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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1006

Debt Collection Practices (Regulation F); Pay-to-Pay Fees

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Advisory opinion.

SUMMARY: Section 808(1) of the Fair Debt Collection Practices Act (FDCPA or Act) prohibits debt collectors from collecting any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless that amount is expressly authorized by the agreement creating the debt or permitted by law. The Consumer Financial Protection Bureau (CFPB) issues this advisory opinion to affirm that this provision prohibits debt collectors from collecting pay-to-pay or ''convenience'' fees, such as fees imposed for making a payment online or by phone, when those fees are not expressly authorized by the agreement creating the debt or expressly authorized by law. This advisory opinion also clarifies that a debt collector may also violate section 808(1) when the debt collector collects pay-to-pay fees through a third-party payment processor.

DATES: This advisory opinion is effective on July 5, 2022.

FOR FURTHER INFORMATION CONTACT: Sonya Pass, Senior Legal Counsel and Chief of Staff, Legal Division, (202) 435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Advisory Opinion

A. Background

Congress enacted the FDCPA in 1977 to ''eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.'' [1] The statute was a response to ''abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors,'' which Congress attributed to the ''inadequacy'' of ''existing laws and procedures,'' including State laws.[2] To remedy this, the FDCPA imposes various requirements and restrictions on debt collectors' debt collection activity. Relevant here is section 808, which provides that a ''debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt.'' [3] Section 808 then states that ''[w]ithout limiting the general application of the foregoing, the following conduct is a violation of this section'' and enumerates eight specifically prohibited practices, including the ''collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.'' [4]

At the time of the FDCPA's enactment, the Federal Trade Commission (FTC) was the agency that administered, and had primary responsibility for enforcing, the FDCPA.[5] Then, in 2010, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which created the CFPB and granted it authority to administer, implement, and enforce the FDCPA.[6] Congress also provided the CFPB authority to prescribe rules under the FDCPA.[7] Pursuant to that authority, in 2020, the CFPB issued Regulation F, which implements the FDCPA, to prescribe rules governing the activities of debt collectors.[8] The CFPB implemented FDCPA section 808(1) at 12 CFR 1006.22(b) by ''generally mirror[ing] the statute, with minor wording and organizational changes for clarity.'' [9] In particular, the CFPB stated that the ''term 'any amount' includes any interest, fee, charge, or expense incidental to the principal obligation.'' [10]

In 2013, the CFPB launched its supervisory program over certain larger participants in the consumer debt collection market. Through these examinations, the CFPB ascertains compliance with the FDCPA, and now Regulation F, as well as other Federal consumer financial laws. The CFPB also periodically publishes *Supervisory Highlights* with anonymized findings and analysis from these supervisory examinations, as well as compliance bulletins to provide entities with guidance on complying with certain legal requirements.

For example, in 2017, the CFPB issued a compliance bulletin (Bulletin) that ''provides guidance to debt collectors about compliance with the [FDCPA] when assessing phone pay fees,'' a type of pay-to-pay fee.[11] The Bulletin summarizes CFPB staff's conclusion that, under section 808(1), debt collectors may collect such pay-to-pay fees only if the underlying contract or state law expressly authorizes those fees.[12] In particular, the Bulletin states that in at least one supervisory exam, CFPB examiners found that a debt collector ''violated [section 808(1)] when they charged fees for taking mortgage payments over the phone'' where the underlying contracts creating the debt did not expressly authorize collecting such fees and where the relevant State law did not ''expressly permit collecting such fees.'' [13]

[1] Public Law 95–109, sec. 802(e), 91 Stat. 874, 874 (codified at 15 U.S.C. 1692(e)).

[2] 15 U.S.C. 1692(a), (b). *See also* S. Rep. No. 95–382, at 2 (1977) (stating that ''debt collection abuse by third party debt collectors [was] a widespread and serious national problem,'' which Congress largely attributed to a ''lack of meaningful legislation on the State level'').

[3] 15 U.S.C. 1692f.

[4] 15 U.S.C. 1692f(1).

[5] *See* 15 U.S.C. 1692*l*(a) (2010).

[6] Public Law 111–203, sec. 1089, 124 Stat. 1376, 2093 (codified at 15 U.S.C. 1692*l*(b)(6)).

[7] 15 U.S.C. 1691*l*(d).

[8] *See* Debt Collection Practices (Regulation F), 85 FR 76734 (Nov. 30, 2020); Debt Collection Practices (Regulation F), 86 FR 5766 (Jan. 19, 2021).

[9] 85 FR 76734, 76833.

[10] *Id.* at 76833, 76892.

[11] CFPB Compliance Bulletin 2017–01, 82 FR 35936, 35936 (Aug. 2, 2017).

[12] *Id.* at 35938.

[13] *Id.* (explaining that the CFPB examiners had instructed the company to collect pay-by-phone fees only ''where expressly authorized by contract or state law''); *see also* CFPB: Fall 2014 Supervisory Highlights, at 7, *available at https://files.consumerfinance.gov/f/201410_cfpb_supervisory-highlights_fall-2014.pdf* (similar); CFPB: Fall 2015 Supervisory Highlights, at 20–21, *available at https://*

Continued

B. Coverage

This advisory opinion applies to debt collectors as defined in section 803(6) of the FDCPA and implemented in Regulation F, 12 CFR 1006.2(i). As used in this advisory opinion, pay-to-pay fees—sometimes called convenience fees—refers to fees incurred by consumers to make debt collection payments through a particular channel, such as over the telephone or online.

C. Legal Analysis

1. Any Amount

Section 808(1) of the FDCPA prohibits debt collectors, in relevant part, from ''collect[ing] . . . *any* amount (*including* any interest, fee, charge, or expense incidental to the principal obligation).'' [14] As the Supreme Court has explained, the ''word 'any' has an expansive meaning, that is, 'one or some indiscriminately of whatever kind.' '' [15] In addition, under its ordinary meaning, the term ''including'' typically indicates a partial list.[16] The CFPB interprets the words ''any'' and ''including'' as used in section 808(1) consistent with their ordinary meanings. Accordingly, the CFPB clarifies that FDCPA section 808(1) and Regulation F, 12 CFR 1006.22(b), apply to any amount collected by a debt collector in connection with the collection of a debt,[17] including, *but not limited to,* any interest, fee, charge, or expense that is incidental to the principal obligation.

Consistent with this interpretation, the CFPB further clarifies that pay-to-pay fees charged to consumers for accepting a consumer's payment on a debt through a particular payment channel are an ''amount'' within the meaning of FDCPA section 808(1) and Regulation F, 12 CFR 1006.22(b). The CFPB acknowledges that some courts have held otherwise, finding that pay-to-pay fees do not violate FDCPA section 808(1) because such fees are not ''incidental to the principal obligation.'' [18] But, as explained, the CFPB interprets section 808(1) to apply to ''any amount,'' even if such amount is not ''incidental to'' the principal obligation.[19]

2. Permitted by Law

Section 808(1) of the FDCPA prohibits, in relevant part, the collection of any amount ''unless such amount is expressly authorized by the agreement creating the debt or *permitted by law.*'' [20] The word ''permit'' is susceptible to multiple meanings, but it tends to refer to ''affirmative authorization,'' and the CFPB reads section 808(1) to use the word in that sense. Dictionaries provide that ''permit'' can mean either ''to consent to expressly or formally,'' suggesting affirmative authorization, or to ''allow'' or ''to acquiesce, by failure to prevent,'' suggesting that the lack of a prohibition is sufficient.[21] However, ''allow and permit have an important connotative difference. Allow . . . suggests merely the absence of opposition, or refraining from a proscription. In contrast, permit suggests affirmative sanction or approval.'' [22] Use of the word ''permit,'' rather than ''allow,'' therefore suggests that affirmative authorization, rather than a mere lack of a prohibition, is required. Furthermore, as the Supreme Court has instructed, ''words of a statute must be read in their context,'' [23] and here, ''permit'' is used not in isolation but as part of the phrase ''permitted by law.'' While in some contexts one may ''permit'' something by failing to prevent it, it is far less natural to understand ''permitted by law'' to mean ''permitted by the absence of any law prohibiting it.''

The CFPB therefore interprets FDCPA section 808(1) to prohibit a debt collector from collecting any amount unless such amount either is expressly authorized by the agreement creating the debt (and is not prohibited by law) or is expressly permitted by law. That is, the CFPB interprets FDCPA section 808(1) to permit collection of an amount only if: (1) the agreement creating the debt expressly permits the charge and some law does not prohibit it; or (2) some law expressly permits the charge, even if the agreement creating the debt is silent. The CFPB's interpretation of the phrase ''permitted by law'' applies to any ''amount'' covered under section 808(1), including pay-to-pay fees.[24]

Under the CFPB's interpretation, an amount is impermissible if both the agreement creating the debt and other law are silent. For example, under the CFPB's interpretation, amounts, including pay-to-pay fees, that are neither expressly authorized by the agreement creating the debt nor expressly authorized by law are impermissible under FDCPA section 808(1) and Regulation F, 12 CFR 1006.22(b), even if such amounts are the subject of a separate, valid agreement under State contract law.[25] Although some courts have adopted this ''separate agreement'' interpretation to permit debt collectors to collect, for example, certain pay-to-pay fees, the CFPB declines to do so. Such a reading would render the part of section 808(1) that refers to amounts ''expressly authorized by the agreement creating the debt'' superfluous [26] because a lawful

files.consumerfinance.gov/f/201510_cfpb_supervisory-highlights.pdf (similar).

[14] 15 U.S.C. 1692f(1) (emphasis added). *See also* 12 CFR 1006.22(b).

[15] *Ali* v. *Fed. Bur. of Prisons,* 552 U.S. 214, 219 (2008) (quoting *United States* v. *Gonzales,* 520 U.S. 1, 5 (1997), in turn quoting Webster's Third New International Dictionary 97 (1976)).

[16] *Include,* Black's Law Dictionary (11th ed. 2019). Additionally, as the Supreme Court has stated, ''including'' is ''not [a term] of all-embracing definition, but connotes simply an illustrative application of the general principle.'' *Fed. Land Bank of St. Paul* v. *Bismarck Lumber Co.,* 314 U.S. 95, 100 (1941); *see also Arizona State Bd. For Charter Schools* v. *Dep't of Educ.,* 464 F.3d 1003, 1007 (9th Cir. 2006) (''[T]he word 'including' is ordinarily defined as a term of illustration, signifying that what follows is an example of the preceding principle.''); *United States* v. *Hawley,* 919 F.3d 252, 256 (4th Cir. 2019) (explaining that ''including'' ''is an introductory term for an incomplete list of examples'').

[17] The CFPB notes that, if a debt collector is engaged in a truly separate transaction and is not collecting or attempting to collect a debt covered by the FDCPA, section 808(1) does not apply.

[18] *See, e.g., Flores* v. *Collection Consultants of Cal.,* No. SA CV 14–0771–DOC, 2015 WL 4254032, at 10 (C.D. Cal. Mar. 20, 2015); *Shula* v. *Lawent,* 359 F.3d 489, 492–93 (7th Cir. 2004). In *Shula,* it does not appear that that court was presented with the question whether ''any amount'' included more than ''fees . . . incidental to the principal obligation''; nor did that court analyze the issue. For the reasons stated above, the CFPB disagrees with that decision to the extent it suggested that section 808(1) applies only to amounts that are incidental to the principal obligation.

[19] Section 808(1) of the FDCPA and Regulation F, 12 CFR 1006.22(b), also covers pay-to-pay fees for the separate reason that such fees are ''incidental to'' the principal obligation. While the FDCPA does not define ''incidental,'' it is ordinarily understood as ''related to,'' *see* Collins English Dictionary (12th ed. 2014), or ''[s]ubordinate to something of greater importance,'' *see* Black's Law Dictionary (11th ed. 2019). Pay-to-pay fees meet these definitions: They are ''related to'' the principal obligation because they are fees charged for paying the principal obligation. Indeed, if the principal obligation did not exist, then neither would the pay-to-pay fee. These fees are also generally minor in comparison to the outstanding debt and are therefore ''subordinate to'' the principal obligation.

[20] 15 U.S.C. 1692f(1) (emphasis added). *See also* 12 CFR 1006.22(b).

[21] *Permit,* Webster's Third New International Dictionary 1683 (1976); *see also Permit,* Black's Law Dictionary (5th ed. 1979) (defining ''permit'' as ''[t]o suffer, allow, consent, let; to give leave or license; to acquiesce, by failure to prevent, or to expressly assent or agree to the doing of an act'').

[22] Garner's Dictionary of Legal Usage 46 (3d ed. 2011); *see also Alexander* v. *Carrington Mortgage Services,* 23 F.4th 370, 377 (4th Cir. 2022) (holding ''permitted by law'' requires affirmative authorization).

[23] *King* v. *Burwell,* 576 U.S. 473, 492 (2015).

[24] Note that, even if pay-to-pay fees are expressly authorized in the underlying agreement or permitted by State law, debt collectors must still take care to comply with other laws, including other provisions of the FDCPA and the Consumer Financial Protection Act's prohibition on unfair, deceptive, or abusive acts or practices, when assessing pay-to-pay fees.

[25] The CFPB acknowledges that some district courts have held otherwise. *See, e.g., Thomas-Lawson* v. *Carrington Mortg. Servs., LLC,* No. 2:20–cv–07301–ODW, 2021 WL 1253578 (C.D. Cal. Apr. 5, 2021), *appeal pending,* No. 21–55459 (9th Cir.).

[26] *See Obduskey* v. *McCarthy & Holthus LLP,* 139 S. Ct. 1029, 1037 (2019) (refusing to interpret the

agreement creating the debt is, by definition, an agreement valid under State contract law.[27] In addition, the separate agreement interpretation ignores section 808(1)'s focus on the ''amount'' being ''expressly authorized by the agreement creating the debt'' or ''permitted by law.''[28] Under section 808(1), it is not enough for the agreement to be ''permitted by law''; rather, the ''amount'' itself must be. Contract law standing alone does not provide for the collection of any specific amounts—and no principle of contract law says debt collectors may collect pay-to-pay fees.[29] Thus, while it may have been permissible under contract law for a debt collector to enter into separate agreements with consumers, contract law does not permit the ''amount'' at issue, *i.e.,* the pay-to-pay fees.

The CFPB's interpretation of ''permitted by law'' in FDCPA section 808(1) is consistent with the previous interpretation in a CFPB compliance bulletin as discussed in part I.A., as well as with the prior interpretation of FTC staff and the holdings of the majority of courts to address the issue.[30] In particular, in 1988, FTC staff issued Commentary that set forth ''staff interpretations'' of the FDCPA.[31] As relevant here, FTC staff stated that, under section 808(1), a ''debt collector may attempt to collect a fee or charge in addition to the debt if . . . the contract [creating the debt] is silent but the charge is otherwise expressly permitted by state law.''[32] Conversely, FTC staff stated that ''a debt collector may not collect an additional amount if . . . the contract does not provide for collection of the amount and state law is silent.''[33]

The CFPB's interpretation is also consistent with the FDCPA's statutory purposes. As noted in part I.A, Congress passed the FDCPA because it found that existing laws and procedures, including at the state level, were inadequate to protect consumers. Given this concern, it would be particularly unnatural to understand ''permitted by law'' to mean ''permitted because no law prohibits it.'' Accordingly, the CFPB interprets FDCPA section 808(1) and Regulation F, 12 CFR 1006.22(b), to prohibit debt collectors from collecting any amount, including any pay-to-pay fee, not expressly authorized in the agreement creating the debt unless there is some law that affirmatively authorizes the collection of that amount.

3. Payment Processors

Debt collectors may violate FDCPA section 808(1) and Regulation F, 12 CFR 1006.22(b), when using payment processors who charge consumers pay-to-pay fees. For instance, a debt collector collects an amount under section 808(1) at a minimum when a third-party payment processor collects a pay-to-pay fee from a consumer and remits to the debt collector any amount in connection with that fee, whether in installments or in a lump sum.[34]

II. Regulatory Matters

This is an advisory opinion issued under the CFPB's authority to interpret the FDCPA, including under section 1022(b)(1) of the Consumer Financial Protection Act, which authorizes guidance as may be necessary or appropriate to enable the CFPB to administer and carry out the purposes and objectives of Federal consumer financial laws, such as the FDCPA.[35]

An advisory opinion is a type of interpretive rule. As an interpretive rule, this advisory opinion is exempt from the notice-and-comment rulemaking requirements of the Administrative Procedure Act.[36] Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[37] The CFPB has also determined that this advisory opinion does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act.[38]

Pursuant to the Congressional Review Act,[39] the CFPB will submit a report containing this advisory opinion and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the opinion's published effective date. The Office of Information and Regulatory Affairs has designated this advisory opinion as not a ''major rule'' as defined by 5 U.S.C. 804(2).

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–14230 Filed 7–1–22; 8:45 am]

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FDCPA in a way that would render a provision ''superfluous'').

[27] *Accord Alexander,* 23 F.4th at 379 (rejecting the separate agreement interpretation in part because it would render section 808(1)'s other prong superfluous). The separate agreement interpretation also would conflict with the FDCPA's use of the phrase ''expressly authorized,'' since general principles of State contract law allow parties to agree to express or implied terms as part of any agreement. *See* Restatement (Second) of Contracts § 4 cmt. a (1981). If general principles of contract law counted as a ''law'' that ''permitted'' the collection of amounts, debt collectors would be free to collect not only those amounts authorized by separate agreements, but also to collect amounts that are only implicitly authorized by the agreement creating the debt—further rendering section 808(1)'s ''express'' requirement meaningless.

[28] *See Johnson* v. *Riddle,* 305 F.3d 1107, 1118 (10th Cir. 2002) (''The statute does not ask whether [the debt collector's] actions were permitted by law . . . , it asks whether the *amount* he sought to collect was permitted by law.'' (emphasis in original)).

[29] While a *contract* might, consistent with contract law, permit an amount, section 808(1) only permits collecting amounts authorized *by contract* when the amount is expressly authorized by the contract ''creating the debt.''

[30] *See, e.g., Alexander,* 23 F.4th at 376–77 (holding, in a case regarding pay-to-pay fees, that '' 'permitted by law' requires affirmative sanction or approval''); *Seeger* v. *AFNI, Inc.,* 548 F.3d 1107, 1111, 1112 (7th Cir. 2008) (finding that, to be entitled to collect a fee, debt collectors ''must show that the fee is either authorized by the governing contract or that it is permitted by Wisconsin law'' and that, in that case, that neither an agreement nor a law expressly permitting a collection fee existed); *Tuttle* v. *Equifax Check,* 190 F.3d 9, 13 (2d Cir. 1999) (explaining that if ''state law neither affirmatively permits nor expressly prohibits service charges, a service charge can be imposed only if the customer expressly agrees to it in the [underlying] contract'').

[31] *See* Staff Commentary on the Fair Debt Collection Practices Act, 53 FR 50097, 50101 (Dec. 13, 1988).

[32] *Id.* at 50108.

[33] *Id.*

[34] *See, e.g.,* Ballentine's Law Dictionary (3d ed. 2010) (defining ''collect'' as ''to receive payment''); *cf.* 15 U.S.C. 1692a(6) (defining debt collector to include persons who ''directly or indirectly'' collect debts).

[35] 12 U.S.C. 5512(b)(1); 5481(14); 5481(12)(H).

[36] 5 U.S.C. 553(b).

[37] 5 U.S.C. 603(a), 604(a).

[38] 44 U.S.C. 3501–3521.

[39] 5 U.S.C. 801 *et seq.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0382; Project Identifier MCAI–2021–01452–T; Amendment 39–22099; AD 2022–13–13]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by reports that passenger door stop screws were found with missing screw heads.

This AD requires repetitive inspections of each passenger door stop screw for any missing screw heads and applicable corrective actions, 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 August 9, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 9, 2022.

ADDRESSES: For material 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 on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0382.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0382; 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: Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0291, dated December 22, 2021 (EASA AD 2021–0291) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM published in the **Federal Register** on March 31, 2022 (87 FR 18744). The NPRM was prompted by reports that passenger door stop screws were found with missing screw heads. The NPRM proposed to require repetitive general visual inspections (GVI) of each passenger door stop screw for any missing screw heads, and applicable corrective actions, as specified in EASA AD 2021–0291.

The FAA is issuing this AD to address missing door stop screw heads, which could result in reduced structural integrity of the airplane. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Delta Airlines (DAL). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Remove the Reporting Requirement

DAL requested that the FAA remove the reporting requirement in paragraph (h) of the proposed AD. DAL stated that Note 3 in paragraph (4) of EASA AD 2021–0291 indicates that ''[u]sing the inspection report in accordance with the instructions of [the specified service information] is acceptable to comply with the requirements'' of paragraph (4). The commenter added that the service information specified in EASA AD 2021–0291 states that the relevant Task (''Complete the Inspection Report Sheet'') specifies that sending the Inspection Report sheet is not an RC (required for compliance) step. The commenter stated that EASA AD 2021–0291, by referencing the service information in Note 3, appears to approve completing the inspection report sheet, but does not require sending the inspection report as it is not required for compliance.

The FAA does not agree to the requested change. The inspection reports that are required by this AD will enable the manufacturer to obtain better insight into the nature, cause, and extent of the missing screw heads, and may help the FAA determine whether different AD requirements may be appropriate. Further, EASA AD 2021–0291 requires reporting inspection results to Airbus in paragraph (4) and note 3 is only an option of how to comply with that reporting requirement. This AD has not been changed with regard to this request.

Request To Clarify the Timing for Reporting

If the FAA does not remove the reporting requirement as DAL requested, DAL recommended revised compliance times for reporting, which DAL asserted would remove restrictive time constraints while still meeting the intent of the proposed AD. Delta stated that commonly the scanned records from each airplane visit are not available until after the end of the visit (when the entire package is sent for scanning all at once), which could take up to 75 days. Delta added that potentially a report due under the conditions of paragraph (h)(3)(ii) of the proposed AD could involve a case where the service information and AD inspections were signed off 20 days into their 75-day long visit but before the AD's effective date, and could result in manual coordination with the Production Control Office.

- For paragraph (h)(3)(i) of the proposed AD, DAL recommended revising the reporting compliance time as ''within 30 days after the end of the maintenance visit/check during which the inspection was performed'' instead of ''within 30 days after the inspection.''
- For paragraph (h)(3)(ii) of the proposed AD, DAL recommended this paragraph to state ''within 30 days after the end of the maintenance visit/check during which the inspection was performed or within 30 days after the effective date of this AD, whichever occurs last'' instead of ''within 30 days after the effective date of this AD.''

The FAA agrees with the request for the reasons provided, and has revised paragraphs (h)(3)(i) and (ii) of this AD accordingly.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0291 specifies procedures for repetitive general visual

inspections (GVI) of each passenger door stop screw for any missing screw heads, and applicable corrective actions. The corrective actions include replacement of the passenger door stop screw, repair, and follow-up actions (GVI of the adjacent door stop area and surrounding structure for damage, including any broken door stop screws). EASA AD 2021–0291 also specifies procedures for reporting results of the initial inspection to Airbus. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 27 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
8 work-hours × $85 per hour = $680	$0	$680	$18,360

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $2,295, or $85 per product.

The FAA estimates the following costs to do any necessary on-condition screw replacement 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 per screw replacement	$875 per screw	$960 per screw replacement.

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

According to the manufacturer, some or all of the costs of this 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.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2022–13–13 Airbus SAS: Amendment 39–22099; Docket No. FAA–2022–0382; Project Identifier MCAI–2021–01452–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 9, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by reports that passenger door stop screws were found with missing screw heads. The FAA is issuing this AD to address the missing door stop screw heads, which could result in 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 2021–0291, dated December 22, 2021 (EASA AD 2021–0291).

(h) Exceptions to EASA AD 2021–0291

(1) Where EASA AD 2021–0291 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2021–0291 does not apply to this AD.

(3) Paragraph (4) of EASA AD 2021–0291 specifies to report results of the initial inspection to Airbus within a certain compliance time. For this AD, report inspection results of the initial inspection at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the end of the maintenance visit/check during which the inspection was performed.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the end of the maintenance visit/check during which the inspection was performed or within 30 days after the effective date of this AD, whichever occurs later.

(4) Where Note 2 of paragraph (2) of EASA AD 2021–0291 specifies using ''the instructions from an applicable Airbus Repair Design Approval Form (RDAF)'' is acceptable for compliance with the corrective actions, this AD requires using corrective actions approved using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(5) Where paragraph (2) of EASA AD 2021–0291 refers to passenger door stop screws that are ''damaged, as defined in the SB'' this AD defines damage as broken passenger door stop screws.

(6) Where service information referenced in EASA AD 2021–0291 specifies ''a general visual inspection of the adjacent door stop area and surrounding structure (no lining removal required),'' for this AD do a general visual inspection for any damage (*e.g.,* broken passenger door stop screws), and repair any damage before further flight 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.

(i) Return of Parts

Although the service information referenced in EASA AD 2021–0291 specifies to send broken screws to Airbus, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the actions of this AD can be performed (if the operator elects to do so), provided no passengers are onboard.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) 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 (k)(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.

(l) Related Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone and fax 206–231–3225; email *dan.rodina@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0291, dated December 22, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0291, 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.*

(4) 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.

(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 15, 2022.

Christina Underwood,

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

[FR Doc. 2022–14195 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0511; Project Identifier AD–2020–01229–E; Amendment 39–22101; AD 2022–13–15]

RIN 2120–AA64

Airworthiness Directives; Williams International Co., L.L.C. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Williams International Co., L.L.C. (Williams) FJ44–2A, FJ44–2C, FJ44–3A, and FJ44–3A–24 model turbofan engines. This AD was prompted by a report of cracks in the high-pressure turbine (HPT) disk posts and failure of an HPT disk post, resulting in the contained fracture of an HPT disk post and blade. This AD requires removing the HPT disk, part number (P/N) 67093, from service before reaching defined cycle limits and replacing it with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 9, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 9, 2022.

ADDRESSES: For service information identified in this final rule, contact Williams International, Product Support, 2000 Centerpoint Parkway, Pontiac, MI 48341; phone: (800) 859–3544; website: *http://www.williams-int.com/product-support.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0511; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kyle Bush, Aviation Safety Engineer, Chicago ACO, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018; phone: (847) 294–7870; email: *kyle.bush@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Williams FJ44–2A, FJ44–2C, FJ44–3A, and FJ44–3A–24 model turbofan engines. The SNPRM published in the **Federal Register** on April 14, 2022 (87 FR 22153). The SNPRM was prompted by a report of cracks in the HPT disk posts and failure of an HPT disk post, resulting in the contained fracture of an HPT disk post and blade. Subsequently, Williams notified the FAA that revised service information was available, which added additional serial-numbered FJ44–2A, FJ44–2C, and FJ44–3A model turbofan engines to the effectivity and updated the compliance time for replacing the HPT disk. In the SNPRM, the FAA proposed to require removing the HPT disk, P/N 67093, from service before reaching defined cycle limits and replacing it with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

The FAA reviewed the relevant data 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 products. This AD is adopted as proposed in the SNPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Williams International Service Bulletin (SB) WISB–72–1032, Revision 2, dated June 4, 2020. This SB specifies procedures for removing and replacing the HPT rotor assemblies that include HPT disk, P/N 67093. This SB also provides instructions for incorporating the latest HPT combustor/fuel slinger module on FJ44–2A and FJ44–2C model turbofan engines. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Other Related Service Information

The FAA reviewed Williams International SB WISB–72–1034, Revision 3, dated July 2, 2021. This SB describes procedures for re-identifying the HPT rotor assembly and HPT disk.

Costs of Compliance

The FAA estimates that this AD affects 242 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove and replace the HPT disk	33 work-hours × $85 per hour = $2,805	$16,694	$19,499	$4,718,758

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

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:

2022–13–15 Williams International Co., L.L.C.: Amendment 39–22101; Docket No. FAA–2021–0511; Project Identifier AD–2020–01229–E.

(a) Effective Date

This airworthiness directive (AD) is effective August 9, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Williams International Co., L.L.C. (Williams) FJ44–2A, FJ44–2C, FJ44–3A, and FJ44–3A–24 model turbofan engines with an engine serial number identified in paragraph 1.A., Effectivity, of Williams International Service Bulletin WISB–72–1032, Revision 2, dated June 4, 2020 (the SB), with an installed high-pressure turbine (HPT) disk, part number (P/N) 67093.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report of cracks in the HPT disk posts and failure of an HPT disk post, resulting in the contained fracture of an HPT disk post and blade. The FAA is issuing this AD to prevent cracking and failure of the HPT disk posts. The unsafe condition, if not addressed, could result in release of the HPT blade, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) For FJ44–2A and FJ44–2C model turbofan engines, within the compliance times specified in Table 1 to Paragraph (g) of this AD, remove the affected HPT disk from service and replace it with a part eligible for installation using paragraphs 2.C. and E., Accomplishment Instructions—FJ44–2A & FJ44–2C, of the SB.

(2) For FJ44–3A and FJ44–3A–24 model turbofan engines, within the compliance times specified in Table 1 to Paragraph (g) of this AD, remove the affected HPT disk from service and replace it with a part eligible for installation using paragraphs 3.C. and D., of the SB.

Table 1 to Paragraph (g) – Compliance Time

HPT disk, P/N 67093, cycles since new (CSN) as of the effective date of this AD	Replace within HPT disk cycles after the effective date of this AD
0 to 999 CSN	620
1,000 to 1,999 CSN	530
2,000 to 2,999 CSN	245
3,000 or higher CSN	130

(h) Installation Prohibition

After the effective date of this AD, do not install onto any engine an HPT disk with P/N 67093.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact Kyle Bush, Aviation Safety Engineer, Chicago ACO, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018; phone: (847) 294–7870; email: *kyle.bush@faa.gov*.

(k) Material Incorporated by Reference

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

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

(i) Williams International Service Bulletin WISB–72–1032, Revision 2, dated June 4, 2020.

(ii) [Reserved]

(3) For service information identified in this AD, contact Williams International, Product Support, 2000 Centerpoint Parkway, Pontiac, MI 48341; phone: (800) 859–3544; website: *http://www.williams-int.com/product-support.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, FAA, 1200 District Avenue, Burlington, MA 01803. 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 17, 2022.

Christina Underwood,

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

[FR Doc. 2022–14183 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0464; Project Identifier MCAI–2021–01290–T; Amendment 39–22097; AD 2022–13–11]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by a report of inadvertent auto flight system (AFS) altitude changes on the flight control unit (FCU). This AD requires revising the existing airplane flight manual (AFM) to include a procedure on the use of the AFS control panel ALT knob and replacing any affected FCU with a serviceable FCU, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. This AD also prohibits the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 9, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 9, 2022.

ADDRESSES: For material 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 IBR 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–2022–0464.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0464; 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: 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:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0260, dated November 18, 2021 (EASA AD 2021–0260) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM published in the **Federal Register** on April 18, 2022 (87 FR 22816). The NPRM was prompted by a report of inadvertent AFS altitude changes on the FCU. The NPRM proposed to require revising the existing AFM to include a procedure on the use of the AFS control panel ALT knob and replacing any affected FCU with a serviceable FCU, as specified in EASA AD 2021–0260. The NPRM also proposed to prohibit the installation of affected parts.

The FAA is issuing this AD to address erroneous target altitude during descent, climb, or go-around, which could result in an unexpected vertical trajectory deviation and loss of correct situational awareness that could potentially result in uncontrolled impact with the ground. See the MCAI for additional background information.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR part 51

EASA AD 2021–0260 describes procedures for revising the existing AFM to include a procedure on the use of the AFS control panel ALT knob and replacing any affected FCU having part numbers (P/N) C31006AC01 or C31006AB01 with a serviceable FCU having P/N C31006AD01. 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.

Costs of Compliance

The FAA estimates that this AD affects 27 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 6 work-hours × $85 per hour = $510	$27,000	Up to $27,510	Up to $742,770.

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:

2022–13–11 Airbus SAS: Amendment 39–22097; Docket No. FAA–2022–0464; Project Identifier MCAI–2021–01290–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 9, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

(e) Unsafe Condition

This AD was prompted by a report of inadvertent auto flight system (AFS) altitude changes on the flight control unit (FCU); an investigation revealed that, depending on the ring selection, failure of the ALT knob on the FCU could change the target altitude. The FAA is issuing this AD to address erroneous target altitude during descent, climb, or go-around, which could result in an unexpected vertical trajectory deviation and loss of correct situational awareness that could potentially result in uncontrolled impact with the ground.

(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 2021–0260, dated November 18, 2021 (EASA AD 2021–0260).

(h) Exceptions to EASA AD 2021–0260

(1) Where EASA AD 2021–0260 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (1) of EASA AD 2021–0260 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.

(3) The ''Remarks'' section of EASA AD 2021–0260 does not apply to this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j) 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.

(j) Related Information

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 and fax 206–231–3225; email *dan.rodina@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0260, dated November 18, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0260, 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.*

(4) 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.

(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 14, 2022.

Christina Underwood,

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

[FR Doc. 2022–14194 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0147; Project Identifier MCAI–2021–01022–T; Amendment 39–22095; AD 2022–13–09]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, 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 August 9, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 9, 2022.

ADDRESSES: For material 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 IBR 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–2022–0147.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0147; 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: 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:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0204, dated September 14, 2021 (EASA AD 2021–0204) (also referred to as the MCAI), to correct an unsafe condition for all Model A300–600 series airplanes.

EASA AD 2021–0204 specifies that it requires certain tasks (limitations) already required by EASA AD 2019–0090, dated April 26, 2019 (which corresponds to FAA AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01)), and invalidates (terminates) prior instructions for those tasks. This AD, for AD 2019–21–01, terminates the limitation for the tasks identified in the service information referred to in EASA AD 2021–0204 only.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM published in the **Federal Register** on February 24, 2022 (87 FR 10315). The NPRM was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in EASA AD 2021–0204.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Airline Pilots Association, International (ALPA), who supported the NPRM without change. The FAA also received a comment from FedEx Express, who stated the requirements in the NPRM would not adversely impact operations.

The FAA received an additional comment from UPS Airlines. The following presents the comment received on the NPRM and the FAA's response.

Request To Combine Multiple Rulings

UPS Airlines requested that the incorporation of Airworthiness Limitations Section (ALS) Part 2 Variations 3.3 through 3.6 be combined into a single proposed rule. UPS Airlines stated their preference for a single rule that would encompass all released ALS Part 2, Revision 03, variations 3.1 through 3.6, and supersede current FAA AD 2020–23–11. UPS asserted that multiple active rules for the same program requirements place an unnecessary compliance tracking burden on operators for the hundreds of tasks within the ALS program, with no enhancement or benefit to fleet airworthiness.

The FAA does not agree with the requested change. The state of design initiated separate actions. If the ALS changes were combined by the FAA unilaterally it would delay the rulemaking activity and thus delay making the ALS changes mandatory. This AD has not been changed with regard to this request.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0204 specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

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.

Costs of Compliance

The FAA estimates that this AD would affect 118 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the existing 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

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:

2022–13–09 Airbus SAS: Amendment 39–22095; Docket No. FAA–2022–0147; Project Identifier MCAI–2021–01022–T.

(a) Effective Date

This airworthiness directive (AD) is effective August 9, 2022.

(b) Affected ADs

This AD affects AD 2019–21–01, Amendment 39–19767 (84 FR 56935, October 24, 2019) (AD 2019–21–01).

(c) Applicability

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

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 F4–605R and F4–622R airplanes.

(4) Model A300 C4–605R Variant F series airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in 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 2021–0204, dated September 14, 2021 (EASA AD 2021–0204).

(h) Exceptions to EASA AD 2021–0204

(1) Where EASA AD 2021–0204 refers to its effective date, this AD requires using the effective date of this AD.

(2) The requirements specified in paragraphs (1) and (2) of EASA AD 2021–0204 do not apply to this AD.

(3) Paragraph (3) of EASA AD 2021–0204 specifies revising ''the approved AMP [aircraft maintenance program]'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2021–0204 is at the applicable ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2021–0204, or within 90 days after the effective date of this AD, whichever occurs later.

(5) The provisions specified in paragraphs (4) of EASA AD 2021–0204 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2021–0204 does not apply to this AD.

(i) Provisions for Alternative Actions and 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 are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2021–0204.

(j) Terminating Action for AD 2019–21–01

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2019–21–01, for the tasks identified in the service information referred to in EASA AD 2021–0204 only.

(k) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) 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 (k)(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.

(l) Related Information

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.*

(m) 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 2021–0204, dated September 14, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0204, 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.*

(4) 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.

(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 13, 2022.

Christina Underwood,

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

[FR Doc. 2022–14196 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0971; Airspace Docket No. 21–AGL–8]

RIN 2120–AA66

Amendment of VOR Federal Airway V–44 and Revocation of VOR Federal Airway V–446 in the Vicinity of Samsville, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends VHF Omnidirectional Range (VOR) Federal airway V–44 and revokes VOR Federal airway V–446. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Samsville, IL, VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Samsville VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

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

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

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–0971 in the **Federal Register** (86 FR 62962; November 15, 2021), amending VOR Federal airway V–44 and revoking VOR Federal airway V–446 in the vicinity of Samsville, IL. The proposed actions were due to the planned decommissioning of the VOR portion of the Samsville, IL, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

VOR Federal airways are published in paragraph 6010(a) of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The ATS routes listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending 14 CFR part 71 to amend VOR Federal airway V–44 and remove VOR Federal airway V–446 due to the planned decommissioning of the Samsville, IL, VOR. The VOR Federal airway actions are described below.

V–44: V–44 extends between the Columbia, MO, VOR/DME and the Samsville, IL, VOR/DME; and between the Falmouth, KY, VOR/DME and the Albany, NY, VOR/Tactical Air Navigation (VORTAC). The airspace within restricted areas R–4001B, R–5002A, R–5002B, and R–5002E are excluded when active; the airspace within V–139 and V–308 airways are excluded; and the airspace below 2,000 feet mean sea level (MSL) outside the United States is excluded. The airway segment between the Centralia, IL,

VORTAC and the Samsville, IL, VOR/DME is removed. Additionally, the exclusions regarding the airspace within R–4001B, R–5002A, R–5002B, and R–5002E when active, and the airspace within the V–139 and V–308 airways are removed as well. The unaffected portions of the existing airway remain as charted.

V–446: V–446 extends between the Troy, IL, VORTAC and the Samsville, IL, VOR/DME. The airway is removed in its entirety.

All NAVAID radials listed in the VOR Federal airway description below are unchanged and stated in True degrees.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending VOR Federal airway V–44 and revoking VOR Federal airway V–446, due to the planned decommissioning of the VOR portion of the Samsville, IL, VOR/DME NAVAID, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–44 [Amended]

From Columbia, MO; INT Columbia 131° and Foristell, MO, 262° radials; Foristell; to Centralia, IL. From Falmouth, KY; York, KY; Parkersburg, WV; Morgantown, WV; Martinsburg, WV; INT Martinsburg 094° and Baltimore, MD, 300° radials; Baltimore; INT Baltimore 122° and Sea Isle, NJ, 267° radials; Sea Isle; INT Sea Isle 040° and Deer Park, NY, 209° radials; Deer Park; INT Deer Park 041° and Bridgeport, CT, 133° radials; Bridgeport; INT Bridgeport 324° and Pawling, NY, 160° radials; Pawling; INT Pawling 342° and Albany, NY, 181° radials; to Albany. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–446 [Removed]

* * * * *

Issued in Washington, DC, on June 23, 2022.

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–14199 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 77

[Docket No. FAA–2004–16982; Notice No. 07–16]

Colo Void Clause Coalition; Antenna Systems Co-Location; Voluntary Best Practices

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

ACTION: Notification of amended policy.

SUMMARY: The FAA announces an amendment to its Colo Void policy. The FAA last revised its policy regarding the notification requirements and processes for evaluation of potential electromagnetic interference (EMI) for co-location of antenna systems on existing structures previously studied by the FAA on November 21, 2007. Based on an August 4, 2020 request from the Colo Void Clause Coalition (CVCC), the FAA finds that further modifications to this policy are necessary and appropriate. The FAA will add additional frequencies to the list of those not requiring notice to the FAA when added to an existing structure with a current No Hazard Determination.

DATES: This policy is effective September 6, 2022.

FOR FURTHER INFORMATION CONTACT: For specific questions related to the Colo Void policy, please contact the Spectrum Engineering Group, 202–267–7365.

SUPPLEMENTARY INFORMATION:

Background

Prior to April 2004, when the FAA issued a Determination of No Hazard to Air Navigation for proposed construction or alteration of an antenna structure, the Determination included the following condition: ''This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including an increase in

heights, power, or the addition of other transmitters requires separate notice to the FAA.'' As a result of this condition, a proponent seeking only to add frequencies to a previously studied structure for which the FAA had issued a Determination of No Hazard was required to file notice with the FAA. They had to file the notice on FAA Form 7460–1 in accordance with the previously discussed condition.

On April 27, 2004, the FAA published a revised policy regarding the notification requirements for co-locating antenna systems on existing structures previously studied by the FAA (69 FR 22732). The revised policy was based on a Best Practices Agreement recommended by the Colo Void Clause Coalition (CVCC).[1] Under this revised policy, a proponent was not required to file notices with the FAA for an aeronautical study to add certain frequencies to an existing structure that FAA issued a current Determination of No Hazard to Air Navigation.

In February 2006, the CVCC asked the FAA to consider amending its policy to include additional frequency bands. The CVCC also sought clarification of the condition in the 2004 policy requiring proponents to provide the FAA with an electronic copy of its antenna system location databases. On November 21, 2007, the FAA further amended the policy to add the requested frequencies (72 FR 65449). FAA also withdrew the condition requiring proponents to provide electronic copies of antenna system location databases because any unintentional electromagnetic interference resulting under the policy can be mitigated by condition 2 of the policy.[2]

On August 4, 2020, the CVCC requested that the FAA consider amending the November 21, 2007 policy by including additional frequency bands not requiring notice to the FAA when co-located with previously studied structures with No Hazard determinations. The frequencies are those that the Federal Communications Commission (FCC) has authorized for use by wireless companies.[3] The FCC reviewed the bands and associated technical rules to ensure their use of the bands would not cause harmful effects to other users operating in the same bands. Furthermore, many of these commercial radio frequency systems use technology that are industry and federally approved. The FAA agrees with the FCC's evaluation, and after careful review and coordination, has determined that it can include most of the requested additional frequencies by amending the current Colo Void policy. These additional frequencies will promote telecommunication and wireless services, while not negatively impacting either the safety or efficiency of civil flight.

Policy

The FAA recognizes the telecommunications industry's need and commitment to provide wireless services to the public. Also, the FAA recognizes that it is essential for these companies to speed up the time frame for build-out and deployment of their networks. However, the FAA's first commitment is to aviation safety. For that reason, the FAA finds that it can amend its policy to add most, but not all, of the frequencies requested by the CVCC. As has been the case with previous policy updates, the express notice requirements under part 77 of Title 14 Code of Federal Regulations (CFR) are not altered or modified. If the addition of frequencies is accompanied by an increase in the height of a previously studied structure, notice must be filed with the FAA as required by 14 CFR 77.9.[4] Physical structures located on or near public use and other types of landing facilities defined in 14 CFR 77.9(d) raise concerns about possible obstruction to air navigation, and the FAA will handle these issues pursuant to current regulations and procedures.

Under this policy, a proponent is not required to file notice with the FAA to add frequencies to an existing structure that either has a current FAA issued Determination of No Hazard to Air Navigation or otherwise does not meet notice criteria if the frequency is listed in this policy. If an additional antenna system must be used to add frequencies, the antenna system must not be located on Federal or public use landing facilities property.

Furthermore, the antenna system must not be co-located or mounted on an FAA antenna structure without prior coordination with the FAA's Spectrum Engineering Group. This policy to not require notice only applies to antenna systems operating on the following frequencies and service types, as dictated by various parts of 47 CFR. FAA is updating the policy to include additional frequencies. In some instances, the frequencies added by this notice are subject to designated power and bandwidth limitations. These limitations are specified where applicable. The new frequencies are designated with an asterisk.

- 698–806 MHz (Advanced Wireless Service—Part 27).
- 806–821 MHz and 851–866 MHz (Industrial/Business/Specialized Mobile Radio Pool—Part 90).
- 816–820 MHz and 861–865 MHz (Basic Exchange Telephone Radio—Parts 1 and 22).
- 821–824 MHz and 866–869 MHz (Public Safety Mobile Radio Pool—Part 90).
- 824–849 MHz and 869–894 MHz (Cellular Radiotelephone—Parts 1 and 22).
- 849–851 MHz and 894–896 MHz (Air-Ground Radiotelephone—Parts 1).
- 896–901 MHz and 935–940 MHz (900 MHz SMR—Part 90).
- 901–902 MHz and 930–931 MHz (Narrowband PCS—Part 24).
- 929–930 MHz, 931–932 MHz, and 940–941 MHz (Paging—Parts 1, 22, and 90).
- 1670–1675 MHz (Wireless Communications Service—Part 27).
- * 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz (Advanced Wireless Service—Part 27; 3280 Watts effective isotropic radiated power (EIRP), No bandwidth limitations; largest spectrum block is 20 MHz).
- 1710–1755 MHz, 2020–2025 MHz, and 2110–2180 MHz (Advanced Wireless Service—Part 27).
- 1850–1990 MHz (Broadband PCS—Part 24, Point-to-Point Microwave—Part 101).
- 1990–2000 MHz (Broadband PCS—Part 24).
- 2000–2020 MHz and 2180–2200 MHz (Mobile Satellite Service—Part 25).
- 2305–2320 MHz and 2345–2360 MHz (Wireless Communications Service (WCS)—Part 27).
- 2320–2345 MHz (Satellite Digital Audio Radio Service—Part 27).
- 2496–2690 MHz (Broadband Radio Service—Part 27).
- * 3.45 GHz (3450–3550 MHz Miscellaneous Wireless Communications Services—Part 27, 3280 watts/MHz EIRP, 20 MHz).

[1] The CVCC represents wireless service providers and tower companies that together currently own or manage the majority of the radio towers throughout the United States.

[2] Condition 2—If an antenna system, operating in the designated frequency bands, causes EMI to one or more FAA facilities, the FAA will contact the proponent. The proponent must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending upon the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters, (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. (69 FR 22732; April 27, 2004).

[3] AT&T, a member of the CVCC, separately requested the addition of the 3.45 GHz band.

[4] This citation changed when the FAA amended part 77 in 2010 from § 77.13 to § 77.9.

- * 3.5 GHz (3550–3700 MHz Citizens Broadband Radio Service—Part 96; 47 dBm/10 MHz EIRP, 10 MHz).
- * 5.9 GHz (5850–5925 MHz Dedicated Short-Range Communications Service—Part 90; 33 Watts EIRP and higher power level limited to state and local governmental entities).
- 6.0–7.0 GHz, 10.0–11.7 GHz, 17.7–19.7 GHz, and 21.2–23.6 GHz (Fixed Microwave Service—Part 101).
- * 12 GHz (12200–12700 MHz Multichannel Video Distribution & Data Service—Part 101; +50 dBW EIRP, 500 MHz).
- * 24 GHz (24250–24450 MHz and 24750–25250 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP, 200 MHz/500 MHz).
- * 28 GHz (27500–28350 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 850 MHz).
- * 29 GHz and 31 GHz (29100–29250 MHz and 31000–31300 MHz, 23 dBW/MHz EIRP (Point-to-Point Operations), 150 MHz).
- * 37 GHz (37000–38600 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 200 MHz).
- * 39 GHz (38600–40000 MHz Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP (mobile base stations), +85 dBm/100 MHz EIRP (fixed directional antenna stations), 200 MHz).
- * 47 GHz (47200–48200 MHz, Upper Microwave Flexible Use Service—Part 30; +75 dBm/100 MHz EIRP, 100 MHz).
- * 70 GHz (71000–76000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 5,000 MHz).
- * 80 GHz (81000–86000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 5,000 MHz).
- * 90 GHz (92000–94000 MHz and 94100–95000 MHz Millimeter Wave Service—Part 101; +55 dBW EIRP, 2,900 MHz).

In addition, the following conditions also apply to this Colo Void policy. First, if an antenna system, operating in the designated frequency bands, causes EMI to air navigation, including communication facilities and aviation radio frequency services, the FAA will contact the proponent. The proponents must mitigate the EMI in a timely manner, as recommended by the FAA in each particular case. Depending on the severity of the interference, the proponent must eliminate harmful EMI either by adjusting operating parameters (for example, employing extra filtering or reducing effective radiated power), or by ceasing transmissions, as may be required by the FCC and the FAA. Failure to provide successful EMI mitigation techniques will result in referral to the FCC's Enforcement Bureau for possible enforcement action. Second, this policy only applies to current technologies and modulation techniques (for example, analog, time division multiple access, and Global System Mobile Communications) existing in the wireless radiotelephone environment on the date of issuance of this policy. Any future technologies placed into commercial service by wireless service providers, although operating on the frequencies mentioned above, must provide notification to the FAA under 14 CFR part 77 procedures.

As has been the case with previous policy updates, the FAA will continue to revise the conditional language in future cases involving Determination of No Hazard to Air Navigation to reflect this policy. Furthermore, this policy applies retroactively to any structure for which the FAA has issued a Determination of No Hazard to Air Navigation.

Issued in Washington, DC, on June 29, 2022.

Jeffrey Planty,

Vice President, Technical Operations Services, Air Traffic Organization.

[FR Doc. 2022–14306 Filed 6–30–22; 11:15 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0551]

RIN 1625–AA08

Special Local Regulation; Ohio River, Marietta, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for all navigable waters of the Ohio River between mile markers 171 and 173. The special local regulation is needed to protect regatta participants, the public, and the marine environment from potential hazard created by powerboat races. This special local regulation establishes a Patrol Commander and restricts movement and anchoring of spectator and non-participant vessels during the time of the event.

DATES: This rule is effective from 9:30 a.m. on July 9, 2022 through 4 p.m. on July 10, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0551 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST2 Justin Selan, Marine Safety Unit Huntington, U.S. Coast Guard; (304) 733–0198, *Justin.K.Selan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because we must establish the special local regulation by July 9, 2022 and lack sufficient time to request public comments and respond to these comments before the special local regulation must be established.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with the Marietta River Front Roar taking place on the Ohio River between mile marker 171 and mile marker 173.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041; 33

CFR 1.05–1. The Captain of the Port Ohio Valley (COTP) has determined that potential hazards associated with Marietta River Front Roar starting July 9, 2022, will be a safety concern for anyone on the Ohio River from mile marker 171 to mile marker 173. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the special local regulation for the duration of the powerboat races.

IV. Discussion of the Rule

This rule established a special local regulation from 9:30 a.m. through 5 p.m. on July 9, 2022, and 9:30 a.m. through 4 p.m. on July 10, 2022. The special local regulation will cover all navigable waters between mile markers 171 and 173 on the Ohio River. The duration of the regulated area is intended to protect personnel, vessels, and the marine environment in these navigable waters for the duration of the powerboat races. No vessel or person will be permitted to enter the regulated area without obtaining permission from the designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and location of the special local regulation. This rule involes a special local regulation lasting less than a week and covering a limited area of 3 nautical miles. In addition, vessel traffic will be able to reach out to the safety boat to coordinate safe passage through the special local regulation which will impact a 3 mile stretch on the Ohio River. The Coast Guard will publish a Local Notice to Mariners (LNMs), and issue a Broadcast Notice to Mariners (BNMs) via VHF–FM marine channel 16 about the regulated area.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting from 9:30 a.m. through 5 p.m. on July 9, 2022 and 9:30 a.m. through 4 p.m. on July 10, 2022 that will limit access of the Ohio River from mile marker 171 to mile marker 173. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T08–0551 to read as follows:

§ 100.T08–0551 Marietta River Front Roar, Ohio River, Marietta, OH.

(a) *Regulated area.* The regulations in this section apply to the following area: all navigable waters of the Ohio River from mile marker 171 to mile marker 173 near Marietta Riverfront Park Marietta, OH.

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

Designated representative means a Coast Guard Patrol Commander (PATCOM), including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Ohio Valley (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as a participants in the race.

(c) *Regulations.* (1) The Coast Guard may patrol the event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM.''

(2) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state or local law enforcement and sponsor provided vessels assigned or approved by the Commander, Eighth Coast Guard District, to patrol the event.

(3) Spectator vessels desiring to transit the regulated area described in paragraph (a) of this section may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at a no wake speed in a manner which will not endanger participants in the event or any other craft.

(4) No spectator shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area described in paragraph (a) of this section during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(5) The Patrol Commander may forbid and control the movement of all vessels in the regulated area described in paragraph (a) of this section. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both

(6) Any spectator vessel may anchor outside the regulated area described in paragraph (a) of this section, but may not anchor in, block, or loiter in a navigable channel.

(7) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(8) To seek permission to enter, contact the COTP or the COTP's representative by VHF–FM marine radio channel 16 or phone at 1–800–253–7465. Those in the regulated area must comply with all lawful orders or directions given to them by the COTP or the designated representative.

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

(d) *Enforcement periods.* This special local regulation will be enforced from 9:30 a.m. to 5:00 p.m. on July 9, 2022 and 9:30 a.m. to 4:00 p.m. on July 10, 2022.

Dated: June 28, 2022.

A.M. Beach,

Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.

[FR Doc. 2022–14223 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2021–0054; EPA–R05–OAR–2022–0254; FRL–9686–02–Region 5]

Air Plan Approval; Indiana; Redesignation of the Indiana Portion of the Louisville, Indiana-Kentucky Area to Attainment of the 2015 Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) finds that the Indiana portion of the Louisville, Indiana-Kentucky area (Area) is attaining the 2015 primary and secondary ozone National Ambient Air Quality Standards (NAAQS), and acts in accordance with a request from the Indiana Department of Environmental Management (IDEM) to redesignate the Indiana portion of the area to attainment for the 2015 ozone NAAQS because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). The Area includes Clark and Floyd Counties in Indiana and Bullitt, Jefferson, and Oldham Counties in Kentucky. IDEM submitted this request on February 21, 2022. EPA is approving, as a revision to the Indiana State Implementation Plan (SIP), the State's plan for maintaining the 2015 ozone NAAQS through 2035 in the Indiana portion of the Louisville area. EPA also finds adequate and is approving Indiana's 2035 volatile organic compound (VOC) and oxides of nitrogen (NO_X) Motor Vehicle Emission Budgets (budgets) for the Indiana portion of the Louisville area. Finally, EPA is approving portions of a separate January 21, 2021, submittal from IDEM as meeting the applicable requirements for a base year emissions inventory for the area and emissions statement program for Lake, Porter, Clary, and Floyd counties. EPA proposed to approve these actions on May 18, 2022, and received no adverse comments.

DATES: This final rule is effective on July 5, 2022.

ADDRESSES: EPA has established dockets for this action under Docket ID EPA–R05–OAR–2020–0054, or EPA–R05–OAR–2022–0254. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* 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 through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays and facility closures due to COVID–19. We recommend that you telephone Andrew Lee, Physical Scientist, at (312) 353–7645 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Andrew Lee, Physical Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–7645, *lee.andrew.c@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background Information

On May 18, 2022 (87 FR 30129), EPA proposed to approve the 2015 Ozone NAAQS redesignation and maintenance plan for the Indiana portion of the Louisville area and IDEM's 2035 VOC and NO_X motor vehicle emission budgets for the Indiana portion of the Louisville area. EPA also proposed to approve IDEM's emission inventory for the Indiana portion of the Louisville area under the 2015 Ozone NAAQS, and IDEM's emission statement certification for the 2015 ozone standard. An explanation of the CAA requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking and will not be restated here. The public comment period for this proposed rule ended on June 17, 2022. EPA received no comments on the proposal. We are finalizing our action as proposed.

II. Final Action

EPA finds that the Indiana portion of the Area is attaining the 2015 ozone NAAQS based on quality-assured and certified monitoring data for 2019–2021 and that the Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus approving a change in the legal designation of the Indiana portion of the Area from nonattainment to attainment for the 2015 ozone NAAQS. EPA is also approving, as a revision to the Indiana SIP, the State's maintenance plan for the Area. The maintenance plan is designed to keep the Indiana portion of the Area in attainment of the 2015 ozone NAAQS through 2035. EPA also finds adequate and is approving the 2035 VOC and NO_X motor vehicle emission budgets for the Indiana portion of the Area. EPA is further approving the base year emissions inventories for the Indiana portion of the Area under the 2015 ozone NAAQS. Finally, we are confirming that Indiana has acceptable and enforceable annual emission statement regulations that require all facilities located in Lake, Porter, Clark, and Floyd Counties that emit greater than or equal to 25 tons/year of NO_X or VOC during the reporting year to submit annual emissions statements.

In accordance with 5 U.S.C. 553(d) of the Administrative Procedure Act (APA), EPA finds there is good cause for this action to become effective immediately upon publication. The immediate effective date for this action is authorized under 5 U.S.C. 553(d)(1).

Section 553(d)(1) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. EPA has determined that this rule relieves a restriction because this rule relieves sources in the area of Nonattainment New Source Review (NNSR) permitting requirements; instead, upon the effective date of this action, sources will be subject to less restrictive Prevention of Significant Deterioration (PSD) permitting requirements. For this reason, EPA finds good cause under 5 U.S.C. 553(d)(1) for this action to become effective on the date of publication of this action.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely 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 CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 6, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 28, 2022.

Cheryl Newton,

Deputy Regional Administrator, Region 5.

