–T), and 13614–NR.

Abstract: The Form 13614 series contains a standardized list of required intake questions to guide volunteers in the Tax Counseling for the Elderly (TCE) and Volunteer Income Tax Assistance (VITA) programs in asking taxpayers basic questions about themselves. The form provides the volunteer with structured and consistent information to accurately prepare the taxpayer's return.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 3,750,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 625,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Approved: June 13, 2022.

Jon R. Callahan,

Tax Analyst.

[FR Doc. 2022–12984 Filed 6–15–22; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Comment Request for Forms 4506–T, 4506T–EZ and Form 4506T–EZ(SP)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 4506–T Request for Transcript of Tax

Return, Form 4506T–EZ, Short Form Request for Individual Tax Return Transcript, and 4506T–EZ(SP), Formulario Abreviado para la Solicitud de un Trasunto de la Declaracion de Impuestos Personales.

DATES: Written comments should be received on or before August 15, 2022 to be assured of consideration.

ADDRESSES: Direct all written comments to Molly Stasko, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include 1545–2154 or Form 4506–T Request for Transcript of Tax Return, Form 4506T–EZ, Short Form Request for Individual Tax Return Transcript, and 4506T–EZ(SP), Formulario Abreviado para la Solicitud de un Trasunto de la Declaracion de Impuestos Personales in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, at (202) 317–6009, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Titles: Request for Transcript of Tax Return and Disclosure of returns and return information.

OMB Number: 1545–2154.

Regulation Project Numbers: 4506–T, 4506T–EZ and 4506T–EZ(SP).

Abstract: Form 4506–T is used to request all products except copies of returns. The information provided will be used to search the taxpayers account and provide the requested information and to ensure that the requestor is the taxpayer, or someone authorized by the taxpayer to obtain the documents requested. Individuals can use Form 4506T–EZ to request a tax return transcript that includes most lines of the original tax return. The tax return transcript will not show payments, penalty assessments, or adjustments made to the originally filed return. Form 4506T–EZ (SP) is the Spanish translated version of the Form 4506T–EZ. It is also used to request a tax return transcript that includes most lines of the original tax return.

Current Actions: There are changes being made to the form at this time.

The following changes are being implemented:

Form 4506–T:

Example for tax year/period updated.

Removal of Line 5 (Customer File Number)

Form 4506T–EZ:

Removal of Line 5 (Customer File Number

Additionally, IRS is making an administrative change to move the Form 4506–T from being approved under OMB control 1545–1872 to 1545–2154.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or Households, Farms, and Businesses and other for-profit organizations.

Estimated Number of Respondents: 2,812,960.

Estimated Time per Respondent: 47 mins.

Estimated Total Annual Burden Hours: 1,322,091.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of 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.

Approved: June 9, 2022.

Andres Garcia Leon,

Supervisory Tax Analyst.

[FR Doc. 2022–12963 Filed 6–15–22; 8:45 am]

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Federal Register

Vol. 87, No. 116

Thursday, June 16, 2022

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Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6050**

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FEDERAL REGISTER PAGES AND DATE, JUNE

32965–33406 1
33407–33582 2
33583–34066 3
34067–34572 6
34573–34762 7
34863–35066 8
35067–35382 9
35383–35642 10
35643–35852 13
35853–36044 14
36045–36210 15
36211–36380 16

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9705 (amended by 10403)...33407, (amended by 10406), 33591
9980 (amended by 10403)...33407, (amended by 10406), 33591
10403 33407
10404 33413
10405 33583
10406 33591
10407 33601
10408 33603
10409 33605
10410 33607
10411 33609
10412 33611
10413 33613
10414 35067
10415 36045
Administrative Orders:
Memorandums:
Memorandum of June 1, 2022 35081
Memorandum of June 3, 2022 34763
Memorandum of June 8, 2022 35853
Notices:
Notice of June 13, 2022 36047
Notice of June 13, 2022 36049
Notice of June 13, 2022 36051
Presidential Determinations:
No. 2022-15 of June 6, 2022 35071
No. 2022-16 of June 6, 2022 35073
No. 2022-17 of June 6, 2022 35075
No. 2022-18 of June 6, 2022 35077
No. 2022-19 of June 6, 2022 35079

5 CFR

Proposed Rules:
875 33653
3601 35460

7 CFR

272 35855
925 36211
Proposed Rules:
51 33064
301 35904
1150 35465

8 CFR

214 34067
274 34067

9 CFR

Proposed Rules:
201 ..... 34814, 34980

10 CFR

72 35858
429 33316
430 33316
431 ..... 33316, 34067
1707 35862
Proposed Rules:
72 35923
429 ..... 34934, 35286, 35678
430 ..... 34934, 35286, 35925, 36249
431 34220

11 CFR

109 35863

12 CFR

22 36214
208 36214
210 34350
328 33415
339 36214
614 36214
760 36214
Ch. X 35866, 35868
1002 35864
1240 ..... 33423, 33615
1290 32965
1291 32965
Proposed Rules:
25 33884
228 33884
345 33884
614 36261
620 36261