For the reasons stated in the preamble, 40 CFR parts 52 and 81 are amended 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.*

■ 2. In § 52.770, the table in paragraph (e) is amended by adding entries for ''Clark and Floyd Counties 2015 8-hour Ozone Emission Inventory,'' ''Lake, Porter, Clark, and Floyd Counties 2015 8-hour Ozone Emission Statement'' and ''Clark and Floyd Counties 2015 8-hour Ozone Maintenance Plan'' immediately following the entry for ''Lake and Porter Counties 2008 8-hour Ozone Maintenance Plan'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
* * *	*	* *	*
Clark and Floyd Counties 2015 8-hour Ozone Emission Inventory.	1/21/2021	7/5/2022, [INSERT **Federal Register** CITATION] ..	
Lake, Porter, Clark, and Floyd Counties 2015 8-hour Ozone Emission Statement.	1/21/2021	7/5/2022, [INSERT **Federal Register** CITATION] ..	
Clark and Floyd Counties 2015 8-hour Ozone Maintenance Plan.	2/21/2022	7/5/2022, [INSERT **Federal Register** CITATION] ..	
* * *	*	* *	*

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.315 is amended by revising the entry ''Louisville, KY-IN'' in the table entitled ''Indiana—2015 8-Hour Ozone NAAQS [Primary and Secondary]'' to read as follows:

§ 81.315 Indiana

* * * * *

INDIANA—2015 8-HOUR OZONE NAAQS

[Primary and Secondary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
* *	*	*	*	*
Louisville, KY-IN Clark County. Floyd County.	July 5, 2022	Attainment		Marginal.
* *	*	*	*	*

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is August 3, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2022–14202 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0386; FRL–9819–01–OCSPP]

Pyriofenone; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pyriofenone in or on the tomato subgroup 8–10A and the pepper/eggplant subgroup 8–10B and removes the established tolerance for the vegetable, fruiting, group 8–10 and the expired tolerance for the fruit, small vine climbing subgroup 13–07D. Interregional Research Project Number 4

(IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 5, 2022. Objections and requests for hearings must be received on or before September 6, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0386, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0386 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before September 6, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0386, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of October 21, 2021 (86 FR 58239) (FRL–8792–04–OCSPP) EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 1E8905) by IR–4, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The October 21, 2021, document incorrectly identified the petition number as 1E9805. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide pyriofenone in or on the pepper/eggplant subgroup 8–10B at 2 parts per million (ppm) and the tomato subgroup 8–10A at 0.3 ppm. The petition also requested to remove the existing tolerance on vegetable, fruiting, group 8–10 at 0.3 ppm. That document referenced a summary of the petition, which is available in the docket, *https://www.regulations.gov.* One comment was submitted by the United States Department of Agriculture (USDA) in response to the notice of filing. The comment was in support of the petition.

Based upon review of the data supporting the petition and in accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA is establishing the tolerances at different levels than petitioned for and is modifying the crop group definition to be consistent with Agency terminology. A discussion of these modifications can be found in section IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pyriofenone

including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with pyriofenone follows.

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

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

Toxicological profile. For a discussion of the Toxicological Profile of pyriofenone, see Unit III.A. of the May 30, 2019, rulemaking (84 FR 24983) (FRL–9993–11).

Toxicological points of departure/ Levels of concern. For a summary of the Toxicological Points of Departure/ Levels of Concern for pyriofenone used for human risk assessment, please reference Unit III.B. of the May 30, 2019, rulemaking.

Exposure assessment. EPA's dietary exposure assessments have been updated to include the additional exposure from the new greenhouse uses of pyriofenone on the pepper/eggplant subgroup and tomato subgroup. An acute dietary exposure assessment was not performed as there are no appropriate toxicological effects attributable to a single exposure (dose). A conservative chronic dietary exposure assessment was performed for pyriofenone, assuming 100 percent crop treated (PCT), tolerance-level residues, and default processing factors. The chronic dietary exposure assessment was revised to reflect the updated Dietary Exposure Evaluation Model that incorporates the What We Eat in America (WWEIA) consumption data from 2005–2010. The chronic estimated drinking water concentration (EDWC) of 3.9 ppb is unchanged from the May 30, 2019, rulemaking and was directly incorporated into the chronic assessment. A cancer dietary assessment was not conducted because pyriofenone is classified as ''not likely to be carcinogenic to humans.'' Because there are no existing or proposed residential uses associated with pyriofenone, there is not expected to be any residential handler exposure or post-application exposures.

Cumulative exposure. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to pyriofenone and any other substances and pyriofenone does not appear to produce a toxic metabolite produced by other substances. For the purposes of this action, therefore, EPA has not assumed that pyriofenone has a common mechanism of toxicity with other substances.

Safety factor for infants and children. EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor from 10X to 1X. See Unit III.D. of the May 30, 2019, rulemaking for a discussion of the Agency's rationale for that determination.

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

An acute dietary exposure assessment was not performed as there were no appropriate toxicological effects attributable to a single exposure (dose) observed in available oral toxicity studies, including maternal toxicity in the developmental toxicity studies. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 4.9% of the cPAD for children 1 to 2 years old, the group with the highest exposure. There are no proposed or registered residential uses; therefore short- and intermediate-term residential exposure is not expected. Pyriofenone is classified as ''Not Likely to Be Carcinogenic to Humans''; therefore, EPA does not expect pyriofenone exposures to pose an aggregate cancer risk.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to pyriofenone residues. More detailed information on this action can be found in the document titled ''Pyriofenone. Human Health Risk Assessment for Section 3 Registration of Pyriofenone in Greenhouses for Crop Groups 8–10 and 9'' in docket ID EPA–HQ–OPP–2021–0386.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the May 30, 2019, rulemaking.

B. International Residue Limits

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

Codex has not established MRLs on crop subgroups 8–10A (tomato subgroup) or 8–10B (pepper/eggplant subgroup).

C. Revisions to Petitioned-For Tolerances

The Organisation for Economic Co-operation and Development (OECD) maximum residue limit (MRL) Calculation Procedures of the tomato residue data result in a tolerance of 0.2 ppm; EPA is thus establishing a tolerance of 0.2 ppm for tomato subgroup 8–10A instead of the petitioned-for level of 0.3 ppm. The correct crop subgroup name for 8–10B is pepper/eggplant subgroup 8–10B, not pepper/eggplant 8–10B. As a housekeeping measure, EPA is removing the tolerance for fruit, small vine climbing subgroup 13–07D, which expired on October 6, 2021.

D. International Trade Considerations

In this rule, EPA is establishing a tolerance for pyriofenone residues in or on the tomato subgroup 8–10A at 0.2 ppm that is lower than the current tolerance of vegetable, fruiting, group 8–

10 (0.3 ppm). For the reasons explained in the Pyriofenone Human Health Risk Assessment, the Agency believes these revised, lower tolerances are appropriate based on available residue data.

In accordance with the World Trade Organization's (WTO) Sanitary and Phytosanitary Measures (SPS) Agreement, EPA intends to notify the WTO of the changes to these tolerances in order to satisfy its obligations under the Agreement. In addition, the SPS Agreement requires that Members provide a ''reasonable interval'' between the publication of a regulation subject to the Agreement and its entry into force to allow time for producers in exporting Member countries to adapt to the new requirement. Accordingly, EPA is retaining the existing tolerances for the commodities in tomato subgroup 8–10A by establishing an expiration date for the tomato subgroup 8–10A at the existing tolerance level of 0.3 ppm to allow this tolerance to remain in effect for a period of six months after the effective date of this final rule. (Although crop group 8–10 also includes a subgroup 8–10C for which EPA is not setting separate tolerances, all of the commodities in subgroup 8–10C are also included in subgroup 8–10B, for which EPA is establishing a higher tolerance at 2 ppm; therefore, there is no need to retain a separate tolerance for subgroup 8–10C.) After the six-month period expires, the allowable residues on members of the tomato subgroup 8–10A must conform to the new lower tolerance level of 0.2 ppm. This reduction in tolerance level is not discriminatory; the same food safety standard contained in the FFDCA applies equally to domestically produced and imported foods. The new tolerance levels are supported by available residue data.

V. Conclusion

Therefore, tolerances are established for residues of pyriofenone in or on the pepper/eggplant subgroup 8–10B at 2 ppm and the tomato subgroup 8–10A at 0.2 ppm. Additionally, the existing tolerance for the vegetable, fruiting, group 8–10 is removed but the tolerance for tomato subgroup 8–10A at the existing level of 0.3 ppm is designated to expire 6 months from the publication of this document. Finally, EPA is removing the tolerance for fruit, small vine climbing subgroup 13–07D that expired on October 6, 2021, which completes the implementation of the pyriofenone tolerance changes in the April 15, 2021 rulemaking (86 FR 17545) (FRL–10019–55). The tolerance for fruit, small vine climbing subgroup 13–07D is no longer needed because, in 2021, EPA established separate tolerances for residues of pyriofenone in/on grape; grape, raisin; and fruit, small vine climbing, except grape, subgroup 13–07E. Subgroup 13–07E includes all the commodities in subgroup 13–07D other than grape.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: June 22, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

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

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

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

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

■ 2. In § 180.660, amend the table in paragraph (a) by:

■ a. Removing the entry for ''Fruit, small vine climbing subgroup 13–07D[1]''.

■ b. Adding in alphabetical order entries for ''Pepper/eggplant subgroup 8–10B''; ''Tomato subgroup 8–10A''; and ''Tomato subgroup 8–10A[1]''.

■ c. Removing the entry for ''Vegetable, fruiting, group 8–10''; and

■ d. Revising the footnote.

The additions and revision read as follows:

§ 180.660 Pyriofenone; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
.	
* * * * *	
Pepper/eggplant subgroup 8–10B ..	2
Tomato subgroup 8–10A	0.2
Tomato subgroup 8–10A [1]	0.3
.	
* * * * *	

[1] This tolerance expires on January 5, 2023.

* * * * *

[FR Doc. 2022–14224 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 720, 721, and 723

[EPA–HQ–OPPT–2014–0650; FRL–5605–02–OCSPP]

RIN 2070–AJ94

Significant New Uses of Chemical Substances; Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the regulations governing significant new uses of chemical substances under the Toxic Substances Control Act (TSCA) to align with revisions that were made to the Occupational Safety and Health Administration (OSHA) Hazard Communications Standard (HCS) and changes to the OSHA Respiratory Protection Standard and the National Institute for Occupational Safety and Health (NIOSH) respirator certification requirements for the respiratory protection of workers from exposure to chemicals. In addition, EPA is amending the regulations governing Significant New Use Rules (SNURs) to address issues that have been identified by EPA and raised by stakeholders through public comments. EPA is also making a minor change to reporting requirements for premanufacture notices (PMNs) and other TSCA notifications. EPA expects these changes to have minimal impact on the costs and burdens of compliance, while updating the significant new use reporting requirements to assist in addressing any potential risks to human health and the environment.

DATES: This final rule is effective September 6, 2022.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0650, is available at *https://www.regulations.gov* or in-person at the EPA Docket Center (EPA/DC). Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Tyler Lloyd, New Chemicals Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–4016; email address: *lloyd.tyler@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (defined by TSCA to include import), process, or use chemical substances subject to regulations in 40 CFR part 720, 721, or 723. The following list of North American Industry Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Chemical Manufacturers (NAICS code 325).
- Petroleum and Coal Products (NAICS code 324).
- Merchant Wholesalers, Nondurable Goods (NAICS code 424).

If you have any questions regarding the applicability of this action, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine whether a use of a chemical substance is a ''significant new use.'' EPA is required to issue its determination through promulgation of a final rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Such rules are called ''significant new use rules'' (SNURs). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before manufacturing or processing a chemical substance for that use (15 U.S.C. 2604(a)(1)(B)). TSCA section 5(a)(1)(B) requires persons to notify EPA at least 90 days before manufacturing a new chemical substance for commercial purposes (under TSCA, manufacture includes import). TSCA section 3(11) defines a ''new chemical substance'' as any substance that is not on the TSCA Inventory of Chemical Substances compiled by EPA under TSCA section 8(b).

C. What action is the Agency taking?

EPA is finalizing amendments to the general requirements for SNURs in 40 CFR part 721, Significant New Uses of Chemical Substances that were proposed in 2016 (81 FR 49598, July 16, 2016) (FRL 9944–47) (Ref. 1). Based on public comments received on proposed changes to 40 CFR 721.63, EPA will move certain language which was proposed at 40 CFR 721.63(a)(1) and (4) to new paragraphs at 40 CFR 721.63(a)(7) and (a)(8), respectively, to ensure the new provisions only apply to SNURs issued after the finalization of this rule (see Unit III.A). With the exception of amendments proposed at 40 CFR 721.63(a)(1) and (4), all other amendments are being finalized as proposed. Most of the changes relate to the standard significant new uses for new chemical SNURs identified in 40 CFR 721 subpart B, which EPA cross-references in individual SNURs in subpart E. Other changes are procedural changes to the general provisions in subpart A that apply to all SNURs. EPA also clarified in the preamble of the proposed rule some definitions contained in 40 CFR part 721 and is making a minor change to reporting requirements for TSCA section 5 notices in 40 CFR parts 720.38, 720.45 and 723.50.

D. Why is the Agency taking this action?

Based on changes that have occurred for respiratory protection requirements, codified in NIOSH regulations at 42 CFR part 84 and the OSHA standard at 29 CFR 1910.134, EPA is making changes to 40 CFR 721.63. In addition, based on the updates to 29 CFR 1910.1200, OSHA's modified Hazard Communication Standard (HCS) published March 26, 2012 (77 FR 17574) (Ref. 2), EPA is making changes to 40 CFR 721.72. EPA is also amending 40 CFR part 721 subparts A and B and clarifying definitions contained in 40 CFR part 721. EPA is making these changes and clarifications based on its experience in issuing and administering over 2,800 SNURs. Many of the changes are based on public comments received by EPA in the course of proposing and issuing SNURs, and questions or suggestions from the public regarding current SNUR requirements, such as considering a hierarchy of controls before using personal protective equipment to control exposures, clarifying the meaning of certain uses under 40 CFR 721.80(j), allowing for removal in wastewater treatment when computing estimated surface water concentrations according to 40 CFR 721.91, and revising the *bona fide* procedure in 40 CFR 721.11 to include coverage of situations where the significant new use terms are confidential.

E. What are the estimated incremental impacts of this action?

There will be a minor increase in the overall compliance burden and cost due to the modified requirements in 40 CFR parts 720, 721, and 723. The modified SNUR requirements will be compatible with the current hazard communication requirements under 29 CFR 1910.1200 and the respiratory protection requirements at 42 CFR part 84 and 29 CFR 1910.134. The new paragraphs at 40 CFR 721.63(a)(7) and (8) will only apply to SNURs proposed after this final rule and are aligned with current industry practice. The modified SNUR requirements at 40 CFR 721.72 will also allow, but not require, persons subject to a SNUR that has been previously issued to use the updated requirements of 40 CFR 721.72.

The economic analysis for this final rule (Ref. 3) estimates that the amendments for new chemical SNURs and section 5 notices would result in a combined total first year burden and cost of 1,585 hours and $94,731, respectively. The total steady state increase cost is $54,029 per year. On a per unit basis, the rule would impose startup costs ranging from $0 to $74.89 per new chemical SNUR, with incremental steady states costs ranging from $0 to $137.18.

II. Background

A. What did EPA propose?

On July 16, 2016 (Ref. 1), EPA proposed amendments to the regulations governing significant new uses of chemical substances under TSCA to align these regulations with revisions to the OSHA HCS, which are cross referenced. EPA further proposed the July 2016 amendments to align with changes to the OSHA Respiratory Protection Standard and the NIOSH respirator certification requirements for the respiratory protection of workers from exposure to chemicals. EPA also proposed revising the regulations governing SNURs, based on issues that have been identified by EPA and raised by stakeholders through the public comment process. Additionally, EPA proposed making a minor change to reporting requirements for premanufacture notices (PMNs) and other TSCA section 5 notices.

B. How did the Lautenberg Act amend TSCA Section 5?

Enacted on June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act) (Pub. L. 114–182) amended several sections of TSCA, including section 5. Among other changes, the Lautenberg Act added a new paragraph to TSCA section (5)(a)(3) titled ''Review and Determination'', which obligates EPA to review and issue a determination on each notice received under section 5(a)(1) within the applicable review period. As amended by the Lautenberg Act, EPA is also now required to issue an order pursuant to TSCA section 5(e)(1) when it makes a determination under TSCA section 5(a)(3)(B) that either: (1) The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance; (2) In the absence of sufficient information, the chemical substance may present an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by EPA; or (3) The chemical substance is or will be produced in substantial quantities and may either enter the environment in substantial quantities or result in significant or substantial human exposure. While these amendments impact EPA's review of significant new use notices (SNUNs), the Lautenberg Act did not affect the amendments EPA proposed on July 16, 2016 (81 FR 4959) (Ref. 1), which EPA is now finalizing.

C. How are the SNUR regulations structured?

The manner in which the different subparts of 40 CFR part 721 are applied to new chemical SNURs and existing chemical SNURs is summarized in Table 1. EPA typically utilizes subparts B, C, and D when issuing new chemical SNURs for certain chemical substances that have undergone PMN review. Other SNURs, including existing chemical SNURs, may be issued for chemical substances either not on the TSCA Inventory or for those on the TSCA Inventory that typically have not undergone PMN review. In issuing existing chemical SNURs, EPA does not use subpart B or D but may apply the standard recordkeeping requirements in subpart C. The general requirements of subpart A apply to all SNURs unless these specific requirements are modified in the significant new use requirement section for a specific chemical substance listed in subpart E. Finally, Subpart E lists significant new use and recordkeeping requirements for new and existing chemical substances.

TABLE 1—SUBPARTS USED FOR NEW CHEMICAL SNURS AND OTHER CHEMICAL SNURS

Regulation in 40 CFR	New chemical SNURs	Other chemical SNURs
Subpart A. General Provisions (§§ 721.1 through 721.47)	X	X
Subpart B. Certain Significant New Uses (§§ 721.50 through 721.91):		
§ 721.63. Protection in the Workplace	X	
§ 721.72. Hazard Communication Program	X	
§ 721.80. Industrial, Commercial, and Consumer Activities	X	

TABLE 1—SUBPARTS USED FOR NEW CHEMICAL SNURS AND OTHER CHEMICAL SNURS—Continued

Regulation in 40 CFR	New chemical SNURs	Other chemical SNURs
§ 721.85. Disposal	X	
§ 721.90. Release to water	X	
§ 721.91. Concentration of estimated surface water concentrations: Instructions	X	
Subpart C. Recordkeeping Requirements (§§ 721.100 through 721.125)	X	X
Subpart D. Expedited Process for issuing Significant New Use Rules for Selected Chemical Substances and Limitation or Revocation of Selected Significant New Use Rules (§§ 721.160–721.185)	X	
Subpart E. Significant New Uses for Specific Chemical Substances (§§ 721.225 through 721.10960) * +	X	X

* Revised for each published SNUR.
+ This figure is current as of May 1, 2022.

EPA is making substantive changes and clarifications to language in Subparts A and B of 40 CFR 721. The changes to Subpart A will affect all SNURs. The changes in Subpart B may affect some previously issued new chemical SNURs already in subpart E and will affect future new chemical SNURs issued using the changed terms in Subpart B. Unit III describes each change and how these changes may affect previously issued SNURs, as well as SNURs issued after this rule becomes effective. Not all of the previously issued new chemical SNURs will be affected by the changes in Subpart B. For example, as described in the economic analysis for this final rule (Ref. 3) and according to the EPA Chemical Data Report (CDR) for Reporting Year 2015, 107 chemicals were reported in commerce and subject to new chemical SNURS. Only 18 of the 107 SNURs contained provisions for worker protection and/or hazard communication. In March 2012, OSHA modified its Hazard Communication Standard (HCS) to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). OSHA's March 2012 regulatory amendments sought to enhance the effectiveness of the HCS by ensuring employees are apprised of the chemical hazards to which they may be exposed and reducing incidents of chemical-related occupational illnesses and injuries (Ref. 2). The GHS is an internationally harmonized system for classifying chemical hazards and developing labels and safety data sheets (SDS). The GHS further acts as a set of criteria and provisions that regulatory authorities can incorporate into existing systems or use to develop new systems.

The GHS utilizes a building block approach, which allows a regulatory authority to implement certain provisions that are appropriate for its sphere of regulation. The GHS includes the regulatory components, or building blocks, that might be needed for classification and the labeling requirements for chemicals in the workplace, transport, pesticides, and consumer products. The 2012 amendments OSHA made to the HCS adopted certain sections of the GHS that were appropriate for OSHA's regulatory sector. The building block approach also gives regulatory agencies the authority to select which classification criteria and provisions to adopt. For example, OSHA adopted the classification criteria and provisions for labels and SDSs, because the current HCS covers these elements. As described in Unit III, EPA is adopting some of the GHS criteria for hazard communication pertaining to aquatic toxicity.

D. Did EPA receive public comments on the proposed rule?

EPA received 18 public comments on the proposed rule. Commenters included potentially affected businesses, trade associations, environmental and public health advocacy groups, and other Federal agencies. In this preamble, EPA has responded to many of the significant comments relevant to the proposed rule; however, the more comprehensive version of EPA's response to comments related to this final action can be found in the Response to Comments document (Ref. 4). The Response to Comment document summarizes all the comments relevant to the proposal and EPA's response to those comments. In the Response to Public Comments document, EPA also discusses any changes to and clarifications from the proposed rule.

III. Overview of the Final Rule

This final rule is based on the July 2016 proposal and consideration of the public comments received on the proposed rule.

As a result of changes to OSHA and NIOSH requirements, and other issues identified through EPA's experience issuing and administering SNURs, EPA is making several changes to the SNUR regulations in subparts A and B. The following sections describe the changes and the reasons for the changes.

A. Changes to 40 CFR 721.63, Protection in the Workplace

Based on changes that have occurred in respiratory protection requirements since 1989, per the NIOSH regulation at 42 CFR part 84 and the OSHA standard at 29 CFR 1910.134, EPA is making changes to 40 CFR 721.63. In June 1995, NIOSH updated and modernized its regulation for testing and certifying non-powered, air-purifying, and particulate-filter respirators (42 CFR part 84). The 42 CFR part 84 respirators have met a higher certification test than older respirators previously certified under 30 CFR part 11 and provide increased worker protection (Ref. 5). Because the 42 CFR part 84 test criteria simulate worst-case respirator use, NIOSH has encouraged discontinuing the use of particulate respirators certified under 30 CFR part 11 and switching to particulate respirators certified under 42 CFR part 84. However, non-powered particulate respirators that were approved under 30 CFR part 11 using the ''old'' labeling were allowed to be manufactured and sold until July 10, 1998. Specifically, distributors who purchased 30 CFR part 11 particulate filters and respirators prior to July 10, 1998, are able to sell them as ''certified'' until inventories of these products are depleted. Users who purchased such particulate filters and respirators from these distributors will be able to use them until their inventories are depleted or until the end of the shelf life or service life of these products.

Additionally, in January 1998, OSHA's revised Respiratory Protection Standard (29 CFR 1910.134) replaced the respiratory protection standards adopted by OSHA in 1971 (Ref. 6). Subsequently, in August 2006, OSHA announced that it modified its Respiratory Protection Standard (29 CFR 1910.134) by adding definitions as well as maximum use concentration (MUC) and assigned protection factor (APF)

requirements to 29 CFR 1910.134 (Ref. 7). Due to these changes, the respirators currently listed in 40 CFR 721.63 may no longer meet the current NIOSH/OSHA criteria for respirator selection and use.

EPA is updating language pertaining to respiratory protection requirements listed in 40 CFR 721.63(a)(4), (a)(5), and (a)(6) to be consistent with both OSHA and NIOSH requirements. In 40 CFR 721.63(a)(4), which requires that respirators be used in accordance with 30 CFR part 11, EPA is replacing the reference to 30 CFR part 11 with a reference to 42 CFR part 84 to incorporate the most updated NIOSH regulation for testing and certifying respirators. Most manufacturers and processors are already subject to and complying with 42 CFR part 84. This change will apply to all previously issued SNURs that contain significant new use requirements pertaining to respiratory protection by clarifying manufacturers and processors subject to current SNURs can follow updated respiratory protection requirements without triggering a SNUN requirement. The updated language will also be included in the issuance of new SNURs as appropriate.

EPA is also updating NIOSH-certified respirator language in 40 CFR 721.63(a)(5). At the time of the proposal, EPA had been incorporating the updated NIOSH-certified respirator language in newly issued SNURs rather than referencing the respirator language currently listed in 40 CFR 721.63(a)(5). EPA has continued citing the new respirator language in SNURs issued since this rule was proposed in July 2016 (81 FR 49598). The finalized provisions to 40 CFR 721.63(a)(5) will standardize the use of the updated NIOSH-certified respirator language and allow EPA to cross-reference the language for new chemical SNURs rather than on an individual basis.

EPA has included language that allows any person subject to SNURs with older respirator requirements in 40 CFR 721.63(a)(5) already cited in subpart E to continue using older-style respirators in order to avoid the triggering of a SNUN requirement. These fifteen older respirators are listed in 40 CFR 721.63(a)(5)(i) through (xv). EPA also includes language in 40 CFR 721.63(a)(5) that would allow any person subject to the older respirator requirements in 40 CFR 721.63(a)(5)(i) through (xv) to use an equivalent respirator under the newer requirements, provided that the APF of the new respirator is equal to or greater than the respirator cited in subpart E. EPA has included in the public docket a chart comparing the APF of the respirator classes in the current regulations with the previous corresponding respirator requirements that can be consulted in order to determine availability of suitable substitutes (Ref. 8). The amendment to 40 CFR 721.63(a)(6) also updates language for the airborne form of a chemical substance applicable to the respiratory protection requirements in 40 CFR 721.63(a)(4). EPA will cite this language when issuing new SNURs.

EPA is also revising 40 CFR 721.63 to add language that would make it a significant new use not to implement a hierarchy of controls to protect workers. This revision will require any person subject to an applicable SNUR to determine and use appropriate engineering and administrative controls before using personal protective equipment (PPE) for worker protection, similar to the requirements in OSHA standards at 29 CFR 1910.134(a)(1) and guidance in Appendix B to subpart I of 29 CFR 1910.

This change is being made in part due to comments received on recently promulgated SNURs. Some of these comments identified the industrial hygiene ''hierarchy of controls'' approach for workplace health and safety and argued that persons subject to SNURs should follow the OSHA standards requiring the use of controls that are higher in the hierarchy of controls before requiring employees to use personal protective equipment (PPE). In final SNURs published on June 26, 2013 (78 FR 38210) (FRL–9390–6) (Ref. 9), EPA responded to the comments, agreeing that a hierarchy of controls should be applied, and that PPE should be the last option in controlling exposures. Where engineering and administrative controls are not feasible or are insufficient to protect exposed workers, persons who are subject to a SNUR must follow any applicable PPE requirements or submit a SNUN to EPA. Since June 26, 2013, new chemical SNURs containing significant new uses related to lack of PPE for workers have included the same language requiring consideration and implementation of engineering controls and administrative controls where feasible. These requirements to consider engineering and administrative controls are based on and consistent with the OSHA requirements at 29 CFR 1910.134(a)(1).

In the July 2016 proposal (81 FR 49598), EPA proposed revising 40 CFR 721.63(a)(1) and 40 CFR 721.63(a)(4) to add language requiring consideration and use of engineering and administrative controls where feasible before PPE for worker protection. This change would have affected SNURs issued after this rule became effective in addition to previously issued SNURs that incorporate references to worker protection standards at 40 CFR 721.63(a)(1) and 40 CFR 721.63(a)(4). However, based on public comments, EPA has decided to move the language that was proposed at 40 CFR 721.63(a)(1) and 40 CFR 721.63(a)(4) to new paragraphs 40 CFR 721.63(a)(7) and 40 CFR 721.63(a)(8), respectively. These new paragraphs will not affect previously issued SNURs but rather, will only be applicable to SNURs issued or amended after this rule becomes effective. While EPA is not updating the language referenced by many existing SNURs, EPA continues to affirm that a hierarchy of controls should be applied, and that PPE should be the last option in controlling exposures. Additionally, EPA believes that most companies are already following a hierarchy of controls as required by OSHA regulations. EPA's response to public comments on the hierarchy of control language can be found in the Response to Comment document for this rule (Ref. 4).

B. Changes to 40 CFR 721.72, Hazard Communication Program

Based on the changes to 29 CFR 1910.1200, OSHA's modified HCS, EPA is making changes to 40 CFR 721.72. In March 2012, OSHA modified its HCS to conform to the United Nations' Globally Harmonized System of Classification and Labelling of Chemicals (GHS). OSHA's March 2012 regulatory amendments sought to enhance the effectiveness of the HCS by ensuring that employees are apprised of the chemical hazards to which they may be exposed and reducing incidents of chemical-related occupational illnesses and injuries (Ref. 2). Modifications to the HCS include revised criteria for classification of chemical hazards; revised labeling provisions that include requirements for use of standardized signal words, pictograms, hazard statements, and precautionary statements; a specified format for safety data sheets; and related revisions to definitions of terms used in the HCS and requirements for employee training on labels and safety data sheets (Ref. 2).

Under EPA's current regulations, when SNURs are issued with a citation to 40 CFR 721.72 in subpart E for a chemical substance, it is considered a significant new use if the company does not develop a written hazard communication program for the substance in the workplace. Paragraphs (a) through (h) of 40 CFR 721.72 can be cited in subpart E as elements that must

be included in the hazard communication program. Manufacturers and processors subject to a SNUR in subpart E for a chemical substance can rely on an existing hazard communication program, such as one established under the OSHA HCS or one based on GHS recommendations, to comply with this significant new use requirement to the extent the hazard communication program contains elements cited for that SNUR from 40 CFR 721.72 paragraphs (a) through (h).

EPA is adding new paragraphs (i) and (j) to 40 CFR 721.72 that it will use when imposing hazard communication requirements for SNURs issued after this rule becomes effective. The new paragraph (i) will require that a written hazard communication program be developed and implemented for the substance in each workplace in accordance with OSHA HCS 29 CFR 1910.1200.

This approach will maintain consistency in compliance for any person subject to TSCA and OSHA regulations for the same activity. By cross-referencing the OSHA HCS EPA should minimize duplication of requirements and minimize potential confusion that additional obligations are being created. In addition, any amendments to the OSHA HCS will be automatically encapsulated without EPA having to amend its own regulations. This approach is also consistent with the requirement for EPA to coordinate with other federal executive departments and agencies under TSCA section 9(d) to impose ''the least burdens of duplicative requirements on those subject to the chapter and for other purposes.''

The new paragraph (j) describes specific statements and other warnings that could be incorporated in SNURs for substances identified in subpart E. The specific statements and warnings that could be required would be based on EPA's risk assessment of the chemical substance and would be consistent with the OSHA HCS and GHS recommendations.

EPA expects that, whenever the statements in paragraphs (g), (h), and (j) are required and the determinations for the SNUR are published, manufacturers and processors subject to the SNUR will also consider if they trigger any other corresponding hazard communication under the OSHA HCS requirements or under GHS recommendations. Any hazard and/or precautionary statements required by the SNUR will include a minimum set of hazard warnings. EPA may also propose individual SNURs or issue section 5(e) SNURs under 40 CFR 721.160 using other specific statements, signal words, symbols, hazard category, and pictograms as hazard communication requirements.

EPA is updating 40 CFR 721.72 paragraphs (a) through (h) to be consistent with both OSHA requirements and GHS recommendations. These changes apply to individual SNURs in subpart E issued before the effective date of this final rule as described in the next two paragraphs. EPA is making changes to 40 CFR 721.72 paragraphs (a), (c), and (d) to change using the term ''material safety data sheet'' (MSDS) to ''safety data sheet'' (SDS) and allow easily accessible electronic versions or other alternatives to maintaining paper copies of the SDS. These changes apply to any previously issued SNUR in subpart E that cites these paragraphs. EPA is also adding new hazard and precautionary statements, listed in 40 CFR 721.72 paragraphs (g) and (h), to make this provision consistent with statements under the OSHA HCS requirements and the GHS recommendations. While the previously issued SNUR precautionary and hazard statements will remain applicable solely for previously issued SNURs, EPA has also identified which of the new statements can be used as alternatives for the previously issued precautionary and hazard statements. Manufacturers and processors subject to a previously issued SNUR will have the option to use the prior precautionary and hazard statements or use the new alternative statements that are consistent with the OSHA HCS requirements or GHS recommendations to comply with the SNUR.

EPA is also including language which allows any person subject to a previously issued SNUR containing requirements for 40 CFR 721.72 paragraphs (a) through (h) to comply with those requirements by following the requirements of 40 CFR 721.72 paragraph (i), which will be applied to SNURs issued after this final rule, and using any statements specified for that substance in the 40 CFR 721.72 paragraphs (g) or (h). For example, a person currently subject to a SNUR citing the requirement to establish a hazard communication program as described in 40 CFR part 721.72 paragraphs (a) through (f) and the requirement for using a hazard statement in paragraph (g)(1)(iii), central nervous system effects, could comply by taking the following steps: That person could establish a hazard communication program according to the requirements in paragraph (i) and use the hazard statement in paragraph (g)(1)(iii), ''central nervous system effects,'' or the alternative hazard statement (g)(1)(xi), ''may cause damage to the central nervous system through prolonged or repeated exposure.''

EPA recommends using a Chemical Abstracts Service (CAS) number to identify the chemical substance in an SDS whenever possible. EPA makes this recommendation because CAS numbers are widely used by industry to provide a unique, unambiguous identifier for chemical substances. Only when a CAS number is not available should a different unique numerical identifier be used. Because of variations in naming conventions for chemical substances, using CAS numbers makes it easier for the regulated community to accurately identify and report chemical identities. For example, upon importation of a chemical substance, if the chemical substance is being identified to assure compliance with regulatory requirements, providing the most specific CAS number is the most efficient and clear way to ensure this. The changes for SNUR hazard communications requirements concerning how to identify chemical substances are consistent with OSHA regulations.

C. Clarification of the Use of 40 CFR 721.80, Industrial Commercial and Consumer Activities

EPA is also clarifying the significant new use for new chemical SNURs described at 40 CFR 721.80(j), which identifies as a significant new use as ''Use other than as described in the premanufacture notice referenced in subpart E of this part for the substance.'' EPA is not changing the language of 721.80(j). Instead, EPA is clarifying how it identifies a significant new use that meet the criteria in 721.80(j) for individual SNURs. When EPA issues a SNUR using the designation at 40 CFR 721.80(j) in subpart E for a chemical substance and that use described in the premanufacture notice is claimed as confidential, EPA cites 40 CFR 721.80(j). See Unit III.E for a discussion of how manufacturers and processors subject to a SNUR with a confidential significant new use designation can currently file a *bona fide* inquiry to determine whether a specific use is a significant new use and EPA's amendments for future *bona fide* inquiries. In identifying the significant new use in subpart E for certain previously issued SNURs where the use described in the premanufacture notice was not claimed confidential, EPA cited 40 CFR 721.80(j) and included the PMN use described in the premanufacture notice in parentheses. EPA has received public comments in response to proposed SNURs and pre-notice inquiries for SNUNs stating that

manufacturers and processors subject to SNURs find it confusing when EPA cites 40 CFR 721.80(j) and then identifies the PMN use in parentheses. These comments and inquiries have explained that when EPA cites the new use this way it appears as though the significant new use is the use in the parentheses, where the significant new use is actually use other than the use in parentheses.

To better identify the significant new use, EPA has changed this procedure to only cite 40 CFR 721.80(j) when the use described in the PMN is confidential. When the use described in the PMN is not confidential, EPA intends to identify the significant new use in a new chemical SNUR by describing the use, such as in the following example: ''A significant new use is any use other than as a pesticide intermediate.'' (This example was published in the direct final SNUR issued on February 12, 2014 (79 FR 8291) (Ref. 10) and is codified in subpart E at 40 CFR 721.10718.)

D. Changes to 40 CFR 721.91, Computation of Estimated Surface Water Concentrations: Instructions

When EPA issues a new chemical SNUR citing the significant new uses described in 40 CFR 721.90 (a)(4), (b)(4), and (c)(4), the SNUR requires significant new use notification if the results of the equation for computation of estimated surface water concentrations in 40 CFR 721.91 exceed the level specified for that SNUR in subpart E. The equation estimates surface water concentrations based on the amount of a chemical substance released from industrial processes and the flows of the water body. The current equation does not take into consideration amounts of a chemical substance released to a surface water after control technology such as wastewater treatment. As proposed, EPA is revising this requirement to allow manufacturers and processors to account for reductions in surface water concentrations resulting from wastewater treatment. 40 CFR 721.91 contains instructions for the computation of estimated surface water concentrations according to the equation specified in 40 CFR 721.90 (a)(4), (b)(4), and (c)(4). EPA is revising the instructions at 40 CFR 721.91 to allow for a certain percentage of removal of a chemical substance from wastewater after undergoing control technology, applicable to the requirements at 40 CFR 721.90. EPA has previously allowed surface water concentrations to be calculated with a consideration of wastewater treatment in certain SNURs by adding regulatory text to individual rules. This change to 40 CFR 721.91 will make the consideration of control technology part of the calculations for the equation specified in 40 CFR 721.90 when cited in subpart E for a specific chemical substance. EPA will cite the control technology and the percentage removal for SNURs in subpart E, based on EPA's assessment of the effectiveness of the control technology for the specific chemical substance. The most common form of control technology in new chemical SNURs is wastewater treatment. However, EPA will not identify a percentage of removal from wastewater for every chemical substance subject to a SNUR with the significant new use specified in 40 CFR 721.90 (a)(4), (b)(4), and (c)(4). Rather, EPA, when appropriate, will identify an applicable removal percentage when issuing SNURs. The revised provisions will apply only when a removal percentage has been identified in the SNUR. This change does not apply to existing SNURs where a removal percentage has not been identified.

Due to questions and comments from manufacturers and processors expressing confusion around the meaning of the phrase ''predictable or purposeful release'' at 40 CFR 721.90, EPA is making changes to clarify the scope of the term. The phrase is used to qualify significant new uses pertaining to releases to water in 40 CFR 721.90. As described in the April 29, 1987 proposed rule, Proposed General Provisions for New Chemicals Follow-up (52 FR 15608) (Ref. 11), the phrase ''predictable or purposeful'' does not include releases where emergency conditions exist and significant new use notification is not possible. Therefore, routine or repeated activity that results in releases to water or non-routine releases to water that are not due to emergency conditions are included in the term ''predictable or purposeful.'' EPA does not intend the phrase ''predictable or purposeful release'' to limit the agency's strict liability authority under the statute.

E. Changes to 40 CFR 721.11, Applicability Determination When the Specific Chemical Identity Is Confidential

Certain new chemical SNURs have a significant new use designation that is based on confidential business information (CBI) contained in the PMN and therefore, not disclosed in the published SNUR. Currently, for each SNUR containing a significant new use designation considered to be CBI, that SNUR cross-references the *bona fide* procedure in the specific SNUR in subpart E for 40 CFR 721.1725. Under the *bona fide* procedures, a manufacturer or processor may request EPA to determine whether a specific use would be a significant new use under the rule. The manufacturer or processor must show that it has a *bona fide* intent to manufacture or process the chemical substance and must identify the specific use for which it intends to manufacture or process the chemical substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or process the chemical substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule.

When the chemical identity in a SNUR is CBI, 40 CFR 721.11 provides a means by which *bona fide* submitters can determine whether their substance is subject to the SNUR. However, as described in the previous paragraph, chemical identity is not the only information contained in a SNUR that may be claimed as CBI. EPA is modifying the *bona fide* procedure in 40 CFR 721.11 of subpart A so that it applies to all SNURs containing any CBI, including the significant new use. EPA finds it would be more efficient to have a *bona fide* procedure for determining confidential significant new uses in subpart A rather than referencing 40 CFR 721.1725(b)(1) each time EPA issues a SNUR containing a significant new use designation containing CBI. In addition, EPA is modifying the *bona fide* procedure that allows EPA to disclose the confidential significant new use designations to a manufacturer or processor who has established a *bona fide* intent to manufacture (including import) or process a particular chemical substance.

F. Changes for Submission of SDS(s) With PMNs, SNUNs, Low Volume Exemptions (LVEs), Low Release and Exposure Exemptions (LoREXs), and Test Marketing Exemption (TME) Applications

EPA is revising requirements in 40 CFR 720.38, 720.45, and 40 CFR 723.50 to require that any safety data sheet (SDS) already developed, even if in draft form, either to comply with OSHA requirements or for other purposes, must also be submitted as part of any notification or exemption application (PMN, SNUN, LVE, LoREX, or TME) under section 5 of TSCA. Many submitters already submit available SDSs as part of their submission and the information contained in SDSs is often useful for EPA's assessments of chemicals. This revision would not require submitters to develop an SDS. It only requires a submitter to submit an

already-developed SDS as part of a notification under TSCA section 5, to the extent the SDS is known or reasonably ascertainable by the submitter.

G. Fixing Typographical Errors and Other Non-Substantive Changes

EPA is correcting several typographical errors and more accurately applying the terms manufacture, manufacturer, and manufacturing to the regulatory text of sections 40 CFR parts 720, 721, and 723.

IV. References

The following is a list of the documents that are specifically referenced in this document. The docket includes these documents, as well as other information considered by EPA that are not listed below, including documents that are referenced within the documents that are included in the docket. For assistance in locating docket items, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Significant New Uses of Chemical Substances; Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices; Proposed Rule. **Federal Register** (81 FR 49598, July 28, 2016) (FRL–9944–47).
2. OSHA. OSHA Revised Hazard Communication Standard; Final Rule. **Federal Register** (77 FR 17574, March 26, 2012).
3. EPA. Economic Analysis for Final Rule Amendments to Part 721—Modifications to General and Specific Requirements in the SNUR Framework—Significant New Uses of Chemical Substances. May 2022.
4. EPA. Response to Comments on the Proposed Rule Significant New Uses of Chemical Substances; Updates to the Hazard Communication Program and Regulatory Framework; Minor Amendments to Reporting Requirements for Premanufacture Notices. May 2022.
5. NIOSH. Respiratory Protection Devices; Final Rule. **Federal Register** (60 FR 30355, June 8, 1995).
6. OSHA. Respiratory Protection; Final Rule. **Federal Register** (63 FR 1152, January 8, 1998).
7. OSHA. Assigned Protection Factors; Final Rule. **Federal Register** (71 FR 50121, August 24, 2006).
8. EPA. Chart comparing assigned protection factors of current respirator classes with older respirator requirements.
9. EPA. Significant New Use Rules on Certain Chemical Substances; Final Rule. **Federal Register** (78 FR 32810, June 26, 2013) (FRL–9390–6).
10. EPA. Significant New Use Rules on Certain Chemical Substances; Direct Final Rule. **Federal Register** (79 FR 8291, February 12, 2014) (FRL- 9903–70).
11. EPA. Significant New Uses of Chemical Substances; General Provisions for New Chemical Follow-up; Proposed Rule. **Federal Register** (52 FR 15594, April 29, 1987) (FRL–3153–6).

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

OMB has approved the information collection activities contained in this rule pursuant to the PRA (44 U.S.C. 3501 *et seq.*) and has assigned OMB control number 2070–0012 (EPA ICR No. 574.15). This action does not impose any new requirements requiring additional OMB approval under the PRA. Estimates presented below reflect minor incremental changes associated with the rule as presented in the Economic Analysis (Ref. 3).

Respondents/affected entities: Certain manufacturers (including importers) and processors (see Unit I.A.).

Respondent's obligation to respond: Mandatory under TSCA section 5. This rule does not change the obligation that is contained in individual chemical specific SNURs.

Estimated number of respondents: 1,226.

Frequency of response: On occasion, *i.e.,* upon submission of a SNUN pursuant to individual chemical specific SNURs.

Total estimated incremental burden: 1,585 hours (for the first year), then 486 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated incremental cost: $ 94,731 (for the first year), then $ 54,029 (per year). This includes $0 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities. The Agency's basis is briefly summarized here and is detailed in the Economic Analysis (Ref. 3).

EPA has observed only a small proportion of SNUNs submitted by self-declared small businesses. To the extent that the percentage of small firms abiding by a SNUR is similar to the percentage of small firms submitting SNUNs, it is unlikely that a substantial number of small entities would be affected by this final rule's changes to SNUR requirements. Similarly, for TSCA section 5 notices, assuming that a similar small proportion of small firms are submitting all notices, it is likewise unlikely that substantial number of small entities would be affected by this final rule's changes.

EPA also concludes that the steady state incremental per-firm costs of complying with the rule, estimated to range from $23–$109 per firm (Ref. 3), are low compared to the cost of developing and marketing a chemical.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and will not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments. Based on EPA's experience with proposing and finalizing SNURs, state, local, and tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any state, local, or tribal government would be impacted by this rulemaking. EPA concludes that this rule is not expected to result in expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (when adjusted annually for inflation) in any one year. Accordingly, this rule is not subject to the requirements of UMRA sections 202, 203, or 205. The Economic Analysis (Ref. 3) for this action is summarized in Unit I.E. and is available in the docket.

E. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy and has not otherwise been designated as a significant energy action by the Administrator of the Office of Information and Regulatory Affairs.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad

In accordance with Executive Orders 12898 (59 FR 7629, February 16, 1994) and 14008 (86 FR 7619, January 27, 2021), EPA finds that this action will not result in disproportionately high and adverse human health, environmental, climate-related, or other cumulative impacts on disadvantaged communities because this action does not establish an environmental health or safety standard.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5. U.S.C. 801 *et seq.,* and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 720, 721, and 723

Environmental protection, Chemicals, Hazardous materials, Recordkeeping, and Reporting Requirements.

Dated: June 15, 2022.

Denise Keehner,

Director, Office of Pollution Prevention and Toxics.

Therefore, for the reasons set forth in the preamble, 40 CFR chapter I is amended as follows:

PART 720—PREMANUFACTURE NOTIFICATION

■ 1. The authority citation for part 720 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2613.

§ 720.1 [Amended]

■ 2. Amend § 720.1 by removing the phrase ''and importers''.

■ 3. In § 720.3:

■ a. Revise paragraph (r) introductory text and paragraph (r)(1);

■ b. Revise paragraph (s) introductory text and paragraph (s)(2); and

■ c. Revise paragraph (cc).

The revisions read as follows:

§ 720.3 Definitions.

* * * * *

(r) *Manufacture for commercial purposes* means:

(1) To manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes, among other things, ''manufacture'' of any amount of a chemical substance or mixture:

* * * * *

(s) *Manufacture solely for export* means to manufacture for commercial purposes a chemical substance solely for export from the United States under the following restrictions on activities in the United States:

* * * * *

(2) The manufacturer and any person to whom the substance is distributed for purposes of export or processing solely for export (as defined in § 721.3 of this chapter), may not use the substance except in small quantities solely for research and development in accordance with § 720.36.

* * * * *

(cc) *Small quantities solely for research and development* (or ''small quantities solely for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including such research or analysis for the development of a product'') means quantities of a chemical substance manufactured or processed or proposed to be manufactured or processed solely for research and development that are not greater than reasonably necessary for such purposes.

* * * * *

§ 720.30 [Amended]

■ 4. Amend § 720.30 by

■ a. Removing the phrase ''or imported'' wherever it appears; and

■ b. In paragraph (h)(7)(i) removing the word ''intented'' and adding in its place ''intended''.

§ 720.36 [Amended]

■ 5. Amend § 720.36 by removing the phrases ''or imported'', ''or importer'', ''or imports'' wherever they appear in the section.

■ 6. Amend § 720.38 by:

■ a. Removing the phrase ''or import'' wherever it appears in the section; and

■ b. Adding paragraph (b)(7).

The addition reads as follows:

§ 720.38 Exemptions for test marketing.

* * * * *

(b)(7) Any safety data sheet already developed for the chemical substance, including draft safety data sheets.

* * * * *

§ 720.40 [Amended]

■ 7. Amend § 720.40 by removing the phrases ''or import'' and ''or importer'' wherever they appear.

■ 8. Amend § 720.45 by:

■ a. In paragraph (e), removing the phrase ''or imported'' wherever it; and

■ b. Adding paragraph (i).

The addition reads as follows:

§ 720.45 Information that must be included in the notice form.

* * * * *

(i) Any safety data sheet already developed for the new chemical substance, including draft safety data sheets.

* * * * *

§ 720.57 [Amended]

■ 9. In § 720.57 amend paragraph (a) by removing the word ''chemcial'' and adding in its place ''chemical''.

§ 720.78 [Amended]

■ 10. Amend § 720.78 by:

■ a. In paragraph (b)(1) introductory text, removing the phrase ''or import'';

■ b. In paragraph (b)(1)(iv), removing the word ''manfacturer'' and adding in its place ''manufacturer'';

■ c. In paragraph (b)(2), removing the phrase ''or imports'' wherever it appears; and

■ d. In paragraph (c) remove the phrase ''or import''.

§ 720.85 [Amended]

■ 11. Amend § 720.85 by:

■ a. Removing the phrases ''or import'' and ''or importing'' wherever they appear;

■ b. In paragraph (b)(1):

■ i. Removing the phrase ''or imported'';

■ ii. Removing the word ''indentity'' and adding in its place ''identity'';

■ c. In paragraph (b)(2)(i):

■ i. Removing the word ''manfactures'' and adding in its place ''manufactures'';

■ ii. Removing the phrase ''or imports''; and

■ d. In paragraph (b)(3)(iv)(D) remove the phrase ''on imported''.

§ 720.90 [Amended]

■ 12. Amend § 720.90 by removing the phrase ''or import'' wherever it appears.

§ 720.102 [Amended]

■ 13. Amend § 720.102 by removing the phrase ''or import'' wherever it appears.

§ 720.120 [Amended]

■ 14. In § 720.120 amend paragraph (b) by:

■ a. Removing the phrase ''or imports''; and

■ b. Removing the word ''requied'' and adding in its place ''required''.

PART 721—SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES

■ 15. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

■ 16. Amend part 721 by:

■ a. Removing the acronym ''MSDS'' everywhere it appears and adding in its place the acronym ''SDS'';

■ b. Removing the acronym ''MSDSs'' everywhere it appears and adding in its place the acronym ''SDSs''; and

■ c. Removing the phrase ''material safety'' everywhere it appears and adding in its place the word ''safety''.

§ 721.1 [Amended]

■ 17. In § 721.1 amend paragraph (a) by removing the phrase ''manufacturers, importers and processors'' and adding in its place ''manufacturers and processors''.

■ 18. Amend § 721.3 by:

■ a. Revising the definitions of ''Customer,'' ''Employer,'' ''Non-industrial use,'' and ''Recipient;'' and

■ b. Removing the definition of ''MSDS''; and

■ c. Adding in alphabetical order the definition for ''Safety Data Sheet.''

The revisions and addition read as follows:

§ 721.3 Definitions.

* * * * *

Customer means any person to whom a manufacturer or processor distributes any quantity of a chemical substance, or of a mixture containing the chemical substance, whether or not a sale is involved.

* * * * *

Employer means any manufacturer, processor, or user of chemical substances or mixtures.

* * * * *

Non-industrial use means use other than at a facility where chemical substances or mixtures are manufactured or processed.

* * * * *

Recipient means any person who purchases or otherwise obtains a chemical substance directly from a person who manufactures or processes the substance.

* * * * *

Safety Data Sheet (SDS) means written or printed material concerning a hazardous chemical substance that is prepared as required under § 721.72(c).

* * * * *

§ 721.5 [Amended]

■ 19. Amend § 721.5 by:

■ a. Removing the phrase ''manufacturer, importer, or processor'' everywhere it appears, and adding in its place the phrase ''manufacturer or processor'';

■ b. Removing the phrase ''manufacture, import, or process'' everywhere it appears, and adding in its place the phrase ''manufacture or process''; and

■ c. In paragraph (d)(1)(iii), removing the word ''recepient's'' and adding in its place ''recipient's''.

§ 721.11 [Amended]

■ 20. Amend § 721.11 by:

■ a. Removing the phrase ''manufacturer, importer, or processor'' everywhere it appears, and adding in its place the phrase ''manufacturer or processor'';

■ b. Removing the phrase ''manufacture, import, or process'' everywhere it appears, and adding in its place the phrase ''manufacture or process'';

■ c. Revising the section heading and paragraphs (a) and (e) through (g).

The revisions read as follows:

§ 721.11 Applicability determination when the specific chemical identity is confidential.

(a) A person who intends to manufacture or process a chemical substance which is subject to a significant new use rule in subpart E of this part may ask EPA whether the substance or a proposed use is subject to the requirements of this part if that substance is described by a generic chemical name or if the significant new use is confidential and therefore not described specifically in the rule. EPA will answer such an inquiry only if EPA determines that the person has a *bona fide* intent to manufacture or process the chemical substance for commercial purposes.

* * * * *

(e) If the manufacturer or processor has shown a *bona fide* intent to manufacture or process the substance and has provided sufficient unambiguous chemical identity information to enable EPA to make a conclusive determination as to the identity of the substance, EPA will inform the manufacturer or processor whether the chemical substance is subject to this part and, if so, which section in subpart E of this part applies, and identify any confidential significant new use designations.

(f) A disclosure to a person with a *bona fide* intent to manufacture or process a particular chemical substance that the substance is subject to this part or of confidential significant new use designations will not be considered public disclosure of confidential business information under section 14 of the Act.

(g) EPA will answer an inquiry on whether a particular chemical substance is subject to this part or identify and confidential significant new uses within 30 days after receipt of a complete submission under paragraph (b) of this section.

§ 721.25 [Amended]

■ 21. Amend § 721.25 by:
■ a. In paragraph (a) removing the phrase ''manufacture, import, or processing'' and add in its place the phrase ''manufacture or processing''.
■ b. In paragraph (d) removing the phrase ''manufacture, import, or process'' and add in its place the phrase ''manufacture or process''.

§ 721.30 [Amended]

■ 22. Amend § 721.30 by:
■ a. Removing the phrase ''manufacture, import, or processing'' everywhere it appears and adding in its place the phrase ''manufacture or processing'';
■ b. In paragraph (a) remove the phrase ''manufacture, import, or process'' and add in its place the phrase ''manufacture or process''.

§ 721.35 [Amended]

■ 23. Amend § 721.35 by:
■ a. Removing the phrase ''manufactured, imported, or processed'' everywhere it appears and adding in its place the phrase ''manufactured or processed''; and
■ b. In paragraph (f)(1) removing the phrase ''manufacture, import, or processing'' and adding in its place the phrase ''manufacture or processing''.

§ 721.45 [Amended]

■ 24. Amend § 721.45 by removing the phrase ''manufactures, imports, or processes'' everywhere it appears and adding in its place the phrase ''manufactures or processes''.

§ 721.47 [Amended]

■ 25. Amend § 721.47 by:
■ a. Removing the phrase ''manufactures, imports, or processes'' everywhere it appears and adding in its place the phrase ''manufactures or processes'';
■ b. Removing the phrase ''manufacturer, importer, or processor'' everywhere it appears and add in its place the phrase ''manufacturer or processor''; and
■ c. Removing the phrase ''manufacture, import, or process'' everywhere it appears and adding in its place the phrase ''manufacture or process''.
■ 26. Amend § 721.63 by:
■ a. Revising paragraphs (a) introductory text, (a)(4) and (a)(5) introductory text;
■ b. Adding paragraphs (a)(5)(xvi) through (a)(5)(li);
■ c. Revising paragraph (a)(6) introductory text;
■ d. Adding paragraphs (a)(6)(vii) through (a)(6)(ix), (a)(7) and (a)(8); and
■ e. Revising paragraph (c)(2).

The revisions and additions read as follows:

§ 721.63 Protection in the workplace.

(a) Whenever a substance is identified in subpart E of this part as being subject to this section, any manner or method of manufacturing (including importing) or processing associated with any use of the substance is considered a significant new use unless a program is established whereby:

* * * * *

(4) Each person who is reasonably likely to be exposed to the chemical substance by inhalation in the work area in one or more of the forms listed in paragraph (a)(6) of this section and cited in subpart E of this part for the chemical substance, is provided with, and is required to wear, at a minimum, a NIOSH-approved respirator from one of the categories listed in paragraph (a)(5) of this section, and the respirator is used in accordance with 29 CFR 1910.134 and 42 CFR part 84.

(5) The following NIOSH-certified respirators meet the requirements for paragraph (a)(4) of this section:

* * * * *

(xvi) NIOSH-certified N100 (if oil aerosols absent), R100, or P100 filtering facepiece respirator. (APF =10).

(xvii) NIOSH-certified air-purifying half-mask respirator equipped with N100 (if oil aerosols absent), R100, or P100 filters. (APF =10).

(xviii) NIOSH-certified air-purifying half mask respirator equipped with appropriate gas/vapor cartridges. (APF =10).

(xix) NIOSH-certified air-purifying half-mask respirator equipped with appropriate gas/vapor cartridges in combination with N100, R100, or P100 filters or an appropriate canister incorporating N100, R100, or P100 filters. (APF =10).

(xx) NIOSH-certified negative pressure (demand) supplied-air respirator equipped with a half-mask. (APF =10).

(xxi) NIOSH-certified negative pressure (demand) self-contained breathing apparatus (SCBA) equipped with a half mask. (APF =10).

(xxii) NIOSH-certified powered air-purifying respirator equipped with a hood or helmet and HEPA filters. (APF =25).

(xxiii) NIOSH-certified powered air-purifying respirator with a hood or helmet equipped with appropriate gas/vapor cartridges. (APF =25).

(xxiv) NIOSH-certified powered air-purifying respirator with a hood or helmet and with appropriate gas/vapor cartridges in combination with HEPA filters. (APF =25).

(xxv) NIOSH-certified powered air-purifying respirator equipped with a loose fitting facepiece and HEPA filters. (APF =25).

(xxvi) NIOSH-certified powered air-purifying respirator equipped with a loose fitting facepiece with appropriate gas/vapor cartridges. (APF =25).

(xxvii) NIOSH-certified powered air-purifying respirator equipped with a loose fitting facepiece with appropriate gas/vapor cartridges in combination with HEPA filters. (APF =25).

(xxviii) NIOSH-certified continuous flow supplied-air respirator equipped with a hood or helmet. (APF =25).

(xxix) NIOSH-certified continuous flow supplied-air respirator equipped with a loose fitting facepiece. (APF =25).

(xxx) NIOSH-certified air-purifying full facepiece respirator equipped with N100, R–100, or P–100 filter(s). (APF =50).

(xxxi) NIOSH-certified air-purifying full facepiece respirator equipped with appropriate gas/vapor cartridges or canisters. (APF =50).

(xxxii) NIOSH-certified air-purifying full facepiece respirator equipped with appropriate gas/vapor cartridges in combination with N100, R100, or P100 filters or an appropriate canister incorporating N100, R100, or P100 filters. (APF =50).

(xxxiii) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting half mask and HEPA filters. (APF =50).

(xxxiv) NIOSH-certified powered air-purifying respirator equipped with a tight-fitting half mask and appropriate gas/vapor cartridges or canisters. (APF =50).

(xxxv) NIOSH-certified powered air-purifying respirator with a tight-fitting half mask and appropriate gas/vapor cartridges in combination with HEPA filters. (APF =50).

(xxxvi) NIOSH-certified pressure-demand or other positive pressure mode supplied-air respirator equipped with a half-mask. (APF =50).

(xxxvii) NIOSH-certified negative pressure (demand) supplied-air respirator equipped with a full facepiece. (APF =50).

(xxxviii) NIOSH-certified continuous flow supplied-air respirator equipped with a tight-fitting half mask. (APF =50).

(xxxix) NIOSH-certified negative pressure (demand) self-contained breathing apparatus (SCBA) equipped with a hood or helmet or a full facepiece. (APF =50).

(xl) NIOSH-certified powered air purifying full facepiece respirator equipped with HEPA filters. (APF =1,000).

(xli) NIOSH-certified powered air purifying full facepiece respirator

equipped with appropriate gas/vapor cartridges. (APF =1,000).

(xlii) NIOSH-certified powered air purifying fill facepiece respirator equipped with appropriate gas/vapor cartridges in combination with HEPA filters. (APF =1,000).

(xliii) NIOSH-certified powered air-purifying respirator equipped with a hood or helmet and N100, R100, or P100 filters *with evidence demonstrating protection level of 1,000 or greater.* See 40 CFR 721.63(a)(5)(li). (APF =1,000).

(xliv) NIOSH-certified powered air-purifying respirator equipped with a hood or helmet and appropriate gas/vapor cartridges *with evidence demonstrating protection level of 1,000 or greater.* See 40 CFR 721.63(a)(5)(li). (APF =1,000).

(xlv) NIOSH-certified powered air-purifying respirator with a loose-fitting hood or helmet that is equipped with an appropriate gas/vapor cartridge in combination with HEPA filters *with evidence demonstrating protection level of 1,000 or greater.* See 40 CFR 721.63(a)(5)(li). (APF =1,000).

(xlvi) NIOSH-certified continuous flow supplied-air respirator equipped with a full facepiece. (APF =1,000).

(xlvii) NIOSH-certified continuous flow supplied-air respirator equipped with a hood or helmet *with evidence demonstrating protection level of 1,000 or greater.* See 40 CFR 721.63(a)(5)(li). (APF =1,000).

(xlviii) NIOSH-certified pressure-demand supplied-air respirator equipped with a full facepiece. (APF =1,000).

(xlix) NIOSH-certified pressure-demand or other positive-pressure mode (*e.g.,* open/closed circuit) self-contained breathing apparatus (SCBA) equipped with a hood or helmet or a full facepiece. (APF =10,000).

(l) If one of the respirators in paragraph (a)(5)(i) through (a)(5)(xv) is cited for a substance identified in subpart E an employer may substitute a respirator from paragraphs (a)(5)(xvi) through (a)(5)(xlix) as long as its assigned protection factor is equal to or greater than the respirator cited in subpart E for that substance.

(li) Without testing data that demonstrates a level of protection of 1,000 or greater, all air purifying respirators and supplied air respirators with helmets/hoods are to be treated as loose-fitting facepiece respirators with an APF of 25.

(6) When cited in subpart E of this part for a substance, the following airborne form(s) of the substance, in combination or alone, are referenced by paragraphs (a)(1) and (4) of this section:

* * * * *

(vii) Particulate or aerosol (solids or liquid droplets suspended in a gas, *e.g.,* dust, fume, mist, smoke).

(viii) Gas/vapor.

(ix) Combination particulate and gas/vapor (gas and liquid/solid physical forms are both present, *e.g.,* particulates and acid gases or particulates and organic vapors).

(7) Where people are reasonably likely to have dermal or eye exposure to the chemical substance in the work area, either through direct handling of the substance, or through contact with surfaces on which the substance may exist, or because the substance becomes airborne in the form listed in paragraph (a)(6) of this section, and the form is cited in subpart E of this part for the chemical substance, engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be implemented to prevent exposure, where feasible. Where engineering, work practice, and administrative controls are not feasible or dermal or eye exposure is still reasonably likely, each person who is reasonably likely to be exposed to the chemical substance by dermal or eye exposure must be provided with, and is required to wear, personal protective equipment (PPE) to prevent dermal or eye exposure to the substance. Refer to 29 CFR 1910.132 and 29 CFR 1910.133 for requirements on selection and use of PPE.

(8) Where each person who is reasonably likely to be exposed to the chemical substance by inhalation in the work area in one or more of the forms listed in paragraph (a)(6) of this section and cited in subpart E of this part for the chemical substance, engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. When engineering, work practice, and administrative controls are not feasible or inhalation exposure is still reasonably likely, each person who is reasonably likely to be exposed to the chemical substance by inhalation in the work area in one or more of the forms listed in paragraph (a)(6) of this section and cited in subpart E of this part for the chemical substance, must be provided with, and is required to wear, a NIOSH-certified respirator from one of the categories listed in paragraph (a)(5) of this section. Refer to 29 CFR 1910.134 and 42 CFR part 84 for requirements on the selection, use, and maintenance of respirators, including establishing respiratory protection program, medical determination, and other administrative and programmatic requirements for respiratory protection.

* * * * *

(c) * * *

(2) If, after receiving a statement of assurance from a recipient under paragraph (c)(1)(ii) of this section, a manufacturer or processor has knowledge that the recipient is engaging in an activity that is not consistent with the implementation of the program specified in paragraph (a) of this section, that person is considered to have knowledge that the person is engaging in a significant new use and is required to follow the procedures in § 721.5(d).

■ 27. Amend § 721.72 by:

■ a. Revising the introductory text;

■ b. Revising paragraphs (a) introductory text and (a)(1);

■ c. Revising paragraphs (b)(5), (c)(5), (c)(7) and (c)(9);

■ d. Revising paragraphs (g)(1) and (2);

■ e. Revising paragraphs (g)(3)(i) through (g)(3)(ii) and adding paragraph (g)(3)(iii);

■ f. Revising paragraphs (g)(4)(i) through (g)(4)(iii) and adding paragraph (g)(4)(iv);

■ g. Revising paragraphs (h)(1)(ii), (h)(1)(iii)(A) through (h)(1)(iii)(E) and adding paragraphs (h)(1)(iii)(F) through (h)(1)(iii)(H);

■ h. Revising paragraphs (h)(1)(iv), (h)(1)(v)(A) through (h)(1)(v)(C) and adding paragraph (h)(1)(v)(D);

■ i. Revising paragraphs (h)(2)(ii), (h)(2)(iii) and (h)(2)(iv);

■ j. Revising paragraphs (h)(2)(v)(A) through (h)(2)(v)(C) and adding paragraph (h)(2)(v)(D);

■ k. Adding paragraphs (i) and (j).

The additions and revisions as follows:

§ 721.72 Hazard communication program.

Whenever a substance is identified in subpart E of this part as being subject to this section, a significant new use of that substance is any manner or method of manufacture (including import) or processing associated with any use of that substance without establishing a hazard communication program as described in this section. Paragraphs (a) through (h) of this section apply to SNURs issued July 5, 2022. Paragraphs (i) and (j) of his section apply to SNURs issued on or after July 5, 2022. Any person subject to the requirements of paragraphs (a) through (h) of this section have the option of following the requirements of paragraph (i) of this section or using the statements specified in paragraphs (g) or (h) of this section.

(a) *Written hazard communication program.* Each employer shall develop and implement a written hazard communication program for the substance in each workplace. The written program will, at a minimum, describe how the requirements of this section for labels, SDSs, and other forms of warning material will be satisfied. The employer must make the written hazard communication program available, upon request, to all employees, contractor employees, and their designated representatives. The employer may rely on an existing hazard communication program, including an existing program established under the Occupational Health and Safety Administration (OSHA) Hazard Communication Standard in 29 CFR 1910.1200 of 2012 to comply with this paragraph provided that the existing hazard communication program satisfies the requirements of this paragraph. The written program shall include the following:

(1) A list of each substance identified in subpart E of this part as subject to this section known to be present in the work area. The list must be maintained in the work area and must use the identity provided on the appropriate SDS for each substance required under paragraph (c) of this section. The list may be compiled for the workplace or for individual work areas.

* * * * *

(b) * * *

(5) If the label or alternative form of warning is to be applied to a mixture containing a substance identified in subpart E of this part as subject to this section in combination with another substance identified in subpart E of this part and/or a substance defined as a ''hazardous chemical'' under the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 CFR 1910.1200), the employer may prescribe on the label, SDS, or alternative form of warning, the measures to control worker exposure or environmental release which the employer determines provide the greatest degree of protection. However, should these control measures differ from the applicable measures required under subpart E of this part, the employer must seek a determination of equivalency for such alternative control measures pursuant to § 721.30 before prescribing them under this paragraph (b)(5).

* * * * *

(c) * * *

(5) If the employer becomes aware of any significant new information regarding the hazards of the substance or ways to protect against the hazards, this new information must be added to the SDS within 3 months from the time the employer becomes aware of the new information. If the substance is not currently being manufactured, processed, or used in the employer's workplace, the employer must add the new information to the SDS before the substance is reintroduced into the workplace.

* * * * *

(7) The employer must maintain a copy of the SDS in its workplace, and must ensure that it is readily accessible during each work shift to employees when they are in their work areas. (Easy and immediate electronic access and other alternatives to maintaining paper copies of the safety data sheets are permitted as long as complete and accurate versions of the SDS are available immediately to employees in each workplace by such options.)

* * * * *

(9) The SDS must be in English; however, the information may be repeated in other languages.

* * * * *

(g) * * *

(1) Human health hazard statements:

(i) Causes skin irritation.

(ii) Respiratory complications. (You may also use paragraph (g)(1)(x) of this section for this designation.).

(iii) Central nervous system effects. (You may also use paragraph (g)(1)(xi) of this section for this designation but you must include this specific effect.)

(iv) Internal organ effects. (You may also use paragraph (g)(1)(xi) of this section for this designation.)

(v) Birth defects. (You may also use paragraph (g)(1)(xii) of this section for this designation but you must include this specific effect.)

(vi) Reproductive effects. (You may also use paragraph (g)(1)(xii) of this section for this designation but you must include this specific effect.)

(vii) May cause cancer.

(viii) Immune system effects. (You may also use paragraph (g)(1)(xi) of this section for this designation but you must include this specific effect.)

(ix) Developmental effects. (You may also use paragraph (g)(1)(xii) of this section for this designation but you must include this specific effect.)

(x) May cause allergy or asthma symptoms or breathing difficulties if inhaled.

(xi) May cause damage to organs (state all organs identified in subpart E of this part for this substance) through prolonged or repeated exposure.

(xii) May damage fertility or the unborn child (state specific effect identified in subpart E of this part for this substance).

(xiii) May cause an allergic skin reaction.

(xiv) Causes eye irritation.

(2) Human health hazard precautionary statements:

(i) Avoid skin contact. (You may also use paragraph (g)(2)(vi) of this section for this designation.)

(ii) Avoid breathing substance. (You may also use paragraph (g)(2)(viii) of this section for this designation.)

(iii) Avoid ingestion.

(iv) Use respiratory protection. (You may also use paragraph (g)(2)(vii) of this section for this designation.)

(v) Use skin protection. (You may also use paragraph (g)(2)(vi) of this section for this designation.)

(vi) Wear protective gloves/protective clothing/eye protection/face protection. (Chemical manufacturer or distributor to specify type of equipment, as required.)

(vii) Wear respiratory protection. (Chemical manufacturer or distributor to specify equipment as required.)

(viii) Avoid breathing dust/fume/gas/mist/vapors/spray. (Chemical manufacturer or distributor to specify applicable conditions.)

(3) * * *

(i) Toxic to fish. (You may also use paragraph (g)(3)(iii) of this section for this designation.)

(ii) Toxic to aquatic organisms. (You may also use paragraph (g)(3)(iii) of this section for this designation.)

(iii) Toxic to aquatic life.

(4) * * *

(i) Disposal restrictions apply. (You may also use paragraph (g)(4)(iv) of this section for this designation.)

(ii) Spill clean-up restrictions apply. (You may also use paragraph (g)(4)(iv) of this section for this designation.)

(iii) Do not release to water. (You may also use paragraph (g)(4)(iv) of this section for this designation.)

(iv) Dispose of contents/container to . . . (Specify disposal requirements in subpart E of this part and whether they apply to contents, container or both.)

* * * * *

(h) * * *

(ii) *Human health hazard statements.* (A) Causes skin irritation.

(B) Respiratory complications. (You may also use paragraph (h)(1)(ii)(J) of this section for this designation.)

(C) Central nervous system effects. (You may also use paragraph (h)(1)(ii)(K) of this section for this designation but you must include this specific effect.)

(D) Internal organ effects. (You may also use paragraph (h)(1)(ii)(K) of this section for this designation.)

(E) Birth defects. (You may also use paragraph (h)(1)(ii)(L) of this section for this designation but you must include this specific effect.)

(F) Reproductive effects. (You may also use paragraph (h)(1)(ii)(L) of this section for this designation but you must include this specific effect.)

(G) Cancer.

(H) Immune system effects. (You may also use paragraph (h)(1)(ii)(K) of this section for this designation but you must include this specific effect.)

(I) Developmental effects. (You may also use paragraph (h)(1)(ii)(L) of this section for this designation but you must include this specific effect.)

(J) May cause allergy or asthma symptoms or breathing difficulties if inhaled.

(K) May cause damage to organs (state all organs identified in subpart E of this part for this substance) through prolonged or repeated exposure.

(L) May damage fertility or the unborn child (state specific effect identified in subpart E of this part for this substance).

(M) May cause an allergic skin reaction.

(N) Causes eye irritation.

(iii) *Human health hazard precautionary statements.* (A) Avoid skin contact. (You may also use paragraph (h)(1)(iii)(F) of this section for this designation.)

(B) Avoid breathing substance. (You may also use paragraph (h)(1)(iii)(H) of this section for this designation.)

(C) Avoid ingestion.

(D) Use respiratory protection. (You may also use paragraph (h)(1)(iii)(G) of this section for this designation.)

(E) Use skin protection. (You may also use paragraph (h)(1)(iii)(F) of this section for this designation.)

(F) Wear protective gloves/protective clothing/eye protection/face protection. (Chemical manufacturer or distributor to specify type of equipment, as required.)

(G) Wear respiratory protection. (Chemical manufacturer or distributor to specify equipment as required.)

(H) Avoid breathing dust/fume/gas/mist/vapors/spray. (Chemical manufacturer or distributor to specify applicable conditions.)

(iv) *Environmental hazard statements.* (A) Toxic to fish. (You may also use paragraph (h)(1)(iv)(C) of this section for this designation.)

(B) Toxic to aquatic organisms. (You may also use paragraph (h)(1)(iv)(C) of this section for this designation.)

(C) Toxic to aquatic life.

(v) *Environmental hazard precautionary statements.* Notice to Users:

(A) Disposal restrictions apply. (You may also use paragraph (h)(1)(v)(D) of this section for this designation)

(B) Spill clean-up restrictions apply. (You may also use paragraph (h)(1)(v)(D) of this section for this designation)

(C) Do not release to water. (You may also use paragraph (h)(1)(v)(D) of this section for this designation.)

(D) Dispose of contents/container to . . . (Specify disposal requirements in subpart E of this part and whether they apply to contents, container or both.)

* * * * *

(2) * * *

(ii) *Human health hazard statements.* (A) Causes skin irritation.

(B) Respiratory complications. (You may also use paragraph (h)(2)(ii)(J) of this section for this designation.)

(C) Central nervous system effects. (You may also use paragraph (h)(2)(ii)(K) of this section for this designation but you must include this specific effect.)

(D) Internal organ effects. (You may also use paragraph (h)(2)(ii)(K) of this section for this designation.)

(E) Birth defects. (You may also use paragraph (h)(2)(ii)(L) of this section for this designation but you must include this specific effect.)

(F) Reproductive effects. (You may also use paragraph (h)(2)(ii)(L) of this section for this designation but you must include this specific effect.)

(G) May cause cancer.

(H) Immune system effects. (You may also use paragraph (h)(2)(ii)(K) of this section for this designation but you must include this specific effect.)

(I) Developmental effects. (You may also use paragraph (h)(2)(ii)(L) of this section for this designation but you must include this specific effect.)

(J) May cause allergy or asthma symptoms or breathing difficulties if inhaled.

(K) May cause damage to organs (state all organs identified in subpart E of this part for this substance.) through prolonged or repeated exposure.

(L) May damage fertility or the unborn child (state specific effect identified in subpart E of this part for this substance).

(M) May cause an allergic skin reaction.

(N) Causes eye irritation.

(iii) *Human health hazard precautionary statements.* (A) Avoid skin contact. (You may also use paragraph (h)(2)(iii)(F) of this section for this designation.)

(B) Avoid breathing substance. (You may also use paragraph (h)(2)(iii)(H) of this section for this designation.)

(C) Avoid ingestion.

(D) Use respiratory protection. (You may also use paragraph (h)(2)(iii)(G) of this section for this designation.)

(E) Use skin protection. (You may also use paragraph (h)(2)(iii)(F) of this section for this designation.)

(F) Wear protective gloves/protective clothing/eye protection/face protection. (Chemical manufacturer or distributor to specify type of equipment, as required.)

(G) Wear respiratory protection. (Chemical manufacturer or distributor to specify equipment as required.)

(H) Avoid breathing dust/fume/gas/mist/vapors/spray. (Chemical manufacturer or distributor to specify applicable conditions.)

(iv) *Environmental hazard statements.* (A) Toxic to fish. (You may also use paragraph (h)(2)(iv)(C) of this section for this designation.)

(B) Toxic to aquatic organisms. (You may also use paragraph (h)(2)(iv)(C) of this section for this designation.)

(C) Toxic to aquatic life.

(v) *Environmental hazard precautionary statements.* Notice to Users:

(A) Disposal restrictions apply. (You may also use paragraph (h)(2)(v)(D) of this section for this designation.)

(B) Spill clean-up restrictions apply. (You may also use paragraph (h)(2)(v)(D) of this section for this designation.)

(C) Do not release to water. (You may also use paragraph (h)(2)(v)(D) of this section for this designation.)

(D) Dispose of contents/container to . . . (Specify disposal requirements in subpart E of this part and whether they apply to contents, container or both.)

(i) *Written hazard communication program.* Each employer shall develop and implement a written hazard communication program for the substance in each workplace in accordance with 29 CFR 1910.1200.

(j) *Human health, environmental hazard, exposure, and precautionary statements.* In addition to the requirements for the hazard communication program specified in paragraph (i) of this section, whenever referenced in subpart E of this part for a substance, the following human health and environmental hazard, exposure, and precautionary statements shall appear as specified in paragraph (i) of this section.

(1) Human health hazard statements:

(i) Causes skin irritation.

(ii) May cause cancer.

(iii) Immune system effects.

(iv) Developmental effects.

(v) May cause allergy or asthma symptoms or breathing difficulties if inhaled.

(vi) May cause damage to organs (state all organs identified in subpart E of this part for this substance) through prolonged or repeated exposure.

(vii) May damage fertility or the unborn child (state specific effect identified in subpart E of this part for this substance).

(viii) May cause an allergic skin reaction.

(ix) Causes eye irritation.

(2) Human health hazard precautionary statements:

(i) Avoid ingestion.

(ii) Wear protective gloves/protective clothing/eye protection/face protection.

(Chemical manufacturer or distributor to specify type of equipment, as required.)

(iii) Wear respiratory protection. (Chemical manufacturer or distributor to specify equipment as required.)

(iv) Avoid breathing dust/fume/gas/mist/vapors/spray. (Chemical manufacturer or distributor to specify applicable conditions.)

(3) Environmental hazard statements: This substance may be:

(i) Toxic to aquatic life.

(ii) Very toxic to aquatic life.

(iii) Harmful to aquatic life.

(iv) Very toxic to aquatic life with long term effects.

(v) Toxic to aquatic life with long lasting effects.

(vi) Harmful to aquatic life with long lasting effects.

(vii) May cause long lasting harmful effects to aquatic life.

(4) Environmental hazard precautionary statements: Notice to users:

(i) Avoid release to the environment (if this is not the intended use.)

(ii) Collect spillage.

(iii) Dispose of contents/container to . . . (Specify disposal requirements in subpart E of this part and whether they apply to contents, container or both.)

§ 721.80 [Amended]

■ 28. Amend § 721.80 by:

■ a. Removing the phrases ''or import'', ''and importation'' and ''or importer'' wherever they appear;

■ b. In paragraphs (p), (r), (s), (t) and (u) removing the word ''manufacture'' and adding in its place the word ''manufacturing''.

§ 721.85 [Amended]

■ 29. Amend § 721.85 by removing the word ''supercede'' wherever it appears and adding in its place ''supersede''.

■ 30. Amend § 721.91 by revising the introductory text and adding paragraph (a)(7) to read as follows:

§ 721.91 Computation of estimated surface water concentrations: Instructions.

These instructions describe the use of the equation specified in § 721.90(a)(4), (b)(4), and (c)(4) to compute estimated surface water concentrations which will result from release of a substance identified in subpart E of this part. The equation shall be computed for each site using the stream flow rate appropriate for the site according to paragraph (b) of this section, and the highest number of kilograms calculated to be released for that site on a given day according to paragraph (a) of this section. Two variables shall be considered in computing the equation, the number of kilograms released, and receiving stream flow.

(a) * * *

(7) When a substance is designated in subpart E of this part with a specific control technology and a percentage removal of the substance from wastewater resulting from use of the specified control technology, you may subtract that percentage from the highest expected daily release if that control technology is applied.

* * * * *

§ 721.100 [Amended]

■ 31. In § 721.100, remove the phrase ''manufacturers, importers, and processors'' and add in its place ''manufacturers and processors''.

■ 32. Amend § 721.125 by revising the introductory text, and paragraphs (a), (c) and (j) to read as follows:

§ 721.125 Recordkeeping requirements.

At the time EPA adds a substance to subpart E of this part, EPA will specify appropriate recordkeeping requirements which correspond to the significant new use designations for the substance selected from subpart B of this part. Each manufacturer and processor of the substance shall maintain the records for 5 years from the date of their creation. In addition to the records specified in § 721.40, the records whose maintenance this section requires may include the following:

(a) Records documenting the manufacturing volume of the substance and the corresponding dates of manufacture.

* * * * *

(c) Records documenting the names and addresses (including shipment destination address, if different) of all persons outside the site of manufacture or processing to whom the manufacturer or processor directly sells or transfers the substance, the date of each sale or transfer, and the quantity of the substance sold or transferred on such date.

* * * * *

(j) Records documenting compliance with any applicable disposal requirements under § 721.85, including the method of disposal, location of disposal sites, dates of disposal, and volume of the substance disposed. Where the estimated disposal volume is not known to or reasonably ascertainable by the manufacturer or processor, that person must maintain other records which demonstrate establishment and implementation of a program that ensures compliance with any applicable disposal requirements.

* * * * *

§ 721.160 [Amended]

■ 33. Amend § 721.160 by:

■ a. In paragraph (a)(1) removing the phrase ''and import''.

■ b. In paragraph (a)(2) removing the phrase ''or import''.

PART 723—PREMANUFACTURE NOTIFICATION EXEMPTIONS

■ 34. The authority citation for part 723 continues to read as follows:

Authority: 15 U.S.C. 2604.

■ 35. Amend § 723. by:

■ a. Revising paragraph (a)(1) introductory text; and

■ b. Revising paragraph (e)(2)(xi)(A); and adding paragraph (e)(2)(xiii).

The revisions and addition read as follows:

§ 723.50 Chemical substances manufactured in quantities of 10,000 kilograms or less per year, and chemical substances with low environmental releases and human exposures

(a) * * * (1) This section grants an exemption from the premanufacture notice requirements of section 5(a)(1)(A) of the Toxic Substances Control Act (15 U.S.C. 2604(a)(1)(A)) for the manufacture of:

* * * * *

(e) * * *

(2) * * *

(xi) * * *

(A) The manufacturer intends to manufacture the new chemical substance for commercial purposes, other than in small quantities solely for research and development, under the terms of this section.

* * * * *

(xiii) Safety Data Sheet (§ 720.45(i)).

* * * * *

§ 723.250 [Amended]

■ 36. Amend § 723.250 as follows:

■ a. In table 1 to paragraph (e)(3) in the first note removing the phrase ''composition, complex'' and adding in its place ''composition, complex''.

■ b. In paragraph (j)(1), removing the phrase ''or import''.

[FR Doc. 2022–13324 Filed 7–1–22; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[PS Docket No. 20–187; FCC 22–36; FR ID 92978]

Review of Rules and Requirements for Priority Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) adopts changes to its priority services rules to reflect today's marketplace and governance framework and to explicitly authorize the prioritization of IP-based technologies. Specifically, it removes outdated language that may cause confusion or otherwise impede the use of IP-based technologies to support the provision of priority services for voice, data, and video communications. The Commission also amends the rules to reflect the current framework for administration of priority services by the Department of Homeland Security while eliminating burdensome and unnecessary requirements on service providers.

DATES: The final rule is effective August 4, 2022.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Chris Smeenk, Attorney Advisor, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau, at (202) 418–1630 or *Chris.Smeenk@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is summary of the Commission's Report and Order, PS Docket No. 20–187; FCC 22–36, adopted on May 19, 2022, and released on May 20, 2022. The full text of this document is available at *https://www.fcc.gov/document/fcc-modernizes-and-improves-its-priority-services-rules-0.* To request this document in accessible formats for people with disabilities (*e.g.,* Braille, large print, electronic files, audio format, etc.) or to request reasonable accommodations (*e.g.,* accessible format documents, sign language interpreters, CART, etc.), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act: This document does not contain new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Congressional Review Act: The Commission believes, and the Administrator of the Office of Information and Regulatory Affairs, OMB, concurs that these rules are non-major. As such, the rules are non-major under the Congressional Review Act, U.S.C. 804(2). The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Synopsis

I. Introduction

1. In this Report and Order, we update and streamline the Commission's priority services rules. These rules enable National Security and Emergency Preparedness (NSEP) personnel to obtain prioritized connectivity during emergency situations by authorizing prioritized provisioning and restoration of communications facilities and prioritized network access for wireless communications. The priority services programs are used to ''maintain a state of readiness [and] to respond to and manage any event or crisis . . . [that] degrades or threatens the NSEP posture of the United States.''

2. The priority services rules have long been in need of an update to account for changes in technology. The Commission's current rules date back to the establishment of the Telecommunications Service Priority (TSP) System in 1988 and the creation of the Priority Access Service (PAS), more commonly referred to as Wireless Priority Service (WPS), in 2000. These rules were originally developed when communications networks were primarily based on circuit-switched technologies. As such, the rules do not address the advanced capabilities of next-generation communications technologies that support data and voice services, or the ability of users at different priority levels to share network capacity and resources.

3. In this Report and Order, we update our priority services rules to reflect today's marketplace and governance framework and to authorize explicitly the prioritization of next-generation technology. Specifically, we remove outdated language that may cause confusion or otherwise impede the use of next-generation technologies to support the provision of priority services for voice, data, and video communications. We also amend the rules to reflect the current framework for administration of priority services by the Department of Homeland Security (DHS) while eliminating burdensome and unnecessary requirements on service providers. These changes will reduce regulatory burdens and make our rules flexible enough to accommodate changing administrative requirements and technological advances related to the priority services programs.

II. Background

4. For years, NSEP personnel have had access to priority services programs that support national command, control, and communications by providing prioritized connectivity over commercial communications infrastructure during national emergencies. Three specific programs support prioritized connectivity for NSEP users of telecommunications services: (1) TSP, (2) WPS, and (3) Government Emergency Telecommunications Service (GETS), which provides prioritization through the Public Switched Telephone Network. All three programs are administered by DHS's Cybersecurity and Infrastructure Security Agency (CISA). However, the Commission's rules only apply to TSP and WPS, while GETS operates solely via contractual arrangements between DHS and service providers.

5. TSP. The Commission's TSP rules require certain service providers to prioritize the provisioning and restoration of communications facilities to ''ensure effective NSEP telecommunication services.'' The TSP rules apply, on a mandatory basis, to common carrier services and ''services which are provided by government and/or non-common carriers and are interconnected to common carrier services.'' Service providers that are covered by the mandatory TSP rules must ''maintain and provision and, if disrupted, restore facilities and services'' in accordance with the prioritization levels outlined in the TSP rules. The Commission designed the TSP System to provide ''a means by which carriers may provide priority provisioning or restoration service to a user without violating the unreasonable preference prohibition of Title II of the Communications Act.'' The TSP System ''allows the assignment of priority levels to any NSEP service'' across three time periods, or stress conditions: (1) Peacetime/Crisis/Mobilizations; (2) Attack/War; and (3) Post-Attack/Recovery. There are more than 2,000 organizations enrolled in TSP (*e.g.,*

military bases, federal agencies, hospitals) covering approximately 365,000 active circuits. Costs associated with TSP are governed by tariff or contract and TSP users may be responsible for one-time setup fees and monthly charges, in addition to the actual charges related to provisioning and restoration of the service. The Commission's TSP rules have not been substantively updated since they were initially adopted in 1988.

6. WPS. The Commission's WPS rules permit, but do not require, commercial mobile radio service (CMRS) providers to offer mobile wireless priority services. If a service provider elects to offer WPS, it must comply with the Commission's WPS rules, which establish the following five priority levels (ordered from highest to lowest): (1) Executive Leadership and Policy Makers; (2) Disaster Response/Military Command and Control; (3) Public Health, Safety and Law Enforcement Command; (4) Public Services/Utilities and Public Welfare; and (5) Disaster Recovery. WPS is provided on an individual-device basis, with users initiating wireless priority calls by entering a specified feature code for each call in order to activate priority treatment for that call. WPS users are responsible for commercial wireless subscription and equipment costs. One of the driving forces behind the FCC's decision to codify WPS rules was a concern that, in the absence of such rules, a service provider's decision to give NSEP users priority treatment might be considered a violation of the Act's non-discrimination provisions. There are more than 606,000 authorized WPS users across the U.S. and U.S. territories. The Commission's WPS rules have not been updated since they were initially adopted in 2000.

7. Developments Since the Commission's Initial Adoption of the Priority Services Rules. Both the telecommunications marketplace and the administrative framework of the priority services programs have evolved since the Commission adopted its priority services rules. Consumers are increasingly moving away from legacy telephone services that rely on traditional time-division multiplexing technology, and toward internet Protocol (IP)-based and next-generation services. Incumbent local exchange carriers are increasingly retiring copper facilities and replacing them with fiber and wireless spectrum-based technology that provides greater capacity and flexibility to support advanced communications services. The Commission has actively supported the transition from legacy networks to next-generation networks, and it has taken measures to reduce regulatory barriers to this transition.

8. While the transition from legacy network technology to IP-based technologies promises greater innovation, including for priority services programs, it may pose transitional challenges for NSEP communications that historically have relied on functionality found in legacy technologies. As carriers replace their legacy systems with new technologies and platforms, some of the features in priority services programs that were designed to be used on legacy systems will be more difficult and costly to maintain and ultimately could be rendered inoperable. The Government Accountability Office has observed that it is a ''challenge . . . that IP networks may not support existing telecommunications 'priority' services, which allow key government and public-safety officials to communicate during times of crisis.'' Availability of priority services only on those traditional voice networks may hamper the ability of NSEP personnel to make effective use of cutting edge emergency response tools that rely on IP-supported data network availability.

9. Federal Agency Administration/Oversight of Priority Services Programs. Three agencies are primarily responsible for the oversight and administration of priority services programs—DHS, the Executive Office of the President (EOP), and the FCC. DHS is responsible for ''oversee[ing] the development, testing, implementation, and sustainment of NS/EP communications,'' including the priority services programs. DHS also maintains a Joint Program Office that is responsible for ''coordination of programs that support NS/EP missions, priorities, goals, and policy.'' DHS assists organizations with the enrollment process and issues TSP authorization codes. DHS also manages WPS through contract and reimbursement mechanisms. EOP is responsible for ''[p]olicy coordination, guidance, dispute resolution, and periodic in-progress reviews'' of NSEP telecommunications functions. Within EOP, the Office of Science and Technology Policy ''advise[s] the President on prioritization of radio spectrum and wired communications that support NS/EP functions'' and ''issue[s] an annual memorandum . . . highlighting national priorities for . . . analyses, studies, research, and development regarding NS/EP communications.'' The FCC, through the Public Safety and Homeland Security Bureau, works with DHS to ensure the priority services programs operate effectively and efficiently. The Commission supports DHS in the ''operation and restoration of critical communications systems and services'' by providing information on communications infrastructure, service outages, and restoration.

10. Notice of Proposed Rulemaking to Update the TSP and WPS Rules. In July 2020, the Commission adopted a Notice of Proposed Rulemaking (NPRM) proposing to modernize its priority services rules to cover priority treatment of voice, data, and video services for emergency personnel. The NPRM followed two petitions that the National Telecommunications and Information Administration (NTIA) filed on behalf of DHS—one in July 2018 and another in July 2019—which asked the Commission to update its TSP and WPS rules to reflect the current operations of the programs, incorporate the current Executive Branch governance structure, and address changes in technology and evolving user needs. The Bureau sought comment on both petitions via public notice.

11. In the NPRM, the Commission proposed to update its priority services rules in several key respects. First, it proposed to extend the rules to cover data, video, and IP-based voice services for NSEP personnel. Second, it proposed to streamline the rules by removing outdated requirements that may impede the use of IP-based technologies. Third, it proposed to amend the rules to reflect current administrative responsibilities for the priority services programs, while eliminating burdensome and unnecessary administrative requirements. We received nine comments and two reply comments in response to the NPRM. In addition, CISA and the First Responder Network Authority (FirstNet) submitted ex parte comments in December 2020. The comments generally express support for updating our priority services rules as proposed in the NPRM to reflect today's marketplace and governance framework and to account for next-generation communications technology.

III. Discussion

12. Today, we update and streamline our priority services rules, as proposed in the NPRM, with certain modifications. First, we adopt changes that apply to both TSP and WPS, such as updating the Commission's responsibilities for the priority services programs and clarifying that service providers are authorized to offer prioritization of next-generation services and technologies, including IP-based voice, data, and video communications.

Second, we adopt specific changes that apply only to TSP or WPS. In the TSP rules, we expand the list of services that are eligible for priority treatment and clarify the timing and level of effort required for provisioning and restoring service. In the WPS rules, we clarify the operation of the priority levels and expand both the types of services and the groups of users that are eligible for WPS. As explained below, we find that these changes will substantially increase the benefits to NSEP users and public safety while reducing the regulatory costs imposed on providers of priority services.

A. Changes to Priority Services Rules

13. As noted above, the Commission's priority services rules have not been substantively updated since they were initially adopted, which has resulted in many provisions becoming outdated. In this section, we adopt proposals from the NPRM to modernize both our TSP and WPS rules to ensure they reflect current terminology, legal authorities, and administrative practices.

14. Program Administration. We adopt the NPRM proposal to amend our rules to reflect current responsibilities for administering the priority services programs. The roles and responsibilities of some federal agencies have shifted since these rules were originally adopted. Likewise, we find that service providers and NSEP users, as well as other federal agencies, will benefit from a description of the Commission's own responsibilities for the programs. Accordingly, we adopt the NPRM proposal, with minor revisions, to add the following language to part 64, Appendix A and Appendix B:

The FCC: Performs such functions as are required by law, including: (a) with respect to all entities licensed or regulated by the FCC: the extension of or change in network facilities; the discontinuance, reduction, or impairment of interstate services; the control of common carrier rates, charges, practices, and classifications; the construction, authorization, activation, deactivation, or closing of radio stations, services, and facilities; the assignment of radio frequencies to licensees; the investigation of violations of FCC rules; and the assessment of communications service provider emergency needs and resources; and (b) supports the continuous operation and restoration of critical communications systems and services by assisting the Secretary of Homeland Security with infrastructure damage assessment and restoration, and by providing the Secretary of Homeland Security with information collected by the FCC on communications infrastructure, service outages, and restoration, as appropriate.

15. We also adopt the NPRM proposal to eliminate the provisions of part 64, Appendix A and Appendix B that describe the responsibilities of the Executive Office of the President (EOP) for the priority services programs. As noted in the NPRM, many of these responsibilities have since been transferred to other federal agencies, particularly DHS. In addition, while DHS and EOP have important responsibilities related to the priority services programs, we find it unnecessary to describe their functions in our rules.

16. Commenters generally support removing portions of the rules that describe EOP's responsibilities because Executive Order 13618 transferred most of EOP's functions to other federal agencies. CISA is the only commenter that opposes this change, contending that because EOP ''retains immense WPS-related responsibilities'' and has significant influence over TSP and WPS, the Commission's rules should continue to describe EOP's responsibilities. We agree with the majority of commenters that such description is unnecessary because EOP, DHS, and other Executive Branch agencies derive their legal authority from statutes and executive orders—not the Commission's rules. Thus, removing these references from our rules will have no legal or practical impact on the ability of these agencies to perform their functions. In addition, specific Executive Branch agency responsibilities for priority services could change in the future, in which case any codification of these responsibilities in our rules would become outdated and require further action by the Commission to update the rules.

17. We also amend Appendix A and Appendix B to reflect the actual, current administrative responsibilities and functions for the TSP and WPS programs, consistent with our proposal in the NPRM. Commenters generally oppose including rules that would require service providers to comply with ''supplemental regulations and procedures'' established by DHS. For example, CTIA asserts that such language could allow DHS to retroactively alter contracts, which, in turn, could ''disrupt the contractual bargaining dynamic'' between DHS and service providers. Verizon and T-Mobile argue that ''without more explicit limitations on DHS's discretion,'' such requirements ''could risk undermining the Commission's intended light regulatory touch . . . as well as service providers' and DHS's flexibility to address novel technical issues.'' Commenters also argue that the proposed language could violate the Administrative Procedure Act by ''subjecting participating providers to changing obligations without an opportunity for notice and comment.''

18. We adopt a dual approach in our modifications of the TSP and WPS rules that reflects differences in the underlying programs. We amend our TSP rules (Appendix A, section 5, as amended) by replacing the references to EOP with DHS and modifying the terminology to indicate that DHS issues ''policies'' rather than ''regulations'' for TSP. However, we delete the corresponding provision in the WPS rules (Appendix B, section 3). We believe this dual approach is appropriate given the differing administrative frameworks governing TSP and WPS. For TSP, DHS uses supplemental documents, including an Operations Guide and Service Vendor Handbook, to outline the specific processes and procedures that TSP providers must follow. However, DHS does not use these supplemental documents for WPS, but rather, outlines specific policies and procedures in its contractual arrangements with service providers.

19. We do not agree with commenters who contend that the updated TSP rule would undermine the flexibility of service providers and DHS to address novel issues. The underlying rule has existed since the TSP rules were initially adopted and there is no indication in the record that it has led to imposition of unreasonable requirements on service providers or otherwise negatively impacted the program. Moreover, the rule only obligates TSP users and service providers to comply with DHS policies and procedures that are ''consistent with'' Appendix A. In the unlikely event that DHS were to issue policies and procedures that are inconsistent with Appendix A, the rule does not obligate TSP users to comply with them. Similarly, we do not believe the amended rule violates the APA because (1) the DHS policies and procedures are largely administrative in nature; and (2) if DHS were to issue substantive rules without notice and comment, our rule does not constrain TSP participants from challenging such rules on APA grounds.

20. Terminology. Consistent with our expansion of the priority services rules to encompass IP-based services, discussed below, we adopt our proposal to amend Appendix A and Appendix B, where appropriate, to include these new services and technologies. First, we replace certain references to ''telecommunications services'' with ''National Security Emergency Preparedness (NSEP) services,'' a

broader term that we define to include both telecommunications services and all IP-based services. We adopt the NPRM proposal to amend the definition of ''NSEP services'' in Appendix A as follows:

> Telecommunications services or internet Protocol-based services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international), which causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NSEP posture of the United States. These services fall into two specific categories, Emergency NSEP and Essential NSEP, and are assigned priority levels pursuant to section 8 of this appendix.

We also adopt the same definition for ''NSEP services'' in Appendix B, except for the last sentence, which is specific to TSP. Further, we define the phrase ''internet Protocol (IP)-based services,'' as used in the definition of ''NSEP services'' as: ''services and applications that feature digital communications capabilities and which generally use the internet Protocol.'' These changes will ensure that the Commission's rules account for current service offerings and other technologies that may someday qualify for priority treatment. As discussed more fully below, commenters support updating our priority services rules to expand the scope of the services that are eligible for priority treatment.

B. Changes to Telecommunications Service Priority Rules

21. In this section, we adopt many of the proposed and requested amendments to the Commission's TSP rules in part 64, Appendix A. Specifically, we (1) eliminate certain outdated references; (2) expand the list of services that are eligible for priority treatment; (3) update the rules to reflect current oversight practices; (4) expand the scope of federal employees authorized to invoke priority treatment; (5) adopt rules to enhance the protection of TSP data; and (6) clarify the timing and level of effort for provisioning and restoring service. Finally, we decline to amend our rules to require service providers to report provisioning and restoration times to DHS.

22. Outdated Provisions. As a result of the changes that have occurred since the TSP rules were initially adopted, some provisions of the rules have become outdated and unnecessary. To address this issue, we eliminate section 2 of part 64, Appendix A, which outlines requirements governing the migration of circuits from the legacy Restoration Priority program and mandating the continuation of certain Commission orders pending the implementation of the TSP program. We also eliminate section 10 of Appendix A, which specifies procedures for the resubmission of circuits that were assigned restoration priorities before the Commission adopted the TSP rules. Commenters support these changes.

23. Eligible Services. We adopt our proposal to maintain the current requirement that common carriers must offer prioritized restoration and provisioning of circuit-switched voice communication services. We also adopt the NPRM proposal to amend our rules to make clear that service providers may offer, on a voluntary basis, prioritized provisioning and restoration of data, video, and IP-based voice services. As originally drafted, the TSP rules were intended as a regulatory carveout to allow common carriers to provide telecommunications services, which would ordinarily be subject to the non-discrimination requirements of Section 202, on a prioritized basis. As such, the rules make no mention of the wide array of innovative service offerings that are currently available to NSEP personnel. This rule change makes clear that neither the Commission's rules nor the Communications Act preclude TSP providers from offering priority treatment of voice, data, and video services for which provisioning or restoration priority levels are requested, assigned, and approved in accordance with Appendix A. This amendment does not alter the regulatory status or treatment of the authorized services; to the extent that these services are not subject to Title II of the Communications Act, they are not subject to the non-discrimination provisions under Section 202 that the TSP rules were drafted to protect against. We note that the orderly administration of the TSP program requires that all participants—regardless of classification status—follow the same set of rules. We therefore make clear that service providers who offer TSP must comply with the Commission's TSP rules.

24. Commenters support clarifying that IP-based services are eligible for TSP. We agree with commenters who assert that specific authorization is not necessary, but including this provision in our rules will prevent confusion among providers and NSEP users regarding the services that are eligible for priority treatment. No commenter objects to requiring service providers that elect to participate in the TSP program with respect to IP-based services to comply with the TSP rules.

25. However, we decline to adopt CISA's request that we require TSP service providers to offer prioritized provisioning and restoration of data, video, and IP-based voice services. While there may be potential benefits to making such services mandatory, the record weighs in favor of those services remaining voluntary at this time. First, we recognize that not all TSP providers may be able to offer prioritization for all IP-based services. In addition, because the NPRM discussed extending the TSP rules to non-common carrier services only on a voluntary basis, the record lacks sufficient information to evaluate the costs and benefits of making TSP mandatory for non-common carrier services.

26. Oversight, Industry Engagement, and Executive Branch Reporting. We adopt the NPRM proposal to eliminate references to the TSP System Oversight Committee (Oversight Committee) from the TSP rules. The Oversight Committee, composed of representatives from government and industry stakeholders, was established to identify and review any issues that arose in the administration of the TSP program and to recommend actions to correct them or prevent recurrence. In its petition, however, NTIA explained that the administration of the TSP program has evolved to obviate the need for the Oversight Committee. Specifically, NTIA notes that the Oversight Committee's role has been gradually filled by the Communications Information Sharing and Analysis Center (Comm ISAC), and that DHS has in recent years relied on the Comm ISAC to ''exchange information and gain advice'' on issues involving the TSP program. Among other advantages, DHS explains, the Comm ISAC is able ''to address operational concerns in real time,'' instead of waiting for a scheduled Oversight Committee meeting.

27. We eliminate the references to the Oversight Committee in our rules as outdated because the Comm ISAC is now fulfilling the Oversight Committee's role. We consider it unnecessary to ''adopt rules that allow DHS to consult with the [Comm] ISAC,'' as NTIA requests, because DHS does not require Commission authorization to consult with the Comm ISAC or other entities as part of its oversight of the TSP program.

28. NTIA requests that we replace the requirement that EOP submit quarterly reports to the Commission and Oversight Committee with an annual report to the Commission, which NTIA asserts ''better aligns reporting timeframes to meet relevant programmatic needs.'' We agree with commenters that some oversight is

needed to ensure accountability and compliance with the Commission's rules. We also agree that DHS, as the agency primarily responsible for daily management and administration of TSP, should author reports on ''the operational status of and trends in'' TSP. We therefore eliminate the provisions of our rules that direct EOP to submit quarterly and semi-annual reports to the Commission and, instead, request that DHS provide information regarding TSP in annual reports to the Commission. Specifically, we request that the annual reports identify (1) numbers of requests proceeded for the various priority actions, and the priority levels assigned; (2) relative percentages of services assigned to each priority level under each NSEP category and subcategory; (3) any apparent serious misassignment or abuse of priority level assignments; and (4) any existing or developing problem, and DHS's recommendations on how it intends to address each problem.

29. Invocation Officials. We adopt our proposal to expand the scope of individuals who may invoke priority treatment for an eligible NSEP service. We define an ''invocation official'' as an individual who (1) understands how the requested service ties to the organization's NSEP mission; (2) is authorized to approve the expenditure of funds necessary for the requested service; and (3) has operational responsibilities for telecommunications procurement and/or management within the organization. Likewise, we eliminate the requirement that the invocation official must be designated in writing. Prior to this change, the Commission's rules required the individual to be part of a narrowly defined class of ''senior officials,'' including agency heads, and that such individual be appointed in writing in accordance with supplemental procedures issued by EOP.

30. We find that these changes will make the operation of the TSP program more efficient while providing greater flexibility for user organizations. These actions reflect changes that DHS has already made, such as lessening the seniority requirement to allow an individual who is able to attest to the need for priority treatment and to obligate funds on behalf of the organization to serve as the ''invocation official.'' We find that it is not necessary for the ''invocation official'' to be a senior government official, such as the head or director of a federal agency, because, as NTIA points out, requiring senior officials to request TSP participation has produced ''unnecessary delays in the approval process given the demands placed on senior officials and their often limited availability.'' We are also persuaded by NTIA's claim that the current requirements are untenable because senior officials typically do not ''interact[ ] with service providers and often lack[ ] direct knowledge of the purpose and need for the NS/EP service.'' Commenters support these changes.

31. Protection of TSP Data. We amend the TSP rules to enhance the protection of TSP data. We agree with NTIA that the unauthorized disclosure of sensitive information related to TSP circuits, in the aggregate, could pose a national security risk. We further agree that service providers moving certain operational, administrative, and management functions overseas could create additional risk by exposing TSP data to companies and individuals outside the United States. We likewise find merit in the arguments of some commenters that factors such as the use of firewalls, access controls, and other security protocols are more consequential than the physical location of the servers that house the TSP data. Even with respect to the physical location of the servers, we note that differing laws in foreign jurisdictions means that the threat of disclosure—through both lawful and unlawful means—varies from country to country. We conclude that a reasonableness test that accounts for the sensitivity of this data is preferable to prescriptive rules. While a reasonableness test provides less of a bright line for compliance, it will allow providers greater flexibility to manage their networks while respecting the confidentiality of this data. We therefore amend our rules to strengthen the current provision addressing the confidentiality of this data. The current version of this provision directs service providers to ''[n]ot disclose information concerning NSEP services they provide to those not having a need-to-know or [who] might use the information for competitive advantage.'' To this section, we add the following language:

> Service providers will take all reasonable efforts to secure the confidentiality of TSP information from unauthorized disclosure, including by storing such information in a location and with security safeguards that are reasonably designed to protect against lawful or unlawful disclosure to company employees or service providers without a legitimate need for this information, or other entities to which the disclosure of this information would pose a threat to the national security of the United States. Service providers will immediately notify the FCC and DHS of any attempt to compel the disclosure of this information and will coordinate with the FCC and DHS prior to such disclosure. In emergency situations where prior notice is impracticable, service providers will notify the FCC and DHS as soon as possible, but no later than 48 hours after such disclosure, and should accompany such notice with an explanation why prior notice was not practicable.

We find that this test strikes the appropriate balance between DHS's concerns about the potential national security risks posed by the disclosure of this data, and the concerns of commenters about the shortcomings of a more prescriptive approach. We therefore conclude that the benefits to national security will far exceed the minimal costs that service providers may incur as a result of these requirements.

32. Provisioning and Restoration Timeframes. The Commission's current TSP rules include three subsections that address the timeframes that service providers must meet to (1) provision service; (2) restore service; and (3) meet requested service dates for TSP-subject facilities. However, each subsection specifies a different standard (''best efforts,'' ''as soon as possible,'' and ''as quickly as practicable'') for the time and level of effort required for service providers to provision or restore TSP facilities. NTIA claims the ''varying and ambiguous language'' in the current rules ''has created confusion, disagreements, dissatisfaction, and unrealistic expectations'' between users, providers, and DHS's program staff.

33. We agree with NTIA that replacing varying timeframe standards with a single standard will eliminate confusion and provide more certainty for service providers regarding their provisioning and restoration responsibilities. We also disagree with commenters who argue that we should maintain the existing standards or ''eliminate the restoration timeframes from [the] rules entirely.'' We therefore amend section 6.f of Appendix A by replacing the current language with the single term ''promptly'' to describe TSP service providers' provisioning and restoration obligations. Further, we define ''promptly'' as meaning ''without delay.''

34. In adopting this standard, we address two competing sets of concerns raised by commenters. On the one hand, as NTIA points out, greater clarity and certainty regarding provisioning and restoration timeframes will reduce confusion and provide more concrete expectations for NSEP users, service providers, and DHS's program office staff. On the other hand, we seek to avoid an overly burdensome or prescriptive requirement that could, as other commenters point out, fail to

account for the ''variable nature of communications outages,'' and the costs and benefits of specific circumstances. In general, we agree with commenters that the standard for provisioning and restoration must provide clarity and account for incident specific factors, while not placing unreasonable demands on service providers.

35. We find that the ''promptly'' standard best addresses the competing interests that are outlined in the record. Requiring ''prompt'' action—and defining ''promptly'' to mean ''without delay''—necessitates that service providers move as rapidly as is reasonable under the circumstances, which establishes a clear and enforceable floor for action. However, this standard does not mandate specific timelines or levels of effort and it allows for consideration of variable incident-specific circumstances in determining what speed of response and allocation of resources is reasonable. We find the ''promptly'' standard preferable to the alternative standards proposed by commenters, such as ''best efforts,'' or ''as soon as possible,'' which do not convey the same sense of urgency and are more subjective and susceptible to conflicting interpretations.

36. Reporting Requirements. In the NPRM, we sought comment on NTIA's request that we amend our rules to require service providers to report provisioning and restoration times to DHS for TSP circuits in areas covered by the activation of the Disaster Information Reporting System (DIRS). DHS asserts that it is necessary for the Commission to impose such reporting requirements to enable DHS to obtain access to TSP provisioning and restoration times and aggregate data so that it can compare the data for TSP services to similar data for non-TSP services. However, most commenters oppose NTIA's request and raise a number of arguments for declining to adopt additional reporting requirements. Some commenters point out that requiring service providers to report data in the midst of a disaster could force them to divert resources away from the disaster response efforts. Other commenters contend that mandatory TSP reporting requirements could undercut the effectiveness of DIRS because service providers could attempt to avoid TSP reporting obligations by declining to participate in DIRS reporting. Others argue that comparing the provisioning and restoration times of TSP services and non-TSP services is unlikely to produce useful or actionable results. Finally, a number of commenters raise practical concerns with implementing the reporting requirements by, for example, pointing out that the configuration of networks and IT systems may not allow for reporting with the granularity required to produce such reports.

37. We decline to adopt reporting requirements in our rules. While we recognize the potential benefits of collecting provisioning and restoration data, commenters raise questions about the cost, efficacy, and utility of reporting requirements, and the record does not include sufficient information to rebut these objections. Indeed, no commenter responded to the concerns raised in the record. Only one commenter (BRETSA) indicated support for the requested rule change, but merely noted that requiring data on network performance might improve the management and operation of the TSP program. Moreover, NTIA does not propose specific obligations concerning the timing and frequency for reporting this information, but instead, proposes that DHS coordinate with the Commission to develop specific data requirements and reporting timeframes. We believe these details should be clarified before the Commission establishes new reporting requirements.

38. Finally, it is unclear whether DHS lacks other means to obtain the requested information. Some commenters contend that DHS may be able to obtain this information through contractual negotiations with service providers. CISA asserts that contractual arrangements for TSP do not currently exist between DHS and service providers and claims that DHS currently has no basis on which to establish contractual arrangements for TSP. However, CISA has not identified any legal prohibition that would preclude consideration of a contractual approach. Nevertheless, recognizing the potential value of collecting greater data about provisioning and restoration times, while we decline to adopt reporting requirements today, we encourage further dialogue regarding whether an appropriate avenue exists for obtaining this data that might be responsive to concerns raised in the record, whether through further changes to our rules or through other means.

C. Changes to Wireless Priority Service Rules

39. With a few exceptions and modifications, discussed below, we adopt most of the changes to our WPS rules proposed in the NPRM. Specifically, we (1) update the rules to reflect the commonly used name for this program; (2) expand the list of services eligible for WPS to reflect newer technologies, as we did with TSP; (3) expand WPS eligibility to include additional users; (4) clarify the operation of the priority levels to make clear that higher priority services take precedence over those with lower priority; (5) discuss the applicability of the WPS rules to the FirstNet network; (6) clarify the extent to which preemption and degradation may be used to facilitate prioritized communications; (7) expressly authorize priority signaling; and (8) eliminate the requirement that priority access must be invoked on a per-call basis. Finally, as with TSP, we decline to adopt additional reporting requirements proposed by NTIA.

40. Program Name. As described above, government, industry, and users commonly refer to Priority Access Service as Wireless Priority Service. To reflect the prevailing naming convention, we adopt the NPRM proposal to replace all references to ''Priority Access Service'' with ''Wireless Priority Service'' in section 64.402 and part 64, Appendix B. We agree with NTIA that the name Wireless Priority Service ''better reflects the service's current requirements and capabilities.'' No commenters directly addressed this issue, but T-Mobile previously indicated support for ''updating the language. . . as necessary to mitigate any potential confusion and enhance clarity.''

41. Eligible Services. We adopt the NPRM proposal to amend the WPS rules to expressly permit wireless service providers, on a voluntary basis, to give NSEP personnel priority access to, and priority use of, all secure and non-secure voice, data, and video services available over their networks, including IP-based services. We also adopt the NPRM proposal to eliminate references to ''CMRS'' and, where necessary, substitute the term ''wireless'' to describe services, networks, and providers. Finally, we retain the current requirement that if a service provider elects to offer WPS, it must comply with the Commission's WPS rules.

42. Commenters support amending the rules to authorize wireless service providers to voluntarily offer priority treatment of all voice, data, and video services to eligible users. Since the WPS rules were initially adopted in 2000, the ''capacity and capabilities of [wireless] networks have expanded immensely'' and wireless service providers are now able to offer a wide array of voice, data, and video services. The development of new technologies has direct implications for NSEP users, who increasingly rely on these innovative services and applications to ''make and complete mission-essential

communications in an efficient and effective manner.'' We find that amending our rules to include all voice, data, and video services, including IP-based services, will promote consistency and prevent confusion among service providers.

43. DHS has interpreted the lack of explicit authorization in our rules to mean that WPS providers are not permitted to offer priority data, video, and IP-based voice services. We disagree with DHS's view, and instead agree with commenters who assert that while specific authorization is not necessary, it will prevent confusion among providers and NSEP users regarding the services that are eligible for priority treatment. We believe that by removing any uncertainty about the legal authority to offer these services, our action will facilitate the development of new services and capabilities which, in turn, will significantly benefit NSEP users.