13 CFR

121 ..... 34094, 35869

14 CFR

39 ..... 32969, 32973, 32975, 32978, 33435, 33621, 33623, 33627, 33630, 33632, 34120, 34125, 34129, 34765, 34767, 34770, 34772, 35885, 35890, 35892, 36053, 36055, 36214, 36216, 36219
71 ..... 32980, 32981, 32982, 34573, 35083, 35383, 35384, 35385, 35386, 35387, 35643, 35644, 35645, 35895, 35896, 35897
97 (2 documents) 35646, 35650

Proposed Rules:
21 36076
38 36076
39 ..... 33071, 33076, 33451, 33454, 33457, 33658, 34221, 34587, 34591, 35118, 35122, 35125, 35128, 35465, 35684, 35686, 36266, 36269, 36272, 36274, 36276
71 ..... 33080, 33082, 33083, 33085, 33660, 34595, 34597, 35133, 35469, 35470, 35689, 35690, 35691, 35692
121 36076
125 36076

15 CFR

734 34131
740 ..... 32983, 34131
743 32983
744 ..... 32987, 34131, 34154
746 34131
748 32983
766 34131
Proposed Rules:
801 36091

16 CFR

1225 32988
Proposed Rules:
310 ..... 33662, 33677

17 CFR

230 35393
232 35393
239 35393
240 35393
249 35393
Proposed Rules:
229 35938
240 35938
249 35938
274 35938

19 CFR

12 34775

20 CFR

404 35651
408 35651
416 35651
655 34067

21 CFR

870 ..... 32988, 34777
876 34164
1141 32990
1308 ..... 32991, 32996, 34166

22 CFR

42 35414

25 CFR

Proposed Rules:
514 36279
518 36280
522 36280
537 36281
559 36281
571 33091

26 CFR

Proposed Rules:
1 34223

27 CFR

9 ..... 33634, 33638, 33642, 33646
Proposed Rules:
4 35693
25 34819

29 CFR

1910 32999
4044 36058

31 CFR

515 35088
587 ..... 32999, 34169
Proposed Rules:
1010 34224

32 CFR

199 ..... 33001, 34779

33 CFR

100 ..... 33015, 34170, 34574, 34779, 36059
165 ..... 33018, 33019, 33020, 33649, 34171, 34173, 34574, 34576, 34781, 34784, 34786, 34788, 35092, 35094, 35654, 35656, 36059, 36221
187 34175
Proposed Rules:
117 ..... 33460, 34598, 34601, 35472, 35939
165 ..... 33695, 34603, 34605, 34607, 34834, 35697
386 35473

34 CFR

Ch. II 34790
Ch. III 35415

36 CFR

222 35097
Proposed Rules:
242 34228

37 CFR

220 36060
222 36060
225 36060
226 36060
228 36060
230 36060
231 36060
232 36060
233 36060
360 35898
Proposed Rules:
385 33093

38 CFR

8 35419
17 33021
79 33025

39 CFR

20 36061
111 ..... 33047, 34197, 35658
Proposed Rules:
111 35701

40 CFR

52 ..... 33438, 33650, 34577, 34579, 34795, 34797, 35104, 35421, 35423, 36222
81 ..... 34795, 34797, 35104
180 ..... 34203, 34206, 36063, 36068, 36071
271 ..... 34579, 36074
Proposed Rules:
52 ..... 33095, 33461, 33464, 33697, 33699, 34609, 34612, 35701, 35705, 35709, 36096
60 35608
63 ..... 34614, 35608
80 35711
82 36282
121 35318
122 35318
124 35318

45 CFR

1170 36224

46 CFR

4 35899

47 CFR

1 34209
10 34212
11 34213
25 33441
73 ..... 33441, 34799, 35426
76 33441
Proposed Rules:
15 33109
27 33466
36 36283
51 36283
54 36283
73 34624

49 CFR

191 35675
270 35660
271 35660
571 34800
575 34800
Proposed Rules:
367 35940
525 35718
531 35718

50 CFR

17 ..... 35431, 36225
300 ..... 34580, 34584, 35901
622 34811
635 ..... 33049, 33056
648 ..... 35112, 36248
660 33442
679 34215
Proposed Rules:
17 ..... 34228, 34625
20 35942
32 35136
100 34228
218 33113
648 34629

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H.R. 3579/P.L. 117–141

To designate the facility of the United States Postal Service located at 200 East Main Street in Maroa, Illinois, as the ''Jeremy L. Ridlen Post Office''. (June 15, 2022; 136 Stat. 1263)

H.R. 4168/P.L. 117–142

To designate the facility of the United States Postal Service located at 6223 Maple Street, in Omaha, Nebraska, as the ''Petty Officer 1st Class Charles Jackson French Post Office''. (June 15, 2022; 136 Stat. 1264)

Last List June 15, 2022

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