44. Eligible Users. We adopt the NPRM proposal to modify the descriptions of priority levels and qualifying criteria in Appendix B to expand WPS eligibility to additional users, particularly those with response and restoration roles during emergency situations. Specifically, we amend Appendix B to include entities from the critical infrastructure sectors identified in Presidential Policy Directive (PPD)-21, and we modify the descriptions of priority levels and qualifying criteria to allow financial services and hospital personnel to qualify for WPS. We also remove outdated language that currently limits WPS eligibility to ''key personnel'' and individuals in ''leadership positions'' and clarify that WPS should be made available to all NSEP personnel that meet the qualifying criteria.

45. In addition to providing WPS to these critical groups, this amendment also brings our rules in line with developments in the administration of the WPS program. While the current rules do not include multiple categories of NSEP users, such as critical infrastructure protection, financial services, and hospital personnel, DHS is currently assigning priority levels to those users.

46. Commenters generally support allowing more groups of NSEP users to qualify for WPS, but disagree about the process for determining their eligibility and priority level assignments. For example, AT&T states that the Commission should ''specify how entities . . . would be incorporated'' into the priority levels, while T-Mobile argues that decision should ''continue to lie[ ] with DHS.'' We need not address this specific issue in our rules because, as described above, we eliminate the provisions that describe the responsibilities of EOP for the priority services programs. However, we expect that DHS will continue to make WPS eligibility determinations and priority level assignments pursuant to Executive Order 13618.

47. Priority Levels. The Commission's WPS rules list five levels of priority, with Priority Level 1 being the highest. NTIA asks the Commission to amend the rules to make explicit that Priority Level 1 communications—those made by the President of the United States, as well as certain executive leaders and policymakers—should receive priority treatment that exceeds that given to users at any other priority level. We agree with NTIA's requested rule change, which would make it both ''explicit and conspicuous'' that ''the nation's executive leadership receive top priority.'' Commenters generally agree that the Commission should update its rules to clarify the status of Priority Level 1 users. We therefore adopt the NPRM proposal and clarify that Priority Level 1 exceeds all other priority services offered by WPS providers.

48. WPS and FirstNet. In ex parte comments, FirstNet notes that ''[although this proceeding appears specifically aimed'' at WPS and TSP, ''[FirstNet] wishes to clarify that any updates to the FCC's priority services rules should not apply to the distinct, unique FirstNet services.'' FirstNet requests that the Commission exclude FirstNet services ''from any updates or revisions to the Commission's priority services rules and, in particular, that FirstNet services not be subject to overriding priority or degradation vis-à-vis any other priority services offerings.'' AT&T similarly argues that ''[a]ccomplishment of the [FirstNet Authority's] mission requires . . . broad authority to assign priority levels,'' and states that ''the WPS rules should not interfere with the interplay of priority levels vis-à-vis FirstNet and WPS and other programs.'' Verizon asserts that the same principle applies to public safety services offered by other providers, stating that the WPS rules ''have never been interpreted so expansively as to preclude wireless providers from offering innovative priority and preemption capabilities in their separate public safety communications offerings.'' Responding to AT&T, T-Mobile asserts that providers should not be allowed to ''pick and choose how users receive priority based on their status with a particular provider,'' and urges the Commission to ''ensure that all WPS subscribers receive priority treatment based solely on their WPS status regardless of what network they are on, including FirstNet.''

49. As FirstNet notes, this proceeding is focused on TSP and WPS, and the NPRM did not mention or seek comment on FirstNet. Nevertheless, in light of the comments filed on this issue, we believe it is appropriate to clarify the relationship between WPS and FirstNet. As stated above, the WPS rules only apply to service providers that voluntarily elect to participate in WPS. FirstNet is a separate program with distinct statutory authority to operate the Nationwide Public Safety Broadband Network and to offer prioritization to first responders. As such, the WPS rules do not apply to prioritization within the FirstNet network, and FirstNet is therefore not required to comply with the WPS rules in providing such prioritization to its public safety users. However, FirstNet may voluntarily elect to participate in WPS and, if it chooses to do so, like any other WPS participant, its participation must be in accordance with the WPS rules. Indeed, FirstNet states that it offers WPS capability to users that request it, and acknowledges that ''[t]o the extent a FirstNet subscriber has the WPS feature enabled on their FirstNet service, the use of that WPS capability would be subject to the prevailing WPS rules.''

50. Preemption and Degradation. The NPRM proposed to authorize preemption and degradation for Priority Level 1 and 2 voice calls, except for public safety emergency (911) calls. NTIA requested this clarification based on its view that ''[c]urrent WPS rules do not permit NS/EP calls to preempt other in-progress calls.'' NTIA asked that the Commission amend its rules because preemption and degradation are ''critical priority feature[s] that will enable the highest priority NS/EP users to communicate and coordinate'' during emergency situations—when commercial networks are often the most congested.'' We sought comment on NTIA's requested rule change.

51. The WPS rules currently permit re-ordering of queued (not-yet-established) call requests based on user priority but do not provide for re-ordering of active (in-progress) calls. However, as several commenters point out, and as we recognized in the NPRM, the lack of explicit authorization does not preclude WPS providers from re-ordering active calls. We similarly find that preemption and degradation of active calls in support of WPS prioritization is not precluded by our

rules. To the extent that these mechanisms are employed in WPS by common carriers subject to Title II, we clarify that they are not ''unjust or unreasonable'' practices that violate the non-discrimination provision of section 202. To the extent that these mechanisms are used in support of NSEP communications outside the scope of Title II, they are legally permissible. Thus, while expressly authorizing priority and preemption in the rules may be legally unnecessary, we determine that explicit authorization will help ensure ''consistent interpretation of the rules by WPS providers to the ultimate benefit of NSEP users.''

52. AT&T expresses concern that authorizing preemption and degradation only in support of Priority Level 1 and 2 voice calls might suggest that it is prohibited for other priority levels. We agree that preemption and degradation of lower-priority communications are permissible at all WPS priority levels. Therefore, we modify the NPRM proposed rule to expressly permit, voice, data, text, and video communications from NSEP users assigned to any priority level to preempt or degrade other in-progress communications, except for public safety emergency (911) communications. Likewise, we make clear that preemption and degradation are permitted but not required by our rules. We agree with commenters that issues related to preemption and degradation should be determined via contractual arrangements because such an approach will give WPS providers increased flexibility to update their service offerings and determine when and how to apply these capabilities.

53. Priority Signaling. We adopt the NPRM proposal to update our WPS rules to expressly authorize priority signaling to ensure networks can detect WPS handset network registration and service invocation. Priority signaling is an important feature that allows service providers to mitigate the risks of signaling congestion by ensuring ''successful WPS handset network registration and service invocation.'' While commenters correctly note that the Commission's rules do not prohibit priority signaling and that some WPS providers already offer it via contractual arrangements with DHS, commenters do not raise any objections to explicitly authorizing priority signaling in our rules. We find that this rule change will promote clarity and consistency for providers and, therefore, adopt the rule change as proposed in the NPRM.

54. Methods of Invocation. We adopt the NPRM proposal to eliminate the requirement that WPS priority access must be invoked on a per-call basis. Currently, authorized users invoke priority access on a per-call basis by dialing a specified feature code before each call. We agree with NTIA that requiring users to invoke WPS for each communication ''hinder[s] efficient response'' during emergency situations. Although AT&T argues for maintaining the current requirement in order to ensure that ''WPS functions smoothly for calls that must be transmitted over multiple carrier networks,'' we believe that DHS is in the best position to ensure interoperability between the various networks that carry prioritized communications.

55. We also decline to prescribe other specific methods of WPS invocation in our rules. We agree with T-Mobile that methods of invocation should be determined by contractual arrangements because such an approach will ensure that all WPS providers are ''afforded the same flexibility and treatment.'' Commenters support this change because it provides greater flexibility for service providers to decide how to offer WPS services in the manner most suitable for their subscribers and networks.

56. Reporting Requirements. We decline to amend our rules to require service providers to file implementation, usage, and performance data with DHS. According to NTIA, DHS currently collects and analyzes data from WPS providers detailing ''usage, performance, implementation, and supporting infrastructure,'' so that it can assess ''WPS readiness, usage, and performance at all times and all places offered, as well as for specific geographic areas and times. NTIA asserts that the requested rule change is necessary to ensure consistency across all WPS providers and to formalize the process by which providers submit WPS data to DHS.

57. Commenters oppose NTIA's requested rule change, arguing that new reporting requirements could inhibit providers' flexibility and ability to innovate and duplicate existing reporting processes. Notably, the record includes minimal responses to those objections. Instead, commenters assert that DHS should obtain this information via contractual arrangement with WPS providers. Based on this record and consistent with our discussion above with respect to TSP reporting, we decline to adopt new WSP reporting requirements at this time and encourage further dialogue on this matter.

D. Alternative Contract-Based Approach for TSP and WPS

58. The NPRM sought comment on an alternative ''light touch'' approach, whereby the current rules for TSP and WPS would be eliminated and the programs would operate strictly via contractual arrangements between DHS and service providers. This approach would make TSP and WPS prioritization resemble GETS, which provides prioritization through the Public Switched Telephone Network for over 330,600 GETS card holders. Currently, there are no Commission rules for GETS, which operates solely via contractual arrangements with DHS.

59. Most industry commenters prefer the ''light touch'' contractual approach to the current rules-based approach. T-Mobile disagrees, arguing that the Commission should ''maintain a limited set of rules'' for TSP and WPS. Likewise, CISA argues that eliminating the rules would remove the existing liability protections for prioritized non-broadband services and, without such protection from liability, carriers would be unlikely to offer priority services. CISA also asserts that it currently has no basis on which to establish contractual arrangements with TSP providers.

60. We decline to adopt a wholly contractual scheme for priority services. Although a contractual approach could provide some benefits, commenters have not identified fundamental problems or deficiencies in the existing rules-based approach. Overall, the record indicates that both TSP and WPS have functioned without major disruption and have expanded under the current approach. Given the critical role of the priority services programs in supporting the NSEP posture of the United States, we believe that continuing to have baseline rules for TSP and WPS will promote continuity and consistency in these programs. We agree with CISA that the rules provide important liability protections for service providers and that removing these protections could create uncertainty regarding liability that might discourage providers from participating in the programs. Further, a strictly contract-based approach could impose administrative and cost burdens on DHS by requiring it to make extensive programmatic changes. In sum, we conclude that the potential adverse impacts of implementing the alternative approach would outweigh the potential benefits.

IV. Procedural Matters

A. Report to Congress

61. The Commission will send a copy of the Report and Order, including this FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

B. Regulatory Flexibility Act

62. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this Report and Order on small entities. The FRFA is set forth in Appendix C of the Report and Order.

V. Final Regulatory Flexibility Analysis

63. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM) adopted in July 2020. The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

A. Need for, and Objectives of, the Final Rules

64. In the Report and Order, the Commission updates and streamlines its priority services rules. These rules facilitate prioritized connectivity to National Security and Emergency Preparedness (NSEP) personnel during emergency situations by authorizing prioritized provisioning and restoration of communications facilities and prioritized network access for wireless communications. The priority services programs are used to ''maintain a state of readiness [and] to respond to and manage any event or crisis . . . [that] degrades or threatens the NSEP posture of the United States.''

65. The Commission takes this action because the priority services rules (the most recent of which were updated over two decades ago) need to be updated to account for changes in technology. The Commission's current rules date back to the establishment of the Telecommunications Service Priority (TSP) System in 1988 and the creation of the Priority Access Service (PAS), more commonly referred to as Wireless Priority Service (WPS), in 2000. The Commission's rules were originally developed when communications networks were primarily based on circuit-switched technologies. They do not address the advanced capabilities of internet Protocol (IP)-based communications that support data and voice services, or the ability of users at different priority levels to share network capacity and resources.

66. The Commission also takes this action to address the requests from the Department of Homeland Security (DHS) through the National Telecommunications and Information Administration (NTIA) to update the existing rules and requirements for the priority services programs. NTIA filed two Petitions for Rulemaking on behalf of DHS, requesting that the FCC update its TSP and Priority Access Service (PAS) rules to address changes in technology and evolving user needs for these programs. The NPRM sought comment on both NTIA petitions as well as on the Commission's proposed rule changes.

67. In the Report and Order, the Commission updates its priority services rules to reflect today's marketplace and governance framework and to explicitly authorize the prioritization of next-generation technology. For example, the Commission removes outdated language that could cause confusion and otherwise impede the use of IP-based technologies to support the provision of priority services for voice, data, and video communications. The Commission also amends its priority service rules to reflect current administrative responsibilities for the priority services programs while eliminating burdensome and unnecessary requirements on service providers. The scope of the changes adopted in the Report and Order in some instances apply to both TSP and WPS, and in other instances apply only to TSP or only to WPS. These changes are intended to reduce regulatory burdens and make our rules flexible enough to respond to changing administrative requirements or technological advances related to the priority services programs. We also believe that these changes will substantially increase the benefits to NSEP users and public safety while reducing the regulatory costs imposed on providers of priority services.

B. Summary of Significant Issues Raised by Comments in Response to the IRFA

68. There were no comments filed that specifically addressed the proposed rules and policies presented in the IRFA.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

69. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) and to provide a detailed statement of any change made to the proposed rules as a result of those comments.

70. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

71. 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 rules adopted herein. 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 Small Business Act. A ''small-business concern'' is one which: (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.

72. *700 MHz Guard Band Licensees.* The 700 MHz Guard Band encompasses spectrum in 746–747/776–777 MHz and 762–764/792–794 MHz frequency bands. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

73. According to Commission data as of December 2021, there were

approximately 224 active 700 MHz Guard Band licenses. The Commission's small business size standards with respect to 700 MHz Guard Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years, and a ''very small business'' an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Pursuant to these definitions, five winning bidders claiming one of the small business status classifications won 26 licenses, and one winning bidder claiming small business won two licenses. None of the winning bidders claiming a small business status classification in these 700 MHz Guard Band license auctions had an active license as of December 2021.

74. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

75. Advanced Wireless Services (AWS)—(1710–1755 MHz and 2110–2155 MHz bands (AWS–1); 1915–1920 MHz, 1995–2000 MHz, 2020–2025 MHz and 2175–2180 MHz bands (AWS–2); 2155–2175 MHz band (AWS–3); 2000–2020 MHz and 2180–2200 MHz (AWS–4)). Spectrum is made available and licensed in these bands for the provision of various wireless communications services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

76. According to Commission data as December 2021, there were approximately 4,472 active AWS licenses. The Commission's small business size standards with respect to AWS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of AWS licenses, the Commission defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. Pursuant to these definitions, 57 winning bidders claiming status as small or very small businesses won 215 of 1,087 licenses. In the most recent auction of AWS licenses 15 of 37 bidders qualifying for status as small or very small businesses won licenses.

77. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

78. *Competitive Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 3,956 providers that reported they were competitive local exchange service providers. Of these providers, the Commission estimates that 3,808 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

79. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 1,227 providers that reported they were incumbent local exchange service providers. Of these providers, the Commission estimates that 929 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

80. *Lower 700 MHz Band Licenses.* The lower 700 MHz band encompasses spectrum in the 698–746 MHz frequency bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that

a majority of licensees in this industry can be considered small.

81. According to Commission data as of December 2021, there were approximately 2,824 active Lower 700 MHz Band licenses. The Commission's small business size standards with respect to Lower 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For auctions of Lower 700 MHz Band licenses the Commission adopted criteria for three groups of small businesses. A very small business was defined as an entity that, together with its affiliates and controlling interests, has average annual gross revenues not exceeding $15 million for the preceding three years, a small business was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding $40 million for the preceding three years, and an entrepreneur was defined as an entity that, together with its affiliates and controlling interests, has average gross revenues not exceeding $3 million for the preceding three years. In auctions for Lower 700 MHz Band licenses seventy-two winning bidders claiming a small business classification won 329 licenses, 26 winning bidders claiming a small business classification won 214 licenses, and three winning bidders claiming a small business classification won all five auctioned licenses.

82. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

83. *Narrowband Personal Communications Services.* Narrowband Personal Communications Services (Narrowband PCS) are PCS services operating in the 901–902 MHz, 930–931 MHz, and 940–941 MHz bands. PCS services are radio communications that encompass mobile and ancillary fixed communication that provide services to individuals and businesses and can be integrated with a variety of competing networks. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

84. According to Commission data as of December 2021, there were approximately 4,211 active Narrowband PCS licenses. The Commission's small business size standards with respect to Narrowband PCS involve eligibility for bidding credits and installment payments in the auction of licenses for these services. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than $40 million. A ''very small business'' is defined as an entity that, together with affiliates and controlling interests, has average gross revenues for the three preceding years of not more than $15 million. Pursuant to these definitions, seven winning bidders claiming small and very small bidding credits won approximately 359 licenses. One of the winning bidders claiming a small business status classification in these Narrowband PCS license auctions had an active license as of December 2021.

85. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

86. *Offshore Radiotelephone Service.* This service operates on several UHF television broadcast channels that are not used for television broadcasting in the coastal areas of states bordering the Gulf of Mexico. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to this service. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small. Additionally, based on Commission data, as of December 2021, there was one licensee with an active license in this service. However, since the Commission does not collect data on the number of employees for this service, at this time we are not able to estimate the number of licensees that would qualify as small under the SBA's small business size standard.

87. *Rural Radiotelephone Service.* Neither the Commission nor the SBA have developed a small business size standard specifically for small businesses providing Rural Radiotelephone Service. Rural Radiotelephone Service is radio service in which licensees are authorized to offer and provide radio telecommunication services for hire to subscribers in areas where it is not feasible to provide communication services by wire or other means. A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio System (BETRS). Wireless Telecommunications Carriers (except Satellite), is the closest applicable industry with a SBA small business size standard. The SBA small business size standard for Wireless Telecommunications Carriers (except Satellite) classifies firms having 1,500 or fewer employees as small. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this total, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that the majority of Rural Radiotelephone Services firm are small entities. Based on Commission data as of December 27, 2021, there were approximately 119 active licenses in the Rural Radiotelephone Service. The Commission does not collect employment data from these entities holding these licenses and therefore we cannot estimate how many of these entities meet the SBA small business size standard.

88. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time,

may affect small entities that are not easily categorized at present. We therefore describe 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 Small Business Administration's (SBA) 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.

89. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which 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.

90. 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, we estimate that at least 48,971 entities fall into the category of ''small governmental jurisdictions.''

91. *Upper 700 MHz Band Licenses.* The upper 700 MHz band encompasses spectrum in the 746–806 MHz bands. Upper 700 MHz D Block licenses are nationwide licenses associated with the 758–763 MHz and 788–793 MHz bands. Permissible operations in these bands include flexible fixed, mobile, and broadcast uses, including mobile and other digital new broadcast operation; fixed and mobile wireless commercial services (including FDD- and TDD-based services); as well as fixed and mobile wireless uses for private, internal radio needs, two-way interactive, cellular, and mobile television broadcasting services. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to licenses providing services in these bands. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

92. According to Commission data as of December 2021, there were approximately 152 active Upper 700 MHz Band licenses. The Commission's small business size standards with respect to Upper 700 MHz Band licensees involve eligibility for bidding credits and installment payments in the auction of licenses. For the auction of these licenses, the Commission defined a ''small business'' as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $40 million for the preceding three years, and a ''very small business'' an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than $15 million for the preceding three years. Pursuant to these definitions, three winning bidders claiming very small business status won five of the twelve available licenses.

93. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

94. *Wireless Communications Services.* Wireless Communications Services (WCS) can be used for a variety of fixed, mobile, radiolocation, and digital audio broadcasting satellite services. Wireless spectrum is made available and licensed for the provision of wireless communications services in several frequency bands subject to Part 27 of the Commission's rules. Wireless Telecommunications Carriers (except Satellite) is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Thus, under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

95. The Commission's small business size standards with respect to WCS involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in WCS. When bidding credits are adopted for the auction of licenses in WCS frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in the designated entities section in Part 27 of the Commission's rules for the specific WCS frequency bands.

96. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

97. *Wireless Telephony.* Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. The closest applicable industry with a SBA small business size standard is Wireless Telecommunications Carriers (except Satellite). The size standard for this industry under SBA rules is that a business is small if it has

1,500 or fewer employees. For this industry, U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated for the entire year. Of this number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 407 providers that reported they were engaged in the provision of cellular, personal communications services, and specialized mobile radio services. Of these providers, the Commission estimates that 333 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

98. *Wireless Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Wireless Resellers. The closest industry with a SBA small business size standard is Telecommunications Resellers. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications and they do not operate transmission facilities and infrastructure. Mobile virtual network operators (MVNOs) are included in this industry. Under the SBA size standard for this industry, a business is small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services during that year. Of that number, 1,375 firms operated with fewer than 250 employees. Thus, for this industry under the SBA small business size standard, the majority of providers can be considered small entities.

99. Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services. The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees. U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year. Of that number, 2,837 firms employed fewer than 250 employees. Additionally, based on Commission data in the 2021 Universal Service Monitoring Report, as of December 31, 2020, there were 797 providers that reported they were engaged in the provision of wireless services. Of these providers, the Commission estimates that 715 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

100. All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.* dial-up ISPs) or voice over internet protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

101. The rule changes adopted in the Report and Order will impose new and/or modified reporting, recordkeeping, and other compliance obligations on some small entities and other providers. At this time, the Commission cannot quantify the cost of compliance or determine whether small entities will have to hire professional assistance to comply with the updated Priority Services Rules. However, because our approach to the rule changes adopted in this proceeding has been to take a flexible approach rather than adopting prescriptive rules and reporting requirements, we do not believe the compliance obligations for small entities will impose any significant costs or burdens.

102. Telecommunications Service Priority. The Commission's TSP rules require certain service providers to prioritize the provisioning and restoration of communications facilities to ''ensure effective NSEP telecommunication services.'' The TSP rules apply, on a mandatory basis, to common carrier services and ''services which are provided by government and/or non-common carriers and are interconnected to common carrier services.'' Offering TSP is mandatory for wireline telecommunications providers, regardless of size. All service providers that are requested to provide NSEP prioritization which is paid for by the user not the provider, must offer it. Service providers that offer these services must also ''maintain and provision and, if disrupted, restore facilities and services'' in accordance with the prioritization levels outlined in the TSP rules.

103. Under the amended rules adopted in the Report and Order, small entities and other service providers that offer NSEP priority service must: (1) promptly, which we define as ''without delay'', provide NSEP service when requested, at the priority level contracted for; (2) restore NSEP services which suffer outage or are reported as unusable or otherwise in need of restoration, before non-NSEP services, based on restoration priority level assignments; (3) respond to NSEP provisioning requests of authorized users and/or other service providers, and (4) cooperate with other service providers involved in provisioning or restoring a portion of an NSEP service by honoring provisioning or restoration priority level assignments.

104. Small entities and other services providers are also subject to enhanced data protection requirements to prevent the unauthorized disclosure of sensitive information relating to TSP circuits. The rules we adopt in the Report and Order require small entities and other service providers to take all reasonable efforts to secure the confidentiality of TSP information that they maintain from unauthorized disclosure. Such efforts include storing this information in a location and with security safeguards that are reasonably designed to protect against lawful or unlawful disclosure to company employees or service providers without a legitimate need for this information, or other entities to which the disclosure of this information would pose a threat to the national security of the United States. Service providers are required to immediately report any attempts that are made to compel the disclosure of this information to the Commission and DHS and to coordinate with the FCC and DHS prior to such disclosure. In

emergency situations where providing prior notice is impracticable, service providers are required notify the FCC and DHS as soon as possible, but no later than 48 hours after such disclosure, and should an explanation why prior notice was not practicable when such notice is provided.

105. Requiring providers to take reasonable efforts will allow providers greater flexibility to manage their networks while respecting the confidentiality of this data. We believe a reasonableness test that accounts for the sensitivity of the data is preferable to prescriptive rules. We also believe that while small entities and other providers will incur costs for our enhanced TSP data protection rules, these costs will be minimal and the benefits to national security will far exceed the costs that service providers may incur as a result of these requirements.

106. Wireless Priority Service. Small and other wireless service providers are not required to offer WPS. The Commission's WPS rules permit, but do not require providers to offer mobile wireless priority services. Providers that offer WPS, offer the service pursuant to contractual arrangements with service users who like TSP users pay for the service and equipment costs. Providers that offer WPS, must also abide by the WPS rules promulgated by the Commission. Wireless service providers offering WPS must offer Priority Levels 1, 2, 3, 4, or 5. Priority Level 1 communications which are those made by the President of the United States, as well as certain other executive leaders and policymakers must be given the highest priority by WPS providers in relation to all other carrier-provided services.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

107. The RFA requires an agency to describe any significant specifically small business alternatives that it has considered in reaching its 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 or reporting requirements under the rule 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.

108. In the Report and Order, the Commission removed existing regulatory burdens, and declined to adopt several of the actions requested by NTIA, and in comments in response to the NPRM, that would have significantly increased the economic burden on small entities. As a preliminary matter, in updating and streamlining its priority services rules with adoption of rules applying to both TSP and WPS (*e.g.,* updating the Commission's responsibilities for the priority services programs and clarifying that service providers are authorized to offer prioritization of next-generation services and technologies, including IP-based voice, data, and video communications), the Commission created greater efficiencies by combining rules applicable to both TSP and WPS service providers to the extent that it was possible. The Commission believes creating this greater efficiency could lower compliance costs for small entities.

109. The Commission's approach in this proceeding was to provide small entities and other service providers flexibility, evidenced for example by its adoption of the reasonableness test requiring service providers to take all reasonable efforts to protect the confidentiality of TSP data, rather than imposing prescriptive requirements on small entities and other service providers which could have increased their compliance costs. The Commission also considered but ultimately did not adopt recordkeeping and reporting rules that would have place a significant financial burden on small entities. Specifically, if adopted the proposed rules would have created additional reporting burdens on by requiring NSEP service providers (both TSP and WPS) to report to DHS provisioning and restoration times for TSP circuits in areas covered by the activation of the Disaster Information Reporting System (DIRS), and to aggregate data that would allow DHS to compare the data for TSP and WPS services to similar data for non-TSP and non-WPS services. Instead of ultimately adopting this proposal, the Commission suggested that DHS enter into voluntary contractual arrangements with NSEP service providers, including small entities, to acquire the necessary data and information. The Commission believes the potential benefit of such reporting requirements was outweighed by questions of cost, efficacy, and the utility of these requirements, and therefore declined to adopt these provisions in the final rules.

110. The Commission also declined to adopt an alternative approach to the TSP and WPS requirements which would have had the Commission essentially completely remove itself from the priority services field—the ''GETS model'' approach. This approach would make TSP and WPS prioritization resemble the wholly-contractual Government Emergency Telecommunications Service (GETS). The GETS program, for which the Commission does not have rules, provides prioritization through the Public Switched Telephone Network for over 330,600 GETS card holders and operates solely via contractual arrangements with DHS. Because of the critical role of the priority services programs in supporting the NSEP posture of the United States, the Commission believes that NSEP rules remain necessary to establish baseline standards for these programs. The Commission notes that eliminating the rules would remove the liability protections for service providers which could discourage small entities and other service providers from participating in the programs. The Commission also notes that the elimination of the TSP rules would end the mandatory nature of the program for common carriers, thereby making participation in TSP completely voluntary for all service providers, which we find is not in the public interest. Accordingly, the Commission did not adopt this proposed approach.

VI. Ordering Clauses

111. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 4(i), 4(j), 4(n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 615(a)(1), 615(c), and 706 of the Communications Act of 1934, as amended, codified at 47 U.S.C. 151, 154(i)–(j) & (n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 606, 615(a)(1), 615(c); and Executive Order 13618, this Report and Order *is adopted.*

112. *It is further ordered* that part 64 of the Commission's rules *is amended,* as set forth in Appendix A and Appendix B, effective thirty (30) days after publication in the **Federal Register**.

113. *It is further ordered* that the Office of the Managing Director, Performance Evaluation and Records Management, *shall send* a copy of this Report & Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 64

Communications, Communications common carriers, Communications equipment, Computer technology, Emergency preparedness, internet, Priority access, Priority services, Provisioning, Radio, Restoration, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

■ 2. Revise § 64.402 to read as follows:

§ 64.402 Policies and procedures for the provision of Wireless Priority Service by wireless service providers.

Wireless service providers that elect to provide Wireless Priority Service to National Security and Emergency Preparedness personnel shall provide Wireless Priority Service in accordance with the policies and procedures set forth in appendix B to this part.

■ 3. Revise appendix A to part 64 to read as follows:

Appendix A to Part 64—Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)

1. Purpose and Authority

a. This appendix establishes rules, policies, and procedures and outlines responsibilities for the National Security Emergency Preparedness (NSEP) Telecommunications Service Priority (TSP) System. The NSEP TSP System authorizes priority treatment to certain telecommunications services and internet Protocol-based services, including voice, data, and video services, for which provisioning or restoration priority levels are requested, assigned, and approved in accordance with this appendix.

b. This appendix is issued pursuant to sections 1, 4(i), 4(j), 4(n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 615a–1, 615c, and 706 of the Communications Act of 1934, as amended, codified at 47 U.S.C. 151, 154(i)–(j), (n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 615a–1, 615c, 606; and Executive Order 13618. These authorities grant to the Federal Communications Commission (FCC) the authority over the assignment and approval of priorities for provisioning and restoration of telecommunications services and internet Protocol-based services (NSEP services). Under section 706 of the Communications Act, this authority may be superseded, and the mandatory provisions of this section may be expanded to include non-common carrier telecommunications services, by the war emergency powers of the President of the United States.

c. This appendix establishes rules for provisioning and restoration of NSEP services both before and after invocation of the President's war emergency powers. The rules, regulations, and procedures outlined in this appendix must be applied on a day-to-day basis to all NSEP services that are eligible for TSP so that the priorities they establish can be implemented when the need arises.

2. Definitions

As used in this appendix:

a. Assignment means the designation of priority level(s) for a defined NSEP telecommunications service or internet Protocol-based service for a specified time period.

b. Audit means a quality assurance review in response to identified problems.

c. Government refers to the Federal government or any foreign, state, county, municipal or other local government agency or organization. Specific qualifications will be supplied whenever reference to a particular level of government is intended (*e.g.,* ''Federal government,'' ''state government''). ''Foreign government'' means any sovereign empire, kingdom, state, or independent political community, including foreign diplomatic and consular establishments and coalitions or associations of governments (*e.g.,* North Atlantic Treaty Organization (NATO), Southeast Asian Treaty Organization (SEATO), Organization of American States (OAS), and government agencies or organization (*e.g.,* Pan American Union, International Postal Union, and International Monetary Fund)).

d. Internet Protocol-based services refers to services and applications that feature digital communications capabilities and which generally use the internet Protocol.

e. Invocation Official refers to an individual who (1) understands how the requested service ties to the organization's NSEP mission; (2) is authorized to approve the expenditure of funds necessary for the requested service; and (3) has operational responsibilities for telecommunications procurement and/or management within the organization.

f. National Coordinating Center for Communications (NCC) refers to the joint telecommunications industry-Federal government operation that assists in the initiation, coordination, restoration, and reconstitution of NSEP telecommunications services or facilities.

g. National Security Emergency Preparedness (NSEP) services, or ''NSEP services,'' means telecommunications services or internet Protocol-based services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international), which causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NSEP posture of the United States. These services fall into two specific categories, Emergency NSEP and Essential NSEP, and are assigned priority levels pursuant to section 8 of this appendix.

h. NSEP treatment refers to the provisioning of a specific NSEP service before others based on the provisioning priority level assigned by DHS.

i. Priority action means assignment, revision, revocation, or revalidation by DHS of a priority level associated with an NSEP service.

j. Priority level means the level that may be assigned to an NSEP service specifying the order in which provisioning or restoration of the service is to occur relative to other NSEP and/or non-NSEP telecommunications services. Priority levels authorized by this appendix are designated highest to lowest: E, 1, 2, 3, 4, and 5, for provisioning and 1, 2, 3, 4, and 5, for restoration.

k. Priority level assignment means the priority level(s) designated for the provisioning and/or restoration of a specific NSEP service under section 8 of this appendix.

l. Private NSEP services include non-common carrier telecommunications services.

m. Promptly means without delay.

n. Provisioning means the act of supplying service to a user, including all associated transmission, wiring, and equipment. As used herein, ''provisioning'' and ''initiation'' are synonymous and include altering the state of an existing priority service or capability.

o. Public switched NSEP services include those NSEP services using public switched networks.

p. Reconciliation means the comparison of NSEP service information and the resolution of identified discrepancies.

q. Restoration means the repair or returning to service of one or more services that have experienced a service outage or are unusable for any reason, including a damaged or impaired facility. Such repair or returning to service may be done by patching, rerouting, substitution of component parts or pathways, and other means, as determined necessary by a service provider.

r. Revalidation means the re-justification by a service user of a priority level assignment. This may result in extension by DHS of the expiration date associated with the priority level assignment.

s. Revision means the change of priority level assignment for an NSEP service. This includes any extension of an existing priority level assignment to an expanded NSEP service.

t. Revocation means the elimination of a priority level assignment when it is no longer valid. All priority level assignments for an NSEP service are revoked upon service termination.

u. Service identification refers to the information uniquely identifying an NSEP

service to the service provider and/or service user.

v. Service user refers to any individual or organization (including a service provider) supported by an NSEP service for which a priority level has been requested or assigned pursuant to section 7 or 8 of this appendix.

w. Service provider refers to a provider of telecommunications services or internet Protocol-based services. The term includes resale carriers, prime contractors, subcontractors, and interconnecting carriers.

x. Spare circuits or services refers to those not being used or contracted for by any customer.

y. Sponsoring Federal organization refers to a Federal agency that determines eligibility for participation in the TSP Program for non-Federal (state, local, tribal, and foreign governments and private sector) organizations. A sponsor can be any Federal agency with which a non-Federal user may be affiliated. The sponsoring Federal agency ensures the service supports an NSEP function and merits TSP participation.

z. Telecommunications services means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

3. Scope

a. Service providers.

(1) This appendix applies to the provision and restoration of certain telecommunications services or internet Protocol-based services for which priority levels are requested, assigned, and approved pursuant to section 8 of this appendix.

(2) Common carriers and providers of any services that are interconnected to common carrier services must offer prioritized provisioning and restoration of circuit-switched voice communication services. Any service provider may, on a voluntary basis, offer prioritized provisioning and restoration of data, video, and IP-based voice services.

b. Eligible services. The NSEP TSP System and procedures established by this appendix authorize priority treatment to the following domestic services (including portions of U.S. international services offered by U.S. service providers) for which provisioning or restoration priority levels are requested, assigned, and approved in accordance with this appendix:

(1) Common carrier services which are:

(a) Interstate or foreign telecommunications services,

(b) Intrastate telecommunications services inseparable from interstate or foreign telecommunications services, and intrastate telecommunications services to which priority levels are assigned pursuant to section 8 of this appendix.

(2) Services which are provided by government and/or non-common carriers and are interconnected to common carrier services assigned a priority level pursuant to section 8 of this appendix.

c. Control services and orderwires. The NSEP TSP System and procedures established by this appendix are not applicable to authorize priority treatment to control services or orderwires owned by a service provider and needed for provisioning, restoration, or maintenance of other services owned by that service provider, *e.g.,* the signaling path(s) or control plane services used by a service provider's technical staff to control, coordinate, and direct network operations. Such control services and orderwires shall have priority provisioning and restoration over all other services (including NSEP services) and shall be exempt from preemption. However, the NSEP TSP System and procedures established by this appendix are applicable to control services or orderwires leased by a service provider.

d. Other services. The NSEP TSP System may apply, at the discretion of and upon special arrangements by service users involved, to authorize priority treatment to the following services:

(1) Government or non-common carrier services which are not connected to common carrier provided services assigned a priority level pursuant to section 8 of this appendix.

(2) Portions of U.S. international services which are provided by foreign correspondents. (U.S. service providers are encouraged to ensure that relevant operating arrangements are consistent to the maximum extent practicable with the NSEP TSP System. If such arrangements do not exist, U.S. service providers should handle service provisioning and/or restoration in accordance with any system acceptable to their foreign correspondents which comes closest to meeting the procedures established in this appendix.)

4. Policy

The NSEP TSP System is the regulatory, administrative, and operational system authorizing and providing for priority treatment, *i.e.,* provisioning and restoration, of NSEP services. As such, it establishes the framework for service providers to provision, restore, or otherwise act on a priority basis to ensure effective NSEP services. The NSEP TSP System allows the assignment of priority levels to any NSEP service across three time periods, or stress conditions: Peacetime/Crisis/Mobilizations, Attack/War, and Post-Attack/Recovery. Although priority levels normally will be assigned by DHS and retained by service providers only for the current time period, they may be preassigned for the other two time periods at the request of service users who are able to identify and justify in advance, their wartime or post-attack NSEP requirements. Absent such preassigned priority levels for the Attack/War and Post-Attack/Recovery periods, priority level assignments for the Peacetime/Crisis/Mobilization period will remain in effect. At all times, priority level assignments will be subject to revision by the FCC or (on an interim basis) DHS, based upon changing NSEP needs. No other system of service priorities which conflicts with the NSEP TSP System is authorized by this appendix.

5. Responsibilities

a. The FCC:

(1) Provides regulatory oversight of the NSEP TSP System.

(2) Enforces NSEP TSP System rules and regulations which are contained in this appendix.

(3) Performs such functions as are required by law, including:

(a) with respect to all entities licensed or regulated by the FCC: the extension of or change in network facilities; the discontinuance, reduction, or impairment of interstate services; the control of common carrier rates, charges, practices, and classifications; the construction, authorization, activation, deactivation, or closing of radio stations, services, and facilities; the assignment of radio frequencies to licensees; the investigation of violations of FCC rules; and the assessment of communications service provider emergency needs and resources; and

(b) supports the continuous operation and restoration of critical communications systems and services by assisting the Secretary of Homeland Security with infrastructure damage assessment and restoration, and by providing the Secretary of Homeland Security with information collected by the FCC on communications infrastructure, service outages, and restoration, as appropriate.

(4) Functions (on a discretionary basis) as a sponsoring Federal organization. (See section 5.b below.)

b. Sponsoring Federal organizations:

(1) Review and decide whether to sponsor foreign, state, and local government and private industry (including service providers) requests for priority actions. Federal organizations forward sponsored requests with recommendations for disposition to DHS. Such recommendations are based on the categories and criteria in section 10 of this appendix.

(2) Forward notification of priority actions or denials of requests for priority actions from DHS to the requesting foreign, state, and local government and private industry entities.

(3) Cooperate with DHS during reconciliation, revalidation, and audits.

c. Service users:

(1) Identify services requiring priority level assignments and request and justify priority level assignments in accordance with this appendix.

(2) Request and justify revalidation of all priority level assignments at least every three years.

(3) For services assigned priority levels, ensure (through contractual means or otherwise) availability of customer premises equipment and wiring necessary for end-to-end service operation by the service due date, and continued operation; and, for such services in the Emergency NSEP category, by the time that providers are prepared to provide the services. Additionally, designate the organization responsible for the service on an end-to-end basis.

(4) Prepare to accept services assigned priority levels by the service due dates or, for services in the Emergency NSEP category, when they are available.

(5) Pay providers any authorized costs associated with services that are assigned priority levels.

(6) Report to providers any failed or unusable services that are assigned priority levels.

(7) Designate a 24-hour point-of-contact for matters concerning each request for priority action and apprise DHS thereof.

(8) Upon termination of services that are assigned priority levels, or circumstances warranting revisions in priority level assignment (*e.g.,* expansion of service), request and justify revocation or revision.

(9) When NSEP treatment is invoked under section 8(c) of this appendix, within 90 days following provisioning of the service involved, forward to the Priority Services Program Office complete information identifying the time and event associated with the invocation and regarding whether the NSEP service requirement was adequately handled and whether any additional charges were incurred.

(10) Cooperate with DHS during reconciliation, revalidation, and audits.

(11) Comply with DHS policies and procedures that are consistent with this appendix.

d. Non-federal service users, in addition to responsibilities described above in section 5.c, obtain a sponsoring Federal organization for all requests for priority actions. If unable to find a sponsoring Federal organization, a non-federal service user may submit its request, which must include documentation of attempts made to obtain a sponsor and reasons given by the sponsor for its refusal, directly to DHS.

e. Service providers:

(1) When NSEP treatment is invoked by service users, provision NSEP services before non-NSEP services, based on priority level assignments made by DHS. Service providers must:

(a) Promptly provide NSEP services. When limited resources constrain response capability, providers will address conflicts for resources by:

(i) Providing NSEP services in order of provisioning priority level assignment, from highest (''E'') to lowest (''5'');

(ii) Providing Emergency NSEP services (*i.e.,* those assigned provisioning priority level ''E'') in order of receipt of the service requests;

(iii) Providing Essential NSEP services that have the same provisioning priority level in order of service due dates; and

(iv) Referring any conflicts which cannot be resolved (to the mutual satisfaction of service providers and users) to DHS for resolution.

(b) Comply with NSEP service requests by:

(i) Promptly providing Emergency NSEP services, dispatching outside normal business hours when necessary;

(ii) Promptly meeting requested service dates for Essential NSEP services, negotiating a mutually (authorized user and provider) acceptable service due date when the requested service due date cannot be met; and

(2) Restore NSEP services which suffer outage or are reported as unusable or otherwise in need of restoration, before non-NSEP services, based on restoration priority level assignments. (Note: For broadband or multiple service facilities, restoration is permitted even though it might result in restoration of services assigned to lower priority levels along with, or sometimes ahead of, some higher priority level services.) Restoration will require service providers to restore NSEP services in order of restoration priority level assignment'') by:

(a) Promptly restoring NSEP services by dispatching outside normal business hours to restore services assigned Priority Level 1, 2, or 3, when necessary, and services assigned Priority Level 4 or 5 when the next business day is more than 24 hours away;

(b) Restoring NSEP services assigned the same restoration priority level based upon which service can be first restored. (However, restoration actions in progress should not normally be interrupted to restore another NSEP service assigned the same restoration priority level);

(c) Patching and/or rerouting NSEP services assigned restoration priority levels when use of patching and/or rerouting will hasten restoration; and

(d) Referring any conflicts which cannot be resolved (to the mutual satisfaction of service providers and users) to DHS for resolution.

(3) Respond to provisioning requests of authorized users and/or other service providers, and to restoration priority level assignments when an NSEP service suffers an outage or is reported as unusable, by:

(a) Ensuring that provider personnel understand their responsibilities to handle NSEP provisioning requests and to restore NSEP service;

(b) Providing a 24-hour point-of-contact for receiving provisioning requests for Emergency NSEP services and reports of NSEP service outages or unusability; and

(c) Seeking verification from an authorized entity if legitimacy of a priority level assignment or provisioning request for an NSEP service is in doubt. However, processing of Emergency NSEP service requests will not be delayed for verification purposes.

(4) Cooperate with other service providers involved in provisioning or restoring a portion of an NSEP service by honoring provisioning or restoration priority level assignments, or requests for assistance to provision or restore NSEP services.

(5) All service providers, including resale carriers, are required to ensure that service providers supplying underlying facilities are provided information necessary to implement priority treatment of facilities that support NSEP services.

(6) Preempt, when necessary, existing services to provide an NSEP service as authorized in section 6 of this appendix.

(7) Assist in ensuring that priority level assignments of NSEP services are accurately identified ''end-to-end'' by:

(a) Seeking verification from an authorized Federal government entity if the legitimacy of the restoration priority level assignment is in doubt;

(b) Providing to subcontractors and/or interconnecting carriers the restoration priority level assigned to a service;

(c) Supplying, to DHS, when acting as a prime contractor to a service user, confirmation information regarding NSEP service completion for that portion of the service they have contracted to supply;

(d) Supplying, to DHS, NSEP service information for the purpose of reconciliation;

(e) Cooperating with DHS during reconciliation; and

(f) Periodically initiating reconciliation with their subcontractors and arranging for subsequent subcontractors to cooperate in the reconciliation process.

(8) Receive compensation for costs authorized through tariffs or contracts by:

(a) Provisions contained in properly filed state or Federal tariffs; or

(b) Provisions of properly negotiated contracts where the carrier is not required to file tariffs.

(9) Provision or restore only the portions of services for which they have agreed to be responsible (*i.e.,* have contracted to supply), unless the President's war emergency powers under section 706 of the Communications Act are in effect.

(10) Cooperate with DHS during audits.

(11) Comply with DHS policies or procedures that are consistent with this appendix.

(12) Ensure that at all times a reasonable number of public switched network services are made available for public use.

(13) Do not disclose information concerning NSEP services they provide to those not having a need-to-know or that might use the information for competitive advantage.

(14) Take all reasonable efforts to secure the confidentiality of TSP information from unauthorized disclosure, including by storing such information in a location and with security safeguards that are reasonably designed to protect against lawful or unlawful disclosure to company employees or service providers without a legitimate need for this information, or other entities to which the disclosure of this information would pose a threat to the national security of the United States. Service providers will immediately notify the FCC and DHS of any attempt to compel the disclosure of this information and will coordinate with the FCC and DHS prior to such disclosure. In emergency situations where prior notice is impracticable, service providers will notify the FCC and DHS as soon as possible, but no later than 48 hours after such disclosure, and should accompany such notice with an explanation why prior notice was not practicable.

(15) Comply with all relevant Commission rules regarding TSP.

6. Preemption of Existing Services

When necessary to provision or restore NSEP services, service providers may preempt services they provide as specified below. ''Service user'' as used in this section means any user of a telecommunications service or internet Protocol-based service, including both NSEP and non-NSEP services. Prior consent by a preempted user is not required.

a. Existing services may be preempted to provision NSEP services assigned Priority Level E or restore NSEP services assigned Priority Level 1 through 5 according to the following sequence:

(1) Non-NSEP services: If suitable spare services are not available, non-NSEP services will be preempted. After ensuring a sufficient number of public switched services are

available for public use, based on the service provider's best judgment, such services may be used to satisfy a requirement for provisioning or restoring NSEP services.

(2) NSEP services: If no suitable spare services or non-NSEP services are available, existing NSEP services may be preempted to provision or restore NSEP services with higher priority level assignments. When this is necessary, NSEP services will be selected for preemption in the inverse order of priority level assignment.

(3) Service providers who are preempting services will ensure their best effort to notify the service user of the preempted service and state the reason for and estimated duration of the preemption.

b. Service providers may, based on their best judgment, determine the sequence in which existing services may be preempted to provision NSEP services assigned Priority Level 1 through 5. Preemption is not subject to the consent of the user whose service will be preempted.

7. Requests for Priority Assignments

All service users are required to submit requests for priority assignments to DHS in the format and following the procedures that DHS prescribes.

8. Assignment, Approval, Use, and Invocation of Priority Levels

a. Assignment and approval of priority levels. Priority level assignments will be based upon the categories and criteria specified in section 10 of this appendix. After invocation of the President's war emergency powers, these requirements may be superseded by other procedures issued by DHS.

b. Use of priority level assignments.

(1) All provisioning and restoration priority level assignments for services in the Emergency NSEP category will be included in initial service orders to providers. Provisioning priority level assignments for Essential NSEP services, however, will not usually be included in initial service orders to providers. NSEP treatment for Essential NSEP services will be invoked and provisioning priority level assignments will be conveyed to service providers only if the providers cannot meet needed service dates through the normal provisioning process.

(2) Any revision or revocation of either provisioning or restoration priority level assignments will also be transmitted to providers.

(3) Service providers shall accept priority levels and/or revisions only after assignment by DHS.

Note: Service providers acting as prime contractors will accept assigned NSEP priority levels only when they are accompanied by the DHS designated service identification (*i.e.,* TSP Authorization Code). However, service providers are authorized to accept priority levels and/or revisions from users and contracting activities before assignment by DHS when service providers, users, and contracting activities are unable to communicate with either the FCC or DHS. Processing of Emergency NSEP service requests will not be delayed for verification purposes.

c. Invocation of NSEP treatment. To invoke NSEP treatment for the priority provisioning of an NSEP service, an authorized federal employee within, or acting on behalf of, the service user's organization must make a declaration to concerned service provider(s) and DHS that NSEP treatment is being invoked. An authorized invocation official is one who (1) understands how the requested service ties to the organization's NSEP mission; (2) is authorized to approve the expenditure of funds necessary for the requested service; and (3) has operational responsibilities for telecommunications procurement and/or management within the organization.

9. Appeal

Service users or sponsoring Federal organizations may appeal any priority level assignment, denial, revision, revocation, approval, or disapproval to DHS within 30 days of notification to the service user. The appellant must use the form or format required by DHS and must serve the FCC with a copy of its appeal. Service users and sponsoring Federal organizations may only appeal directly to the FCC after DHS action on the appeal. Such FCC appeal must be filed within 30 days of notification of DHS's decision on appeal. Additionally, DHS may appeal any FCC revisions, approvals, or disapprovals to the FCC. All appeals to the FCC must be submitted using the form or format required. The party filing its appeal with the FCC must include factual details supporting its claim and must serve a copy on DHS and any other party directly involved. Such party may file a response within 20 days, and replies may be filed within 10 days thereafter. The Commission will not issue public notices of such submissions. The Commission will provide notice of its decision to the parties of record. Any appeals to DHS that include a claim of new information that has not been presented before for consideration may be submitted at any time.

10. Categories, Criteria, and Priority Levels

a. General. NSEP TSP System categories and criteria, and permissible priority level assignments, are defined and explained below.

(1) The Essential NSEP category has four subcategories: National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety, and Maintenance of Law and Order; and Public Welfare and Maintenance of National Economic Posture. Each subcategory has its own criteria. Criteria are also shown for the Emergency NSEP category, which has no sub-categories.

(2) Priority Levels 1, 2, 3, 4, and 5 may be assigned for provisioning and/or restoration of Essential NSEP services. However, for Emergency NSEP services, Priority Level E is assigned for provisioning, and Priority Levels 1, 2, 3, 4, and 5 may be assigned for restoration of Emergency NSEP services.

(3) The NSEP TSP System allows the assignment of priority levels to any NSEP service across three time periods, or stress conditions: Peacetime/Crisis/Mobilization, Attack/War, and Post-Attack/Recovery. It is expected that priority levels may be revised within the three time periods by surviving authorized resource managers within DHS based upon specific facts and circumstances.

(4) Service users may, for their own internal use, assign sub-priorities to their services assigned priority levels. Receipt of and response to any such sub-priorities is optional for service providers.

(5) The following paragraphs provide a detailed explanation of the categories, subcategories, criteria, and priority level assignments, beginning with the Emergency NSEP category.

b. Emergency NSEP. Services in the Emergency NSEP category are those new services so critical as to be required to be provisioned at the earliest possible time, without regard to the costs of obtaining them.

(1) Criteria. To qualify under the Emergency NSEP category, the service must meet criteria directly supporting or resulting from at least one of the following NSEP functions:

(a) Federal government activity responding to a Presidentially declared disaster or emergency as defined in the Disaster Relief Act (42 U.S.C. 5122).

(b) State or local government activity responding to a Presidentially declared disaster or emergency.

(c) Response to a state of crisis declared by the National Command Authorities (*e.g.,* exercise of Presidential war emergency powers under section 706 of the Communications Act.)

(d) Efforts to protect endangered U.S. personnel or property.

(e) Response to an enemy or terrorist action, civil disturbance, natural disaster, or any other unpredictable occurrence that has damaged facilities whose uninterrupted operation is critical to NSEP or the management of other ongoing crises.

(f) Certification by the head or director of a Federal agency, commander of a unified/specified command, chief of a military service, or commander of a major military command, that the service is so critical to protection of life and property or to NSEP that it must be provided immediately.

(g) A request from an official authorized pursuant to the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 *et seq.* and 18 U.S.C. 2511, 2518, 2519).

(2) Priority Level Assignment.

(a) Services qualifying under the Emergency NSEP category are assigned Priority Level E for provisioning.

(b) After 30 days, assignments of Priority Level E for Emergency NSEP services are automatically revoked unless extended for another 30-day period. A notice of any such revocation will be sent to service providers.

(c) For restoration, Emergency NSEP services may be assigned priority levels under the provisions applicable to Essential NSEP services (see section 10(c)). Emergency NSEP services not otherwise qualifying for restoration priority level assignment as Essential NSEP may be assigned Priority Level 5 for a 30-day period. Such 30-day restoration priority level assignment will be revoked automatically unless extended for another 30-day period. A notice of any such revocation will be sent to service providers.

c. Essential NSEP. Services in the Essential NSEP category are those required to be provisioned by due dates specified by service users, or restored promptly, normally without regard to associated overtime or expediting costs. They may be assigned Priority Level 1, 2, 3, 4, or 5 for both provisioning and restoration, depending upon the nature and urgency of the supported function, the impact of lack of service or of service interruption upon the supported function, and, for priority access to public switched services, the user's level of responsibility. Priority level assignments will be valid for no more than three years unless revalidated. To be categorized as Essential NSEP, a service must qualify under one of the four following subcategories: National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety and Maintenance of Law and Order; or Public Welfare and Maintenance of National Economic Posture. (Note: Under emergency circumstances, Essential NSEP services may be recategorized as Emergency NSEP and assigned Priority Level E for provisioning.)

(1) National security leadership. This subcategory is strictly limited to only those NSEP services essential to national survival if nuclear attack threatens or occurs, and critical orderwire and control services necessary to ensure the rapid and efficient provisioning or restoration of other NSEP services. Services in this subcategory are those for which a service interruption of even a few minutes would have serious adverse impact upon the supported NSEP function.

(a) Criteria. To qualify under this subcategory, a service must be at least one of the following:

(i) Critical orderwire, or control services, supporting other NSEP functions.

(ii) Presidential communications service critical to continuity of government and national leadership during crisis situations.

(iii) National command authority communications service for military command and control critical to national survival.

(iv) Intelligence communications service critical to warning of potentially catastrophic attack.

(v) Communications service supporting the conduct of diplomatic negotiations critical to arresting or limiting hostilities.

(b) Priority level assignment. Services under this subcategory will normally be assigned Priority Level 1 for provisioning and restoration during the Peace/Crisis/Mobilization time period.

(2) National security posture and U.S. population attack warning. This subcategory covers additional NSEP services that are essential to maintaining an optimum defense, diplomatic, or continuity-of-government postures before, during, and after crises situations. Such situations are those ranging from national emergencies to international crises, including nuclear attack. Services in this subcategory are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP function.

(a) Criteria. To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Threat assessment and attack warning.

(ii) Conduct of diplomacy.

(iii) Collection, processing, and dissemination of intelligence.

(iv) Command and control of military forces.

(v) Military mobilization.

(vi) Continuity of Federal government before, during, and after crises situations.

(vii) Continuity of state and local government functions supporting the Federal government during and after national emergencies.

(viii) Recovery of critical national functions after crises situations.

(ix) National space operations.

(b) Priority level assignment. Services under this subcategory will normally be assigned Priority Level 2, 3, 4, or 5 for provisioning and restoration during Peacetime/Crisis/Mobilization.

(3) Public health, safety, and maintenance of law and order. This subcategory covers NSEP services necessary for giving civil alert to the U.S. population and maintaining law and order and the health and safety of the U.S. population in times of any national, regional, or serious local emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP functions.

(a) Criteria. To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Population warning (other than attack warning).

(ii) Law enforcement.

(iii) Continuity of critical state and local government functions (other than support of the Federal government during and after national emergencies).

(vi) Hospitals and distributions of medical supplies.

(v) Critical logistic functions and public utility services.

(vi) Civil air traffic control.

(vii) Military assistance to civil authorities.

(viii) Defense and protection of critical industrial facilities.

(ix) Critical weather services.

(x) Transportation to accomplish the foregoing NSEP functions.

(b) Priority level assignment. Service under this subcategory will normally be assigned Priority Levels 3, 4, or 5 for provisioning and restoration during Peacetime/Crisis/Mobilization.

(4) Public welfare and maintenance of national economic posture. This subcategory covers NSEP services necessary for maintaining the public welfare and national economic posture during any national or regional emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP function.

(a) Criteria. To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Distribution of food and other essential supplies.

(ii) Maintenance of national monetary, credit, and financial systems.

(iii) Maintenance of price, wage, rent, and salary stabilization, and consumer rationing programs.

(iv) Control of production and distribution of strategic materials and energy supplies.

(v) Prevention and control of environmental hazards or damage.

(vi) Transportation to accomplish the foregoing NSEP functions.

(b) Priority level assignment. Services under this subcategory will normally be assigned Priority Levels 4 or 5 for provisioning and restoration during Peacetime/Crisis/Mobilization.

■ 4. Revise appendix B to part 64 to read as follows:

Appendix B to Part 64—Wireless Priority Service (WPS) for National Security and Emergency Preparedness (NSEP)

1. Purpose and Authority

a. This appendix establishes rules, policies, and procedures and outlines responsibilities for the Wireless Priority Service (WPS), previously called Priority Access Service (PAS), to support the needs of National Security Emergency Preparedness (NSEP) personnel. WPS authorizes priority treatment to certain domestic telecommunications services and internet Protocol-based services (NSEP services) for which priority levels are requested, assigned, and approved in accordance with this appendix.

b. This appendix is issued pursuant to sections 1, 4(i), 4(j), 4(n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 615a–1, 615c, and 706 of the Communications Act of 1934, as amended, codified at 47 U.S.C. 151, 154(i)–(j), (n), 201–205, 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 308(a), 309(a), 309(j), 316, 332, 403, 615a–1, 615c, 606; and Executive Order 13618. Under section 706 of the Communications Act, this authority may be superseded by the war emergency powers of the President of the United States.

2. Definitions

As used in this appendix:

a. Authorizing agent refers to a Federal or State entity that authenticates, evaluates, and makes recommendations to DHS regarding the assignment of priority levels.

b. Service provider (or wireless service provider) refers to a provider of a wireless communications service or internet Protocol-based service, including commercial or private mobile service. The term includes agents of the licensed provider and resellers of wireless service.

c. Service user means an individual or organization to whom or which a priority access assignment has been made.

d. The following terms have the same meaning as in Appendix A to part 64, as amended:

(1) Assignment;

(2) Government;

(3) internet Protocol-based services;

(4) National Coordinating Center for Communications (NCC);

(5) National Security Emergency Preparedness (NSEP) services (excluding the last sentence);

(6) Reconciliation;
(7) Revalidation;
(8) Revision;
(9) Revocation.

3. Scope

a. Applicability. This appendix applies to the provision of WPS by wireless service providers to users who qualify under the provisions of section 6 of this appendix.

b. Eligible services. Wireless service providers may, on a voluntary basis, give eligible users priority access to, and priority use of, all secure and non-secure voice, data, and video services available over their networks. Providers that elect to offer these services must comply with all provisions of this appendix.

4. Policy

WPS provides the means for NSEP users to obtain priority wireless access to available radio channels when necessary to initiate emergency communications. It does not preempt public safety emergency (911) calls, but it may preempt or degrade other in-progress voice calls. NSEP users are authorized to use priority signaling to ensure networks can detect WPS handset network registration and service invocation. WPS is used during situations when network congestion is blocking NSEP call attempts. It is available to authorized NSEP users at all times in markets where the service provider has voluntarily elected to provide such service. Priority Levels 1 through 5 are reserved for qualified and authorized NSEP users, and those users are provided access to radio channels before any other users.

5. Responsibilities

a. The FCC:

(1) Provides regulatory oversight of WPS.

(2) Enforces WPS rules and regulations, which are contained in this appendix.

(3) Acts as final authority for approval, revision, or disapproval of priority assignments by DHS and adjudicates disputes regarding priority assignments and denials of such requests by DHS, until superseded by the President's war emergency powers under Section 706 of the Communications Act.

(4) Performs such functions as are required by law, including:

(a) with respect to all entities licensed or regulated by the FCC: the extension of or change in network facilities; the discontinuance, reduction, or impairment of interstate services; the control of common carrier rates, charges, practices, and classifications; the construction, authorization, activation, deactivation, or closing of radio stations, services, and facilities; the assignment of radio frequencies to licensees; the investigation of violations of FCC rules; and the assessment of communications service provider emergency needs and resources; and

(b) supports the continuous operation and restoration of critical communications systems and services by assisting the Secretary of Homeland Security with infrastructure damage assessment and restoration, and by providing the Secretary of Homeland Security with information collected by the FCC on communications infrastructure, service outages, and restoration, as appropriate.

b. Authorizing agents:

(1) Identify themselves as authorizing agents and their respective communities of interest to DHS. State authorizing agents provide a central point of contact to receive priority requests from users within their state. Federal authorizing agents provide a central point of contact to receive priority requests from Federal users or Federally sponsored entities.

(2) Authenticate, evaluate, and make recommendations to DHS to approve priority level assignment requests using the priorities and criteria specified in section 6 of this appendix. When appropriate, authorizing agents recommend approval or denial of requests for WPS.

(3) Ensure that documentation is complete and accurate before forwarding it to DHS.

(4) Serve as a conduit for forwarding WPS information from DHS to service users and vice versa. Such information includes WPS requests and assignments, reconciliation and revalidation notifications, and other relevant information.

(5) Participate in reconciliation and revalidation of WPS information at the request of DHS.

(6) Disclose content of the WPS database only to those having a need-to-know.

c. Service users:

(1) Determine the need for and request WPS assignments in accordance with the processes and procedures established by DHS.

(2) Initiate WPS requests through the appropriate authorizing agent. DHS approves or denies WPS requests and may direct service providers to remove WPS if appropriate. (Note: state and local government and private users apply for WPS through their designated state government authorizing agent. Federal users apply for WPS through their employing agency. State and local users in states where there has been no designation are sponsored by the Federal agency concerned with the emergency function as set forth in Executive Order 12656. If no authorizing agent is determined using these criteria, DHS serves as the authorizing agent.)

(3) Submit all correspondence regarding WPS to the authorizing agent.

(4) Participate in reconciliation and revalidation of WPS information at the request of the authorizing agent or DHS.

(5) Request discontinuance of WPS when the NSEP qualifying criteria used to obtain WPS is no longer applicable.

(6) Pay service providers as billed for WPS.

d. Service providers:

(1) Provide WPS only upon receipt of an authorization from DHS and remove WPS for specific users at the direction of DHS.

(2) Ensure that WPS Priority Level 1 exceeds all other priority services offered by WPS providers.

(3) Designate a point of contact to coordinate with DHS regarding WPS.

(4) Participate in reconciliation and revalidation of WPS information at the request of DHS.

(5) As technically and economically feasible, provide roaming service users the same grade of WPS provided to local service users.

(6) Disclose information regarding WPS users only to those having a need-to-know or who will not use the information for economic advantage.

(7) Ensure that at all times a reasonable amount of wireless spectrum is made available for public use.

(8) Notify DHS and the service user if WPS is to be discontinued as a service.

(9) Comply with all relevant Commission rules regarding WPS.

e. An appropriate body identified by DHS will identify and review any systemic problems associated with the WPS system and recommend actions to correct them or prevent their recurrence.

6. WPS Priority Levels and Qualifying Criteria

a. The following WPS priority levels and qualifying criteria apply equally to all users and will be used as a basis for all WPS assignments. There are five levels of NSEP priorities, with Priority Level 1being the highest. The five priority levels are:

(1) Executive Leadership and Policy Makers.

Users who qualify for the Executive Leadership and Policy Makers category will be assigned Priority Level 1. A limited number of technicians who are essential to restoring wireless networks shall also receive this highest priority treatment. Users assigned to Priority Level 1 receive the highest priority in relation to all other priority services offered by WPS providers. Examples of users who are eligible for Priority Level 1 include:

(i) The President of the United States, the Secretary of Defense, selected military leaders, and the staff who support these officials;

(ii) State governors, lieutenant governors, cabinet-level officials responsible for public safety and health, and the staff who support these officials; and

(iii) Mayors, county commissioners, and the staff who support these officials.

(2) Disaster Response/Military Command and Control.

Users who qualify for the Disaster Response/Military Command and Control category will be assigned Priority Level 2. This priority level includes individuals who manage the initial response to an emergency at the Federal, state, local, and regional levels. Personnel selected for this priority level are responsible for ensuring the viability or reconstruction of the basic infrastructure in an emergency area. In addition, personnel essential to continuity of government and national security functions (such as the conduct of international affairs and intelligence activities) are also included in this priority level. Examples of users who are eligible for Priority Level 2 include personnel from the following categories:

(i) Federal emergency operations center coordinators, *e.g.,* Chief, Public Safety and Homeland Security Bureau (FCC); Manager, National Coordinating Center for Communications; National Interagency Fire Center, Federal Coordinating Officer, Director of Military Support;

(ii) State emergency services directors, National Guard leadership, Federal and state damage assessment team leaders;

(iii) Federal, state and local personnel with continuity of government responsibilities;

(iv) Incident command center managers, local emergency managers, other state and local elected public safety officials; and

(v) Federal personnel with intelligence and diplomatic responsibilities.

(3) Public Health, Safety and Law Enforcement Command.

Users who qualify for the Public Health, Safety, and Law Enforcement Command category will be assigned Priority Level 3. This priority level includes individuals who conduct operations critical to life, property, and maintenance of law and order immediately following an emergency event. Examples of users who are eligible for Priority Level 3 include personnel from the following categories:

(i) Federal law enforcement;

(ii) State police;

(iii) Local fire and law enforcement;

(iv) Emergency medical services;

(v) Search and rescue;

(vi) Emergency communications;

(vii) Critical infrastructure protection; and

(viii) Hospital personnel.

(4) Public Services/Utilities and Public Welfare.

Users who qualify for the Public Services/Utilities and Public Welfare category will be assigned Priority Level 4. This priority level includes individuals who manage public works and utility infrastructure damage assessment and restoration efforts and transportation to accomplish emergency response activities. Examples of users who are eligible for Priority Level 4 include personnel from the following categories:

(i) Army Corps of Engineers;

(ii) Power, water, and sewage;

(iii) Communications;

(iv) Transportation; and

(v) Financial services.

(5) Disaster Recovery.

Users who qualify for the Disaster Recovery category will be assigned Priority Level 5. This priority level includes individuals who manage a variety of recovery operations after the initial response has been accomplished. These functions may include managing medical resources such as supplies, personnel, or patients in medical facilities. Other activities such as coordination to establish and stock shelters, to obtain detailed damage assessments, or to support key disaster field office personnel may be included. Examples of users who are eligible for Priority Level 5 include personnel from the following categories:

(i) Medical recovery;

(ii) Detailed damage assessment;

(iii) Emergency shelter; and

(iv) Joint Field Office support personnel.

b. These priority levels were selected to meet the needs of NSEP users who manage and respond to national security and public safety emergency situations, particularly during the first 24 to 72 hours following an event.

c. The entities listed above are examples of the groups of users who may qualify for each priority level. The lists are non-exhaustive; other users may qualify for WPS, including those from the critical infrastructure sectors identified in Presidential Policy Directive 21. However, specific eligibility determinations and priority level assignments are made by DHS.

7. Appeal

Service users and authorizing agents may appeal any priority level assignment, denial, revision, or revocation to DHS within 30 days of notification to the service user. If a dispute still exists following DHS action, an appeal may then be made to the FCC within 30 days of notification of DHS's decision. The party filing the appeal must include factual details supporting its claim and must provide a copy of the appeal to DHS and any other party directly involved. Involved parties may file a response to the appeal made to the FCC within 20 days, and the initial filing party may file a reply within 10 days thereafter. The FCC will provide notice of its decision to the parties of record. Until a decision is made, the service will remain status quo.

8. Preemption or Degradation of Existing Services

Service providers may preempt or degrade in-progress voice, data, text, and video communications from NSEP users assigned to any priority level, except for public safety emergency (911) communications, when necessary to prioritize eligible WPS communications.

a. Service providers are not required to offer preemption or degradation.

b. Preemption and degradation are authorized for all five priority levels.

c. Preemption and degradation are not subject to the consent of the user whose service will be preempted or degraded.

9. Priority Signaling

Service providers may offer priority signaling to ensure networks can detect WPS handset registration and service invocation.

[FR Doc. 2022–14155 Filed 7–1–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–155; RM–11900; DA 22–660; FR ID 93699]

Television Broadcasting Services Medford, Oregon.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 16, 2021, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by KTVL Licensee, LLC (the Petitioner), the licensee of KTVL(TV), channel 10, Medford, Oregon, requesting the substitution of channel 16 for channel 10 at Medford in the Table of Allotments. The Bureau is now amending FCC regulations to make this change.

DATES: Effective July 5, 2022.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov*.

SUPPLEMENTARY INFORMATION: The proposed rule was published at 86 FR 25979 on May 12, 2021. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 16. theDove Media, Inc. (theDove), the licensee of low power television station KDSO–LP, channel 16, Medford, Oregon, filed comments in opposition to the rulemaking petition and a counterproposal. On June 22, 2022, the Video Division of the Bureau approved a Joint Request for Approval of Settlement Agreement whereby theDove requested dismissal of its Opposition with prejudice, and the Petitioner agreed to reimburse theDove in an amount not to exceed $23,420 as reimbursement for costs related to theDove's acquisition and construction of a displacement facility on channel 26 at Medford. The parties also agreed that KTVL would not begin operations on channel 16 until KDSO–LP commenced operations on channel 26. The Video Division approved the Joint Request for Approval of Settlement Agreement and dismissed theDove's opposition by letter dated June 22, 2022.

The Petitioner states that the Commission has recognized that VHF channels have certain propagation characteristics which may cause reception issues for some viewers, that the reception of VHF signals require larger antennas relative to UHF channels, and that studies suggest a large variability in the performance of indoor antennas, with most performing poorly or not so well receiving VHF channels, compared to UHF channels. Petitioner further states that the Station has received numerous complaints from viewers unable to receive the Station's over-the-air signal, despite being able to receive signals from other local stations. In addition, the Petitioner states while the proposed channel 16 noise limited contour does not completely encompass the channel 10 noise limited contour, KTVL is a CBS affiliate and there are two other CBS affiliated stations that serve all but 9,355 persons in the noise limited contour loss area.[1] The Petitioner also submitted an analysis, using the Commission's *TVStudy* software analysis program, demonstrating that after taking into account service provided by other CBS stations, all of the population located

within KTVL's channel 10 noise limited contour will continue to receive CBS service, resulting in no loss of network service.

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 21–155; RM–11900; DA 22–660, adopted June 22, 2022, and released June 22, 2022. The full text of this document is available for download at *https://www.fcc.gov/edocs*. 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).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of Allotments, under Oregon, by revising the entry for Medford to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
Oregon	
* * * * *	
Medford	5, *8, 12, 16, 26.
* * * * *	

[FR Doc. 2022–14201 Filed 7–1–22; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 87, No. 127
Tuesday, July 5, 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 THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 25

[Docket ID OCC–2022–0002]

RIN 1557–AF15

FEDERAL RESERVE SYSTEM

12 CFR Part 228

[Regulation BB; Docket No. R–1769]

RIN 7100–AG29

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 345

RIN 3064–AF81

Community Reinvestment Act

Correction

In proposed rule document 2022–10111 appearing on pages 33884–34066 in the issue of June 3, 2022, make the following correction:

On page 33976, in the second column, the duplicate formulas are corrected to read as set forth below:

$$\frac{CD\ loans + CD\ Investments\ (\$200{,}000)}{deposits\ (\$10{,}000{,}000)} =$$

Bank State Community Development Financing Metric (2.0 percent)

[FR Doc. C1–2022–10111 Filed 7–1–22; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 220629–0145]

RIN 0648–BK81

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Non-trawl Logbook

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would create a federal requirement for certain vessels in the Pacific Coast Groundfish fishery target fishing for groundfish with non-trawl gear in federal waters off the coasts of California, Oregon, and Washington, to complete and submit a non-trawl logbook to NMFS via an electronic application. Specifically, this non-trawl logbook requirement would apply to vessels participating in the directed open access and limited entry fixed gear sectors, as well as those

vessels that fish with non-trawl gear in the Shorebased Individual Fishing Quota Program. The intent of this requirement is to collect valuable fishery-dependent information in non-trawl sectors with partial observer coverage, which would help better inform management of these fisheries.

DATES: Comments must be received by August 4, 2022.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2022–0035, by the following method:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0035 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

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

FOR FURTHER INFORMATION CONTACT: Lynn Massey, phone: 562–436–2462, or email: *lynn.massey@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The commercial non-tribal groundfish fisheries off the West Coast include vessels using a variety of gear types in permitted (limited entry) and non-permitted (open access (OA)) sectors. Within the limited entry sector, some permits have fixed gear endorsements (*i.e.,* bottom longline and/or pot gear). Some of these fixed gear-endorsed permits also carry a sablefish endorsement, which allows the vessel registered to the permit to participate in the limited entry fixed gear (LEFG) sablefish primary fishery and limited entry trip limit fisheries. Other permits may have a trawl endorsement, which can be used with either trawl gear or with fixed gear in the Shorebased Individual Fishing Quota (IFQ) Program. These vessels are often referred to as ''gear switchers.'' The non-permitted, or OA fishery, is comprised of vessels catching and retaining groundfish using a variety of fishing strategies. Some participating vessels have the primary intent of catching groundfish (*i.e.,* directed OA), while other vessels have the primary intent of catching a species other than groundfish, but in the process retain groundfish caught incidentally as an additional value for the fishing trip (*i.e.,* incidental OA).

During the June 2008 Pacific Fishery Management Council (Council) meeting, for the 2009–2010 Groundfish Harvest Specifications and Management Measures action, the Council recommended that NMFS initiate rulemaking for a mandatory logbook requirement for the limited entry and OA fixed gear fishing fleets. Comparatively, the groundfish trawl fisheries have been subject to state logbook requirements since the late 1980s, and more recently, a federal logbook requirement was implemented for catcher vessels using trawl gear off California in the Pacific Coast Groundfish fishery (84 FR 32096; July 5, 2019). In the proposed rule for the 2009–2010 harvest specifications (73 FR 80516; December 31, 2008), NMFS determined that development and implementation of a federal logbook system for the limited entry and OA fixed gear fishing fleets would take more time than was available for that rulemaking, and stated it would be under consideration for implementation in the future (pp 80538).

Similar to the trawl logbook, a fixed gear logbook has broad applicability and utility for the management of the OA, LEFG, and Shorebased IFQ gear switching commercial groundfish fisheries. Data collected in a logbook for fixed gear vessels would contribute to stock assessments, inform managers about location-specific catch and discards on non-observed trips and vessels, support economic analysis, and provide information to quantify groundfish fishery effort to allow more precise estimation of bycatch of Endangered Species Act (ESA) listed species, such as seabirds and humpback whales. In addition, implementation of a logbook for fixed gear vessels is a term and condition implementing Reasonable and Prudent Measure 4 of the 2017 Biological Opinion regarding the effects of the continued operation of the Pacific Coast Groundfish Fishery on ESA listed seabirds (FWS O1EOFWOO–2017–F–03 16). The ESA Workgroup has recommended a fixed gear logbook numerous times (see the ESA Workgroup reports on the Council's website (*pcouncil.org*) for the June 2015, April 2017, June 2021 meetings). Finally, a logbook for the OA, LEFG, and Shorebased IFQ gear switching fisheries would provide vital area-specific catch information to support future actions under consideration by the Council, such as opening up areas of the non-trawl Rockfish Conservation Area (NT–RCA).

Considering that it has been several years since the Council's recommendation on this action and that aspects of the relevant fishery sectors have changed since then, NMFS requested additional guidance on the Council's intended scope for this action at the September 2021 meeting. First, NMFS asked the Council for clarification on whether it intended for the logbook requirement to apply to both the directed *and* incidental OA sectors, or *only* the directed OA sector. The reason for this request for clarification was to confirm whether the Council intended for the logbook to be submitted by non-groundfish fisheries that land groundfish incidentally under OA trip limits (*e.g.,* the salmon troll fishery). Second, NMFS asked the Council to clarify whether it intended the logbook to apply to the ''non-trawl'' fleets as opposed to the ''fixed gear'' fleets; although the terms are sometimes used interchangeably and may include many of the same gear types (*e.g.,* pot gear), they do not include all of the same gear types (*e.g.,* troll gear is non-trawl gear, but is not fixed gear). In 2008, the Council used the term ''fixed gear'' in its recommendation. The reason for this clarification request is that the Council has recently expressed interest in collecting logbook information on non-trawl gears that do not meet the regulatory definition of fixed gear (*see* § 660.11), namely troll gear. In addition, non-trawl gear types that are not fixed gears are being contemplated by the Council for legal use inside the NT–RCA, and the Council has indicated that any vessel authorized to fish inside the NT–RCA should be required to fill out a logbook.

In response to NMFS' request for clarification, at its March 2022 meeting, the Council made a final recommendation on the logbook that clarified the following:

- The logbook requirement would apply to the more inclusive ''non-trawl'' groundfish fleets as opposed to the ''fixed gear'' groundfish fleets.
- Vessels using non-trawl gear in the following fishery sectors would be required to submit the federal logbook to NMFS:
  - Directed open access for groundfish (not incidental open access for groundfish)
  - LEFG Primary Sablefish
  - LEFG trip limit
  - Vessels using non-trawl gear in the Shorebased IFQ program (herein

referred to as the ''IFQ gear switching'' fishery or sector)

The Council may consider expanding the logbook requirement for additional non-trawl fisheries retaining groundfish in the future. NMFS is moving forward with the development of a federal non-trawl logbook requirement in accordance with the above recommendation.

Non-Trawl Logbook Development

NMFS has contracted the Pacific States Marine Fisheries Commission (PSMFC) to develop an electronic logbook application. The PSMFC will house and manage the logbook data. NMFS intends the application to be available for download free of charge on smart phones, tablets, and laptop computers; however, initial rollout may be limited to a smart phone application, subject to timing constraints. If this proposed rule is finalized, NMFS would publish a Compliance Guide with all necessary download and operation instructions upon publication of the final rule. For a minimum of 1 year from the effective date of the final rule, NMFS would accept paper logbook forms to provide a grace period for adapting to the electronic application. NMFS will prescribe the paper logbook forms that may be submitted to meet this requirement. Depending on the development status of the electronic application, NMFS may extend the optional paper logbook provision beyond one year from the effective date of the final rule. NMFS will issue a public notice at least 90 calendar days prior to ending the optional provision to submit a paper logbook. Each non-trawl logbook paper form would represent a single fishing trip, and the data would be matched to a landing receipt (*i.e.,* fish ticket) submitted to PSMFC by seafood first receivers (*i.e.,* buyers). This matching step acts as a data corroboration process for landings, and allows the PSMFC to identify and correct any errors in the data. Paper logbook submission would be required within one month of a fishing trip. The PSMFC would mail logbook forms to the state fish and wildlife agencies, who would then assist in distributing logbook forms to their respective fishers.

NMFS and the PSMFC have begun consulting with industry representatives on the electronic logbook layout and design, and will continue soliciting industry feedback as the logbook develops. NMFS and the PSMFC intend to coordinate with end-users of the data, including the Council's Groundfish Management Team (GMT) and other State representatives, on the design of the electronic logbook.

Content and Use of the Non-Trawl Logbook

The non-trawl logbook would collect set-level information on catch, discards, fishing location, fishing depth, gear configuration, and sale. Most data would be required to be entered into the electronic logbook application while the vessel is fishing, with only the buyer information recorded upon landing. An electronic logbook entry would be required for each individual fishing trip. Submission of electronic logbook data in the application would be required within 24 hours of landing; data would be transmitted when the vessel returns to an area with internet access.

NMFS, the Council, the GMT, the Northwest Fishery Science Center, and the PSMFC would use the data obtained from the logbook application for analyses of catch locations and bycatch hotspots, spot verification of fish tickets, analyses on gear usage by area, stock assessments, and a variety of other applications. Additionally, federal groundfish regulations require vessels to make the logbook data available to fishery observers under the West Coast Groundfish Observer Program. The observers collect biological samples and pair these samples with logbook data describing vessel position, target, depth, and retained catch. These data are not always accessible from other sources such as equipment on the ship. Finally, the logbook data may also be used by the NOAA Office of Law Enforcement (OLE) and the U.S. Coast Guard in investigations.

Non-Trawl Federal Logbook Requirement

This proposed rule would create a federal logbook requirement for vessels participating in the directed OA, LEFG and IFQ gear switching fishery sectors. The directed OA sector includes those vessels that target fish for groundfish in federal waters. The LEFG sector includes the primary sablefish fishery and the LE trip limit fisheries. The IFQ gear switching sector includes those vessels that participate in the Shorebased IFQ Program with trawl gear, but also ''gear switch'' and occasionally fish with non-trawl gear pursuant to their IFQ limits. From 2016–2019, an average of 536, 188, and 18 vessels participated in the directed OA, LEFG, and IFQ gear switching fishery sectors, respectively. Therefore, NMFS anticipates this action will affect a total of approximately 742 vessels.

This proposed rule would also amend the regulations at § 660.13 to add new gear types or sectors that vessels can declare on their declaration reports (*e.g.,* declaration codes) and revise some existing declaration codes with the primary purpose of ensuring those codes better align with the gear profiles as they would be described in the electronic non-trawl logbook application. Additionally, the revised declaration codes would allow NOAA's OLE to identify those vessels that are subject to the new non-trawl logbook requirement based on what gear type is declared.

This proposed rule is structured to minimize impacts on those vessels that are already subject to comparable logbook requirements. For example, those vessels that gear switch in the Shorebased IFQ Program and use electronic monitoring (EM) in lieu of an observer currently record discards on a paper logbook form (*see* § 660.604(s)). Those vessels would be required to transition to submit the electronic non-trawl logbook application instead of the paper logbook forms, with the exception of the firstyear(s), when they would be permitted to continue submitting the paper form as they adapt to the electronic application.

Under this proposed rule, vessels would be required to send the alternative paper logbook forms to the PSFMC, on behalf of NMFS, at: Pacific States Marine Fisheries Commission, 205 SE Spokane St., Suite #100, Portland, OR 97202.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

There are no relevant federal rules that may duplicate, overlap, or conflict with this action.

Certification Under the Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

For purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) only, NMFS has established a small business size standard for businesses, including their affiliates,

whose primary industry is commercial fishing (*see* 50 CFR 200.2). A business primarily engaged in commercial fishing is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. This standard applies to all businesses classified under North American Industry Classification System (NAICS) code 11411 for commercial fishing, including all businesses classified as commercial finfish fishing (NAICS 114111), commercial shellfish fishing (NAICS 114112), and other commercial marine fishing (NAICS 114119) businesses (50 CFR 200.2; 13 CFR 121.201).

This proposed rule would directly affect groundfish vessels fishing in the directed OA, LEFG, and IFQ gear switching fishery sectors, which would be required to collect information to complete and submit the non-trawl logbook. From 2016–2019, an average of 536, 188, and 18 vessels participated in the directed OA, LEFG, and IFQ gear switching fisheries, respectively. Therefore, NMFS anticipates this action will affect a total of approximately 742 vessels, which would all be classified as small businesses according to NMFS' small business standard under the RFA.

This proposed rule is not anticipated to have a significant economic impact on the affected entities. This rule is administrative in nature, as it establishes a new reporting requirement for these fishery sectors. The electronic logbook application will be available for download free of charge on smart phones, tablets, and laptops. NMFS has conducted outreach with members of the Groundfish Advisory Subpanel who represent the affected entities, and all have confirmed that most fishers in the affected sectors have at least one of these electronic devices. Even if, at initial implementation, the electronic logbook application is only available for download on a smart phone, those fishermen that do not own a smart phone would be permitted to submit a paper logbook form for two years. This would provide enough time for NMFS and the PSMFC to finalize the electronic logbook application for other devices, including tablets and laptops.

In addition, this proposed rule is not expected to place small entities at a significant competitive disadvantage to large entities. This action is administrative, and only creates a new reporting requirement for vessels fishing in the directed OA, LEFG, and IFQ gear switching fishery sectors. Vessels that are considered large entities in the Pacific Coast Groundfish fishery (*e.g.,* mothership and catcher-processor vessels) are subject to their own separate reporting requirements (*see* § 660.113).

For these reasons, NMFS believes that this proposed rule would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

Information Collection Requirements

This proposed rule contains a new collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507(d)) (PRA). This rule adds a federal requirement to complete and submit data in the non-trawl electronic logbook application for fishing activities in the directed OA, LEFG, and IFQ gear switching fishery sectors. Public reporting burden for the federal non-trawl logbook requirement is estimated to average 30 minutes per logbook submission, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The average vessel took about 14 fishing trips per year between 2016–2019, which would result in about 7 additional hours of paperwork to comply with the new logbook requirement over the course of the year. Vessels pursuing a targeted non-trawl groundfish strategy would be most impacted by the proposed rule. NMFS estimates that a subset of about ten vessels of the 742 affected vessels pursue such a strategy and take between 100–180 trips per vessel per year; these entities would have an estimated additional burden of approximately 50–90 hours per vessel.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; 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, including through the use of automated collection techniques or other forms of information technology. Submit comments on these or any other aspects of the collection of information at *www.reginfo.gov/public/do/PRAMain.* Find the particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

In addition, this rule revises the existing requirements for the collection of information 0648–0573 by adding and modifying declaration codes for the purpose of monitoring and enforcing the new logbook requirement. These new declaration codes are not anticipated to alter the number of respondents, anticipated responses, burden hours, or burden costs, as the affected vessels are already required to declare their fishing activities. The new declaration codes would allow NOAA's OLE to track those vessels that are subject to the logbook requirement based on what gear type is being used and the location of their fishing activity. Public reporting burden for submitting a declaration report is estimated to average 4 minutes per individual report, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; 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, including through the use of automated collection techniques or other forms of information technology. Submit comments on these or any other aspects of the collection of information at *www.reginfo.gov/public/do/PRAMain.* Find the particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

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

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 29, 2022.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.11, under the definition for ''*Open access fishery*'' add paragraphs (1) and (2) to read as follows:

§ 660.11 General definitions.

* * * * *

Open access fishery * * *

(1) For the purpose of the non-trawl logbook requirements at § 660.13, *directed open access fishery* means that a fishing vessel is target fishing for groundfish under the requirements of 50 CFR part 660, subpart F, is only declared into an open access groundfish gear type or sector as defined at 50 CFR 660.13(d)(4)(iv)(A), and has not declared into any other gear type or sector.

(2) [*Reserved*]

* * * * *

■ 3. In § 660.12, revise paragraph (b)(3) to read as follows:

§ 660.12 General groundfish prohibitions.

* * * * *

(b) * * *

(3) Falsify or fail to prepare and/or file, retain or make available records of fishing activities as specified in § 660.13(a)(1) or (2).

* * * * *

■ 4. In § 660.13:

■ a. Revise paragraph (a)(2), and add paragraph (a)(3).

■ b. Revise paragraphs (d)(4)(iv) introductory text, and (d)(4)(iv)(A)(*1*) through (*31*), and add (d)(4)(iv)(A)(*32*) through (*37*).

The revisions and additions read as follows:

§ 660.13 Recordkeeping and reporting.

* * * * *

(a) * * *

(2) *Non-Trawl Logbook.* The authorized representative of a commercial vessel participating in:

(i) The directed open access fishery, as defined at § 660.11;

(ii) The limited entry fixed gear trip limit fisheries subject to the trip limits in Table 2 North and South to Subpart E, and primary sablefish fisheries, as defined at § 660.211; and

(iii) Gear switching in the Shorebased IFQ Program, as defined at § 660.140(k), must keep and submit a complete and accurate record of fishing activities in the non-trawl electronic logbook application.

(3) The non-trawl electronic logbook application is a web-based portal used to send data from non-trawl fishing trips to the Pacific States Marine Fisheries Commission. The following requirements apply:

(i) The authorized representative of the vessel must complete an entry in the non-trawl electronic logbook application for all groundfish fishing trips, as defined under § 660.11. Required information for each fishing trip includes, but is not limited to, information on set-level data on catch, discards, fishing location, fishing depth, gear configuration, and sale.

(ii) The authorized representative of the vessel must complete an entry for each groundfish fishing trip in the non-trawl electronic logbook application with valid responses for all data fields in the application, except for information not yet ascertainable, prior to entering port, subject to the following requirements:

(A) Setting gear: Logbook entries for setting gear, including vessel information, gear specifications, set date/time/location, must be completed within 2 hours of setting gear.

(B) Retrieving gear: Logbook entries for retrieving gear, including date/time recovered and catch/discard information, must be completed within 2 hours of retrieving gear.

(C) The authorized representative of the vessel must complete and submit entries in the non-trawl electronic logbook application within 24 hours of the completion of offload.

(D) For a minimum of 1 year from the effective date of the final rule, vessels subject to this non-trawl logbook requirement are permitted to submit a paper logbook form in lieu of the requirement to fill out the non-trawl electronic logbook application. The West Coast Regional Administrator will prescribe the paper logbook forms required under this section. NMFS will issue a public notice at least 90 calendar days prior to ending the optional provision to submit a paper logbook. The authorized representative of the vessel must complete the non-trawl logbook form on all groundfish trips, subject to the same requirements as for the non-trawl electronic logbook application, listed above in § 660.13(a)(2)(i) through (ii). The authorized representative of the vessel must deliver the NMFS copy of the non-trawl logbook form by mail or in person to NMFS or its agent within 30 days of landing. The authorized representative of the vessel responsible for submitting the non-trawl logbook forms must maintain a copy of all submitted logbooks for a minimum of three years after the fishing activity ended.

* * * * *

(d) * * *

(4) * * *

(iv) Declaration reports will include: The vessel name and/or identification number, gear type, and monitoring type where applicable, (as defined in paragraph (d)(4)(iv)(A) of this section). Upon receipt of a declaration report, NMFS will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator. Vessels using nontrawl gear may declare more than one gear type with the exception of vessels participating in the Shorebased IFQ Program (*i.e.,* gear switching), however, vessels using trawl gear may only declare one of the trawl gear types listed in paragraph (d)(4)(iv)(A) of this section on any trip and may not declare nontrawl gear on the same trip in which trawl gear is declared.

(A) * * *

(*1*) Limited entry fixed gear, not including shorebased IFQ (declaration code 10),

(*2*) Limited entry groundfish non-trawl, shorebased IFQ, observer (declaration code 11),

(*3*) Limited entry groundfish non-trawl, shorebased IFQ, electronic monitoring (declaration code 11),

(*4*) Limited entry midwater trawl, non-whiting shorebased IFQ, observer (declaration code 20),

(*5*) Limited entry midwater trawl, non-whiting shorebased IFQ, electronic monitoring (declaration code 20),

(*6*) Limited entry midwater trawl, Pacific whiting shorebased IFQ, observer (declaration code 21),

(*7*) Limited entry midwater trawl, Pacific whiting shorebased IFQ, electronic monitoring (declaration code 21)

(*8*) Limited entry midwater trawl, Pacific whiting catcher/processor sector (declaration code 22),

(*9*) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel or mothership), observer (declaration code 23),

(*10*) Limited entry midwater trawl, Pacific whiting mothership sector (catcher vessel), electronic monitoring (declaration code 23),

(*11*) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl or selective flatfish trawl (declaration code 30),

(*12*) Limited entry bottom trawl, shorebased IFQ, not including demersal trawl or selective flatfish trawl,

electronic monitoring (declaration code 30),

(*13*) Limited entry demersal trawl, shorebased IFQ, observer (declaration code 31)

(*14*) Limited entry demersal trawl, shorebased IFQ, electronic monitoring (declaration code 31),

(*15*) Limited entry selective flatfish trawl, shorebased IFQ, observer (declaration code 32),

(*16*) Limited entry selective flatfish trawl, shorebased IFQ, electronic monitoring (declaration code 32),

(*17*) Non-groundfish trawl gear for pink shrimp (declaration code 41),

(*18*) Non-groundfish trawl gear for ridgeback prawn (declaration code 40),

(*19*) Non-groundfish trawl gear for California halibut (declaration code 42),

(*20*) Non-groundfish trawl gear for sea cucumber (declaration code 43),

(*21*) Open access bottom contact hook-and-line gear for groundfish (*e.g.,* bottom longline, commercial vertical hook-and-line, dinglebar) (declaration code 33),

(*22*) Open access Pacific halibut longline gear (declaration code 62),

(*23*) Open access groundfish trap or pot gear (declaration code 34),

(*24*) Open access Dungeness crab trap or pot gear (declaration code 61),

(*25*) Open access prawn trap or pot gear (declaration code 60),

(*26*) Open access sheephead trap or pot gear (declaration code 65),

(*27*) Open access non-bottom contact hook and line gear for groundfish (*e.g.,* troll, weighted jig gear, rod & reel gear) (declaration code 35),

(*28*) Open access non-bottom contact stationary vertical jig gear (declaration code 36)

(*29*) Open access non-bottom contact troll gear (declaration code 37),

(*30*) Open access HMS line gear (declaration code 66),

(*31*) Open access salmon troll gear (declaration code 63),

(*32*) Open access California Halibut line gear (declaration code 64),

(*33*) Open access Coastal Pelagic Species net gear (declaration code 67),

(*34*) Other, a gear that is not listed above (declaration code 69),

(*35*) Tribal trawl gear (declaration code 50),

(*36*) Open access California anchored gillnet gear (declaration 68), or

(*37*) Gear testing, Trawl Rationalization fishery (declaration code 70).

[FR Doc. 2022–14295 Filed 7–1–22; 8:45 am]

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Notices

Federal Register

Vol. 87, No. 127

Tuesday, July 5, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Assembly of the Administrative Conference of the United States adopted three recommendations at its hybrid (virtual and in-person) Seventy-seventh Plenary Session: (a) Contractors in Rulemaking, (b) Improving Notice of Regulatory Changes, and (c) Automated Legal Guidance at Federal Agencies.

FOR FURTHER INFORMATION CONTACT: For Recommendation 2022–1, Kazia Nowacki; for Recommendation 2022–2, Matthew A. Gluth; and for Recommendation 2022–3, Alexandra F. Sybo. For each of these recommendations the address and telephone number are: Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW, Washington, DC 20036; Telephone 202–480–2080.

SUPPLEMENTARY INFORMATION: The Administrative Conference Act, 5 U.S.C. 591–596, established the Administrative Conference of the United States. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and makes recommendations to agencies, the President, Congress, and the Judicial Conference of the United States for procedural improvements (5 U.S.C. 594(1)). For further information about the Conference and its activities, see *www.acus.gov.*

The Assembly of the Conference met during its Seventy-seventh Plenary Session on June 16, 2022, to consider three proposed recommendations and conduct other business. All three recommendations were adopted.

Recommendation 2022–1, *Contractors in Rulemaking.* This recommendation identifies best practices for managing contractors that assist agencies in the rulemaking process. It recommends that agencies exercise proper oversight to avoid contracting out inherently governmental functions or other activities that should be performed by federal employees, clearly delineate responsibility between contractors and agency staff, institute safeguards to prevent or remediate conflicts of interest, and ensure transparency in connection with their contracting activities.

Recommendation 2022–2, *Improving Notice of Regulatory Changes.* This recommendation offers best practices for agencies to ensure that members of the public receive effective notice of regulatory changes, focusing especially on the needs of parties with limited resources to monitor agency actions. It recommends that agencies consider a variety of possible strategies for improving notice of regulatory changes, including providing updates on agency websites, allowing the public to sign up for electronic notifications, announcing updates via email distribution lists, and coordinating with organizations that can provide updates to their members.

Recommendation 2022–3, *Automated Legal Guidance at Federal Agencies.* This recommendation identifies best practices for agencies to use when designing and updating automated tools, such as interactive chatbots and virtual assistants, to provide legal guidance to the public. It addresses factors agencies should consider in deciding whether to utilize automated legal guidance tools, how agencies that utilize those tools can ensure that the information they provide is accurate and current, and how agencies can ensure that recipients of such guidance understand its limitations and do not rely on it to their detriment.

The Conference based its recommendations on research reports and prior history that are posted at: *https://www.acus.gov/meetings-and-events/plenary-meeting/77th-plenary-session.*

Authority: 5 U.S.C. 595.

Dated: June 28, 2022.

Shawne C. McGibbon,

General Counsel.

Appendix—Recommendations of the Administrative Conference of the United States

Administrative Conference Recommendation 2022–1

Contractors in Rulemaking

Adopted June 16, 2022

Agencies rely on private contractors to perform many kinds of services in support of their rulemaking activities. These services can occur at any stage of the rulemaking process. Functions that agencies assign to contractors include conducting research undergirding a rule; preparing regulatory impact analyses; facilitating meetings with interested persons; and tabulating, categorizing, or summarizing public comments the agency receives. As with other agency functions, contracting out specific rulemaking functions may help increase staffing flexibility to ease workloads, lower administrative costs, provide topic-specific expertise or access to technology that agencies do not possess internally, and provide alternative perspectives on particular issues.[1]

Agencies' use of contractors, however, may also raise distinctive concerns in the rulemaking context.[2] Agencies must ensure that they comply with applicable legal obligations and must exercise their discretion in a way that avoids ethics violations, promotes efficiency, and ensures that agency officials exercise proper oversight of contractors.

Among the applicable legal obligations is the prohibition on contracting out ''inherently governmental functions.''[3] Inherently governmental functions are those that are ''so intimately related to the public interest as to require performance by Federal Government employees.''[4] They include

[1] *See* Bridget C.E. Dooling & Rachel Augustine Potter, Contractors in Rulemaking (May 9, 2022) (report to the Admin. Conf. of the U.S.).

[2] *Cf.* Admin. Conf. of the U.S., Recommendation 85–2, *Agency Procedures for Performing Regulatory Analysis of Rules,* ¶ 6, 50 FR 28,364, 28,365 (July 12, 1985).

[3] *See* 48 CFR 7.503; Publication of the Office of Federal Procurement Policy (OFPP) Policy Letter 11–01, Performance of Inherently Governmental and Critical Functions, 76 FR 56,227 (Oct. 12, 2011) [hereinafter OFPP Policy Letter]; Off. of Mgmt. & Budget, Exec. Off. of the President, OMB Circular A–76, Performance of Commercial Activities (Revised 2003). The prohibition is reflected in the Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105–270, 112 Stat. 2382 (1998) [hereinafter FAIR Act], and the National Defense Authorization Act (NDAA) for Fiscal Year 2009, Public Law 110–417, 321, 122 Stat. 4356, 4411–12 (2008).

[4] OFPP Policy Letter, *supra* note 3, § 3, at 56,236; *accord* FAIR Act, *supra* note 3, § 5, at 2384.

''functions that require either the exercise of discretion in applying Federal Government authority or the making of value judgments in making decisions for the Federal Government . . . .'' [5]

Whereas ''determining'' the content of a regulation is an inherently governmental function,[6] providing ''[s]ervices that involve or relate to the development of regulations'' is not.[7] Rather, the provision of such services is considered to be ''closely associated with the performance of inherently governmental functions.'' [8] When agencies allow contractors to perform functions closely associated with inherently governmental functions, they must exercise heightened caution.[9] They must, in particular, ''give special consideration to Federal employee performance of [such] functions and, when such work is performed by contractors, provide greater attention and an enhanced degree of management oversight of the contractors' activities to ensure that contractors' duties do not expand to include performance of inherently government functions.'' [10]

Agencies must also consider potential ethical issues when contracting out rulemaking functions. Because contractors are, with a few exceptions, generally not subject to the ethics laws governing federal employees, there are potential ethics-related risks against which agencies must protect and which may not be addressed adequately under existing procurement regulations.[11] The risks of conflicts of interest (both organizational and personal) and misuse of confidential information may be especially salient when contractors support a policymaking function such as rulemaking.[12] Agencies can mitigate these risks by establishing and internally disseminating policies and procedures governing the use and management of contractors in rulemaking, which may include any requirement that the agency disclose its use of contractors.

In addition to legal and ethical issues, agencies must also consider the potential negative consequences of using contractors to perform rulemaking-related functions, including whether repeated reliance on contractors might compromise their ability to maintain necessary career staff with appropriate skills. Agencies may also wish to consider alternative methods to contracting when they need to expand internal capacity in connection with rulemaking, such as using executive branch rotations, fellowship programs, or federally funded research and development centers, or by assigning temporary employees under the Intergovernmental Personnel Act.[13]

This Recommendation provides guidance to agencies for when they are considering contracting out certain rulemaking-related functions. Recognizing that agencies' needs vary enormously, it addresses a range of legal, ethical, prudential, and practical considerations that agencies should take into account when using contractors.

Recommendation

Internal Management

1. Agencies that use contractors to perform rulemaking-related functions should adopt and publish written policies related to their use. These policies should cover matters such as:

a. The types of rulemaking functions considered to be inherently governmental functions or closely associated with inherently governmental functions;

b. Internal procedures to ensure that agency employees do not contract out inherently governmental functions and to ensure increased scrutiny when contracting out functions that are closely associated with inherently governmental functions;

c. Requirements for internal disclosure of the functions contractors undertake with regard to specific rulemakings;

d. Standards for when contractors should identify themselves as such in communications with the public in connection with rulemakings; and

e. Ethical rules applicable to contractors, including their employees.

2. To enhance their management of contractors, agencies should consider providing rulemaking-specific training for employees on agency policies and ethical restrictions applicable to contractors. Agencies should also consider designating an agency office or officer to answer questions about the use of contractors to perform rulemaking-related functions and be responsible for deciding whether a function is inherently governmental.

3. When agencies rely on contractors in a rulemaking, they should ensure that agency employees can identify contractors and are aware of contractors' assigned functions. Agencies should specifically focus on whether contractors should work in the same space as agency employees, how and to what extent they may participate in meetings with agency leadership or other meetings at which substantive policy is decided, and whether they should be provided with their own agency email addresses.

4. Agencies should consider ways to share information about contractors in rulemaking within and across agencies. This might include using existing contracting databases or schedules to promote greater coordination and efficiency concerning existing contracts for rulemaking-related functions, as well as informal sharing of practices for managing contractors.

Ethics

5. When selecting and managing contractors for rulemaking-related functions, agencies should evaluate whether any firm under consideration to serve as a contractor may have an actual or perceived organizational conflict of interest in connection with any assigned function. When a potential organizational conflict exists or arises, agencies should either select another contractor or put in place appropriate protections to ensure that the contractor's outside interests do not undermine its ability to perform its assigned functions in a way that does not create an actual or perceived conflict of interest.

6. When contracting out rulemaking-related functions for which there is a risk of a personal conflict of interest by an employee of the contractor, agencies should provide in the contract that the contractor will not assign functions to any employee who has an actual or perceived conflict of interest and, as appropriate, will train employees on recognizing and disclosing personal conflicts. The contract should also provide that, in the event that an employee performs a function despite the existence of a personal conflict of interest, the contractor will disclose the conflict to the agency and undertake appropriate remedial action.

7. When contracting out rulemaking-related functions for which there is a risk of misuse of confidential information, agencies should provide in the contract that the contractor will ensure that any employee handling such information has been appropriately trained on the necessary safeguards. The contract should also provide that the contractor will disclose any misuse of confidential information to the agency and undertake appropriate remedial actions.

Transparency

8. When an agency uses a contractor to perform an activity closely associated with an inherently governmental function in a specific rulemaking, the agency should disclose the contractor's role in the rulemaking docket, the notice of proposed rulemaking, or the preamble to the final rule. Agencies should, unless legally precluded from doing so, also disclose the identity of the contractor.

9. Agencies should ensure that their contracts with contractors will allow the agencies to meet legal requirements for disclosure of information in connection with the rulemaking process and judicial review.

Intergovernmental Guidance

10. The Office of Management and Budget should consider assessing whether current agency practices align with broader procurement best practices and whether to provide guidance on contractor-performed functions associated with rulemaking processes. Among other things, this guidance might provide specific examples of rulemaking-related functions that qualify as inherently governmental functions and should not be contracted out or that are closely associated with inherently governmental functions such that agencies

[5] OFPP Policy Letter, *supra* note 3, § 3(a), at 56,236; *accord* FAIR Act, *supra* note 3, § 5(2)(B), at 2385.

[6] 48 CFR 7.503(c)(5); *accord* OFPP Policy Letter, *supra* note 3, app. A, ex. 7, at 56,240.

[7] 48 CFR 7.503(d)(4); *accord* OFPP Policy Letter, *supra* note 3, app. B, ex. 1(d), at 56,241.

[8] OFPP Policy Letter, *supra* note 3, app. B, at 56,241; *accord* 48 CFR 7.503(d).

[9] *See* OFPP Policy Letter, *supra* note 3, § 4(a)(2), at 56,236.

[10] *Id.*

[11] *See, e.g.,* 48 CFR subparts 3.11 (Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions), 9.5 (Organizational and Consultant Conflicts of Interest).

[12] *See* Admin. Conf. of the U.S., Recommendation 2011–3, *Compliance Standards for Government Contractor Employees—Personal Conflicts of Interest and Use of Certain Non-Public Information,* 76 FR 48,792 (Aug. 9, 2011).

[13] *See* 5 U.S.C. 3371–75; *see also* 5 CFR part 334.

should exercise heightened caution when contracting out those functions.

Administrative Conference Recommendation 2022–2

Improving Notice of Regulatory Changes

Adopted June 16, 2022

Each year federal agencies issue hundreds of thousands of pages of legislative rules, guidance documents, adjudicative orders, notices, and other materials that affect administrative programs. Although the law generally requires these materials to be made publicly available,[1] individuals and organizations often lack the resources or expertise to track and understand regulatory changes that might affect them. This is particularly true for small entities and members of communities that have been historically underserved by government programs.[2] Without effective notice of regulatory changes, interested persons may miss out on benefits to which the law entitles them or find themselves subject to enforcement actions for noncompliance with legal requirements of which they were unaware, and other potentially interested persons may be unaware of regulatory changes that affect them. A lack of effective notice may also make it less likely that regulated parties will come into compliance with their legal obligations without the need for an agency to undertake an enforcement action.[3]

Although agencies must comply with legal requirements for notice, agencies can take a variety of steps to improve notice of regulatory changes. This is of particular importance when a change is significant, meaning that it could reasonably be expected to change the behavior of regulated parties or regulatory beneficiaries.[4] An agency might consider strategies such as publishing information about the change on its website, issuing a press release or fact sheet summarizing and explaining the change, communicating the change using social media or email lists, holding a public meeting to explain and answer questions about the change, and creating and updating agency reference guides. Agencies should also consider designing their websites to organize and present information in a way that makes significant regulatory changes clear and obvious to users and allows them to identify particular topics on which they wish to receive email alerts.

An agency's strategy for notifying potentially interested persons of a particular regulatory change will depend, in large part, on the agency's objectives; the nature, purpose, and significance of the regulatory change; and the characteristics of the persons who would potentially be interested in the change. This Recommendation provides a framework for developing effective notice strategies and for evaluating their effectiveness for future improvement.[5]

This Recommendation acknowledges differences across agencies in terms of the number and kinds of significant regulatory changes they make, their resources and capacities for providing notice, and the resources and capacities of potentially interested persons for following regulatory changes. Appropriate notice strategies will therefore differ among agencies. Accordingly, although it is likely that agencies following this Recommendation will employ some of the strategies enumerated, this Recommendation should not be understood as necessarily advising agencies to employ every strategy for every significant regulatory change.

Recommendation

Developing and Reviewing Notice Plans

1. Agencies should develop written notice plans, as appropriate, for providing effective notice of significant regulatory changes. A significant regulatory change is any change in law or policy, however announced, that can reasonably be expected to alter the behavior of potentially interested persons. Notice plans should:

a. Identify persons who may be interested in the agency's significant regulatory changes;

b. Specify strategies the agency proposes to use to provide notice;

c. Assess the expected costs and benefits of each strategy; and

d. Establish processes and metrics for evaluating the effectiveness of each strategy.

2. In developing their notice plans, agencies should consider the categories of persons who may be interested in the agency's significant regulatory changes and the optimal approach to tailoring notice to each of the different categories of persons.

3. In developing their notice plans, agencies should consider the variety of legal materials, including legislative rules, guidance documents, and adjudicative decisions, through which significant regulatory changes are made and the optimal approach to tailoring notice based upon the nature of each change and the categories of persons it affects.

4. In developing their notice plans, agencies should obtain feedback from potentially interested persons as to which methods for providing notice they consider most effective.

5. Agencies should consider whether individual significant regulatory changes might warrant additional strategies not included in the agency's notice plan, either because they affect persons not previously regulated or new regulatory beneficiaries, or because the potentially interested persons have specific needs for effective notice.

6. Agencies should periodically evaluate which strategies are most effective at notifying potentially interested persons, including historically underserved communities, of significant regulatory changes. In doing so, agencies should obtain feedback from potentially interested persons regarding which methods for providing notice they consider most effective and suggestions for improvement.

Strategies for Providing Effective Notice

7. Although no single technique will work for all agencies or in all circumstances, in assessing the strategies they wish to undertake both as a general matter and with regard to specific significant regulatory changes, agencies should consider whether such strategies:

a. Are cost-effective;

b. Are likely to increase compliance with legal obligations and reduce the need for enforcement;

c. Are targeted to reach members of historically underserved communities and potentially interested persons who may have less capacity to monitor changes;

d. Reduce the administrative burden for regulated persons to assemble changes that emerge from a combination of agency materials;

e. Have proved effective when used by other agencies to provide notice; and

f. Provide opportunities for interested persons to identify areas about which they would like to receive notice of significant regulatory changes.

8. Agencies should consider publishing in the **Federal Register** regulatory changes for which they anticipate the most widespread public interest, even when not required by law to do so.

9. When agencies publish guidance documents announcing significant regulatory changes on their websites, they should consider publishing notices in the **Federal Register** alerting potentially interested persons that the documents are available.

10. Agencies should seek to organize and present material on their websites in a way that makes significant regulatory changes clear and obvious to potentially interested persons and provides clear instructions to users regarding how to access materials announcing significant regulatory changes.

11. Agencies should consider optimizing their websites to improve the visibility of significant regulatory changes in commercial search engines.

[1] *See, e.g.,* 5 U.S.C. 552(a); 44 U.S.C. 1505.

[2] Exec. Order No. 13,985, 86 FR 7009 (Jan. 25, 2021).

[3] *See* Joshua Galperin & E. Donald Elliott, Providing Effective Notice of Regulatory Changes (May 17, 2022) (report to the Admin. Conf. of the U.S.).

[4] Reference to ''significant'' regulatory changes in this Recommendation does not refer to ''significant'' or ''major'' rules as those terms are used in Executive Order 12,866 and the Congressional Review Act.

[5] The Administrative Conference in recent years has issued several recommendations on providing public access to legal materials related to administrative programs, including agency guidance documents, adjudicative rules, and adjudicative decisions. *See, e.g.,* Admin. Conf. of the U.S., Recommendation 2021–7, *Public Availability of Inoperative Agency Guidance Documents,* 87 FR 1718 (Jan. 12, 2022); Admin. Conf. of the U.S., Recommendation 2020–6, *Agency Litigation web pages,* 86 FR 6624 (Jan. 22, 2021); Admin. Conf. of the U.S., Recommendation 2020–5, *Publication of Policies Governing Agency Adjudicators,* 86 FR 6622 (Jan. 22, 2021); Admin. Conf. of the U.S., Recommendation 2019–3, *Public Availability of Agency Guidance Documents,* 84 FR 38,931 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2018–5, *Public Availability of Adjudication Rules,* 84 FR 2142 (Feb. 6, 2019); Admin. Conf. of the U.S., Recommendation 2017–1, *Adjudication Materials on Agency websites,* 82 FR 31,039 (July 5, 2017). This Recommendation expands on those recommendations by specifically addressing strategies for improving public notice of significant regulatory changes that agencies make through such materials.

12. Agencies should consider publishing summaries of legal materials organized by topic. This approach is particularly useful in providing notice when regulatory changes emerge from different agencies or when agencies announce policy through adjudications or guidance documents, because it can be difficult for potentially interested persons to synthesize the changes. Agencies that publish such summaries should revise those summaries promptly to reflect significant regulatory changes. Agencies must, however, balance the benefits of providing such summaries of the law against the costs in terms of staff time and potential oversimplification of the applicable law.

13. Agencies should consider issuing press releases when they make significant regulatory changes. This approach is particularly useful in alerting both potentially interested persons who may be subject to new or expanded regulatory requirements that have not previously affected them and potentially interested persons who may have less capacity to monitor changes.

14. Agencies should consider developing and using email distribution lists to inform potentially interested persons about significant regulatory changes. Email distribution lists are an effective way to provide notice to targeted groups of discrete and defined potentially interested persons, such as specific community or advocacy groups, at low cost. Agencies should, however, bear in mind the following limitations of email distribution lists:

a. Email distribution lists are less effective in providing notice to large groups of individuals or those not previously affected by regulatory requirements;

b. Potentially interested persons must know that lists exist and affirmatively sign up for them; and

c. Overuse of email distribution lists could result in a significant regulatory change being obscured by less relevant messages. Agencies can mitigate this risk by allowing users to opt in to receiving notice on narrowly defined topics.

15. Agencies should consider using available technologies such as web forms to allow interested persons to identify particular topics on which they wish to receive notice.

16. Agencies should consider using social media, which is inexpensive and far-reaching, to publicize significant regulatory changes.

17. Agencies should consider using blogs on their websites to inform potentially interested persons about significant regulatory changes. Blogs allow agencies to tailor notice to the interests and needs of particular groups and provide notice in ways that are accessible to those groups.

18. Agencies should consider hosting public meetings or participating in conferences or other meetings convened by outside organizations to share information and answer questions about significant regulatory changes. Agencies must, however, balance the advantages of such meetings against the cost in terms of staff time and administration.

19. When agencies host public meetings to share information about significant regulatory changes, they should generally provide a means for potentially interested persons to attend or participate remotely. By so doing, they can expand access for members of historically underserved communities, potentially interested persons who live far from where the agency holds meetings, and potentially interested persons who face other accessibility issues.

20. Agencies should consider training and equipping front-line agency employees, including those in field offices, to answer questions about significant regulatory changes.

21. Agencies should consider identifying and working with state and local governments and intermediary organizations (*e.g.,* trade associations, professional associations, community organizations, and advocacy groups) that can assist in providing effective notice to potentially interested persons.

Oversight and Assessment

22. Agencies should consider designating an officer or office to coordinate and support the development, implementation, and evaluation of notice plans. This officer or office should:

a. Be responsible for evaluating the effectiveness of the agency's notice plan;

b. Keep abreast of technological developments for improving notice strategies, such as new social media platforms or improved methods for indexing and organizing documents on the agency's website;

c. Evaluate practices that other agencies use to provide notice of significant regulatory changes; and

d. Make recommendations for improving the agency's practices and procedures for providing effective notice of significant regulatory changes to potentially interested persons.

23. Agencies should share information with each other about their experiences with and practices for improving notice of significant regulatory changes.

Administrative Conference Recommendation 2022–3

Automated Legal Guidance at Federal Agencies

Adopted June 16, 2022

Federal agencies increasingly automate the provision of legal guidance to the public through online tools and other technologies.[1] The Internal Revenue Service, for example, encourages taxpayers to seek answers to questions regarding various tax credits and deductions through its online ''Interactive Tax Assistant,'' and the United States Citizenship and Immigration Services suggests that potential green card holders and citizens with questions about their immigration rights communicate with its interactive chatbot, ''Emma.'' Almost a dozen federal agencies have either implemented or piloted such automated legal guidance tools in just the past three years.[2]

Automated legal guidance tools can take several forms. The most common are chatbots and virtual assistants. The simplest chatbots provide standardized responses based on keywords included in a user's question. Although the terms can overlap, virtual assistants tend to be more versatile than chatbots and can often perform additional tasks such as making an appointment or filling out a form in response to a conversation.[3] More robust tools rely on natural language processing or artificial intelligence to interpret natural language and generate an individualized response.[4]

Agencies use automated legal guidance tools for a number of reasons. They include: efficiently allocating limited staff resources; improving user experience and service delivery; and enhancing the quality, consistency, and predictability of guidance, as well as the speed with which it is provided to the public. Because they are always available from any location and can efficiently and effectively provide answers to common questions, automated legal guidance tools have the potential to revolutionize the provision of agency guidance to the public.

Agencies generally take the position that users cannot rely on automated legal guidance. As this Recommendation recognizes, agencies must be clear in disclosing this position to users. That is true, of course, of all forms of guidance documents.[5] Automated legal guidance may, however, create an especially heightened risk of a user's relying on the guidance issued in a way that the issuing agency does not intend. Since users often enter specific facts relating to their circumstances, users may assume that the automated guidance tool is giving a customized response that has accounted for all of the facts that have been entered, which may or may not be the case.

The Administrative Conference has adopted several recommendations on the development, use, and public availability of

[1] This Recommendation defines ''guidance'' broadly to include interpretive rules, general statements of policy, and other materials that agencies consider to be guidance documents. *See* Admin. Conf. of the U.S., Recommendation 2019–3, *Public Availability of Agency Guidance Documents,* 84 FR 38,931 (Aug. 8, 2019).

[2] They include the Department of the Army, the Department of Education, the Environmental Protection Agency, the General Services Administration, the Food and Drug Administration, the Internal Revenue Service, the National Institutes of Health, the Patent and Trademark Office, the Social Security Administration, United States Citizenship and Immigration Services, and the Veterans Benefits Administration.

[3] *See* Joshua D. Blank & Leigh Osofsky, Automated Legal Guidance at Federal Agencies 1, 10 (May 26, 2022) (report to the Admin. Conf. of the U.S.).

[4] *See* Admin. Conf. of the U.S., Statement #20, *Agency Use of Artificial Intelligence,* 86 FR 6616 (Jan. 22, 2021); Blank & Osofsky, *supra* note 3.

[5] *See* Admin. Conf. of the U.S., Recommendation 2019–3, *Public Availability of Agency Guidance Documents,* ¶¶ 11–12, 84 FR 38,931, 38,933 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2019–1, *Agency Guidance Through Interpretive Rules,* ¶¶ 6, 11, 84 FR 38,927, 38,929 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2017–5, *Agency Guidance Through Policy Statements,* ¶¶ 4–6, 82 FR 61,734, 61,736 (Dec. 29, 2017).

agency guidance documents.[6] This Recommendation builds on those recommendations by identifying best practices for agencies to consider when they develop, use, and manage automated legal guidance tools. In identifying these best practices, the Conference recognizes that automated legal guidance tools may not be suitable for all agencies and administrative programs and that even when agencies use them, agencies will need to provide additional guidance by other means, including live person-to-person support.

Recommendation

Design and Management

1. Agencies should explore the possible benefits of offering automated legal guidance tools, including enhancing administrative efficiency and helping the public understand complex laws using plain language. This is especially true for those agencies that have a high volume of individual interactions with members of the public who may not be familiar with legal requirements.

2. Agencies should also weigh the potential downsides of offering automated legal guidance tools, including potentially oversimplifying the law and creating confusion as to whether and when the agency intends users to rely on the guidance issued. To avoid such confusion, agencies should follow the recommendations set forth in Paragraphs 18–20.

3. Agencies using automated legal guidance tools should design and manage them in ways that promote fairness, accuracy, clarity, efficiency, accessibility, and transparency.

4. Agencies should ensure that automated legal guidance tools do not displace other agency mechanisms for increasing access to the underlying law.

5. Agencies should adopt clear procedures for designing, maintaining, and reviewing the content embedded in automated legal guidance tools and should publish these procedures on their websites. These procedures should incorporate periodic user testing and other forms of evaluation by internal and external researchers to ensure accessibility and effectiveness.

6. The General Services Administration should regularly evaluate the relative costs and benefits of using outside vendors for the production of automated legal guidance tools and share their evaluations with agencies.

Accessibility

7. Agencies should utilize human-centered design methodologies, empirical customer research, and user testing, as described and defined in Executive Order 14,058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government* (86 FR 71,357 (Dec. 13, 2021)), in designing and maintaining their automated legal guidance tools.

8. Agencies should, consistent with applicable laws and policies, design and periodically review and, when necessary, reconfigure automated legal guidance tools to ensure that they meet the needs of the particular populations that are intended to utilize the automated legal guidance tools.

9. Agencies should ensure that information provided by automated legal guidance tools is stated in plain language understandable by the particular populations that are intended to use these tools, consistent with the Plain Writing Act of 2010 (5 U.S.C. 301 note); Recommendation 2017–3, *Plain Language in Regulatory Drafting* (82 FR 61,728 (Dec. 14, 2017)); and other applicable laws, policies, and Conference recommendations.

10. Agencies should design automated legal guidance tools to put users in contact with a human customer service representative to whom they can address questions in the event that a question is not answered by an automated legal guidance tool or if the users are having difficulty using the tools.

Transparency

11. When the underlying law is unclear or unsettled, or when the application of the law is especially fact-dependent, agencies should be transparent about the limitations of the advice the user is receiving. To the extent practicable, agencies should also provide access through automated legal guidance tools to the legal materials underlying the tools, including relevant statutes, rules, and judicial or adjudicative decisions.

12. Agencies should disclose how they store and use the data obtained through automated legal guidance tools.

13. Agencies should update the content of automated legal guidance tools to reflect legal developments or correct errors in a timely manner. Agencies should also maintain an electronic, publicly accessible, searchable archive that identifies and explains the updates. Agencies should provide the date on which the tool was last updated.

14. When automated legal guidance tools provide programmed responses to users' questions, agencies should publish the questions and responses so as to provide an immediate and comprehensive source of information regarding the tools. Agencies should post this information in an appropriate location on their websites and make it accessible through the automated legal guidance tool to which it pertains.

15. When automated legal guidance tools learn to provide different answers to users' questions over time, agencies should publish information related to how the machine learning process was developed and how it is maintained and updated. Agencies should post this information in an appropriate location on their websites and make it accessible through the automated legal guidance tool to which it pertains.

16. Agencies that use automated legal guidance tools should provide users the ability to offer feedback or report errors.

17. When applicable, agencies should provide disclaimers that the automated legal guidance tool is not human.

Reliance

18. Agencies should allow users to obtain a written record of their communication with automated legal guidance tools and should include date and time stamps on the written record.

19. Agencies should consider whether, or under what circumstances, a person's good faith reliance on guidance provided by an automated legal guidance tool should serve as a defense against a penalty or other consequences for noncompliance with an applicable legal requirement, and they should prominently announce that position to users.

20. If an agency takes the position that it can depart from an interpretation or explanation provided by an automated legal guidance tool, including in the application of penalties for noncompliance, it should prominently announce its position to users, including in the written record of the communication with the automated legal guidance tool.

[FR Doc. 2022–14189 Filed 7–1–22; 8:45 am]

BILLING CODE 6110–01–P

[6] *See* Admin. Conf. of the U.S., Recommendation 2021–7, *Public Availability of Inoperative Agency Guidance Documents,* 87 FR 1718 (Jan. 12, 2022); Admin. Conf. of the U.S., Recommendation 2019–3, *Public Availability of Agency Guidance Documents,* 84 FR 38,931 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2019–1, *Agency Guidance Through Interpretive Rules,* 84 FR 38,927 (Aug. 8, 2019); Admin. Conf. of the U.S., Recommendation 2017–5, *Agency Guidance Through Policy Statements,* 82 FR 61,734 (Dec. 29, 2017); Admin. Conf. of the U.S., Recommendation 2014–3, *Guidance in the Rulemaking Process,* 79 FR 35,992 (June 25, 2014).

U.S. COMMISSION ON CIVIL RIGHTS

Sunshine Act Meetings

AGENCY: Commission on the Social Status of Black Men and Boys (CSSBMB), U.S. Commission on Civil Rights.

ACTION: Notice of CSSBMB public briefing.

DATES: Friday, July 8, 2022. 1:00 p.m.–3:30 p.m. EDT.

ADDRESSES: The Briefing will take place virtually via YouTube: *https://www.youtube.com/user/USCCR/videos.*

FOR FURTHER INFORMATION CONTACT: Dr. Marvin Williams, 202–339–2371,*pressbmb@usccr.gov.*

SUPPLEMENTARY INFORMATION: In accordance with Public Law 116–156, 1134 Stat. 700 (2020), the Commission on the Social Status of Black Men and Boys (CSSBMB) will hold a public briefing focused on preventative strategies to mitigate the social disparities of Black men in America.

This briefing is open to the public via livestream on the Commission on Civil Rights' YouTube Page at *https://www.youtube.com/user/USCCR/*videos. (Streaming information subject to change.) Public participation is available for the event with view access, along with an audio option for listening. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, July 8, 2022, is

https://www.steamtext.net/player?event=USCCR (*subject to change). Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

* Date and meeting details are subject to change. For more information on the CSSBMB or the upcoming public briefing, please visit CSSBMB's website at *www.usccr.gov/about/CSSBMB.*

Briefing Agenda

I. Opening Remarks by CSSBMB Chair, Frederica S. Wilson
II. Call to Order
III. Approval of Agenda
IV. Roundtable Discussion With Expert Panelists *
  A. The Honorable Frederica Wilson, Congresswoman (FL–24) and CSSBMB Chair
  B. The Honorable Jamaal Bowman, Congressman (NY–16) and CSSBMB Commissioner (Roundtable Moderator)
  C. Dr. Gregory C. Hutchings Jr.—Alexandria City Schools
  D. CSSBMB Commissioner Jack Brewer—The Brewer Group
  E. Dr. Robert Simmons—Head of Social Impact and STEM Programs
  F. Troy Vincent—Vice President of Operations for the NFL
  G. Timothy Belcher Sr.—Special Advisor to the City Manager
V. Adjourn Briefing

Dated: June 30, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–14382 Filed 6–30–22; 4:15 pm]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904; Binational Panel Review: Notice of Panel Decision

AGENCY: United States Section, NAFTA Secretariat, International Trade Administration, Department of Commerce.

ACTION: Notice of panel decision.

SUMMARY: On June 27, 2022, the Binational Panel issued its Decision in the matter of Light-Walled Rectangular Pipe and Tube from Mexico; Final Results of Antidumping Duty Administrative Review (Secretariat File Number: USA–MEX–2019–1904–01). The Binational Panel affirmed the Department of Commerce's Final Determination.

FOR FURTHER INFORMATION CONTACT: Vidya Desai, United States Secretary, NAFTA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of Article 1904 of NAFTA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to provide judicial review of the trade remedy determination being challenged and then issue a binding Panel Decision. There are established *Rules of Procedure for Article 1904 Binational Panel Reviews,* which were adopted by the three governments for panels requested pursuant to Article 1904(2) of NAFTA. The notice of this Binational Panel's Decision is being published pursuant to Rule 70. For the complete Rules, please see *https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/nafta-alena-tlcan/rules-regles-reglas/article-article-articulo_1904.aspx?lang=eng.*

Dated: June 28, 2022.

Vidya Desai,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2022–14174 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–GT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC141]

Marine Mammals; File No. 26591

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the BBC Broadcasting House's Natural History Unit, Whiteladies Road, Bristol, United Kingdom BS8 2LR (Responsible Party: Sheryl Bawden), has applied in due form for a permit to conduct commercial and educational photography on bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or email comments must be received on or before August 4, 2022.

ADDRESSES: These documents are available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 26591 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film bottlenose dolphins (Charleston Estuarine System Stock) in waters around Charleston County, South Carolina, including Kiawah, Seabrook, and Hilton Head Islands, for a wildlife documentary series that reveals the strand feeding behavior as an example of the success that can be achieved when animals work together. Up to 1,680 bottlenose dolphins may be filmed from land, vessel, or unmanned aircraft systems, annually. Underwater video and vocalizations may be recorded using an underwater pole camera. The permit would expire on December 1, 2023.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 28, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–14205 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC098]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Outreach and Education Advisory Panel (OEAP) will hold a hybrid public meeting to discuss the items contained in the agenda in the **SUPPLEMENTARY INFORMATION**.

DATES: The OEAP hybrid public meeting will be held on Wednesday, July 27, 2022, from 9:30 a.m. to 5 p.m. AST.

ADDRESSES: The meeting will be held at the Courtyard by Marriott Isla Verde Beach Resort, 7012 Boca de Cangrejos Avenue, Carolina, Puerto Rico 00979.

You may join the OEAP hybrid public meeting (via Zoom) from a computer, tablet or smartphone by entering the following address:

OEAP Zoom Meeting:

Topic: OEAP.

Time: This is a recurring meeting meet anytime.

Join Zoom Meeting: https://us02web.zoom.us/j/84039986774?pwd=SUhDc1hXeFloQWF3ajVtL2ZHRGN3Zz09.

Meeting ID: 840 3998 6774.

Passcode: 179728.

One tap mobile:

+17879667727,,84039986774#
,,,,*179728# Puerto Rico
+19399450244,,84039986774#
,,,,*179728# Puerto Rico

Dial by your location:

+1 787 966 7727 Puerto Rico
+1 939 945 0244 Puerto Rico
+1 787 945 1488 Puerto Rico
+1 669 900 6833 US (San Jose)
+1 929 205 6099 US (New York)
+1 253 215 8782 US (Tacoma)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 346 248 7799 US (Houston)

Meeting ID: 840 3998 6774.

Passcode: 179728.

FOR FURTHER INFORMATION CONTACT: Diana Martino; telephone: (787) 226–8849; Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903.

SUPPLEMENTARY INFORMATION:

July 27, 2022

9:30 a.m.–9:45 a.m.

—Call to Order
—Adoption of Agenda

9:45 a.m.–10:15 a.m.

—OEAP Chairperson's Report
—Updates:
—Meetings and Webinars Attended: NOAA Caribbean, FEP–TAP, DAPs, CFMC Meeting
—Recipe Book
—Illustrated Booklets on Ecosystem Based Fishery Management (EBFM) and U.S. Caribbean MPAs
—MREP update
—Update status of O & E products Approved by the CFMC: Bulletin boards with Fisheries Information for Fish Markets/Restaurants and Signs on MPAs, St. Croix MPAs Poster and Fact Sheet.

10:15 a.m.–10:20 a.m.

—Break

10:20 a.m.–11 a.m.

—Status of Fishery Ecosystem Plan (FEP)—Update
—Outreach and Education Strategies Needed
—OEAP Recommendations

11 a.m.–12 p.m.

—Island-Based Fishery Management Plans Update

12 p.m.–1 p.m.

—Lunch

1 p.m.–5 p.m.

—OEAP Recommendation for Outreach Strategies on IBFMPs for Puerto Rico, St. Thomas/St. John, and St. Croix, USVI
—Liaisons Recommendations
—Liaisons Reports:
—Wilson Santiago/Puerto Rico
—Nicole Greaux/St. Thomas/St. John, USVI
—Mavel Maldonado/St. Croix, USVI
—CFMC Facebook, Instagram and YouTube Communications with Stakeholders
—Other Business

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on July 27, 2022 at 9:30 a.m., and will end on July 27, 2022, at 5 p.m. Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated. In addition, the meeting may be extended from, or completed prior to the date established in this notice.

Special Accommodations

For any additional information on this public virtual meeting, please contact Diana Martino, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 226–8849.

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

Dated: June 29, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–14257 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC120

Request for Public Comment on a Supplemental Draft Environmental Impact Statement Regarding the Makah Tribe's Request To Hunt Eastern North Pacific Gray Whales

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

ACTION: Notice; request for comments.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), this notice announces that NMFS has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) to supplement information in the 2015 Draft Environmental Impact Statement (DEIS) on the Makah Tribe's request that NMFS waive the take moratorium of the Marine Mammal Protection Act (MMPA) to allow for treaty right hunting of eastern North Pacific (ENP) gray whales in usual and accustomed grounds off the coast of Washington State. The SDEIS considers a composite action alternative, which is composed of elements from the five action alternatives already analyzed in the DEIS, and provides recent updates on the affected environment and the environmental impacts associated with the composite alternative. NMFS is requesting written comments on the SDEIS to assist NMFS with its final decision on the Tribe's request.

DATES: Written or electronic comments from all interested parties are encouraged and must be received no later than 5 p.m. Pacific Daylight Time on August 15, 2022. All comments and material received, including names and addresses, will become part of the

administrative record and may be released to the public.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2012–0104–0454, by any of the following methods:

Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *https://www.regulations.gov.*

—OR—

Email: Submit electronic public comments via the following NMFS email address: *makah2022sdeis.wcr@noaa.gov.*

—OR—

Mail: Submit written comments to: Grace Ferrara, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: All comments received are a part of the public record and will generally be posted to *https://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Grace Ferrara, NMFS Northwest Region, (206) 526–6172, *makah2022sdeis.wcr@noaa.gov.*

SUPPLEMENTARY INFORMATION: The SDEIS is available in electronic form on the internet at the following address: *https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/makah-tribal-whale-hunt.* In addition, copies of the SDEIS are available on CD by contacting Grace Ferrara (see **FOR FURTHER INFORMATION CONTACT**).

Background

On July 1, 2022, the U.S. Environmental Protection Agency announced the availability of NMFS' SDEIS concerning the Makah Indian Tribe's February 2005 request to resume limited hunting of ENP gray whales in the coastal portion of the Tribe's usual and accustomed fishing grounds, off the coast of Washington State, for ceremonial and subsistence purposes. Informed by information received during public scoping and public comments on a DEIS released on March 13, 2015 (80 FR 13373), this SDEIS contains updates and evaluates a composite alternative composed of elements of the alternatives analyzed in the 2015 DEIS. The SDEIS also incorporates information presented at a 5-day hearing on this matter, held before an administrative law judge (ALJ) in November 2019, as well as recommendations provided in the ALJ's Recommended Decision. The Tribe's proposed action stems from the 1855 Treaty of Neah Bay, which expressly secures the Makah Tribe's right to hunt whales. To exercise that right, the Tribe is seeking authorization from NMFS under the MMPA and the Whaling Convention Act. The release of this SDEIS is one of several steps NMFS will undertake to evaluate the Tribe's request.

The SDEIS, prepared pursuant to the NEPA, separately evaluates an additional action alternative that was derived from other action alternatives analyzed in the DEIS and the ALJ's recommended decision. It also provides recent updates on the affected environment and the environmental impacts associated with NMFS' proposed hunt plan as set forth in the new composite alternative. The composite alternative—identified in the SDEIS as the Preferred Alternative—includes many of the same principal components of the other action alternatives, including: restrictions on the time when whale hunting would occur; annual limits on the number of whales harvested, struck, and struck and lost; cessation of whale hunting if a predetermined number of identified whales (*i.e.,* whales included in a photographic catalog of whales from the Pacific Coast Feeding Group area) were harvested; and the method of hunting. The Preferred Alternative also limits the duration of the waiver period to ten years. This SDEIS addresses a number of resources identified for review during both internal and public scoping for the DEIS, including: water quality, marine habitat and species, eastern and western North Pacific gray whales, other wildlife species, economics, environmental justice, social environment, cultural resources, ceremonial and subsistence resources, noise, aesthetics, transportation, public services, public safety, and human health.

The SDEIS provides an important opportunity for the public to formally comment on the preferred alternative. These comments, in conjunction with considerations described in the DEIS and SDEIS, will provide key information to assist NMFS with its final decision on the Tribe's request.

Authority: The environmental review of the Makah Tribe's request to resume treaty-based hunting of ENP gray whales will be conducted under the authority and in accordance with the requirements of the NEPA of 1969 as amended (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the MMPA (16 U.S.C. 1361–1421h), other applicable Federal laws and regulations, and policies and procedures of NMFS for compliance with those regulations.

Dated: June 29, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–14245 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC150]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC) Bluefish Monitoring Committee (MC) will hold a public meeting.

DATES: The meeting will be held on Wednesday, July 27, 2022, from 9 a.m. to 12 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Webinar connection, agenda items, and any additional information will be available at *www.mafmc.org/council-events.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Monitoring Committee to review 2023 commercial and recreational management measures and recommend any changes if necessary. To inform their recommendations, the MC will review recent catch and landings information, the Fishery Performance Report developed by the Advisory

Panel, the 2023 ABC recommendation by the SSC, and other relevant information.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: June 29, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–14259 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Sea Turtle Stranding and Salvage Network Stranding and Gear Interaction Data Collection

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 6, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0496 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Wendy Piniak, Biologist, NOAA National Marine Fisheries Service, Office of Protected Resources, 1315 East-West Highway, Silver Spring, Maryland 20910; (301) 427–8402, *wendy.piniak@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for revision and extension of collection 0648–0496 entitled ''Reporting of Sea Turtle Entanglement in Fishing Gear or Marine Debris''. We request to revise the name of the collection to ''National Sea Turtle Stranding and Salvage Network Stranding and Gear Interaction Data Collection'' and to add new forms to the collection to be inclusive of all forms used by Sea Turtle Stranding and Salvage Network (STSSN).

NOAA's National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) share federal jurisdiction for the conservation and recovery of sea turtles. In accordance with the 1977 Memorandum of Understanding between NMFS and USFWS, which was reaffirmed in 2015, NMFS serves as the lead for and coordinator of the STSSN. The STSSN currently responds to and documents, sick, injured, and dead (*i.e.,* 'stranded') sea turtles that are found in coastal areas under U.S. jurisdiction along the Atlantic Ocean and Gulf of Mexico. NMFS Office of Protected Resources coordinates the STSSN. The Sea Turtle Disentanglement Network (STDN) is a part of the STSSN. The STSSN is a cooperative effort of authorized federal, state, and private partners working to inform causes of morbidity and mortality in sea turtles by responding to and documenting stranded sea turtles. Information is collected in a manner sufficient to inform sea turtle conservation management and recovery. The STSSN accomplishes this through (1) collection of data in accordance with STSSN protocols; (2) improved understanding of causes of death and threats to sea turtles; (3) monitoring of stranding trends; (4) provision of initial aid to live stranded sea turtles; (5) provision of sea turtle samples/parts for conservation-relevant research; and (6) availability of timely data for conservation management purposes. To facilitate this data collection, the STSSN uses several standardized data collection forms. To ensure all data collected by the STSSN are in the same collection, we propose adding the following forms to 0648–0496: STSSN Stranding Report form, Gross Necropsy forms (2 page and 4 page versions), Cold Stun individual and batch forms, Fishing Gear Identification forms, and Incidental Capture Intake form (currently approved in collection 0648–0774, expiring December 31, 2024).

All species of sea turtle found in U.S. waters are listed as endangered or threatened under the Endangered Species Act (ESA). NMFS and the USFWS share federal jurisdiction for the conservation and recovery of sea turtles. Section 4(f) of the ESA (16 U.S.C. 1531–1544) provides for the creation of Recovery Plans for endangered and threatened species and provides NMFS and USFWS with authority ''to procure the services of appropriate public and private agencies and institutions and other qualified persons'' in order to implement those plans. To advance the conservation and recovery of listed sea turtles, each sea turtle recovery plan developed jointly by NMFS and USFWS identifies and highlights the need to maintain an active stranding network. Both NMFS and USFWS have promulgated regulations that provide an exception to the prohibitions on take and allow for coordinated response to stranded sea turtles in water and on land, based on their specific jurisdictional responsibility.

II. Method of Collection

Data will be collected using the following methods: paper format, electronically (internet), email, or interviews.

III. Data

OMB Control Number: 0648–0496.

Form Number(s): None.

Type of Review: Regular submission, revision and extension of approved collection.

Affected Public: Individuals or households; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Estimated Number of Respondents: 750.

Estimated Time per Response: STSSN Stranding Report form: 10 minutes; Gross Necropsy form (2 page version): 10 minutes; Gross Necropsy form (4 page version): 15 minutes; Cold Stun form and Cold Stun batch form: 10 minutes; Fishing Gear Identification forms: 10 minutes; Incidental Capture Intake form: 5 minutes; Entanglement form: 15 minutes.

Estimated Total Annual Burden Hours: 1,214 annually.

Estimated Total Annual Cost to Public: $100.

Respondent's Obligation: Voluntary.

Legal Authority: Endangered Species Act (16 U.S.C. 1531 *et seq.*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–14180 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC144]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Ecosystems and Ocean Planning (EOP) Committee and Advisory Panel will hold a joint public meeting.

DATES: The meeting will be held on Thursday, July 21, 2022, from 10 a.m. to 12 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via webinar. Connection information will be posted to the Council's calendar prior to the meeting at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's EOP Committee and Advisory Panel will meet together, via webinar on Thursday, July 21, 2022, from 10 a.m. until 12 p.m. The purpose of this meeting is for the EOP Committee and its Advisors to develop comments for Council consideration related to the NOAA proposal to designate the Hudson Canyon as a National Marine Sanctuary.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden, (302) 526–5251 at least 5 days prior to the meeting date.

Dated: June 29, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–14258 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC148]

Threatened Species; Take of Steelhead; Take of Green Sturgeon

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

ACTION: Notice of receipt of application; to renew a scientific enhancement permit.

SUMMARY: Notice is hereby given that NMFS received an application from the U.S. Bureau of Reclamation (Reclamation) to renew their U.S. Endangered Species Act (ESA) Section 10(a)1(A) scientific enhancement permit (permit 16608–3R) for the San Joaquin River Restoration Program Steelhead Monitoring. Proposed activities within the permit application are expected to affect the threatened California Central Valley (CCV) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and the threatened Southern DPS of North American green sturgeon (*Acipenser medirostris*). The public is hereby notified the application for Permit 16608–3R is available for review and comment before NMFS either approves or disapproves the application.

DATES: Written comments on the permit application must be received at the appropriate email address (see **ADDRESSES**) on or before August 4, 2022.

ADDRESSES: Written comments on the permit application should be submitted to NMFS' Section 10(a)1(A) steelhead permit coordinator for the San Joaquin River Restoration Program, Ms. Hilary Glenn, via email (*hilary.glenn@noaa.gov*). The permit application is available for review online at the Authorizations and Permits for Protected Species website: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

FOR FURTHER INFORMATION CONTACT: Ms. Hilary Glenn (email: *hilary.glenn@noaa.gov*; phone: 916–200–8211).

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Threatened California Central Valley Distinct Population Segment of steelhead (*Oncorhynchus mykiss*); Threatened Southern Distinct Population Segment (sDPS) of North American green sturgeon (*Acipenser medirostris*).

Authority

Scientific research and enhancement permits are issued in accordance with Section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues permits based on findings that such permits (1) are applied for in good faith, (2) would not operate to the disadvantage of the listed species which are the subject of the permits, and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits.

This notice is provided pursuant to Section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and any comment submitted to determine whether the application meets the requirements of Section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of

the 30-day comment period and consideration of any comment submitted therein. NMFS will publish notice of the final action on the subject permit application in the **Federal Register**.

Those individuals requesting a hearing on the application listed in this notice should provide the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). Such a hearing is held at the discretion of the Assistant Administrator for Fisheries, NOAA.

All statements and opinions contained in the permit action summary are those of the applicant and do not necessarily reflect the views of NMFS.

Permit Application Received

Permit 16608–3R

Reclamation applied to renew their Section 10(a)1(A) scientific enhancement permit (Previous Federal Permit/Authorization: 16608–2R) involving continued implementation of the San Joaquin River Restoration Program (SJRRP) Steelhead Monitoring Plan (SMP) in the San Joaquin River Restoration Area. The Restoration Area is 153 miles long (246.23 km), from Friant Dam downstream to the San Joaquin River's confluence with the Merced River. This stretch of river crosses the California counties of Fresno, Madera and Merced. The primary objectives of this effort involve: (1) monitor for adult CCV steelhead in the wetted sections of the San Joaquin River downstream of Mendota Dam (or lower, depending on passage conditions) to the Merced River confluence, (2) relocate CCV steelhead to more suitable habitat downstream of the Merced River confluence, (3) determining the distribution, abundance, size, and age structures of both CCV steelhead and sDPS green sturgeon, and (4) documenting changes in CCV steelhead abundance and distribution in response to fluctuating water conditions. Proposed monitoring activities include: capture (raft-mounted electrofisher), fyke nets with wing walls and fish traps, steelhead-specific trammel nets, hand seins, handling (conducting length measurements, gender identification, tissue and scale collection, assessment of condition, checking for the presence of tags), and Passive Integrated Transponder (PIT) tagging of fish inclusive of steelhead and green sturgeon. Captured CCV steelhead will be transported by tanker truck and released in the San Joaquin River downstream of the Merced River confluence. Recaptured CCV steelhead will be identified by the presence of a PIT tag.

Field activities for the proposed monitoring effort will occur December 1 through April 30 over the next 5 years (start: 12/01/2022 End: 12/31/2027). The take Reclamation is requesting for this 5-year effort is as follows by each take-action category: (1) non-lethal (seven adults) and lethal (two adults) effects due to collecting, sampling, and transport of live threatened CCV steelhead (natural origin) and non-lethal (seven adults) and lethal (two adults) effects to threatened CCV steelhead of hatchery origin, (2) non-lethal (six adults) and no lethal effects due to capture, handling, and release of live threatened green sturgeon, and (3) non-lethal effects to threatened CCV steelhead of natural origin (ten adults) and threatened CCV steelhead of hatchery origin (ten adults), and threatened sDPS green sturgeon (three adults) due to observations and harassment at weirs, fish ladders, and dams where no trapping occurs. The potential unintentional lethal take resulting from the proposed scientific enhancement activities is up to four adult CCV steelhead (two natural origin; two hatchery origin). Overall, no intentional lethal take of CCV steelhead is proposed or expected as a result of these scientific enhancement activities.

This proposed scientific enhancement effort is expected to provide valuable information on sDPS green sturgeon and the most southern extent of CCV steelhead to the California Department of Fish and Wildlife's comprehensive monitoring plan for steelhead in the Central Valley. The proposed monitoring by Reclamation is consistent with recommendations and objectives outlined in NMFS' Recovery Plan for CCV steelhead. See the application for Permit 16608–3R for greater details on the scientific enhancement proposal and related methodology.

Dated: June 28, 2022.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–14204 Filed 7–1–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Environmental Impact Statement T–7A Recapitalization at Joint Base San Antonio-Randolph, TX

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of Availability of Record of Decision.

SUMMARY: On June 21, 2022, the Department of the Air Force (DAF) signed the Record of Decision (ROD) for the T–7A Recapitalization at Joint Base San Antonio (JBSA)-Randolph, TX Environmental Impact Statement.

ADDRESSES: Mr. Nolan Swick, AFCEC/CZN, 2261 Hughes Avenue, Suite 155, JBSA-Lackland Air Force Base, Texas 78236–9853, (210) 925–3392; *nolan.swick@us.af.mil.*

SUPPLEMENTARY INFORMATION: The DAF has decided to replace all T–38C aircraft at JBSA-Randolph with up to 72 T–7A aircraft and continue flying training programs at JBSA-Randolph. The DAF decision documented in the ROD was based on matters discussed in the Final Environmental Impact Statement, inputs from the public and regulatory agencies, and other relevant factors. The Final Environmental Impact Statement was made available to the public on March 4, 2022 through a Notice of Availability in the **Federal Register** (Volume 87, Number 43, Page 12450) with a waiting period that ended on April 4, 2022.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–14243 Filed 7–1–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

2022–2023 Award Year Deadline Dates for Reports and Other Records Associated With the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, and the Iraq and Afghanistan Service Grant Program; Correction

AGENCY: Office of Federal Student Aid, Department of Education.

ACTION: Notice; correction.

SUMMARY: On June 1, 2022, the Department of Education (Department) published in the **Federal Register** a notice announcing the 2022–2023 Award Year deadline dates for reports and other records associated with the Free Application for Federal Student Aid (FAFSA), the Federal Supplemental Educational Opportunity Grant Program (FSEOG) Program, the Federal Work-Study (FWS) Program, the Federal Pell Grant (Pell Grant) Program, the William D. Ford Federal Direct Loan (Direct Loan) Program, the Teacher Education Assistance for College and Higher Education (TEACH) Grant Program, and the Iraq and Afghanistan Service Grant Program (Deadline Dates notice). We correct the Deadline Dates notice by removing references to the Federal verification requirement of high school completion status. All other information in the Deadline Dates notice remains the same.

DATES: This correction is applicable on July 5, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Ruggless, Federal Student Aid, 830 First Street NE, Union Center Plaza, Room 114B4, Washington, DC 20202–5345. Telephone: (202) 377–4098. Email: *Michael.Ruggless@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On September 1, 2021, the Department published in the **Federal Register** the Free Application for Federal Student Aid (FAFSA®) Information To Be Verified for the 2022–2023 Award Year notice (86 FR 49002), which announced the FAFSA information that an institution and an applicant may be required to verify, as well as the acceptable documentation for verifying FAFSA information. In that notice, the Department removed high school completion status as a verification item under the V4 and V5 tracking groups starting with the 2022–2023 FAFSA processing year. In the Deadline Dates notice (87 FR 33135), the Department should not have included high school completion status as a verification item under the V4 and V5 tracking groups starting with the 2022–2023 FAFSA processing year. Accordingly, the Department is removing references to verification of high school completion status in the Deadline Dates notice.

Program Authority: 20 U.S.C. 1070a, 1070b–1070b–4, 1070g, 1070h, 1087a–1087j, 1087aa–1087ii, and 1087–51–1087–58.

Corrections:

In FR Doc 2022–11721 appearing on pages 33135–33139 in the **Federal Register** of June 1, 2022 (87 FR 33135), we make the following corrections:

1. On page 33135, in the second column, in the **SUPPLEMENTARY INFORMATION** section, in the fifth paragraph, remove the words ''and high school completion status''.

2. On page 33137, in the second column of Table A, under the heading ''What is submitted?'', in the final paragraph, remove the words ''and high school completion''.

3. On page 33137, in the fourth column of Table A, under the heading ''What is the deadline date for receipt?'', in the final paragraph, remove the words ''and high school completion''.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Richard Cordray,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2022–14193 Filed 7–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0090]

Agency Information Collection Activities; Comment Request; Randolph-Sheppard Financial Relief and Restoration Payments Appropriation Final Performance Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new collection.

DATES: Interested persons are invited to submit comments on or before September 6, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *https://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0090. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *https://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 6W208C, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Corinne Weidenthal, (202) 245–6529.

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: Randolph-Sheppard Financial Relief and Restoration Payments Appropriation Final Performance Report.

OMB Control Number: 1820–NEW.

Type of Review: New collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 51.

Abstract: This is a new data collection resulting from enactment of the Consolidated Appropriations Act of 2021, Division H, Title III, Section 318. This provision authorized the Secretary of Education to allot $20,000,000 for one-time financial relief and restoration grants consistent with the purposes of the Randolph-Sheppard Act as authorized under section 10 of such Act (20 U.S.C. 107f). Prior to this legislation, Congress has not appropriated such funds concerning the Randolph-Sheppard Vending Facilities Act. As such, the Department is seeking this data collection in order to collect Final Performance Report data from the State licensing agencies (SLAs). SLAs must obligate funds by 9.30.2022 and liquidate by 1.30.2023. The Department estimates that this data collection will result in a minor burden increase to respondents and will take up to 1 hour to complete the Final Performance Report.

Dated: June 29, 2022.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–14273 Filed 7–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0052]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Supporting Excellence in Adult Education

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before August 4, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Corinne Sauri, (202) 245–6412.

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: Supporting Excellence in Adult Education.

OMB Control Number: 1830–0579.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 20.

Total Estimated Number of Annual Burden Hours: 120.

Abstract: The purpose of this information collection request is to identify and document innovative practices in adult education and literacy that are associated with positive outcomes for adult learners so that they may be disseminated to adult education programs. The U.S. Department of Education will analyze the information that is collected about adult education programs and the outcomes they achieve to identify innovative practices that merit dissemination to the field.

Dated: June 28, 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. 2022–14175 Filed 7–1–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Update on Reimbursement for Costs of Remedial Action at Uranium and Thorium Processing Sites

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of acceptance of Title X claims during fiscal year (FY) 2022.

SUMMARY: This Notice announces the Department of Energy's (DOE) acceptance of claims in FY 2022 from

eligible uranium and thorium processing site licensees for reimbursement under the Energy Policy Act of 1992. The FY 2023 DOE Office of Environmental Management's Congressional Budget Request included $24.4 million for the Title X Uranium and Thorium Reimbursement Program.

DATES: The closing date for the submission of FY 2022 Title X claims is September 7, 2022. The claims will be processed for payment together with any eligible unpaid approved claim balances from prior years, based on the availability of funds from congressional appropriations. If the total approved claim amounts exceed the available funding, the approved claim amounts will be reimbursed on a prorated basis. All reimbursements are subject to the availability of funds from congressional appropriations.

ADDRESSES: Claims must be submitted by certified or registered mail, return receipt requested, to Charlee Anne Boger, U.S. DOE Department of Energy, Office of Legacy Management, 2597 Legacy Way, Grand Junction, Colorado 81503. Two copies of the claim should be included with each submission. In addition to the mailed hardcopies, claims may be submitted electronically to *Charlee.Boger@lm.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Julia Donkin, Title X Program Lead at (202) 586–5000 or email: *Julia.Donkin@em.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE published a final rule under 10 CFR part 765 in the **Federal Register** on May 23, 1994, (59 FR 26714) to carry out the requirements of Title X of the Energy Policy Act of 1992 (sections 1001–1004 of Pub. L.102–486, 42 U.S.C. 2296a *et seq.*) and to establish the procedures for eligible licensees to submit claims for reimbursement. DOE amended the final rule on June 3, 2003, (68 FR 32955) to adopt several technical and administrative amendments (*e.g.,* statutory increases in the reimbursement ceilings). Title X requires DOE to reimburse eligible uranium and thorium licensees for certain costs of decontamination, decommissioning, reclamation, and other remedial action incurred by licensees at active uranium and thorium processing sites. The eligible licensees incurred these costs to remediate byproduct material, generated as an incident of sales to the United States Government of uranium or thorium that was extracted or concentrated from ores processed primarily for their source material contents. To be reimbursable, costs of remedial action must be for work that is necessary to comply with applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978, as amended (42 U.S.C. 7901 *et seq.*), or, where appropriate, with requirements established by a State pursuant to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021). Claims for reimbursement must be supported by reasonable documentation as determined by DOE in accordance with 10 CFR part 765. Funds for reimbursement will be provided from the Uranium Enrichment Decontamination and Decommissioning Fund established at the Department of Treasury pursuant to section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g). Payment or obligation of funds shall be subject to the requirements of the Anti-Deficiency Act (31 U.S.C. 1341).

Authority: Section 1001–1004 of Pub. L. 102–486, 106 Stat. 2776 (42 U.S.C. 2296a *et seq.*).

Signing Authority

This document of the Department of Energy was signed on June 28, 2022, by Julia Donkin, Office of Waste Disposal, Office of Environmental Management, 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 29, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–14208 Filed 7–1–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Meeting

AGENCY: Office of Secretarial Boards and Councils, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: The Department of Energy hereby publishes a notice of a partially virtual, open meeting of the Secretary of Energy Advisory Board (SEAB). This meeting will be held virtually for members of the public and in-person for Board members.

DATES: Tuesday, July 26, 2022; 9 a.m.–1:30 p.m. Central Daylight Time.

ADDRESSES: The meeting is open to the public via a virtual meeting option. To track virtual attendees, registration is required by registering at the SEAB July 26 meeting page: *https://www.energy.gov/seab/seab-meetings.*

Board members, Department of Energy (DOE) representatives, agency liaisons, and Board support staff will participate in-person, strictly following COVID–19 precautionary measures at: Argonne National Laboratory, 9700 S Cass Avenue, Lemont, IL 60439.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; email: *seab@hq.doe.gov;* telephone: (202) 586–5260.

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Administration's energy policies; the Department's basic and applied research and development activities; economic and national security policy; and other activities as directed by the Secretary.

Purpose of the Meeting: This is the fifth meeting of Secretary Jennifer M. Granholm's SEAB.

Tentative Agenda: The meeting will start at 9:00 a.m. Central Time on July 26, 2022. The tentative meeting agenda includes: Roll call, remarks from the Secretary, remarks from the SEAB chair, remarks on DOE's Loan Program Office, SEAB working group report-outs, and public comments. The meeting will conclude at approximately 1:30 p.m. The meeting times and content are subject to change. Meeting materials can be found here: *https://www.energy.gov/seab/seab-meetings.*

Public Participation: The meeting is open to the public via a virtual meeting option. Individuals who would like to attend must register for the July 26 meeting here: *https://www.energy.gov/seab/seab-meetings.*

Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed three minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to

speak should register to do so via email, *seab@hq.doe.gov,* no later than 5:00 p.m. on Monday, July 25, 2022.

Those not able to attend the meeting or who have insufficient time to address the Board are invited to send a written statement to Christopher Lawrence, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, or email to: *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available on the SEAB website or by contacting Mr. Lawrence. He may be reached at the above postal address or email address, or by visiting SEAB's website at *www.energy.gov/seab.*

Signed in Washington, DC, on June 28, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–14209 Filed 7–1–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2187–000]

Northwest Ohio Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Northwest Ohio Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 17, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14171 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP22–474–000; CP22–475–000; CP22–476–000]

West Texas Gas, Inc.; West Texas Gas Utility, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on June 16, 2022, West Texas Gas, Inc. (WTGI), 901 Veterans Airpark, Midland Lane, Texas 79705, and West Texas Gas Utility, LLC (WTGU), 303 Veterans Airpark Lane, Suite 5000, Midland, Texas 79705, filed a joint application under section 3 of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations requesting that the NGA section 3 Authorization and Presidential Permit previously issued to WTGI in Docket No. CP02–97–000 be transferred to WTGU. Specifically, WTGI is requesting to transfer the following three natural gas pipeline border-crossing facilities: the Del Rio Facilities in Docket No. CP22–474–000, the Eagle Pass Facilities (Reef) in Docket No. CP22–475–000, and the Eagle Pass Facilities (Valero) in Docket No. CP22–476–000, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, WTGI' Del Rio Facilities consist of approximately 400 feet of 8-inch-diamter pipeline located at the International Border approximately 3.25 miles northwest of the International Highway Bridge that is owned by the City of Del Rio in Val Verde County, Texas. WTGI's Reef facilities consist of approximately 400 feet of 12-inch-diameter pipeline located at the International Border near Eagle Pass, Maverick County, Texas. WTGI's Valero facilities consist of two parallel 8inch-diameter pipelines located at the International Border near Eagle Pass, Maverick County, Texas, approximately one and one-half miles from the Reef facilities.

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 Justin Clark, General Counsel, West Texas Gas Utility, LLC, 303 Veterans Airpark Lane, Suite 5000, Midland, Texas 79705; by phone at (432) 682–4349; or by email to *JClark@westtexasgas.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

[1] 18 CFR (Code of Federal Regulations) 157.9.

record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on July 19, 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 19, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket numbers CP22–474–000, CP22–475–000 and CP22–476–000 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 numbers (CP22–474–000, CP22–475–000 and CP22–476–000).

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 19, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket numbers CP22–474–000, CP22–475–000 and CP22–476–000 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 numbers CP22–474–000, CP22–475–000 and CP22–476–000.

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: Justin Clark, General Counsel, West Texas Gas Utility, LLC, 303 Veterans Airpark Lane, Suite 5000, Midland, Texas 79705; by phone at (432) 682–4349; or by email to *JClark@westtexasgas.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.

[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.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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 19, 2022.

Dated: June 28, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–14236 Filed 7–1–22; 8:45 am]

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[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–12–000]

Commission Information Collection Activities (Ferc–729); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–729 (Electric Transmission Facilities), which will be submitted to the Office of Management and Budget (OMB) for review.

DATES: Comments on the collection of information are due August 4, 2022.

ADDRESSES: Send written comments on FERC–729 to the Office of Management and Budget (OMB) through *www.reginfo.gov/public/do/PRAMain,* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number 1902–0238 (Electric Transmission Facilities) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC22–12–000 and FERC–729) to the Commission as noted below. Electronic filing through *http://www.ferc.gov* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:
  - *Mail via U.S. Postal Service only, addressed to:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
  - *Hand (including courier) delivery to:* Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

Please reference the specific collection number(s) (FERC–729) and/or title(s) (Electric Transmission Facilities) in your comments.

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–729, Electric Transmission Facilities.

OMB Control No.: 1902–0238.

Type of Request: Three-year extension of the existing information collection.

Abstract: This information collection consists of the filing requirements for entities seeking to construct electric transmission facilities pursuant to the Commission's authority under section 216 of the Federal Power Act (FPA).[1] Specifically, section 216(b) of the FPA authorizes the Commission, under certain circumstances, to issue permits for the construction of electric transmission facilities within national interest electric transmission corridors designated by the Secretary of Energy.

The purpose of the Commission's part 50 regulations[2] is to provide for efficient and timely review of requests for permits for the siting of proposed electric transmission facilities under section 216 of the FPA. The regulations include filing requirements associated with the Commission's pre-filing and application review processes. For the Commission's pre-filing process, the regulations require applicants to file a pre-filing request[3] and subsequent information after the commencement of the pre-filing process,[4] including a finalized Project Participation Plan, a summary of project alternatives, draft resource reports, and monthly status reports. After the conclusion of the pre-filing process, the regulations require applicants to file an application consisting of general project

[1] 16 U.S.C. 824p.

[2] 18 CFR part 50.

[3] 18 CFR part 50(c).

[4] 18 CFR part 50(e).

information [5] and ten exhibits,[6] including project maps, an environmental report, engineering data, and system analysis data.

The Commission published a 60-day notice for this information collection request in the **Federal Register** on April 15, 2022 (87 FR 22524), and received no comments on the 60-day notice.

Type of Respondent: Entities proposing to construct electric transmission facilities pursuant to the Commission's authority under section 216 of the FPA.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden [7] for the information collection as:

FERC–729 (OMB CONTROL NO. 1902–0238): ELECTRIC TRANSMISSION FACILITIES

	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1) * (2) = (3)	Average burden & cost per response [8] (4)	Total annual burden hours & total annual cost (3) * (4) = (5)
Electric Transmission Facilities	1	1	1	9,600 $835,200	9,600 $835,200

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 28, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–14234 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR22–52–000.

Applicants: Columbia Gas of Ohio, Inc.

Description: § 284.123 Rate Filing: COH Rates effective May 31 2022 to be effective 5/31/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5022.

Comments Protest Due: 5 p.m. ET 7/19/22.

Docket Numbers: RP22–993–000.

Applicants: Chesapeake Energy Marketing, L.L.C.

Description: Petition for Limited Waiver of Capacity Release Regulations, et al. of Chesapeake Energy Marketing, L.L.C. under RP22–993.

Filed Date: 6/27/22.

Accession Number: 20220627–5113.

Comment Date: 5 p.m. ET 7/11/22.

Docket Numbers: RP22–994–000.

Applicants: Eastern Gas Transmission and Storage, Inc.

Description: § 4(d) Rate Filing: EGTS—June 28, 2022 Administrative Change to be effective 8/1/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5016.

Comment Date: 5 p.m. ET 7/11/22.

Docket Numbers: RP22–995–000.

Applicants: Cove Point LNG, LP.

Description: § 4(d) Rate Filing: Cove Point—June 28, 2022 Administrative Change to be effective 8/1/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5018.

Comment Date: 5 p.m. ET 7/11/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14222 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[P–2315–171]

Dominion Energy South Carolina, Inc.; 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. *Type of Application:* Request for a temporary amendment of the reservoir drawdown limit.

b. *Project No.:* 2315–171.

c. *Date Filed:* May 24, 2022.

d. *Applicant:* Dominion Energy South Carolina, Inc.

e. *Name of Project:* Neal Shoals Hydroelectric Project.

f. *Location:* The project is located on the Broad River in Union and Chester Counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Amy Bresnahan, Dominion Energy South Carolina, Inc., 220 Operations Way, MC B223, Cayce, SC 29033, (803) 217–9965.

[5] 18 CFR part 50.6.

[6] 18 CFR part 50.7.

[7] "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[8] FERC staff estimates that industry costs for salary plus benefits are similar to Commission costs. The cost figure is the FY2021 FERC average annual salary plus benefits ($180,702/year or $87/hour).

i. *FERC Contact:* Mr. Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. 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/doc-sfiling/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, MD 20852. The first page of any filing should include docket number P–2315–171.

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 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:* The applicant requests a temporary amendment of its maximum reservoir drawdown limits from October 1, 2022 through December 31, 2022. The applicant plans to exceed the normal 4-foot drawdown limit by draining the reservoir in a phased approach by at least 14 feet to dewater it. The applicant states the drawdown is necessary to replace head gates and repair low-level sluice gates.

l. 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. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

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, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. 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, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as applicable; (2) set forth in the heading the name of the applicant and the project number(s) of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person intervening or protesting; 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: June 28, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–14233 Filed 7–1–22; 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 Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL22–71–000.

Applicants: City Water, Light & Power-City of Springfield, IL.

Description: Proposed Revenue Requirement for Reactive Supply Service under Midcontinent Independent System Operator, Inc. Tariff Schedule 2 of City, Water, Light and Power of the City of Springfield, Illinois.

Filed Date: 6/22/22.

Accession Number: 20220622–5146.

Comment Date: 5 p.m. ET 7/13/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1840–006; ER16–634–002.

Applicants: AltaGas Pomona Energy Inc., Blythe Energy, LLC.

Description: Triennial Market Power Analysis for Southwest Region of Blythe Energy Inc., et al.

Filed Date: 6/24/22.

Accession Number: 20220624–5188.

Comment Date: 5 p.m. ET 8/23/22.

Docket Numbers: ER10–2502–009; ER10–2472–008; ER10–2473–008; ER11–4436–007; ER11–2724–009; ER18–2518–004; ER19–645–003.

Applicants: Black Hills Colorado Wind, LLC, Black Hills Electric Generation, LLC, Black Hills Colorado IPP, LLC, Black Hills Power, Inc., Cheyenne Light, Fuel and Power Company, Black Hills Wyoming, LLC, Black Hills Colorado Electric Company, LLC.

Description: Triennial Market Power Analysis for Northwest Region of Black Hills Colorado Electric, LLC, et al.

Filed Date: 6/27/22.

Accession Number: 20220627–5117.

Comment Date: 5 p.m. ET 8/26/22.

Docket Numbers: ER10–2538–011.

Applicants: Panoche Energy Center, LLC.

Description: Triennial Market Power Analysis for Southwest Region of Panoche Energy Center, LLC.

Filed Date: 6/28/22.

Accession Number: 20220628–5068.

Comment Date: 5 p.m. ET 8/29/22.

Docket Numbers: ER10–2667–002.

Applicants: Invenergy Cannon Falls LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Ownership to be effective N/A.

Filed Date: 6/28/22.

Accession Number: 20220628–5058.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER11–2508–027; ER19–1414–003; ER19–1415–003; ER20–2047–002; ER20–2048–002; ER19–2148–003.

Applicants: Heritage Power Marketing, LLC, Ellwood Power, LLC, Ormond Beach Power, LLC, GenOn

California South, LP, GenOn REMA, LLC, GenOn Energy Management, LLC.

Description: Triennial Market Power Analysis for Southwest Region of GenOn Energy Management, LLC, et al. under ER11–2508, et al.

Filed Date: 6/28/22.

Accession Number: 20220628–5074.

Comment Date: 5 p.m. ET 8/29/22.

Docket Numbers: ER11–4475–015.

Applicants: Rockland Wind Farm LLC.

Description: Triennial Market Power Analysis for Northwest Region of Rockland Wind Farm LLC under ER11–4475.

Filed Date: 6/28/22.

Accession Number: 20220628–5075.

Comment Date: 5 p.m. ET 8/29/22.

Docket Numbers: ER12–21–024; ER10–2381–011; ER11–2206–012; ER11–2207–012; ER11–2209–012; ER11–2210–012; ER11–2211–012; ER11–2855–026; ER11–2856–026; ER11–2857–026; ER11–3727–018; ER12–1711–018; ER13–1150–010; ER13–1151–010; ER18–814–003; ER19–672–003; ER19–843–003; ER19–844–002; ER19–1061–003; ER19–1062–002; ER19–1063–003; ER19–1200–005; ER20–486–003.

Applicants: Golden Fields Solar III, LLC, Clearway Power Marketing LLC, Solar Borrego I LLC, Solar Avra Valley LLC, Solar Alpine LLC, Solar Roadrunner LLC, Solar Blythe LLC, Marsh Landing LLC, Carlsbad Energy Center LLC, Alta Wind XI, LLC, Alta Wind X, LLC, High Plains Ranch II, LLC, El Segundo Energy Center LLC, Sun City Project LLC, Sand Drag LLC, Avenal Park LLC, Alta Wind I, LLC, Alta Wind III, LLC, Alta Wind II, LLC, Alta Wind IV, LLC, Alta Wind V, LLC, Walnut Creek Energy, LLC, Agua Caliente Solar, LLC.

Description: Triennial Market Power Analysis for Southwest Region of Agua Caliente Solar, LLC, et al.

Filed Date: 6/27/22.

Accession Number: 20220627–5162.

Comment Date: 5 p.m. ET 8/26/22.

Docket Numbers: ER15–1905–009.

Applicants: AZ721 LLC.

Description: Supplement to January 28, 2022 Notice of Change in Status of Amazon Energy LLC.

Filed Date: 6/24/22.

Accession Number: 20220624–5185.

Comment Date: 5 p.m. ET 7/15/22.

Docket Numbers: ER18–2370–004.

Applicants: Lackawanna Energy Center LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Ownership to be effective N/A.

Filed Date: 6/28/22.

Accession Number: 20220628–5062.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER19–266–003.

Applicants: Invenergy Nelson LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Ownership to be effective N/A.

Filed Date: 6/28/22.

Accession Number: 20220628–5060.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–1197–001.

Applicants: Southern California Edison Company.

Description: Filing Withdrawal: Request to Withdraw Filing, Catalina 2nd Amend-Deficiency Response (ER22–1197) to be effective N/A.

Filed Date: 6/22/22.

Accession Number: 20220622–5038.

Comment Date: 5 p.m. ET 7/5/22.

Docket Numbers: ER22–2203–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2825R10 KMEA and Evergy Kansas Central Meter Agent Agreement to be effective 6/1/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5066.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2204–000.

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: Midland-Wiregrass Solar (Hybrid Project) LGIA Filing to be effective 6/14/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5098.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2205–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1897R12 Evergy Kansas Central, Inc. NITSA NOA to be effective 9/1/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5099.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2206–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1883R11 Evergy Kansas Central, Inc. NITSA NOA to be effective 9/1/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5109.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2207–000.

Applicants: Sun Streams PVS, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 6/29/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5117.

Comment Date: 5 p.m. ET 7/19/22.

Docket Numbers: ER22–2208–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2022–06–28–PSCoES–PI–2021–4–PLGIA–RockyMtnEnergyCtr–703–0.0.0 to be effective 6/29/2022.

Filed Date: 6/28/22.

Accession Number: 20220628–5118.

Comment Date: 5 p.m. ET 7/19/22.

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 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14221 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–992–000.

Applicants: Midwestern Gas Transmission Company.

Description: § 4(d) Rate Filing: Revisions for Pre-Arranged Deals and Expansion/Extension Projects to be effective 7/25/2022.

Filed Date: 6/24/22.

Accession Number: 20220624–5144.

Comment Date: 5 p.m. ET 7/6/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's

Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 27, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14173 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2192–000]

EDPR Scarlet I LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EDPR Scarlet I LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 17, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14167 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2191–000]

EDPR CA Solar Park II LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EDPR CA Solar Park II LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 17, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14168 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2190–000]

EDPR CA Solar Park LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EDPR CA Solar Park LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 17, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14169 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC22–81–000.
Applicants: White Creek Wind I, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of White Creek Wind I, LLC.
Filed Date: 6/24/22.
Accession Number: 20220624–5183.
Comment Date: 5 p.m. ET 7/15/22.

Docket Numbers: EC22–82–000.
Applicants: AMPCI North America Thermal Power Acquisition LLC.
Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of AMPCI North America Thermal Power Acquisition LLC, et al.
Filed Date: 6/27/22.
Accession Number: 20220627–5112.
Comment Date: 5 p.m. ET 7/18/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1837–005.
Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC, Duke Energy Progress, LLC.
Description: Compliance filing: Duke Energy Florida, LLC submits tariff filing per 35: Order No. 864 Second Compliance Filing to be effective 1/27/2020.
Filed Date: 6/27/22.
Accession Number: 20220627–5115.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER20–1948–002.
Applicants: Potomac-Appalachian Highline Transmission, LLC, PJM Interconnection, L.L.C.
Description: Compliance filing: Potomac-Appalachian Highline Transmission, LLC submits tariff filing per 35: PATH submits further Compliance Filing in ER20–1948 to be effective 1/27/2020.
Filed Date: 6/27/22.
Accession Number: 20220627–5124.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER21–2521–003.
Applicants: Broadlands Wind Farm LLC.
Description: Compliance filing: Compliance Filing.
Filed Date: 6/27/22.
Accession Number: 20220627–5079.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–1141–000.
Applicants: Black Hills Colorado Electric, LLC.
Description: Refund Report: Refund Report to be effective N/A.
Filed Date: 6/27/22.
Accession Number: 20220627–5101.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–1590–001.
Applicants: El Paso Electric Company.
Description: Tariff Amendment: El Paso Electric Company's Response to May 27, 2022 Order to be effective 6/6/2022.
Filed Date: 6/27/22.
Accession Number: 20220627–5137.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–1593–001.
Applicants: AEP Texas Inc.
Description: Tariff Amendment: AEPTX-Lunis Creek Solar 1st A&R Gen Interconnection Agr—Amend Pending to be effective 3/28/2022.
Filed Date: 6/27/22.
Accession Number: 20220627–5120.
Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–1728–001.
Applicants: Basin Electric Power Cooperative.
Description: Tariff Amendment: Amendment to Extend Time for Action on Revised Wholesale Power Contract to be effective 3/24/2022.
Filed Date: 6/27/22.
Accession Number: 20220627–5127.
Comment Date: 5 p.m. ET 6/28/22.

Docket Numbers: ER22–2097–000.
Applicants: Southern California Edison Company.
Description: Filing Withdrawal: Request to Withdraw Filing-Proceeding, Supp. re Catalina 2nd Amend (ER22–2097) to be effective N/A.
Filed Date: 6/22/22.
Accession Number: 20220622–5046.
Comment Date: 5 p.m. ET 7/5/22.

Docket Numbers: ER22–2195–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original ISA No. 6508; Queue No. AE2–121 to be effective 5/27/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5055.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2196–000.

Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: Mid-Atlantic Interstate Transmission submits Revised IA SA No. 4577 to be effective 8/27/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5075.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2197–000.

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 Develop.m.ent (AL B Solar + Storage) LGIA Filing to be effective 6/15/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5076.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2198–000

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 Develop.m.ent (4 Notch Solar + Storage) LGIA Filing to be effective 6/15/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5078.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2199–000.

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 Develop.m.ent (5 Notch Solar + Storage) LGIA Filing to be effective 6/15/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5080.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2200–000.

Applicants: Atlantic City Electric Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Atlantic City Electric Company submits tariff filing per 35.13(a)(2)(iii: ACE Single Issue Depreciation Filing to update Attachment H–1A to be effective 9/1/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5102.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2201–000.

Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Delmarva Power & Light Company submits tariff filing per 35.13(a)(2)(iii: Delmarva Single Issue Depreciation Filing to update Attachment H–3D to be effective 9/1/2022.

Filed Date: 6/27/22.

Accession Number: 20220627–5103.

Comment Date: 5 p.m. ET 7/18/22.

Docket Numbers: ER22–2202–000.

Applicants: Midcontinent Independent System Operator, Inc., Entergy Services, LLC.

Description: Compliance filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35: 2022–06–27_Entergy Operating Companies Depreciation Settlement Filing to be effective 1/1/2021.

Filed Date: 6/27/22.

Accession Number: 20220627–5111.

Comment Date: 5 p.m. ET 7/18/22.

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 27, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14166 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3511–024]

Lower Saranac Hydro, LLC; Notice of Denial of Water Quality Certification

On May 29, 2020, Lower Saranac Hydro, LLC (Lower Saranac Hydro) filed an application for a license for the Groveville Hydroelectric Project (project) in the above captioned docket. Lower Saranac Hydro filed with the New York State Department of Environmental Conservation (New York DEC) a request for water quality certification for the project under section 401(a)(1) of the Clean Water Act on July 2, 2021. On June 6, 2022, the New York DEC denied certification for the project. Pursuant to 40 CFR 121.8, we are providing notice that New York DEC's denial satisfies the requirements of 40 CFR 121.7(e).

Dated: June 28, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–14232 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–2188–000]

Northwest Ohio IA, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Northwest Ohio IA, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 17, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the

eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–14170 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER22–2102–000; ER22–2103–000]

Deerfield Wind Energy 2, LLC; Deerfield Wind Energy, LLC; Supplemental Notice That Shared Facilities Agreement and Certificate of Concurrence Filings Include Requests for Blanket Section 204 Authorization

This is a supplemental notice of Deerfield Wind Energy 2, LLC's filing of a Shared Facilities Agreement, in Docket No. ER22–2102–000, and Deerfield Wind Energy, LLC's filing of a Certificate of Concurrence to the Shared Facilities Agreement, in Docket No. ER22–2103–000, noting that such filings include requests for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 5, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protest.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, MD 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: June 28, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–14235 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2022–0477; FRL–9981–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with the Clean Air Act, as amended (CAA or the Act), notice is given of a proposed consent decree in *Center for Biological Diversity et al* v. *Regan,* No. 4:22–cv–02285 (N.D. Cal.). On April 13, 2022, Plaintiff Center for Biological Diversity (CBD) filed a complaint in the United States District Court for the Northern District of California. Plaintiffs alleged that the EPA failed to perform a mandatory duty under the Clean Air Act to complete a review of the secondary National Ambient Air Quality Standards (NAAQS) for Nitrogen Oxides (NO_X), Sulfur Oxides (SO_X), and Particulate Matter (PM). The proposed consent decree would require EPA to complete a review of the secondary National Ambient Air Quality Standards (NAAQS) for Nitrogen Oxides (NO_X) and Sulfur Oxides (SO_X), and the secondary NAAQS for Particulate Matter (PM) ecological effects. Specifically, the consent decree would require EPA to sign a proposed and final action in these NAAQS reviews by February 9, 2024 and December 10, 2024, respectively.

DATES: Written comments on the proposed consent decree must be received by August 4, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0447, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Orlin, Air and Radiation Law Office, Office of General Counsel, U.S.

Environmental Protection Agency; telephone (202) 564–1222; email address *Orlin.David@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2022–0447) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

On April 13, 2022, Plaintiff Center for Biological Diversity (CBD) filed a complaint in the United States District Court for the Northern District of California (*Center for Biological Diversity et al* v. *Regan,* 4:22–cv–02285 (N.D. Cal.). CBD alleges that the EPA failed to perform a mandatory duty to complete a review of the NO_X, SO_X, and PM secondary NAAQS every five years. The proposed consent decree would establish deadlines for EPA to take proposed and final actions pursuant to Clean Air Act (CAA) section 109 to complete a review of NO_X and SO_X secondary NAAQS and the PM secondary NAAQS for ecological effects. Specifically, the consent decree would require EPA to sign a proposed and final action in these reviews by February 9, 2024 and December 10, 2024, respectively. EPA completed a review of the secondary PM NAAQS for non-ecological effects in 2020. The proposed consent decree would require EPA to complete a review the secondary PM NAAQS for ecological effects.

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2022–0447, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2022–14220 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0266; FRL–9941–01–OCSPP]

Atrazine; Proposed Revisions to the Atrazine Interim Registration Review Decision Memorandum; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of EPA's ''Proposed Revisions to the Atrazine Interim Registration Review Decision, Case Number 0062'' memorandum and is soliciting public comment on the proposed revisions to the atrazine interim registration review decision (ID). The Agency is not soliciting comment on any other aspects of the atrazine ID other than those specifically identified in the proposed revisions to the atrazine ID memorandum. The Agency is issuing this memorandum as a proposal for revisions to the atrazine interim registration review decision to provide clarification to specific sections of the interim registration review decision that address atrazine exposure in aquatic plant communities; and to propose additional mitigation options to reduce potential exposure and risk to aquatic plant communities from atrazine via runoff from agricultural uses in field corn, sweet corn, sorghum and sugarcane.

DATES: Comments must be received on or before September 6, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0266, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: Alex Hazlehurst, Chemical Review Manager, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2249; email address: *hazlehurst.alexander@epa.gov.*

For general information on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. EPA may pursue mitigation at any time during the registration review process if it finds that a pesticide poses unreasonable adverse effects to human health or the environment.

On October 30, 2020, Petitioners challenged the EPA's issuance of the atrazine ID by filing a Petition for Review in the Ninth Circuit Court of Appeals, *Rural Coalition, et al.* v. *EPA, et al.,* (No. 20–73220) (9th Cir.). The Petition alleges that EPA violated its duties under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.,* by approving the atrazine ID based on a lack of substantial supporting evidence. In response to the Petition, EPA sought a voluntary partial remand that was granted by the court on December 14, 2021. Specifically, the voluntary partial remand was focused on re-evaluating the determination in the ID that the concentration of 15 micrograms per liter (µg/L) triggers required monitoring and/or mitigation to protect aquatic plant communities. The requirements for registrants to revise atrazine labels to mitigate risk from the use of products containing atrazine were accepted on all atrazine product registrations and updated labels were stamped by the Agency on November 12, 2021. The Agency did not seek a remand on any of the other determinations identified in the ID. During the partial remand EPA reevaluated the policy decision to use15 µg/L as the level of regulation for aquatic plant communities. The reevaluation concluded that this portion of the previous decision was not adequately supported by science. Based on this reevaluation, EPA determined that this level regulation was not appropriate and is proposing, for public comment, additional mitigation to protect aquatic plant communities.

III. Authority

EPA is conducting its registration review of atrazine pursuant to FIFRA section 3(g) and the procedural regulations for registration review at 40 CFR part 155, subpart C. FIFRA section 3(g) provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed revisions to the atrazine interim registration review decision memorandum for the pesticide atrazine and opens a 60-day public comment period on the proposed revisions to the atrazine interim registration review decision. The Agency is issuing this memorandum as a proposal for revisions to the atrazine interim registration review decision to: (1) provide clarification to specific sections of the interim registration review decision that address atrazine exposure in aquatic plant communities; and (2) propose additional mitigation options to

reduce potential exposure and risk to aquatic plant communities from atrazine via runoff from agricultural uses in field corn, sweet corn, sorghum and sugarcane.

TABLE—REGISTRATION REVIEW FOR PROPOSED REVISIONS TO THE ATRAZINE INTERIM DECISION

Registration review case name and No.	Pesticide docket ID No.	Chemical review manager, telephone No., email address
Atrazine, Case Number 0062	EPA–HQ–OPP–2013–0266	Alex Hazlehurst, (202) 566–2249, *Hazlehurst.alexander@epa.gov.*

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the initial docket. The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticide included in the table in Unit II.A., as well as the Agency's subsequent findings and consideration of possible risk mitigation measures. The proposed revisions to the atrazine interim registration review decision are supported by the rationales included in those documents. Following public comment, the Agency will issue the ''Revisions to the Atrazine Interim Registration Review Decision, Case 0062'' memorandum for products containing atrazine.

The regulation at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim and/or final registration review decisions. This comment period is limited to the proposed revisions to the interim registration review decision. The Agency is not soliciting comment on any other aspects of the atrazine ID other than those specifically identified in the proposed revisions to the atrazine ID memorandum All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for atrazine. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments related to the proposed revisions to the atrazine ID received by the closing date and will provide a ''Response to Comments Memorandum'' in the docket. The revisions to the atrazine interim registration review decision memorandum will explain the effect that any comments had on the revisions to the atrazine interim registration review decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *https://www.epa.gov/pesticide-reevaluation.* Links to earlier documents related to the registration review of this pesticide are provided at: *https://www.regulations.gov/docket/EPA-HQ-OPP-2013-0266.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 23, 2022.

Mary Reaves,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2022–14255 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0742 FRL–9946–01–OCSPP]

Methylene Chloride; Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a draft revision to the risk determination for the methylene chloride risk evaluation issued under TSCA. The draft revision to the methylene chloride risk determination reflects the announced policy changes to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. In this draft revision to the risk determination EPA finds that methylene chloride, as a whole chemical substance, presents an unreasonable risk of injury to health when evaluated under its conditions of use. In addition, this revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment (PPE). EPA understands that there could be occupational safety protections in place at workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, or their employers are out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health,'' or because the OSHA permissible exposure limit (PEL) alone may be inadequate for ensuring protection of worker health. This revision, when final, would supersede the condition of use-specific no unreasonable risk determinations in the June 2020 methylene chloride risk evaluation (and withdraw the associated order) and would make a revised determination of unreasonable risk for methylene chloride as a whole chemical substance.

DATES: Comments must be received on or before August 4, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–EPA–HQ–OPPT–2016–0742, using the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Ingrid Feustel, Office of Pollution Prevention and Toxics (7404M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3199; email address: *feustel.ingrid@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, use, disposal, and/or the assessment of risks involving chemical substances and mixtures. You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process (including recycling), distribute in commerce, use or dispose of methylene chloride, including methylene chloride in products. Since other entities may also be interested in this draft revision to the risk determination, EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6, 15 U.S.C. 2605, requires EPA to conduct risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation (PESS) identified as relevant to the risk evaluation by the Administrator, under the conditions of use. 15 U.S.C. 2605(b)(4)(A). TSCA sections 6(b)(4)(A) through (H) enumerate the deadlines and minimum requirements applicable to this process, including provisions that provide instruction on chemical substances that must undergo evaluation, the minimum components of a TSCA risk evaluation, and the timelines for public comment and completion of the risk evaluation. TSCA also requires that EPA operate in a manner that is consistent with the best available science, make decisions based on the weight of the scientific evidence, and consider reasonably available information. 15 U.S.C. 2625(h), (i), and (k).

The statute identifies the minimum components for all chemical substance risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider. 15 U.S.C. 2605(b)(4)(D). The statute further provides that each risk evaluation must also: (1) integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) describe the weight of the scientific evidence for the identified hazards and exposures. 15 U.S.C. 2605(b)(4)(F)(i) through (ii) and (iv) through (v). Each risk evaluation must not consider costs or other non-risk factors. 15 U.S.C. 2605(b)(4)(F)(iii).

EPA has inherent authority to reconsider previous decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *see also Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983). Further, on July 14, 2021, the Ninth Circuit granted EPA's motion for voluntary remand without vacatur, so that EPA may conduct reconsideration proceedings on the methylene chloride Risk Evaluation—particularly to reconsider the no unreasonable risk determinations made within. *Neighbors for Environmental Justice et al.,* v. *U.S. Environmental Protection Agency et al.,* (9th Cir. No. 20–72091).

C. What action is EPA taking?

EPA is announcing the availability of and seeking public comment on a draft revision to the risk determination for the risk evaluation for methylene chloride under TSCA, which was initially published in June 2020 (Ref. 1). EPA is specifically seeking public comment on the draft revision to the risk determination for the risk evaluation where the Agency intends to determine that methylene chloride, as a whole chemical, presents an unreasonable risk of injury to health when evaluated under its conditions of use. The Agency's risk determination for methylene chloride is better characterized as a whole chemical risk determination rather than condition-of-use-specific risk determinations. Accordingly, EPA would revise and replace section 5 of the risk evaluation for methylene chloride where the findings of unreasonable risk to health were previously made for the individual conditions of use evaluated. EPA would also withdraw the order issued previously for six conditions of use previously determined not to present unreasonable risk.

This revision would be consistent with EPA's plans to revise specific aspects of the first ten TSCA chemical risk evaluations in order to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. Under the draft revision, removing the assumption that workers always appropriately wear PPE (see Unit II.C.) in making the whole chemical risk determination for methylene chloride would mean that: five additional conditions of use in addition to the original 47 would drive the unreasonable risk determination for methylene chloride; inhalation risks to workers in addition to the previously identified inhalation risk to occupational non-users (ONUs) would drive the unreasonable risk in three conditions of use; and additional risk to workers for acute and chronic non-cancer dermal exposures and for cancer from inhalation exposures would also drive the unreasonable risk in many of those 52 conditions of use (where previously those conditions of use were identified as presenting unreasonable risk only for chronic non-cancer effects and/or for acute effects) (Ref. 2 at pg. 319 provides the risk estimates, and Table 5–1 in the risk determination (Ref. 1) provides information related to the unreasonable risk). Overall, 52 conditions of use out of 53EPA evaluated would drive the methylene chloride whole chemical unreasonable risk determination due to risks identified for human health. The full list of the conditions of use evaluated for the methylene chloride TSCA risk evaluation is in Tables 4–2 and 4–3 of the risk evaluation (Ref. 2).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at

https://www.epa.gov/dockets/comments.html.

II. Background

A. Why is EPA re-issuing the risk determination for the methylene chloride risk evaluation conducted under TSCA?

In 2016, as directed by TSCA section 6(b)(2)(A), EPA chose the first ten chemical substances to undergo risk evaluations under the amended TSCA. These chemical substances are asbestos, 1-bromopropane, carbon tetrachloride, C.I. Pigment Violet 29, HBCD, 1,4-dioxane, methylene chloride, n-methylpyrrolidone (NMP), perchloroethylene (PCE), and trichloroethylene (TCE).

From June 2020 to January 2021, EPA published risk evaluations on the first ten chemical substances, including for methylene chloride in June 2020. The risk evaluations included individual unreasonable risk determinations for each condition of use evaluated. EPA issued determinations that particular conditions of use did not present an unreasonable risk by order under TSCA section 6(i)(1).

In accordance with Executive Order 13990 (Ref. 3) and other Administration priorities (Refs. 4, 5, and 6), EPA reviewed the risk evaluations for the first ten chemical substances, including methylene chloride, to ensure that they meet the requirements of TSCA, including conducting decision making in a manner that is consistent with the best available science.

As a result of this review, EPA announced plans to revise specific aspects of the first ten risk evaluations in order to ensure that the risk evaluations appropriately identify unreasonable risks and thereby help ensure the protection of human health and the environment (Ref. 7). To that end, EPA is reconsidering two key aspects of the risk determinations for methylene chloride published in June 2020. First, following a review of specific aspects of the June 2020 methylene chloride risk evaluation, EPA proposes that making an unreasonable risk determination for HBCD as a whole chemical substance, rather than making unreasonable risk determinations separately on each individual condition of use evaluated in the risk evaluation, is the most appropriate approach to HBCD under the statute and implementing regulations. Second, EPA proposes that the risk determination should be explicit that it does not rely on assumptions regarding the use of personal protective equipment (PPE) in making the unreasonable risk determination under TSCA section 6, even though some facilities might be using PPE as one means to reduce workers exposures; rather, the use of PPE would be considered during risk management as appropriate.

Separately, EPA is conducting a screening approach to assess potential risks from the air and water pathways for several of the first 10 chemicals, including this chemical. For methylene chloride the exposure pathways that were or could be regulated under another EPA administered statute were excluded from the final risk evaluation (see section 1.4.2 of the June 2020 methylene chloride risk evaluation). This resulted in the surface water, drinking water, ambient air, and sediment pathways for methylene chloride not being assessed for human health exposures or the general population. The goal of the recently-developed screening approach is to remedy this exclusion and to identify if there are risks that were unaccounted for in the methylene chloride risk evaluation. While this analysis is underway, EPA is not incorporating the screening-level approach into this draft revised unreasonable risk determination. If the results suggest there is additional risk, EPA will determine if the risk management approaches being contemplated for methylene chloride will protect against these risks or if the risk evaluation will need to be formally supplemented or revised.

This action pertains only to the risk determination for methylene chloride. While EPA intends to consider and may take additional similar actions on other of the first ten chemicals, EPA is taking a chemical-specific approach to reviewing the risk evaluations and is incorporating new policy direction in a surgical manner, while being mindful of the Congressional direction on the need to complete risk evaluations and move toward any associated risk management activities in accordance with statutory deadlines.

B. What is a whole chemical view of the unreasonable risk determination for the methylene chloride risk evaluation?

TSCA section 6 repeatedly refers to determining whether a chemical *substance* presents unreasonable risk under its conditions of use. Stakeholders have disagreed over whether a chemical substance should receive: A single determination that is comprehensive for the chemical substance after considering the conditions of use, referred to as a whole-chemical determination; or multiple determinations, each of which is specific to a condition of use, referred to as condition-of-use-specific determinations.

The proposed risk evaluation procedural rule was premised on the whole chemical approach to making an unreasonable risk determination (Ref. 8). In that proposed rule, EPA acknowledged a lack of specificity in statutory text that might lead to different views about whether the statute compelled EPA's risk evaluations to address all conditions of use of a chemical substance or whether EPA had discretion to evaluate some subset of conditions of use (*i.e.,* to scope out some manufacturing, processing, distribution in commerce, use, or disposal activities), but also stated that ''EPA believes the word 'the' (in TSCA section 6(b)(4)(A)) is best interpreted as calling for evaluation that considers all conditions of use.'' (Ref. 8).

The proposed rule, however, was unambiguous on the point that an unreasonable risk determination would be for the chemical substance as a whole, even if based on a subset of uses. (See Ref. 8 at pgs. 7565–66: ''TSCA section 6(b)(4)(A) specifies that a risk evaluation must determine whether 'a chemical substance' presents an unreasonable risk of injury to health or the environment 'under the conditions of use.' The evaluation is on the chemical substance—not individual conditions of use—and it must be based on 'the conditions of use.' In this context, EPA believes the word 'the' is best interpreted as calling for evaluation that considers all conditions of use.''). In the proposed regulatory text, EPA proposed to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use (Ref. 8 at pg. 7480).

The final risk evaluation procedural rule (Ref. 9) stated: ''As part of the risk evaluation, EPA will determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents.'' (See also 40 CFR 702.47). For the unreasonable risk determinations in the first ten risk evaluations, EPA applied this provision by making individual risk determinations for each condition of use evaluated in each risk evaluation (*i.e.,* the condition-of-use-specific approach to risk determinations). That approach was based on one particular passage in the preamble to the final risk evaluation procedural rule, which stated that EPA will make individual risk

determinations for all conditions of use identified in the scope. (Ref. 9 at pg. 33744).

In contrast to this portion of the preamble of the final risk evaluation procedural rule, the regulatory text itself and other statements in the preamble reference a risk determination *for the chemical substance* under its conditions of use, rather than separate risk determinations for each of the conditions of use of a chemical substance. In the key regulatory provision excerpted earlier from 40 CFR 702.47, the text explains that ''[a]s part of the risk evaluation, EPA will determine whether *the chemical substance* presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents'' (Ref. 9, emphasis added). Other language reiterates this perspective. For example, 40 CFR 702.31(a) states that the purpose of the rule is to establish the EPA process for conducting a risk evaluation to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment as required under TSCA section 6(b)(4)(B). Likewise, there are recurring references to whether the chemical substance presents an unreasonable risk in 40 CFR 702.41(a). See, for example, 40 CFR 702.41(a)(6), which explains that the extent to which EPA will refine its evaluations for one or more condition of use in any risk evaluation will vary as necessary to determine whether a chemical substance presents an unreasonable risk. Notwithstanding the one preambular statement about condition-of-use-specific risk determinations, the preamble to the final rule also contains support for a risk determination on the chemical substance as a whole. In discussing the identification of the conditions of use of a chemical substance, the preamble notes that this task inevitably involves the exercise of discretion on EPA's part, and ''as EPA interprets the statute, the Agency is to exercise that discretion consistent with the objective of conducting a technically sound, manageable evaluation to determine whether a chemical substance—not just individual uses or activities—presents an unreasonable risk.'' (Ref. 8 at pg. 33729).

Therefore, notwithstanding EPA's choice to issue condition-of-use-specific risk determinations to date, EPA interprets its risk evaluation regulation to also allow the Agency to issue whole-chemical risk determinations. Either approach is permissible under the regulation. A panel of the Ninth Circuit Court of Appeals also recognized the ambiguity of the regulation on this point. *Safer Chemicals* v. *EPA, 943 F.3d 397, 413* (9th Cir. 2019) (holding a challenge about ''use-by-use risk evaluations [was] not justiciable because it is not clear, due to the ambiguous text of the Risk Evaluation Rule, whether the Agency will actually conduct risk evaluations in the manner Petitioners fear'').

EPA plans to consider the appropriate approach for each chemical substance risk evaluation on a case-by-case basis, taking into account considerations relevant to the specific chemical substance in light of the Agency's obligations under TSCA. The Agency expects that this case-by-case approach will provide greater flexibility in the Agency's ability to evaluate and manage unreasonable risk from individual chemical substances. EPA believes this is a reasonable approach under TSCA and the Agency's implementing regulations.

With regard to the specific circumstances of methylene chloride, as further explained in this notice, EPA proposes that a whole chemical approach is appropriate for methylene chloride in order to protect health and the environment. The whole chemical approach is appropriate for methylene chloride because there are benchmark exceedances for multiple conditions of use (spanning across most aspects of the chemical lifecycle—from manufacturing (including import), processing, commercial and industrial use, consumer use, and disposal) for health of workers, occupational non-users, consumers, and bystanders, and the irreversible health effects (specifically cancer, coma, hypoxia, and death) associated with methylene chloride exposures. Because these chemical-specific properties cut across the conditions of use within the scope of the risk evaluation, a substantial amount of the conditions of use drive the unreasonable risk; therefore, it is appropriate for the Agency to make a determination for methylene chloride that the whole chemical presents an unreasonable risk.

As explained later in this document, the revisions to the unreasonable risk determination (section 5 of the risk evaluation) would be based on the existing risk characterization section of the risk evaluation (section 4 of the risk evaluation) and would not involve additional technical or scientific analysis. The discussion of the issues presented in this **Federal Register** notice and in the accompanying draft revision to the risk determination would supersede any conflicting statements in the prior methylene chloride risk evaluation and the response to comments document (Ref. 10). With respect to the methylene chloride risk evaluation, EPA intends to change the risk determination to a whole chemical approach without considering the use of PPE and does not intend to amend, nor does a whole chemical approach require amending, the underlying scientific analysis of the risk evaluation in the risk characterization section of the risk evaluation. EPA views the peer reviewed hazard and exposure assessments and associated risk characterization as robust and upholding the standards of best available science and weight of the scientific evidence per TSCA sections 26(h) and (i).

EPA is announcing the availability of and seeking public comment on the draft superseding unreasonable risk determination for methylene chloride, including a description of the risks driving the unreasonable risk determination under the conditions of use for the chemical substance as a whole. For purposes of TSCA section 6(i), EPA is making a draft risk determination on methylene chloride as a whole chemical. Under the proposed revised approach, the ''whole chemical risk determination for methylene chloride would supersede the no unreasonable risk determinations for methylene chloride that were premised on a condition-of-use-specific approach to determining unreasonable risk. When finalized, EPA's revised unreasonable risk determination would also contain an order withdrawing the TSCA section 6(i)(1) order in section 5.4.1 of the June 2020 methylene chloride risk evaluation. The draft revision to the risk determination would clarify that EPA does not rely on the assumed use of PPE when making the risk determination for the whole substance. EPA is requesting comment on this potential change.

C. What revision does EPA propose about the use of PPE for the methylene chloride risk evaluation?

In the risk evaluations for the first ten chemical substances, as part of the unreasonable risk determination, EPA assumed for several conditions of use that all workers were provided and always used PPE in a manner that achieves the stated assigned protection factor (APF) for respiratory protection or used impervious gloves for dermal protection. In support of this assumption, EPA considered reasonably available information such as public comments indicating that some employers, particularly in the industrial

setting, provide PPE to their employees and follow established worker protection standards (*e.g.,* Occupational Safety and Health Administration (OSHA) requirements for protection of workers, specifically the existing OSHA standard for methylene chloride at 29 CFR 1910.1052).

For the June 2020 methylene chloride risk evaluation, EPA assumed based on reasonably available information, including public comment and safety data sheets, for methylene chloride that workers use PPE—specifically, respirators with an APF 25 to 50—for 26 occupational conditions of use and gloves with PF 10 or 20 for 39 occupational conditions of use. However, in the June 2020 methylene chloride risk evaluation, EPA determined that there was unreasonable risk to workers for 32 of those conditions of use. Overall, EPA determined that 36 of the 41 occupational COUs present unreasonable risks to workers or occupational non-users.

EPA is revising the assumption for methylene chloride that workers always or properly use PPE, although it does not question the information received regarding the occupational safety practices often followed by industry respondents, including as part of compliance with the OSHA methylene chloride standard. Notwithstanding that standard, when characterizing the risk to human health from occupational exposures during risk evaluation under TSCA, EPA believes it is appropriate to evaluate the levels of risk present in baseline scenarios where PPE is not assumed to be used by workers. This approach of not assuming PPE use by workers considers the risk to potentially exposed or susceptible subpopulations (workers and occupational non-users) who may not be covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan. It should be noted that, in some cases, baseline conditions may reflect certain mitigation measures, such as engineering controls, in instances where exposure estimates are based on monitoring data at facilities that have engineering controls in place.

In addition, EPA believes it is appropriate to evaluate the levels of risk present in scenarios considering applicable OSHA requirements (*e.g.,* chemical-specific permissible exposure limits (PELs) and/or chemical-specific PELs with additional substance-specific standards) as well as scenarios considering industry or sector best practices for industrial hygiene that are clearly articulated to the Agency. Consistent with this approach, the June 2020 methylene chloride risk evaluation characterized risk to workers both with and without the use of PPE. By characterizing risks using scenarios that reflect different levels of mitigation, EPA risk evaluations can help inform potential risk management actions by providing information that could be used during risk management to tailor risk mitigation appropriately to address any unreasonable risk identified, or to ensure that applicable OSHA requirements or industry or sector best practices that address the unreasonable risk are required for all potentially exposed or susceptible subpopulations (including self-employed individuals and public sector workers who are not covered by an OSHA State Plan).

When undertaking unreasonable risk determinations as part of TSCA risk evaluations, however, EPA does not believe it is appropriate to assume as a general matter that an applicable OSHA requirement or industry practices related to PPE use is consistently and always properly applied. Mitigation scenarios included in the EPA risk evaluation (*e.g.,* scenarios considering use of various PPE) likely represent what is happening already in some facilities. However, the Agency cannot assume that all facilities have adopted these practices for the purposes of making the TSCA risk determination.

Therefore, EPA proposes to make its determination of unreasonable risk for methylene chloride from a baseline scenario that does not assume compliance with OSHA standards, including any applicable exposure limits or requirements for use of respiratory protection or other PPE. Making unreasonable risk determinations based on the baseline scenario should not be viewed as an indication that EPA believes there are no occupational safety protections in place at any location, or that there is widespread non-compliance with applicable OSHA standards. Rather, it reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan, or because their employer is out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health,'' (Ref. 11) or because the OSHA Permissible Exposure Limit alone may be inadequate to protect worker health, or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements.

In accordance with this approach, EPA is proposing the draft revision to the methylene chloride risk determination without relying on assumptions regarding the occupational use of PPE in making the unreasonable risk determination under TSCA section 6; rather, information on the use of PPE as a means of mitigating risk (including information received from industry respondents about occupational safety practices in use) would be considered during the risk management phase as appropriate. This would represent a change from the approach taken in the 2020 risk evaluation for methylene chloride and EPA invites comments on this draft change to the methylene chloride risk determination. As a general matter, when undertaking risk management actions, EPA intends to strive for consistency with applicable OSHA requirements and industry best practices, including appropriate application of the hierarchy of controls, when those measures would address an identified unreasonable risk including unreasonable risk to potentially exposed or susceptible subpopulations. Consistent with TSCA section 9(d), EPA will consult and coordinate TSCA activities with OSHA and other relevant Federal agencies for the purpose of achieving the maximum applicability of TSCA while avoiding the imposition of duplicative requirements. Informed by the mitigation scenarios and information gathered during the risk evaluation and risk management process, the Agency might propose rules that require risk management practices that may be already common practice in many or most facilities. Adopting clear, comprehensive regulatory standards will foster compliance across all facilities (ensuring a level playing field) and assure protections for all affected workers, especially in cases where current OSHA standards may not apply or be sufficient to address the unreasonable risk.

Removing the assumptions that workers always and appropriately wear PPE in making the whole chemical risk determination for methylene chloride would add five additional conditions of use to the original 47 conditions of use that would drive EPA's unreasonable risk determination for methylene chloride as a whole chemical. The five conditions of use affected by this change are: manufacturing (domestic manufacture); processing as a reactant; processing: recycling; industrial and commercial use as laboratory chemical; and disposal. Additionally, removing

this assumption would add inhalation risks to workers in addition to the previously identified inhalation risk to occupational non-users as driving the unreasonable risk in three conditions of use and would add risks to workers for acute and chronic non-cancer dermal exposures and for cancer from inhalation exposures as driving the unreasonable risk in many conditions of use (Ref. 2 at pg. 319 provides the risk estimates, and Table 5–1 in the risk determination (Ref. 1) provides information related to the unreasonable risk).

D. What is methylene chloride?

Methylene chloride, which is also called dichloromethane, is a volatile chemical that is produced and imported into the United States, with use estimated at over 260 million pounds per year. It is a solvent used in a variety of industries and applications, such as adhesives, paint and coating products, metal cleaning, chemical processing, and aerosols. In addition, it is used as a propellent, processing aid, or functional fluid in the manufacturing of other chemicals. A variety of consumer and commercial products use methylene chloride as a solvent including sealants, automotive products, and paint and coating removers. Methylene chloride is subject to federal and state regulations and reporting requirements.

E. What conclusions did EPA reach about the risks of methylene chloride in the 2020 TSCA risk evaluation and what conclusions is EPA proposing to reach based on the whole chemical approach and not assuming the use of PPE?

In the 2020 risk evaluation, EPA determined that methylene chloride presents an unreasonable risk to health under the following conditions of use:

- Manufacture (import);
- Processing into a formulation, mixture, or reaction product;
- Repackaging;
- Industrial and commercial use as solvent for batch vapor degreasing;
- Industrial and commercial use as solvent for in-line vapor degreasing;
- Industrial and commercial use as solvent for cold cleaning;
- and commercial use as a solvent for aerosol spray degreasers/cleaners;
- Industrial and commercial use in adhesives, sealants, and caulks;
- Industrial and commercial use in paints and coatings;
- Industrial and commercial use in paint and coating removers;
- Industrial and commercial use in adhesive and caulk removers;
- Industrial and commercial use as metal aerosol degreasers;
- Industrial and commercial use in metal non-aerosol degreasers;
- Industrial and commercial use in finishing products for fabric, textiles, and leather;
- Industrial and commercial use in automotive care products (functional fluids for air conditioners);
- Industrial and commercial use in automotive care products (interior car care);
- Industrial and commercial use in automotive care products (degreasers);
- Industrial and commercial use in apparel and footwear care products;
- Industrial and commercial use in spot removers for apparel and textiles;
- Industrial and commercial use in liquid lubricants and greases;
- Industrial and commercial use in spray lubricants and greases;
- Industrial and commercial use in aerosol degreasers and cleaners;
- Industrial and commercial use in non-aerosol degreasers and cleaners;
- Industrial and commercial use in cold pipe insulations;
- Industrial and commercial use as solvent that becomes part of a formulation or mixture;
- Industrial and commercial use as a processing aid;
- Industrial and commercial use as propellant and blowing agent;
- Industrial and commercial use for electrical equipment, appliance, and component manufacturing;
- Industrial and commercial use for plastic and rubber products manufacturing;
- Industrial and commercial use for cellulose triacetate film production;
- Industrial and commercial use as anti-spatter welding aerosol;
- Industrial and commercial use for oil and gas drilling, extraction, and support activities;
- Industrial and commercial uses for toys, playgrounds, and sporting equipments (including novelty articles);
- Industrial and commercial use for carbon removers, wood floor cleaners, and brush cleaners;
- Industrial and commercial use as a lithographic printing plate cleaner;
- Consumer use as a solvent in an aerosol cleaner/degreaser;
- Consumer use in adhesives and sealants;
- Consumer use in paints and coatings (brush cleaners for paints and coatings);
- Consumer use in adhesives/caulk removers;
- Consumer use in aerosol and non-aerosol metal degreasers;
- Consumer use in automotive functional fluids (air conditioners refrigerant, treatment, leak sealer);
- Consumer use in automotive degreasers (gasket remover, transmission cleaners, carburetor);
- Consumer use in aerosol and non-aerosol lubricants and greases, consumer use in cold pipe insulation;
- Consumer use in aerosol and non-aerosol lubricants/greases and aerosol and non-aerosol degreaser/cleaners;
- Consumer use in cold pipe insulation;
- Consumer use in crafting glue and cement/concrete;
- Consumer use in anti-adhesive agent—anti-spatter welding aerosol; and
- Consumer use in carbon remover and brush cleaner.

Under the proposed whole chemical approach to the methylene chloride risk determination, the unreasonable risk from methylene chloride would continue to be driven by risk from those same condition of use. In addition, by removing the assumption of PPE use in making the whole chemical risk determination for methylene chloride, five conditions of use in addition to the original 47 would drive the draft unreasonable risk determination:

- Manufacturing (domestic manufacture);
- Processing as a reactant;
- Processing: recycling;
- Industrial and commercial use as laboratory chemical; and
- Disposal.

Overall, 52 conditions of use out of the 53 EPA evaluated would drive the methylene chloride whole chemical unreasonable risk determination.

III. Revision of the June 2020 Risk Evaluation

A. Why is EPA proposing to revise the risk determination for the methylene chloride risk evaluation?

EPA is proposing to revise the risk determination for the methylene chloride risk evaluation pursuant to TSCA section 6(b) and consistent with Executive Order 13990, (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'') and other Administration priorities (Refs. 3, 4, and 6). EPA is revising specific aspects of the first ten TSCA existing chemical risk evaluations in order to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. For the methylene chloride risk evaluation, this includes the draft revision: (1) making the risk determination in this instance based on the whole chemical substance instead of by individual conditions of use, and (2) emphasizing that EPA does not rely on the assumed use of PPE when making the risk determination.

B. What are the draft revisions?

EPA is releasing a draft revision of the risk determination for the methylene chloride risk evaluation pursuant to TSCA section 6(b). Under the draft revised determination, EPA preliminarily concludes that methylene chloride, as evaluated in the risk evaluation as a whole, presents an unreasonable risk of injury to health under its conditions of use. This revision would replace the previous unreasonable risk determinations made for methylene chloride by individual conditions of use, supersede the determinations (and withdraw the associated order) of no unreasonable risk for the conditions of use identified in the TSCA section 6(i)(1) no unreasonable risk order, and clarify the lack of reliance on assumed use of PPE as part of the risk determination.

These draft revisions do not alter any of the underlying technical or scientific information that informs the risk characterization, and as such the hazard, exposure, and risk characterization sections are not changed except to the extent that statements about PPE assumptions in section 2.4.1.1 (Consideration of Engineering Controls and PPE) of the methylene chloride risk evaluation would be superseded. The discussion of the issues in this notice and in the accompanying draft revision to the risk determination would supersede any conflicting statements in the prior executive summary and section 2.4.1.1 from the methylene chloride risk evaluation and the response to comments document (Refs. 2 and 10). Additional policy changes to other chemical risk evaluations, including any consideration of potentially exposed or susceptible subpopulations and/or inclusion of additional exposure pathways, are not necessarily reflected in these draft revisions to the risk determination.

C. Will the draft revised risk determination be peer reviewed?

The risk determination (section 5 in the June 2020 risk evaluation) was not part of the scope of the peer reviews of the methylene chloride risk evaluation by the Science Advisory Committee on Chemicals (SACC). Thus, consistent with that approach, EPA does not intend to conduct peer review for the draft revised unreasonable risk determination of the methylene chloride risk evaluation because no technical or scientific changes will be made to the hazard or exposure assessments or the risk characterization.

D. What are the next steps for finalizing revisions to the risk determination?

EPA will review and consider public comment received on the draft revised risk determination for the methylene chloride risk evaluation and, after considering those public comments, issue the revised final methylene chloride risk determination. If finalized as drafted, EPA would also issue a new order to withdraw the TSCA section 6(i)(1) no unreasonable risk order issued in Section 5.4.1 of the 2020 methylene chloride risk evaluation. This final revised risk determination would supersede the June 2020 risk determinations of no unreasonable risk. Consistent with the statutory requirements of TSCA section 6(a), the Agency would then propose risk management actions to address the unreasonable risk determined in the methylene chloride risk evaluation.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Draft Revised Unreasonable Risk Determination for methylene chloride, Section 5, July 2022.
2. EPA. Risk Evaluation for Methylene Chloride (MC). EPA Document #740–R1–8010. January 2021. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0437-0107.*
3. Executive Order 13990. Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. **Federal Register**. 86 FR 7037, January 25, 2021.
4. Executive Order 13985. Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. **Federal Register**. 86 FR 7009, January 25, 2021.
5. Executive Order 14008. Tackling the Climate Crisis at Home and Abroad. **Federal Register**. 86 FR 7619, February 1, 2021.
6. Presidential Memorandum. Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. **Federal Register**. 86 FR 8845, February 10, 2021.
7. EPA Press Release. EPA Announces Path Forward for TSCA Chemical Risk Evaluations. June 2021. *https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations.*
8. EPA. Proposed Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 7562, January 19, 2017 (FRL–9957–75).
9. EPA. Final Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 33726, July 20, 2017 (FRL–9964–38).
10. EPA. Summary of External Peer Review and Public Comments and Disposition for Methylene Chloride (MC); Response to Support Risk Evaluation of Methylene Chloride (MC). EPA Document# EPA–740–R2–0022. June 2020. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0437-0083.*
11. Occupational Safety and Health Administration. Permissible Exposure Limits—Annotated Tables. Accessed June 13, 2022. *https://www.osha.gov/annotated-pels.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 28, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–14163 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0317; FRL–9905–01–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices (Renewal), EPA ICR No. 1745.10, OMB Control No. 2050–0154

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements (EPA ICR No. 1745.10, OMB Control No. 2050–0154) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through February 28, 2023. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before September 6, 2022.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0317, at *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov//dockets.*

FOR FURTHER INFORMATION CONTACT: Craig Dufficy, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0537; *dufficy.craig@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov.* Materials can also be viewed at the Reading Room located at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays). The telephone number for the Docket Center is 202–566–1744.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In order to effectively implement and enforce final changes to 40 CFR part 257—Subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes will have to comply with the final reporting and recordkeeping requirements. This continuing ICR documents the recordkeeping and reporting burdens associated with the location and ground-water monitoring provisions contained in 40 CFR part 257—Subpart B.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the private sector, as well as State, Local, or Tribal Governments.

Respondent's obligation to respond: Mandatory under Section 4010© and 3001(d)(4) of the Resource Conservation and Recovery Act (RCRA) of 1976.

Estimated number of respondents: 152.

Frequency of response: On occasion.

Total estimated burden: 11, 219 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,951,843 per year, includes $374,184 annualized labor and $1,577,659 annualized capital or operation & maintenance costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: June 28, 2022.

Carolyn Hoskinson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2022–14219 Filed 7–1–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Intermittent Survey of Businesses (FR 1374; OMB No. 7100–0302).

DATES: Comments must be submitted on or before September 6, 2022.

ADDRESSES: You may submit comments, identified by FR 1374, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number or FR number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Federal Reserve Board of Governors, Attn: Ann E. Misback, Secretary of the Board, Mailstop M–4775, 2001 C St NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW,

Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement, and other documentation, will be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above. Final versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, 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 information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Collection title: Intermittent Survey of Businesses.

Collection identifier: FR 1374.

OMB control number: 7100–0302.

Frequency: Annual, and as needed.

Respondents: Businesses, and as warranted by economic conditions, state and local governments.

Estimated number of respondents: 1,500.

Estimated average hours per response: 0.25.

Estimated annual burden hours: 1,125.

General description of collection: The FR 1374 survey data are used to gather information to enable the Federal Reserve System to carry out its policy and operational responsibilities. Under the guidance of the Board, Reserve Banks survey business contacts as economic developments warrant. Usually, these voluntary surveys are conducted by telephoning or emailing purchasing managers, economists, or other knowledgeable individuals at selected, relevant businesses. Reserve Banks may also use online survey tools to collect responses to the survey. The frequency and content of the questions, as well as the entities contacted, vary depending on developments in the economy. These surveys are conducted to provide Board members and Reserve Bank presidents real-time insights into economic conditions. The Board tailors these survey questions to match current concerns and interests, but they are not meant to supplant the more rigorous, existing economic reporting. The Board collects individual responses from the Reserve Banks and then distributes aggregate information to Board members and Reserve Bank presidents.

Legal authorization and confidentiality: The FR 1374 is authorized by sections 2A and 12A of the Federal Reserve Act (FRA). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (FOMC) ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates.'' Section 12A of the FRA further requires the FOMC to implement ''regulations relating to the open market operations'' conducted by Federal Reserve Banks ''with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.'' The Board and FOMC use the information obtained through the FR 1374 to discharge these responsibilities.

Responding to surveys under the FR 1374 is voluntary. Individual respondents may request confidential treatment for information provided in response to a survey in accordance with the Board's Rules Regarding Availability of Information,[1] and any such requests for confidential treatment will be reviewed on a case-by-case basis. Information may be kept confidential under exemption 4 of the Freedom of Information Act to the extent it is confidential commercial or financial information that is both customarily and actually treated as private.

Board of Governors of the Federal Reserve System, June 29, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–14217 Filed 7–1–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 CFR 261.17.

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the

standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than August 4, 2022.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204, or electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *Hometown Financial Group, MHC, and Hometown Financial Group, Inc., Easthampton, Massachusetts;* to acquire Randolph Bancorp, Inc., Stoughton, Massachusetts, and thereby indirectly acquire Envision Bank, Randolph, Massachusetts.

B. Federal Reserve Bank of Cleveland (Bryan S. Huddleston, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566, or electronically to *Comments.applications@clev.frb.org:*

1. *Farmers National Banc Corp., Canfield, Ohio;* to acquire Emclaire Financial Corporation, and thereby indirectly acquire The Farmers National Bank of Emlenton, both of Emlenton, Pennsylvania.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–14253 Filed 7–1–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Investment in Bank Premises Notification (FR 4014; OMB No. 7100–0139).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Investment in Bank Premises Notification.

Collection identifier: FR 4014.

OMB control number: 7100–0139.

Frequency: Event-generated.

Respondents: State member banks.

Estimated number of respondents: 8.

Estimated average hours per response: 0.5.

Estimated annual burden hours: 4.

General description of collection: The Federal Reserve Act (FRA) requires a state member bank to seek prior approval of the Board before making an investment in bank premises or the securities of a corporation holding its bank premises in certain circumstances. The Board has implemented this requirement in its Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208), which requires a state member bank seeking to make such an investment to provide prior notice to the appropriate Federal Reserve Bank. The Federal Reserve uses the information provided in the notice to determine whether to object to the proposed investment.

Legal authorization and confidentiality: The FR 4014 is authorized by section 24A(a) of the FRA, which requires that state member banks obtain Board approval prior to investing in bank premises that exceed statutory thresholds.[1] The FR 4014 is additionally authorized by section 11 of the FRA, which authorizes the Board to require such statements and reports of state member banks as the Board may deem necessary.[2] The FR 4014 is required to obtain a benefit.

The information contained on the FR 4014 is not considered confidential unless an applicant requests confidential treatment in accordance with the Board's Rules Regarding Availability of Information.[3] Requests for confidential treatment of information are reviewed on a case-by-case basis. Information provided on the FR 4014 may be exempt from disclosure pursuant to exemption 4 of the Freedom of Information Act (FOIA) if it is nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent.[4]

Current actions: On February 18, 2022, the Board published a notice in the **Federal Register** (87 FR 9348) requesting public comment for 60 days on the extension, without revision, of the Investment in Bank Premises Notification. The comment period for this notice expired on April 19, 2022. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, June 29, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–14216 Filed 7–1–22; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 212 3140]

Harley-Davidson Motor Company Group, LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 4, 2022.

[1] 12 U.S.C. 371d(a).

[2] 12 U.S.C. 248(a)(1).

[3] 12 CFR 261.17.

[4] 5 U.S.C. 552(b)(4).

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write ''Harley-Davidson Motor Company Group, LLC; File No. 212 3140'' on your comment and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Melissa Dickey (202–326–2662), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before August 4, 2022. Write ''Harley-Davidson Motor Company Group, LLC; File No. 212 3140'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

Because of heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website.

If you prefer to file your comment on paper, write ''Harley-Davidson Motor Company Group, LLC; File No. 212 3140'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex D), Washington, DC 20580.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the *https://www.regulations.gov* website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at *http://www.ftc.gov* to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before August 4, 2022. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (the ''Commission'') has accepted, subject to final approval, an agreement containing a consent order from Harley-Davidson Motor Company Group, LLC (''Respondent'' or ''Harley-Davidson'').

The proposed consent order (''Proposed Order'') has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement, along with any comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the Proposed Order.

This matter involves the warranty that Harley-Davidson offers to purchasers of its motorcycles. According to the Commission's complaint, Harley-Davidson's warranty is conditioned on purchasers using authorized Harley-Davidson parts and accessories; otherwise, the warranty is void. In addition, the complaint alleges that Harley-Davidson's warranty does not contain a clear explanation of all material terms; instead, the warranty informs purchasers that they must ask a Harley-Davidson dealer to get a full explanation of what is covered by the warranty, and what is not.

Based on the foregoing, the Commission alleges that Respondent violated the Magnuson-Moss Warranty Act and regulations promulgated thereunder, including the Rule Governing Disclosure of Written Consumer Product Warranty Terms and Conditions, and engaged in deceptive acts or practices in violation of Section 5(a) of the FTC Act.

The Proposed Order contains injunctive provisions addressing the alleged deceptive conduct. Section I prohibits Respondent from (1) expressly or implicitly conditioning a warranty on a consumer's use of any article or service which is identified by brand, trade, or corporate name, unless the article or service is offered for free or the Commission has issued a waiver to the company, or from otherwise violating the Warranty Act or the Rules promulgated thereunder; and (2) failing to disclose all warranty terms in a single document that uses simple and readily

understood terms to describe the warranty to consumers. Section I permits Respondent to not modify its existing calendar year 2022 warranty documents, provided that Respondent provides all purchasers of its calendar year 2022 motorcycles with a copy of the updated warranty and a customer notice and requires its authorized dealers to maintain copies of these records.

Section II prohibits Respondent from representing to consumers, expressly or by implication, (a) that its warranties will be void if they use third-party parts or services or if they modify or alter the product without authorization, or (b) as a condition of warranty coverage or in the written warranty, that consumers should only use branded parts or have their product repaired, altered or serviced by authorized service providers. Respondent will be permitted to exclude from its warranty coverage (1) damages caused by the use of unauthorized parts or services, the use of its vehicles for racing or competitions or the installation of parts designed for unauthorized uses of the vehicle, such as trailer hitches, and (2) all functional defects of powertrain components for any Harley-Davidson motorcycle registered in the United States if the vehicle was tuned using a tuning product not covered by a California Air and Resources Board Executive Order or that was otherwise approved by the Environmental Protection Agency, or if Harley-Davidson or any authorized Harley-Davidson dealer has any information to show that the vehicle was tuned using a tuning product not covered by a California Air and Resources Board Executive Order or that was otherwise approved by the Environmental Protection Agency.

Section II also requires Respondent to include language in the warranty that affirmatively notifies consumers of their rights to use third-party services and parts under the Magnuson-Moss Warranty Act and enjoins Respondent from misrepresenting any material facts to consumers about the warranty.

Sections III and IV require Respondent to inform its customers and authorized dealers and service providers that its warranty has been updated, and that the updated warranty is not conditioned on the use of authorized parts or services. Respondent must clearly and conspicuously post and keep on its website the notice and its updated warranty terms, and it must submit reports regarding its notification program. Sections V through VII of the Proposed Order are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondent to provide information or documents necessary for the Commission to monitor compliance with the Proposed Order. Section IX states that the Proposed Order will remain in effect for twenty (20) years, with certain exceptions.

The purpose of this analysis is to aid public comment on the Proposed Order. It is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify in any way the Proposed Order's terms.

By direction of the Commission.

April J. Tabor,

Secretary.

Statement of Chair Lina M. Khan Joined by Commissioner Rebecca Kelly Slaughter

Today the Commission announced actions settling charges that Harley-Davidson, LLC and MWE Investments, LLC (''Westinghouse'') have engaged in unlawful repair restrictions. As stated in the complaints, the Commission charged Harley-Davidson, which manufactures motorcycles and related equipment, and Westinghouse, which makes and sells outdoor generators and related products, with unlawfully conditioning their warranties on the use of authorized parts in violation of both the Magnuson-Moss Warranty Act and the FTC Act. The Commission also alleged that Harley-Davidson failed to provide a clear description of warranty terms in a single document, a violation of the Disclosure Rule.

The consent orders obtained in these matters bar both manufacturers from continuing the unlawful tying of their warranties to the use of authorized service or parts and prohibit them from misrepresenting any material facts about the warranty. Importantly, the firms are also required to note clearly and conspicuously in public statements that using third-party parts or repair services will not void the warranty. They must also provide customers with clear notice alerting them of the change.

In July 2021, the Commission unanimously adopted a policy statement that committed the agency to prioritizing enforcement actions tackling unlawful repair restrictions.[1] Today's enforcement actions—the first addressing unlawful repair restrictions since we adopted the policy statement—mark an important step forward, demonstrating our commitment to vigorously protecting Americans' right to repair. We are grateful to the Bureau of Consumer Protection staff for their excellent work driving this effort forward.

Illegal repair restrictions can significantly raise costs for consumers, stifle innovation, close off business opportunity for independent repair shops, create unnecessary electronic waste, delay timely repairs, and undermine resiliency—harms that can have an outsized impact on low-income communities in particular.[2] It is critical that unlawful repair restrictions continue to be a key area of focus for the Commission and that we continue to use all of our tools and authorities to root out these illegal practices.

[FR Doc. 2022–14178 Filed 7–1–22; 8:45 am]

BILLING CODE 6750–01–P

[1] Press Release, Fed. Trade Comm'n, FTC to Ramp Up Law Enforcement Against Illegal Repair Restrictions (July 21, 2021), *https://www.ftc.gov/news-events/news/press-releases/2021/07/ftc-ramp-law-enforcement-against-illegalrepair-restrictions.* This policy statement followed a July 2019 workshop that the FTC held on unlawful repair restrictions and a May 2021 report documenting the types of repair restrictions that firms frequently impose and the various arguments criticizing and defending them. See Nixing the Fix: A Workshop on Repair Restrictions, Fed. Trade Comm'n (July 16, 2019), *https://www.ftc.gov/news-events/events/2019/07/nixing-fix-workshop-repairrestrictions;* Press Release, Fed. Trad Comm'n, FTC Report to Congress Examines Anti-Competitive Repair Restrictions, Recommends Ways to Expand Consumers' Repair Options (May 6, 2021), *https://www.ftc.gov/newsevents/news/press-releases/2021/05/ftc-report-congress-examines-anti-competitive-repair-restrictions-recommendsways-expand-consumers.*

[2] Remarks of Chair Lina M. Khan Regarding the Proposed Policy Statement on Right to Repair, at 1 (July 21, 2021), *https://www.ftc.gov/legal-library/browse/cases-proceedings/public-statements/remarks-chair-lina-m-khanregarding-proposed-policy-statement-right-repair;* Fed. Trade Comm'n, Nixing The Fix: An FTC Report To Congress On Repair Restrictions, at 4–5, 9–15 (2021).

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2022–07; Docket No. 2022–0002, Sequence No. 13]

Midyear Adjustment to the Calendar Year (CY) 2022 Privately Owned Vehicle (POV) Mileage Reimbursement Rates and Standard Mileage Rate for Moving Purposes (Relocation Allowances)

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: GSA is prescribing a midyear adjustment to the calendar year 2022 official temporary duty mileage reimbursement rates for privately owned automobiles (POA), airplanes, and motorcycles as required by statute. GSA will also adjust the POV mileage

rate for moving purposes and the POA rate when a Government-furnished automobile is authorized.

DATES: *Applicability date:* This notice applies to travel and relocation performed on or after July 1, 2022 through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Ms. Cheryl D. McClain-Barnes, Program Analyst, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–208–4334, or by email at *travelpolicy@gsa.gov.* Please cite Notice of FTR Bulletin 22–06.

SUPPLEMENTARY INFORMATION: GSA is required by statute to set the mileage reimbursement rate for privately owned automobiles (POA) as the single standard mileage rate established by the IRS. On June 9, 2022, the IRS announced a midyear mileage rate adjustment to reflect the rising cost of fuel. Therefore, in line with the IRS, GSA adjusted the POV mileage reimbursement rates starting July 1, 2022 through the remainder of calendar year (CY) 2022.

FTR Bulletin 22–06 establishes and announces the newly adjusted CY 2022 POV mileage reimbursement rates for official temporary duty and relocation travel. This notice is the only notification to agencies, in addition to the changes posted on GSA's website at *https://gsa.gov/ftrbulletins* and *https://gsa.gov/mileage.*

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2022–14264 Filed 7–1–22; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0308; Docket No. 2022–0001; Sequence No. 5]

Submission for OMB Review; General Services Administration Acquisition Regulation (GSAR); Construction Contract Administration

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding OMB Control No. 3090–0308, Construction Contract Administration.

DATES: *Submit comments on or before:* August 4, 2022.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments''; or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. Marten Wallace, General Services Acquisition Policy Division, GSA, by phone at 202–286–5807 or by email at *marten.wallace@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The information collected is used by PBS to evaluate a contractor's proposals, negotiate contract modifications, evaluate a contractor's progress, and review payment requests during contract administration. The clause was previously GSAR 552.236–78 Shop Drawings, Coordination Drawings, and Schedules. The clause is simplified, including removing the requirement for a specific number of prints and copies of various submittals. This simplification will ease the compliance burden for the contractor during contract administration from the current state.

B. Annual Reporting Burden

Public reporting burden for GSAR 552.236–72 Submittals is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 890.

Responses per respondent: 5.

Total annual responses: 4,452.

Preparation hours per response: .25.

Total response burden hours: 1,113.

C. Public Comments

A 60-day notice published in the **Federal Register** at 87 FR 24303 on April 25, 2022. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.*

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2022–14187 Filed 7–1–22; 8:45 am]

BILLING CODE 6820–61–P

GENERAL SERVICES ADMINISTRATION

[Notice–PBS–2022–02; Docket No. 2022–0002; Sequence No. 11]

Federal Management Regulation; Designation of a Federal Building

AGENCY: Public Buildings Service (PBS), General Services Administration.

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin announces the redesignation of a federal building.

DATES: This bulletin expires January 5, 2023. The building designation remains in effect until canceled or superseded by another bulletin.

FOR FURTHER INFORMATION CONTACT: General Services Administration, PBS, Office of Portfolio Management, Attn: Chandra Kelley, 77 Forsyth Street SW, Atlanta, GA 30303, at 404–562–2763, or by email at *chandra.kelley@gsa.gov.*

SUPPLEMENTARY INFORMATION: This bulletin announces the designation of a federal building. Public Law 117–103, dated March 15, 2022, designated the Federal Building located at 2005 University Boulevard in Tuscaloosa, Alabama, as the ''Richard Shelby Federal Building and Courthouse''.

Robin Carnahan,

Administrator of General Services.

[FR Doc. 2022–14238 Filed 7–1–22; 8:45 am]

BILLING CODE 6820–Y1–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Invitation to Manufacturers of Platforms for Nucleic Acid Amplification or Detection Suitable for Assay Development and Molecular Diagnostics for Detection of Agents That Cause Infectious Diseases

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), is interested in obtaining information on available platforms for nucleic acid amplification or detection that meet criteria outlined below in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Manufacturers are asked to contact CDC at the address below by August 19, 2022.

FOR FURTHER INFORMATION CONTACT: Laura Hughes-Baker, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–12, Atlanta, GA 30329–4027. Telephone: (404) 639–1402; Email: *eocevent521@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: Nucleic acid amplification or detection is used in many diagnostic tests. Rapid and accurate results that can specifically detect small amounts of pathogen material are essential to identifying and tracking diseases. The recent pandemic has demonstrated the need for tests that can be used in public health laboratories across the United States and internationally.

Many CDC laboratories across the agency use a particular diagnostic platform for nucleic acid detection. Because this current platform will be retired in the future, CDC is interested in hearing from manufacturers regarding the availability of current and potential platforms that could support CDC's overall diagnostics and surveillance.

Criteria: Ideally, the replacement platform should:

- Be suitable for research, surveillance, or assay development, and in vitro diagnostic purposes;
- Have Food and Drug Administration (FDA) clearance for diagnostic use or a research platform capable of obtaining FDA clearance;
- Be compatible with a 96 well format;
- Be compatible with diagnostic, surveillance, or characterization tests targeting a variety of pathogens; and
- Have software that allows for flexibility in analysis.

Manufactures who may have a platform that meets these criteria should submit information to CDC at *eocevent521@cdc.gov* or the address provided in the **FOR FURTHER INFORMATION** section above.

All information submitted to CDC will be kept confidential as allowed by relevant federal law, including the Freedom of Information Act (5 U.S.C. 552) and the Trade Secrets Act (18 U.S.C. 1905).

Disclaimer and Important Notes

This notice is for planning purposes; it does not constitute a formal announcement for comprehensive applications. In accordance with Federal Acquisition Regulation 48 CFR 15.201(e), responses to this notice are not offers and cannot be accepted by the Government to form a binding award. CDC will not provide reimbursement for costs incurred in responding to this notice.

Dated: June 29, 2022.

Angela K. Oliver,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2022–14211 Filed 7–1–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–22–1273; Docket No. CDC–2022–0080]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Pregnancy Risk Assessment Monitoring System (PRAMS). PRAMS is a surveillance project of the Centers for Disease Control and Prevention (CDC) and state health departments that collects jurisdiction-specific, population-based data on maternal attitudes and experiences before, during, and shortly after pregnancy.

DATES: CDC must receive written comments on or before September 6, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0080 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: *Submit all comments through the Federal eRulemaking portal (www.regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submissions of responses; and

5. Assess information collection costs.

Proposed Project

Pregnancy Risk Assessment Monitoring System (PRAMS) (OMB Control No. 0920–1273, Exp. 11/30/2022)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Pregnancy Risk Assessment Monitoring System (PRAMS) is a surveillance project of the Centers for Disease Control and Prevention (CDC) and state health departments. Developed in 1987, PRAMS collects jurisdiction-specific, population-based data on maternal attitudes and experiences before, during, and shortly after pregnancy.

PRAMS provides data not available from other sources. These data can be used to identify groups of women and infants at high risk for health problems, to monitor changes in health status, and to measure progress towards goals in improving the health of mothers and infants. PRAMS data are used by researchers to investigate emerging issues in the field of reproductive health and by federal, state and local governments to plan and review programs and policies aimed at reducing health problems among mothers and babies.

PRAMS is a jurisdiction customized survey conducted in 50 sites and covers 81% of all live births in the United States. Information is collected 2–6 months after live birth or stillbirth by mail survey with telephone follow-up for non-responders. In 2022, five jurisdictions piloted a web mode for data collection, with plans to scale up to all jurisdictions in 2023. Because PRAMS uses standardized data collection methods, it allows data to be compared among sites. Jurisdictions can implement the survey on an ongoing basis or as a point-in-time survey. In participating jurisdictions, a sample of women who have recently given birth to a live born or stillborn infant is selected from birth certificates or fetal death files. The sample is stratified based on the site's population of interest to ensure high-risk populations are adequately represented in the data.

The PRAMS survey instrument for live births is based on a core set of questions common across all jurisdictions that remain the same throughout each phase of data collection. In addition, CDC provides optional standardized modules (pre-grouped questions on a select topic) that jurisdiction may use to customize survey content at the beginning of each phase of data collection. Topics for both the core and standard modules include demographic and background, health conditions (which includes chronic conditions such as diabetes, hypertension, mental health, oral health, cancer, as well as pregnancy-induced health conditions and family history of select conditions); health behaviors (including tobacco and alcohol use, substance use [licit and illicit], injury prevention and safety, nutrition, and physical activity); health care services (such as preconception care, prenatal care, postpartum care, contraceptive care, vaccinations, access to care and insurance coverage, receipt of recommended services and provider counseling received); infant health and development; infant care practices (such as breastfeeding, safe sleep practices); social services received (such as WIC or home visiting); the social context of childbearing (such as intimate partner violence, social support, adverse childhood experiences, stressful life experiences and racism); attitudes and feeling about the pregnancy including pregnancy intentions.

CDC is seeking approval for a Revision of the PRAMS collection to include Phase 8, which will conclude March 2023, and to incorporate Phase 9, which will begin in April 2023. The Phase 9 survey will include the same question topics and most of the same questions for core and standard modules from Phase 8. The content on some topics will be expanded, for example, questions related to the social context of childbearing has been broadened with new questions such as those on experiences of racism and food, housing, and transportation insecurity. For Phase 9, some questions have been added and some Phase 8 questions have been modified (*e.g.,* by reducing the number of response choices). Additionally, some questions from the Phase 8 core modules will not be included in the Phase 9 core modules. These questions are still available for jurisdictions to use as part of the standard modules.

Because PRAMS infrastructure was developed to access a specific population, the PRAMS infrastructure is uniquely suited for rapid adaption for information collection that would not be feasible with other surveillance methods. At times, states may also be funded to address emerging topics of interest with supplemental modules (pre-grouped questions on a select topic). These supplemental modules address national and site-specific priorities. Supplemental modules, for which continued collection for Phase 8 of PRAMS births is planned include disabilities, marijuana use, prescription and illicit opioid use, COVID–19 experience, COVID–19 vaccine, and social determinants of health. New supplemental modules may be developed to address other emergent issues as they arise.

PRAMS can also be adapted to do call back surveys. Women who respond to the PRAMS survey may be re-contacted (opt-out consent process used) at a later date (most recent opioid call back survey occurred approximately nine months post-birth) to collect additional information about post-pregnancy experiences and infant and toddler health. No call back survey is currently being fielded or planned but call back surveys may be developed to address other emergent issues as they arise.

The stillbirth survey is currently administered in the state of Utah only. It includes a single survey instrument.

As part of the questionnaire development process, cognitive and field testing will be conducted prior to implementation of new supplemental modules and call back surveys. For subsequent phases of PRAMS questionnaires, new or substantively revised questions for the core or standard questions will be conducted prior to a new phase. Cognitive and field testing will be conducted among women with infants one year or younger. Cognitive testing is conducted to evaluate interpretive and cognitive processes used by respondents when responding to survey questions to identify difficulties experienced by respondents when answering the questions and as well as identify potential response errors. Field testing is conducted to identify issues that may affect implementation or quality of the data collected.

OMB approval is requested for three years. The total estimated annual burden is 30,992 hours which is an increase of 1,227 hours. The change in overall burden results from: (1) a slightly reduced estimate of the number of responses to the PRAMS survey (core questions plus jurisdiction selected standard module) based on responses received in 2019 (decrease of 223 hours), (2) an increase in the anticipated number of supplemental modules and the time to complete each module from five to eight minutes (increase of 1,836 hours) based on current supplemental modules being implemented by jurisdictions, (3) a decrease in the estimated annual burden for call back surveys (decrease of 586 hours) with current estimates based on responses to

the most recent call back survey, (4) the addition of cognitive testing to aid in the development of new or modification of existing questions (increase of 150 hours), and (5) an increase in the amount of time allotted for each field testing interview resulting in an overall increase for field testing from 20 to 40 minutes (increase of 50 hours). There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Women who recently delivered a live birth.	PRAMS Phase 8/Phase 9 (Core Questions plus state selected standard modules).	51,556	1	26/60	22,341
	Supplemental Modules	52,040	1	8/60	6,939
	Call Back Surveys	2,790	1	30/60	1,395
	Cognitive Testing	150	1	60/60	150
	Field Testing	150	1	40/60	100
Women who recently delivered a stillbirth.	PRAMS Stillbirth Questionnaire	160	1	25/60	67
Total					30,992

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–14218 Filed 7–1–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-FY–2022; Docket No. CDC–2022–0082]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Requirement for Proof of COVID–19 Vaccination for Noncitizen, Nonimmigrant Air Passengers Arriving into the United States from a Foreign Country. A Revision for this collection is being submitted to ensure that, consistent with the terms of the April 4, 2022 Amended Order Under the Presidential Proclamation titled Advancing Safe Resumption of Global Travel During the COVID–19 Pandemic and CDC's Order Implementing Proclamation on Advancing Safe Resumption of Global Travel During the COVID–19 Pandemic, public health authorities can confirm that non-U.S Citizen, Non-U.S. Immigrant passengers are fully vaccinated against COVID–19 before boarding a plane to the United States.

DATES: CDC must receive written comments on or before September 6, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0082 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: *Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and
5. Assess information collection costs.

Proposed Project

Requirement for Proof of COVID–19 Vaccination for Noncitizen, Nonimmigrant Air Passengers Arriving into the United States from a Foreign Country—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Since January 2020, the respiratory disease known as ''COVID–19,'' caused by a novel coronavirus (SARS–CoV–2), has spread globally, including cases reported in all 50 states within the United States, plus the District of Columbia and all U.S. territories. As of June 4, 2022, there have been over 529,400,000 cases of COVID–19 globally, resulting in over 6,200,000 deaths. In the United States, more than 84,600,000 cases have been identified, and over 1,000,000 deaths have been attributed to the disease.

On October 25, 2021, President Biden issued a Proclamation ''Advancing Safe Resumption of Global Travel During the COVID–19 Pandemic''. This Proclamation allowed CDC to issue an Order Implementing Proclamation on Advancing Safe Resumption of Global Travel During the COVID–19 Pandemic, and amended the Order twice, most recently on April 4, 2022 (''Amended Vaccination Order'') to align with revised CDC guidance related to isolation and quarantine after travel and to clarify other requirements.

The Proclamation and Amended Vaccination Order only apply to noncitizen, nonimmigrants. It does not apply to U.S. citizens, U.S. nationals, lawful permanent residents (LPR), or immigrants. The Proclamation also does not apply to crew members of airlines or other aircraft operators while they are on official duty status and if they follow industry standard protocols for the prevention of COVID–19. Some noncitizen, nonimmigrants who are not fully vaccinated, as defined by the Amended Vaccination Order, may fall into a category that allows them to be excepted to the requirement if they can present to an airline or aircraft operator that they meet the criteria for that category, such as letters documenting a medical contraindication to receiving a COVID–19 vaccine, documents confirming participation in certain vaccine clinical trials, or U.S. military identification.

Noncitizen, nonimmigrants who are fully vaccinated will have to attest that they are fully vaccinated. Noncitizen, nonimmigrants who are not fully vaccinated and qualify for an exception will be required to attest that they are excepted from the requirement to present proof of being fully vaccinated and based on the category of the exception, may further be required to attest to other activities.

CDC anticipates certain cost burdens to respondents and record keepers due to the requirements. CDC requests OMB approval for an estimated 68,045,825 annual burden hours. This is a decrease from the previously approved version of this information collection.

Estimated Annualized Burden Hours

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Noncitizen Nonimmigrant Air Passenger.	Section 2 of Combined Passenger Disclosure and Attestation to the United States of America.	60,000,000	1	1	60,000,000
Airline Desk Agent	Combined Passenger Disclosure and Attestation to the United States of America.	60,000,000	1	8/60	16,400,000
Noncitizen Nonimmigrant Air Passenger.	Request Humanitarian or Emergency Exception to Proof of Vaccination Requirement—(No form).	3,400	1	2	6,800
Air Passenger *(undergoing compliance check)*.	Questions Asked to Air Passengers Going Through Compliance Checks (No form).	270,000	1	5/60	22,500
Air Passenger (*undergoing compliance check with non-compliant documentation*).	Air Travel Illness or Death Investigation or Traveler Follow-up Form.	1,620	1	10/60	270
Noncitizen Nonimmigrant Air Passenger *(undergoing compliance check and using humanitarian or emergency exception)*.	Air Travel Illness or Death Investigation or Traveler Follow-up Form.	30	1	10/60	5
Air Traveler *(for illness or death investigation)*.	Air Travel Illness or Death Investigation or Traveler Follow-up Form.	65,000	1	15/60	16,250
Total					68,045,825

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2022–14213 Filed 7–1–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request: Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than September 6, 2022.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information collection request title for reference.

Information Collection Request Title: Evaluation of the Maternal and Child Health Bureau Pediatric Mental Health Care Access Program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders Program, OMB No. 0906–XXXX—New.

Abstract: This notice describes information collection requests for two of HRSA's Maternal and Child Health Bureau programs: the Pediatric Mental Health Care Access (PMHCA) Program and the Screening and Treatment for Maternal Depression and Related Behavioral Disorders (MDRBD) Program. Both of these programs aim to increase identification of behavioral health conditions by providing support for screening of specified populations (*e.g.,* children, adolescents, young adults, and pregnant and postpartum women, especially those living in rural, isolated, and/or underserved areas); providing clinical behavioral health consultation, care coordination support (*i.e.,* communication/collaboration, accessing resources, referral services), and training to health professionals (HPs);[1] and increasing access to clinical interventions, including by telehealth.

Information will be collected from recipients of awards that were issued in 2018 (PMHCA and MDRBD), 2019 (PMHCA), and 2021 (PMHCA). The 2018, 2019, and 2021 PMHCA programs are authorized by 42 U.S.C. § 254c–19 (§ 330M of the Public Health Service Act), using Section 2712 of the American Rescue Plan Act of 2021 (Pub. L. 117–2) for 2021 awardees. The 2018 MDRBD program is authorized by 42 U.S.C. 247b–13a (§ 317L–1 of the Public Health Service Act). To evaluate progress made toward the programs' goals, this data collection will use eight instruments: the HP Survey, Practice-Level Survey, Program Implementation Survey, Program Implementation Semi-Structured Interview (SSI), Champion SSI, Champion Focus Group Discussion (FGD), Community Resources SSI, and Care Coordinator SSI.

Need and Proposed Use of the Information: This information is needed by HRSA to evaluate the PMHCA and MDRBD programs and guide future policy decisions regarding increasing HPs' capacity to address patients' behavioral health and access to behavioral health services. Specifically, data collected for the evaluation will be used to study the efforts of awardee programs to achieve key awardee outcomes (*e.g.,* increase in access to behavioral health services; health professionals trained; available community-based resources, including counselors or family service providers) and to measure whether and to what extent awardee programs are associated with changes in these outcomes. The evaluation will also examine changes over time, within a state, political subdivision of a state, Indian tribe, or tribal organization, and/or across the PMHCA and MDRBD programs, with regard to (1) enrolled health professionals/practices related to screening, referral, and care coordination support for behavioral health conditions; (2) provision of behavioral health services for mental illness and substance use in primary care settings; (3) use of consultative services; and (4) provision of access to behavioral health services for mental illness and substance use.

Likely Respondents: Likely respondents include:

- *HP Surveys (2021 PMHCA only):* Pediatricians, family physicians, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants, and patient care navigators.
- *Practice-Level Surveys (2021 PMHCA only):* Practice managers (*e.g.,* office managers, office leadership, and nurse champions).
- *Program Implementation Survey and SSI (2021 PMHCA only):* 2021 PMHCA cooperative agreement-funded Project Directors/Principal Investigators.
- *Champion SSI or FGD (all awardees):* PMHCA and MDRBD program champions, who may include HPs, community and social service specialists, and others.
- *Community Resources SSI (all awardees):* PMHCA and MDRBD program-level community resource partner representatives, who may include counselors, social workers, other community and social service specialists, other HPs/support workers (*e.g.,* patient care navigators, medical assistants), and practice/organization managers.
- *Care Coordinator SSI (all awardees):* PMHCA and MDRBD program-level care coordinators.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

[1] HPs may include pediatricians, family physicians, physician assistants, advanced practice nurses/nurse practitioners, licensed practical nurses, registered nurses, counselors, social workers, medical assistants, and patient care navigators.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent [2]	Total responses	Average burden per response (in hours)	Total burden hours
2021 PMHCA HP Survey	8,029	3	24,087	.25	6,021.75
2021 PMHCA Practice-Level Survey	2,950	3	8,850	.25	2,212.50
2021 PMHCA Program Implementation Survey	24	3	72	.33	23.76
2021 PMHCA Program Implementation SSI	24	1	24	1.00	24.00
2021 PMHCA Champion SSI	48	1	48	.50	24
2021 PMHCA Champion FGD	24	1	24	1.00	24
2021 PMHCA Community Resources SSI [3]	50	1	50	.50	25
2021 PMHCA Care Coordinator SSI	24	2	48	.50	24
2018/2019 PMHCA and 2018 MDRBD Champion SSI	56	1	56	.50	28
2018/2019 PMHCA and 2018 MDRBD Champion FGD	28	1	28	1,00	28
2018/2019 PMHCA and 2018 MDRBD Community Resources SSI [3]	50	1	50	.50	25
2018/2019 PMHCA and 2018 MDRBD Care Coordinator SSI	28	1	28	.50	14
Total	11,335		33,365		8,474.01

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–14184 Filed 7–1–22; 8:45 am]

BILLING CODE 4165–15–P

[2] The HP, practice-level, and program implementation surveys will be administered with enrolled/participating HPs, office managers/leadership of enrolled/participating practices, and project directors/principal investigators of the 2021 PMHCA cooperative-agreement funded programs three times during the project period (2023, 2024, and 2025) for a total of up to three responses per respondent. The 2021 PMHCA Program Implementation SSIs and the Champion SSIs and FGDs will be administered to 2021 PMHCA cooperative agreement-funded project directors/principal investigator and program champions once at the end of the data collection period. The 2021 PMHCA Care Coordinator SSI will be administered twice, once at the beginning of the data collection period and once at the end of the data collection period. The number of responses per respondent varies for the Care Coordinator SSI between the 2018 and 2019 PMHCA and 2018 MDRBD cooperative-agreement funded programs and the 2021 PMHCA cooperative-agreement funded program because the 2018 and 2019 cooperative-agreement programs will end in 2023 whereas the 2021 PMHCA cooperative agreement-funded programs will end in 2026.

[3] The Community Resources SSI will be a case study with (1) up to 5 awardees who have identified up to 5 formal (*i.e.,* there is a formal agreement, Memorandum of Understanding (MOU); Memorandum of Agreement (MOA); letter of support) community partnerships and (2) up to 5 awardees who have identified up to 5 informal (*i.e.,* there is no formal agreement, MOU; MOA; letter of support) community partnership; there will be up to 25 respondents for each group (*i.e.,* formal, informal) for a total N=50. The Community Resource SSIs will be administered for the 2018 and 2019 PMHCA and 2018 MDRBD cooperative-agreement funded programs at the end of the data collection period in Spring 2023 and for 2021 PMHCA cooperative agreement-funded program at the end of the data collection period in Fall 2025.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics; Meeting

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting. This meeting is open to the public. The public is welcome to obtain the link to attend this meeting by following the instructions posted on the Committee website: *https://ncvhs.hhs.gov/meetings/full-committee-meeting-11/.*

DATES: The meeting will be held Wednesday, July 20, 2022: 10:30 a.m.–5:00 p.m. EDT and Thursday, July 21, 2022: 10:30 a.m.–4:30 p.m. EDT.

ADDRESSES: Virtual open meeting.

FOR FURTHER INFORMATION CONTACT: Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, or via electronic mail to *vgh4@cdc.gov;* or by telephone (301) 458–4715. Summaries of meetings and a roster of Committee members are available on the home page of the NCVHS website *https://ncvhs.hhs.gov/,* where further information including an agenda and instructions to access the broadcast of the meeting will be posted.

Should you require reasonable accommodation, please telephone the CDC Office of Equal Employment Opportunity at (770) 488–3210 as soon as possible.

SUPPLEMENTARY INFORMATION:

Purpose: As outlined in its Charter, the National Committee on Vital and Health Statistics assists and advises the Secretary of HHS on health data, data standards, statistics, privacy, national health information policy, and the Department's strategy to best address those issues. At this meeting, the Committee will receive updates from HHS officials, hold discussions on current health data policy topics, and discuss its work plan for the upcoming period.

The Subcommittee on Standards will provide an update from its June 9, 2022, Listening Session on Standardization of Information for Burden Reduction and Post-Pandemic America (''Convergence 2.0''). The Subcommittee anticipates discussing draft recommendations with the full Committee developed as a result of a yearlong process.

In addition, the Committee will hear an update on developments on uptake of International Classification of Diseases, 11th Revision (ICD–11) and briefings on various data privacy, confidentiality, and security developments to inform the workplan, which also will be discussed. The Committee's Workgroup on Sexual Orientation and Gender Identity/Social Determinants of Health Data (SOGI/

SDOH) will give an update on recent activities and upcoming plans.

The Committee will reserve time for public comment toward the end of the agenda on both days. Meeting times and topics are subject to change. Please refer to the agenda posted at the NCVHS website for this meeting at: *https://ncvhs.hhs.gov/meetings/full-committee-meeting-11/* for updates.

Sharon Arnold,

Associate Deputy Assistant Secretary for Planning and Evaluation, Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2022–14176 Filed 7–1–22; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 Heart, Lung, and Blood Institute Special Emphasis Panel; OIA R35 Review Meeting.

Date: August 4–5, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kristen Page, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 209–B, Bethesda, MD 20892, (301) 827–7953, *kristen.page@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Medical Students Research Training Program (T35).

Date: August 9, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–S, Bethesda, MD 20817, (301) 435–0270, *kazuyo.kegan@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; R13 Conference Grants.

Date: August 25, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20817, (Virtual Meeting).

Contact Person: Kazuyo Kegan, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 208–S, Bethesda, MD 20817, (301) 435–0270, *kazuyo.kegan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood 2Diseases and Resources Research, National Institutes of Health, HHS)

Dated: June 29, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–14261 Filed 7–1–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Biobehavioral and Behavioral Sciences Study Section.

Date: August 3, 2022.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2127B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Chi-Tso Chiu, Ph.D., Scientific Review Officer, Scientific Review Branch (SRB), Eunice Kennedy Shriver National Institute of Child Health & Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm 2127B, Bethesda, MD 20817, (301) 435–7486, *chiuc@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: June 29, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–14263 Filed 7–1–22; 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 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: Center for Scientific Review Special Emphasis Panel Neuroimaging Technologies.

Date: July 25, 2022.

Time: 10:00 a.m. to 1:00 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: Sharon S Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487, *lowss@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Epidemiology and Population Health.

Date: July 27, 2022.

Time: 1:00 p.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: Victoriya Volkova, Ph.D., DVM, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (301) 594–7781, *volkovav2@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Neurological Injuries and Disorders: Traumatic Brain Injury, Epilepsy, Stroke, and Spinal Cord Injury.

Date: July 28, 2022.

Time: 10:00 a.m. to 5:00 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: Samuel C Edwards, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Clinical Neurophysiology, Devices, Neuroprosthetics and Biosensors.

Date: July 29, 2022.

Time: 11:00 a.m. to 1:00 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: Cristina Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, 301–480–9069, *cbackman@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and AIDS Related Research.

Date: August 2, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Alok Mulky, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4203, Bethesda, MD 20892, (301) 435–3566, *mulkya@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 29, 2022.

David W Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–14262 Filed 7–1–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Child Health Research Career Development Award (CHRCDA) Program (K12).

Date: July 29, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver, National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892, (Video Assisted Meeting).

Contact Person: Jolanta Maria Topczewska, Ph.D., Scientific Review Branch, Eunice Kennedy Shriver, National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Rm. 2131B, Bethesda, MD 20892, (301) 451–0000, *jolanta.topczewska@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: June 29, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–14260 Filed 7–1–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Meeting of the Substance Abuse and Mental Health Services Administration National Advisory Council

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given for the meeting on August 10, 2022 of the Substance Abuse and Mental Health Services Administration National Advisory Council (SAMHSA NAC).

The meeting is open to the public and can only be accessed virtually. Agenda with call-in information will be posted on the SAMHSA website prior to the meeting at: *https://www.samhsa.gov/about-us/advisory-councils/meetings.* The meeting will include, but not be limited to, remarks from the Assistant Secretary for Mental Health and Substance Use; approval of the meeting minutes of March 24, 2022; updates on SAMHSA priorities; follow up on topics related to the previous SAMHSA NAC meetings; and council discussions.

DATES: August 10, 2022, 1 p.m. to approximately 5 p.m. (EDT)/Open.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Carlos Castillo, CAPT USPHS, Committee Management Officer and Designated Federal Official; SAMHSA National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail); telephone: (240) 276–2787; email: *carlos.castillo@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: The SAMHSA NAC was established to advise the Secretary, Department of Health and Human Services (HHS), and the Assistant Secretary for Mental Health and Substance Use, SAMHSA, to improve the provision of treatments and related services to individuals with respect to substance use and to improve prevention services, promote mental health, and protect legal rights of individuals with mental illness and individuals with substance use disorders or misuse.

Interested persons may present data, information, or views orally or in writing, on issues pending before the Council. Written submissions must be forwarded to the contact person no later than fourteen days before the meeting. Oral presentations from the public will be scheduled for the public comment section. Individuals interested in making oral presentations must notify the contact person by 4 p.m. (EDT), July 24, 2022. Up to three minutes will be allotted for each presentation, and as time permits, as these are presented in the order received. Public comments received will become part of the meeting records.

To obtain the call-in number, access code, and/or web access link; submit written or brief oral comments; or request special accommodations for persons with disabilities, please register on-line at: *https://snacregister.samhsa.gov,* or communicate with SAMHSA's Committee Management Officer, Carlos Castillo.

Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council's website at *https://www.samhsa.gov/about-us/advisory-councils/*, or by contacting Carlos Castillo.

Dated: June 26, 2022.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2022–14242 Filed 7–1–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0202]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0010

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0010, Defect/Noncompliance Report and Campaign Update Report; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before August 4, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2022–0202]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0202], and must be received by August 4, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0010.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 19691, April 5, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Defect/Noncompliance Report and Campaign Update Report.

OMB Control Number: 1625–0010.

Summary: Manufacturers whose products contain defects which create a substantial risk of personal injury to the public or which fail to comply with an applicable U.S. Coast Guard safety standard are required to conduct defect notification and recall campaigns in accordance with 46 U.S.C. 4310. Regulations in 33 CFR 179 require manufacturers to submit certain reports to the Coast Guard about progress made in notifying owners and making repairs.

Need: According to 46 U.S.C. 4310(d) and (e) and 33 CFR 179.13(a)(2) the manufacturer shall provide the Commandant of the Coast Guard with an initial report consisting of certain information about the defect notification and recall campaign being conducted. Upon receipt of information from a manufacturer indicating the initiation of a recall, the Recreational Boating Product Assurance Branch assigns a recall campaign number, and sends the manufacturer a CG–4917 form for supplying the information. According to 33 CFR 179.15(a), a manufacturer who makes an initial report required by 33 CFR 179.13 shall send to the Commandant of the Coast Guard a follow-up report within 60 days after the initial report.

Forms

- CG–4917, Defect/Noncompliance Report; and
- CG–4918, Campaign Update Report.

Respondents: Manufacturers of boats and certain items of ''designated'' associated equipment (inboard engines, outboard motors, or sterndrive engines).

Frequency: Quarterly.

Hour Burden Estimate: The estimated burden has decreased from 166.5 hours to 162 hours a year, due to a decrease in the estimated annual number of responses and a decrease of recalls.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: June 15, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–14248 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0156]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0067

AGENCY: Coast Guard, Homeland Security (DHS).

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0067, Claims under the Oil Pollution Act of 1990; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before August 4, 2022.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2022–0156]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2022–0156], and must be received by August 4, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have

provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0067.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (87 FR 19692, April 5, 2022) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Claims under the Oil Pollution Act of 1990.

OMB Control Number: 1625–0067.

Summary: This information collection provides the means to develop and submit a claim to the National Pollution Funds Center to seek compensation for removal costs and damages incurred resulting from an oil discharge or substantial threat of discharge. This collection also provides the requirements for a responsible party to advertise where claims may be sent after an incident occurs.

Need: This information collection is required by 33 CFR part 136, for implementing 33 U.S.C. 2713(e) and 33 U.S.C. 2714(b).

Forms: None.

Respondents: Claimants.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 2,620 hours to 1,557 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: June 15, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–14249 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will increase from the previous quarter. For the calendar quarter beginning July 1, 2022, the interest rates for overpayments will be 4 percent for corporations and 5 percent for non-corporations, and the interest rate for underpayments will be 5 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: The rates announced in this notice are applicable as of July 1, 2022.

FOR FURTHER INFORMATION CONTACT: Bruce Ingalls, Revenue Division, Collection Refunds & Analysis Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298–1107.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2022–11, the IRS determined the rates of interest for the calendar quarter beginning July 1, 2022, and ending on September 30, 2022. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (2%) plus three percentage points (3%) for a total of five percent (5%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (2%) plus two percentage points (2%) for a total of four percent (4%). For overpayments made by non-corporations, the rate is the Federal short-term rate (2%) plus three percentage points (3%) for a total of five percent (5%). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties are increased from the previous quarter. These interest rates are subject to change for the calendar quarter beginning October 1, 2022, and ending on December 31, 2022.

For the convenience of the importing public and U.S. Customs and Border Protection personnel, the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under payments (percent)	Over-payments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	

Beginning date	Ending date	Under payments (percent)	Over-payments (percent)	Corporate overpayments (Eff. 1–1–99) (percent)
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	033116	3	3	2
040116	033118	4	4	3
040118	123118	5	5	4
010119	063019	6	6	5
070119	063020	5	5	4
070120	033122	3	3	2
040122	063022	4	4	3
070122	093022	5	5	4

Dated: June 28, 2022.

Jeffrey Caine,

Chief Financial Officer, U.S. Customs and Border Protection.

[FR Doc. 2022–14207 Filed 7–1–22; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2248]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and

where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 3, 2022.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2248, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Union County, Ohio and Incorporated Areas Project: 14–05–4454S Preliminary Date: March 31, 2022	
City of Marysville	City Hall, 209 South Main Street, Marysville, OH 43040.
Unincorporated Areas of Union County	Union County Office Building, 233 West 6th Street, Marysville, OH 43040.
Village of Richwood	Municipal Building, 153 North Franklin Street, Richwood, OH 43344.

[FR Doc. 2022–14268 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002; Internal Agency Docket No. FEMA–B–2247]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to

seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before October 3, 2022.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2247, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Calhoun County, Mississippi and Incorporated Areas **Project: 19–04–0009S Preliminary Date: September 29, 2021**	
City of Bruce	City Hall, 100 Public Square, Bruce, MS 38915.
City of Calhoun City	City Hall, 102 South Monroe Street, Calhoun City, MS 38916.
Town of Derma	Town Hall, 120 South Main Street, Derma, MS 38839.
Town of Pittsboro	City Hall, 103 East Main Street, Pittsboro, MS 38951.
Unincorporated Areas of Calhoun County	Calhoun County Courthouse, 103 West Main Street, Pittsboro, MS 38951.
Village of Big Creek	City Hall, 101 West Main Street, Big Creek, MS 38914.
Carroll County, Mississippi and Incorporated Areas **Project: 19–04–0009S Preliminary Date: September 29, 2021**	
Unincorporated Areas of Carroll County	Carroll County Courthouse, 600 Lexington Street, Carrollton, MS 38917.
Grenada County, Mississippi and Incorporated Areas **Project: 19–04–0009S Preliminary Date: September 29, 2021**	
City of Grenada	City Hall, 108 South Main Street, Grenada, MS 38901.
Unincorporated Areas of Grenada County	Grenada County Chancery Clerk, 59 Green Street, Suite 1, Grenada, MS 38901.

Community	Community map repository address
Montgomery County, Mississippi and Incorporated Areas Project: 19–04–0009S Preliminary Date: September 29, 2021	
Unincorporated Areas of Montgomery County	Montgomery County Courthouse, 614 Summit Street, Winona, MS 38967.

[FR Doc. 2022–14269 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2022–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice; correction.

SUMMARY: On March 1, 2022, FEMA published in the **Federal Register** a notice of changes in flood hazard determinations. This document provides a correction to information provided in a table.

DATES: This correction is effective July 5, 2022.

ADDRESSES: Each Letter of Map Revision (LOMR) is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2022–04187, beginning on page 11458 in the **Federal Register** of Tuesday, March 1, 2022, an error occurred in the middle of page 11462, which incorrectly listed Will County, Illinois, as a county in Idaho. Accordingly, the information for Will County, Illinois, is corrected to read as follows:

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Illinois: Will (FEMA Docket No.: B–2158).	Village of Bolingbrook (21–05–0627P).	The Honorable Mary Alexander-Basta, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, IL 60440.	Village Hall, 375 West Briarcliff Road, Bolingbrook, IL 60440.	Oct. 28, 2021	170812

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2022–14266 Filed 7–1–22; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2022–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that

are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Michael M. Grimm,

Assistant Administrator for Risk Management, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
California:					
Santa Barbara (FEMA Docket No.: B–2214).	City of Goleta (21–09–1693P).	The Honorable Paula Perotte, Mayor, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117.	Public Works Department, 130 Cremona Drive, Suite B, Goleta, CA 93117.	May 23, 2022	060771
Connecticut:					
Litchfield (FEMA Docket No.: B–2216).	Town of Goshen (21–01–1073P).	The Honorable Todd M. Carusillo, First Selectman, Town of Goshen Board of Selectmen, 42A North Street, Goshen CT 06756.	Town Hall, 42A North Street, Goshen CT 06756.	May 31, 2022	090177
Florida:					
Broward (FEMA Docket No.: B–2216).	City of Deerfield Beach, (21–04–3153P).	Mr. Dave Santucci, Manager, City of Deerfield Beach, 150 Northeast 2nd Avenue, Deerfield Beach, FL 33442.	Environmental Services Department, 200 Goolsby Boulevard, Deerfield Beach, FL 33442.	May 16, 2022	125101
Broward (FEMA Docket No.: B–2216).	City of Tamarac (21–04–2763P).	The Honorable Michelle J. Gomez, Mayor, City of Tamarac, 7525 Northwest 88th, Avenue, Tamarac, FL 33321.	Building Department, 7525 Northwest 88th Avenue, Tamarac, FL 33321.	May 23, 2022	120058
Charlotte (FEMA Docket No.: B–2209).	Unincorporated areas of Charlotte County (21–04–3081P).	The Honorable Mr. Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County, Community Development Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	May 11, 2022	120061
Lake (FEMA Docket No.: B–2216).	City of Minneola (21–04–5355P).	The Honorable Pat Kelley, Mayor, City of Minneola, 800 North U.S. Highway 27, Minneola, FL 34755.	City Hall, 800 North U.S. Highway 27, Minneola, FL 34755.	May 31, 2022	120412
Lee (FEMA Docket No.: B–2216).	City of Bonita Springs (21–04–4847P).	The Honorable Rick Steinmeyer, Mayor, City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, FL 34135.	Community Development Department, 9220 Bonita Beach Road, Suite 111, Bonita Springs, FL 34135.	May 23, 2022	120680
Manatee (FEMA Docket No.: B–2220).	Unincorporated areas of Manatee County (21–04–2678P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	May 26, 2022	120153
Monroe (FEMA Docket No.: B–2214).	Unincorporated areas of Monroe County (21–04–3823P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 16, 2022	125129
Monroe (FEMA Docket No.: B–2216).	Unincorporated areas of Monroe County (21–04–4119P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 31, 2022	125129
Monroe (FEMA Docket No.: B–2216).	Unincorporated areas of Monroe County (21–04–5348P).	The Honorable Michelle Coldiron, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	May 23, 2022	125129
Pinellas (FEMA Docket No.: B–2216).	Unincorporated areas of Pinellas County (21–04–4469P).	The Honorable David Eggers, Chairman, Pinellas County Board of Commissioners, 315 Court Street, Clearwater, FL 33756.	Pinellas County Public Works Department, 22211 U.S. Highway 19 North, Clearwater, FL 33765.	May 26, 2022	125139
Polk (FEMA Docket No.: B–2209).	Unincorporated areas of Polk County (21–04–1193P).	Mr. Bill Beasley, Polk County Manager, 330 West Church Street, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	Apr. 28, 2022	120261

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Sarasota (FEMA Docket No.: B–2216).	City of Sarasota (21–04–4914P).	The Honorable Erik Arroyo, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Development Services Department, 1565 1st Street, Sarasota, FL 34236.	May 26, 2022	125150
Sarasota (FEMA Docket No.: B–2216).	Unincorporated areas of Sarasota County (21–04–4979P).	The Honorable Alan Maio, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	May 23, 2022	125144
Sarasota (FEMA Docket No.: B–2214).	Unincorporated areas of Sarasota County (21–04–6095P).	The Honorable Alan Maio, Chairman, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Planning and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	May 13, 2022	125144
Sumter (FEMA Docket No.: B–2216).	City of Wildwood (21–04–4694P).	The Honorable Ed Wolf, Mayor, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	City Hall, 100 North Main Street, Wildwood, FL 34785.	May 23, 2022	120299
Sumter (FEMA Docket No.: B–2216).	Unincorporated areas of Sumter County (21–04–4694P).	The Honorable Gary Breeden, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Development Services Department, 7375 Powell Road, Wildwood, FL 34785.	May 23, 2022	120296
Georgia:					
Muscogee (FEMA Docket No.: B–2216).	Columbus Consolidated Government (21–04–2724P).	The Honorable B.H. ''Skip'' Henderson III, Mayor, Columbus Consolidated Government, 100 10th Street, Columbus, GA 31901.	Planning Department, 420 10th Street, 2nd Floor, Columbus, GA 31901.	May 6, 2022	135158
Kentucky:					
Hardin (FEMA Docket No.: B–2216).	City of Elizabethtown (21–04–1017P).	The Honorable Jeffrey H. Gregory, Mayor, City of Elizabethtown, 200 West Dixie Avenue, Elizabethtown, KY 42702.	Stormwater Management Department, 200 West Dixie Avenue, Elizabethtown, KY 42702.	May 25, 2022	210095
Pike (FEMA Docket No.: B–2214).	Unincorporated areas of Pike County (21–04–4538P).	The Honorable Ray S. Jones, Judge Executive, Pike County, 146 Main Street, Pikeville, KY 41501.	Pike County Court House, 146 Main Street, Pikeville, KY 41501.	May 16, 2022	210298
Louisiana:					
East Baton Rouge (FEMA Docket No.: B–2214).	City of Baton Rouge (21–06–3439P).	The Honorable Sharon Weston L. Broome, Mayor, City of Baton Rouge, P.O. Box 1471, Baton Rouge, LA 70821.	Department of Development, 1100 Laurel Street, Room 200, Baton Rouge, LA 70802.	May 5, 2022	220159
Lafayette (FEMA Docket No.: B–2220).	City of Lafayette (21–06–3367P).	The Honorable Josh Guillory, Mayor-President, Lafayette Consolidated Government, P.O. Box 4017–C, Lafayette, LA 70502.	Department of Community Development and Planning, 220 West Willow Street, Building B, Lafayette, LA 70501.	May 13, 2022	220105
Maine: York (FEMA Docket No.: B–2220).	Town of Lyman (21–01–0760P).	The Honorable William Single, Chairman, Town of Lyman Board of Selectmen, 11 South Waterboro Road, Lyman, ME 04002.	Town Hall, 11 South Waterboro Road, Lyman, ME 04002.	May 26, 2022	230195
Massachusetts:					
Essex (FEMA Docket No.: B–2220).	City of Lynn (21–01–1255P).	The Honorable Thomas M. McGee, Mayor, City of Lynn, 3 City Hall Square, Room 306, Lynn, MA 01901.	Building Department, 3 City Hall Square, Lynn, MA 01901.	May 10, 2022	250088
Suffolk (FEMA Docket No.: B–2226).	City of Revere (21–01–1182P).	The Honorable Brian M. Arrigo, Mayor, City of Revere, 281 Broadway, Revere, MA 02151.	Department of Planning and Development, 281 Broadway, Revere, MA 02151.	May 12, 2022	250288
Montana:					
Gallatin (FEMA Docket No.: B–2214).	Unincorporated areas of Gallatin County (21–08–1190P).	The Honorable Scott MacFarlane, Chairman, Gallatin County Commission, 311 West Main Street, Room 306, Bozeman, MT 59715.	Gallatin County Department of Planning and Community Development, 311 West Main Street, Room 108, Bozeman, MT 59715.	May 6, 2022	300027
Pennsylvania:					
Montgomery (FEMA Docket No.: B–2220).	Township of Upper Merion (21–03–1078P).	Mr. Anthony Hamaday, Manager, Township of Upper Merion, 175 West Valley Forge Road, King of Prussia, PA 19406.	Public Works Department, 175 West Valley Forge Road, King of Prussia, PA 19406.	May 16, 2022	420957
Texas:					
Collin (FEMA Docket No.: B–2216).	City of Wylie (21–06–2443P).	The Honorable Matthew Porter, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	May 9, 2022	480759

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Collin (FEMA Docket No.: B–2216).	Unincorporated areas of Collin County (21–06–2443P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 22, McKinney, TX 75071.	May 9, 2022	480130
Harris (FEMA Docket No.: B–2226).	Unincorporated areas of Harris County (21–06–1628P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permits Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77002.	May 31, 2022	480287
Virginia:					
Independent City (FEMA Docket No.: B–2220).	City of Winchester (21–03–0399P).	The Honorable John D. Smith, Jr., Mayor, City of Winchester, 15 North Cameron Street, Winchester, VA 22601.	City Hall, 15 North Cameron Street, Winchester, VA 22601.	May 11, 2022	510173

[FR Doc. 2022–14267 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Revision of Agency Information Collection Activity Under OMB Review: Law Enforcement Officers (LEOs) Flying Armed

AGENCY: Transportation Security Administration, Homeland Security (DHS).

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0072, abstracted below, to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves gathering information from Federal, State, local, and tribal armed law enforcement officers (LEOs) who require specialized screening at the TSA checkpoint.

DATES: Send your comments by August 4, 2022. A comment to OMB is most effective 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 Review—Open for Public Comments'' and by using the find function.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on February 10, 2022, 87 FR 7858.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

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

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

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

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

Information Collection Requirement

Title: Law Enforcement Officers (LEOs) Flying Armed.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0072.

Form(s): TSA Form 413A, Checkpoint Sign-In Log.

Affected Public: Federal, state, local, and tribal armed LEOs.

Abstract: Under 49 CFR 1540.111(b), LEOs may carry a firearm or other weapons while in the performance of law enforcement duties at the airport and may also fly armed if they meet the specific requirements in 49 CFR 1544.219. When flying armed, Federal, State, local, and tribal LEOs must also comply with specialized screening processes. This process confirms, documents, and memorializes that LEOs have met the requirements of 49 CFR 1544.219, presented themselves at the airport for specialized screening with authenticated credentials, and are flying armed to conduct or in furtherance of official law enforcement duties. To document completion of TSA's specialized screening process, LEOs who pass through a TSA checkpoint must complete TSA Form 413A, Checkpoint Sign-in Log. TSA is revising the form to correct an unintentional limitation applied to which LEOs could carry a specific weapon.

Number of Respondents: 68,000.

Estimated Annual Burden Hours: An estimated 1,133 hours annually.

Dated: June 29, 2022.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2022–14275 Filed 7–1–22; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2022–N016; FF09E41000 223 FXES11130900000]

Endangered and Threatened Species; Issuance of Enhancement of Survival and Incidental Take Permits for Safe Harbor Agreements, Candidate Conservation Agreements, Habitat Conservation Plans, and Recovery Activities, January 1, 2021, Through December 31, 2021

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, in accordance with the Endangered Species Act (ESA), provide a list to the public of permits issued under the ESA. With some exceptions, the ESA prohibits take of listed species unless a Federal permit is issued that authorizes or exempts the taking under the ESA. We provide this list to the public as a summary of our permit issuances for candidate conservation agreements with assurances, safe harbor agreements, habitat conservation plans, and recovery activities for calendar year 2021.

FOR FURTHER INFORMATION CONTACT: For general information about the ESA permit process, contact Amanda Murnane, via phone at 703–358–2469 or *viaemailatamanda_murnane@fws.gov.* For information on specific permits, see the contact information below in Permits Issued. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, in accordance with section 10(d) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*), as amended, provide a list to the public of the permits issued under sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA. With some exceptions, the ESA prohibits take of listed species unless a Federal permit is issued that authorizes the taking, or the take is exempted through section 7 of the ESA. Under section 10(a)(1)(A) of the ESA, we issue enhancement of survival permits in conjunction with candidate conservation agreements with assurances (CCAAs) and safe harbor agreements (SHAs). Section 10(a)(1)(A) also authorizes recovery permits. Section 10(a)(1)(B) permits authorize take of listed species incidental to otherwise lawful activities associated with habitat conservation plans (HCPs). We provide this list to the public as a summary of our permit issuances for CCAAs, SHAs, HCPs, and recovery permits for calendar year 2021.

Background

Under the authority of section 10(a)(1)(A) of the ESA, we have issued enhancement of survival permits to conduct activities that provide a conservation benefit for endangered or threatened species, or for unlisted species should they become listed in the future, in response to permit applications that we received in conjunction with a SHA or a CCAA.

Recovery permits have been issued under ESA section 10(a)(1)(A) to allow for take as part of activities intended to foster the recovery of listed species, typically for scientific research in order to understand better the species' long–term survival needs.

Under ESA section 10(a)(1)(B), we may issue permits for any taking otherwise prohibited by ESA section 9 if such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity (known as an incidental take permit (ITP)) and the permit applicant submits a habitat conservation plan (HCP) that meets the permit issuance criteria under section 10(a)(2)(B). Typically, applicants seek an ITP to conduct activities such as residential and commercial development, infrastructure development or maintenance, and energy development projects that range in scale from small to landscape-level planning efforts.

The permits associated with SHAs, CCAAs, HCPs, and recovery activities that we issued between January 1 and December 31, 2021, are listed below.

Under section 10(a)(1)(A), we issued each permit only after we determined that it was applied for in good faith; that granting the permit would not be to the disadvantage of the listed species, or to the unlisted species should it be listed; that the proposed activities would benefit the recovery or the enhancement of survival of the species; and that the terms and conditions of the permits were consistent with the purposes and policy set forth in the ESA.

Under section 10(a)(1)(B), we issued permits only after we determined that the applicant was eligible and had submitted a complete application and HCP that fully met the permit issuance criteria consistent with section 10(a)(2)(B).

Permits Issued

Region 1 (Hawaii, Idaho, Oregon (Except for the Klamath Basin), Washington, American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Pacific Trust Territories)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States and territories listed above.

HCPs, CCAAs, and SHAs

For more information about any of the following HCP, CCAA, or SHA permits, contact the HCP, CCAA, or SHA permit coordinator at *ITEOSpermitsR1ES@fws.gov* or by phone at 503–231–6131.

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR1ES@fws.gov* or by telephone at 503–231–6131.

Permit No.	Version No.	Permit type	Permittee	Date issued
79857D	1	CCAA	Siskiyou Timberlands, LLC	6/14/2021
30687A	1	HCP	Oregon Parks and Recreation Department	5/6/2021
PER0010780	0	HCP	Puget Western, Inc.	5/12/2021
01054D	0	HCP	City of Tumwater Public Works Department	5/12/2021
PER0012896	0	HCP	Lorraine Tveten	6/3/2021
81283D	0	HCP	Puget Sound Energy	11/18/2021
82106B	1	Recovery	NOAA Fisheries–Northwest Fisheries Science Center	1/4/2021
76800D	0	Recovery	George Fiedler	1/12/2021
PER0003630	0	Recovery	Collin A. Eagles-Smith	3/18/2021
PER0004312	0	Recovery	Cramer Fish Sciences	3/23/2021
38768B	3	Recovery	Micronesian Environmental Services	4/8/2021
PER0008917	0	Recovery	Institute for Applied Ecology	4/14/2021
89863B	4	Recovery	Oregon State University	4/23/2021
PER0009546	0	Recovery	Washington State University, Vancouver	5/19/2021
82107B	1	Recovery	Mt. Hood National Forest	5/19/2021
041672	4	Recovery	U.S. Army Corps of Engineers, Portland District	6/17/2021
28609D	1	Recovery	USDA, APHIS, Wildlife Services	6/17/2021
62696C	1	Recovery	Assured Bio Labs, LLC	6/23/2021
80538A	2	Recovery	H.T. Harvey & Associates	6/23/2021
PER0011765	0	Recovery	Malheur National Forest (Fisheries Monitoring Program)	7/1/2021
844503	9	Recovery	Burns Paiute Tribe	7/1/2021
91338B	1	Recovery	Bureau of Land Management, Idaho	7/26/2021
77073D	1	Recovery	Anindo Choudhury	7/29/2021
63568A	2	Recovery	Jason Clinch	7/29/2021
PER0007997	0	Recovery	UW Botanic Gardens Rare Care Program	8/23/2021
PER0016959	0	Recovery	Washington State University/Michael Phelps	8/23/2021
66384A	2	Recovery	Idaho Department of Fish and Game	8/30/2021
PER0011813	0	Recovery	Yakama Nation Fisheries	8/30/2021
PER0016984	0	Recovery	U.S. Bureau of Reclamation, Snake River Area Office	9/1/2021
38362D	1	Recovery	Bureau of Reclamation	9/23/2021
PER0021508	0	Recovery	Environmental Assessment Services, LLC	10/13/2021
45531B	2	Recovery	Hawaii Division of Forestry and Wildlife	10/18/2021
PER0009803	0	Recovery	SR3 Sealife Response, Rehab and Research	11/3/2021
PER0014798	0	Recovery	Montana Fish, Wildlife, and Parks	11/4/2021
61798A	2	Recovery	David Monnin	11/8/2021
829250	10	Recovery	Hawaii Wildlife Fund	12/13/2021
PER0017028	0	Recovery	Caribou-Targhee National Forest	12/16/2021
PER0002633	0	SHA	Rayonier Operating Company, LLC	2/2/2021
PER0002775	0	SHA	Sierra Pacific Land & Timber Company	2/23/2021
PER0021971	0	SHA	Scott Erion	9/24/2021
67749D	0	SHA	Lincoln Soil and Water Conservation District	9/28/2021

Region 2 (Arizona, New Mexico, Oklahoma, and Texas)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States listed above.

HCPs and CCAAs

For more information about any of the following HCP or CCAA permits, contact the HCP or CCAA Permit Coordinator by email at *FW2_HCP_Permits@fws.gov* or by telephone at 505–248–6651.

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR2ES@fws.gov* or by telephone at 505–248–6649.

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0012434	0	CCAA	Brazos River Authority	6/1/2021
89394D	0	HCP	LPC Conservation, LLC	9/17/2021
42289D	0	HCP	Oklahoma City & Oklahoma City Utilities Trust	11/22/2021
PER0012435	0	HCP	City Public Service Board, City of San Antonio, Texas	12/10/2021
42739A	0	Recovery	Sea Life Arizona	1/4/2021
83399D	0	Recovery	James Johnson	1/4/2021
794593	3	Recovery	Texas State Aquarium	1/6/2021
821356	0	Recovery	USGS Grand Canyon Monitoring & Research Center	1/7/2021
819475	8	Recovery	Bureau of Reclamation	1/8/2021
79002D	0	Recovery	Texas Military Department	1/15/2021
PER0002662	0	Recovery	Toby Hibbitts	1/21/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0002680	0	Recovery	Kristina Chyn	2/5/2021
PER0002988	0	Recovery	Timothy H. Bonner	2/11/2021
PER0003456	0	Recovery	Tetra Tech, Inc	2/24/2021
PER0003024	0	Recovery	Zara Environmental LLC	2/24/2021
PER0003492	0	Recovery	Jacobs Engineering Group	3/3/2021
PER0003958	0	Recovery	Glenn Rink	3/4/2021
PER0004042	0	Recovery	aci Group, LLC	3/8/2021
62552D	0	Recovery	Adam Petry	3/12/2021
PER0004581	0	Recovery	Sarah Weber	3/12/2021
PER0004345	0	Recovery	Texas Military Department	3/12/2021
33889B	0	Recovery	Miami University	3/12/2021
76960D	0	Recovery	Jodie Burns	3/12/2021
60013D	0	Recovery	Bryce Owen	3/12/2021
PER0005108	0	Recovery	Cambrian Environmental	3/18/2021
PER0005142	0	Recovery	USGS Idaho Cooperative Fish & Wildlife Research Unit	3/19/2021
TE815490	0	Recovery	New Mexico Department of Game & Fish	3/29/2021
PER0007832	0	Recovery	The Peregrine Fund	4/1/2021
73317B	0	Recovery	Charles Britt	4/2/2021
59580A	0	Recovery	Rocky Mountain Ecology	4/2/2021
174552	0	Recovery	Animas Biological Studies, LLC	4/2/2021
PER0009319	0	Recovery	Oklahoma Aquarium	4/7/2021
PER0008456	0	Recovery	Eagle Environmental, Inc	4/7/2021
PER0009225	0	Recovery	Matthew Johnson	4/8/2021
PER0009228	0	Recovery	Canvas Natural Resource Solutions, LLC	4/8/2021
83056D	0	Recovery	Johnny Morris' Wonders of Wildlife	4/9/2021
PER0009326	0	Recovery	Texas A&M Forest Service	4/12/2021
PER0009523	0	Recovery	SWCA Environmental Consultants	4/13/2021
839848	3	Recovery	USDA Forest Service–Carson National Forest	4/19/2021
PER0010321	0	Recovery	Harris Environmental Group	4/28/2021
PER0008061	0	Recovery	Ecoplan Associates, Inc	4/30/2021
PER0010760	0	Recovery	Gregor Hamilton	4/30/2021
PER0011223	0	Recovery	Marsh and Associates, LLC	5/4/2021
PER0010109	0	Recovery	David Davis	5/4/2021
PER0011190	0	Recovery	Oklahoma Water Resources Board	5/4/2021
PER0011198	0	Recovery	Oklahoma Conservation Commission	5/4/2021
21840C	1	Recovery	Wildwood Environmental Credit Company	5/5/2021
PER0008817	0	Recovery	U.S. Forest Service Southwestern Regional office	5/18/2021
PER0012660	0	Recovery	The Peregrine Fund	5/26/2021
PER0012490	0	Recovery	USDA Forest Service Enterprise Program	5/26/2021
PER0007529	0	Recovery	USDA Forest Service, Gila National Forest	5/28/2021
800611	2	Recovery	SWCA, Inc	6/3/2021
71795D	0	Recovery	Dan Pittenger	6/3/2021
PER0013178	0	Recovery	USDA FS–Kaibab National Forest	6/3/2021
65027D	1	Recovery	McBride Biotracking, LLC	6/9/2021
PER0013385	0	Recovery	Sea Turtle, Inc	6/9/2021
PER0013986	0	Recovery	Balcones Canyonlands National Wildlife Refuge	6/10/2021
PER0014013	0	Recovery	Vaughn Weaver	6/11/2021
819491	1	Recovery	Ecosphere Environmental Services	6/16/2021
PER0009587	0	Recovery	Jean Marie L. Rieck	6/25/2021
PER0007876	0	Recovery	Cherokee Nation	6/25/2021
794593	4	Recovery	Texas State Aquarium	7/6/2021
84338B	2	Recovery	Erica Lee	7/9/2021
PER0004037	0	Recovery	Lauren Dill	7/12/2021
PER0011555	0	Recovery	James Hall	7/13/2021
TE40886B–3	0	Recovery	Jennifer Zahratka	7/15/2021
PER0012396	0	Recovery	Philip Lavretsky	7/23/2021
PER0018627	0	Recovery	Fort Worth Zoo	8/4/2021
87758D	0	Recovery	Underwing Biological, LLC	8/9/2021
PER0013852	0	Recovery	Kirsten Fuller	8/10/2021
PER0013178	1	Recovery	USDA FS–Kaibab National Forest	8/13/2021
PER0019716	0	Recovery	Wiebke Boeing	8/18/2021
PER0009589	0	Recovery	Parametrix	8/20/2021
PER0020093	0	Recovery	Sara Souther	8/25/2021
69747D	0	Recovery	Sea Life US, LLC	8/26/2021
62371D	1	Recovery	Salt River Project	8/31/2021
PER0019440	0	Recovery	James Mark Porter	9/1/2021
50370D	0	Recovery	Helen M. Poulos	9/2/2021
10107C	2	Recovery	Bandelier National Monument	9/7/2021
13623D	1	Recovery	James Whitney	9/7/2021
PER0011772	0	Recovery	USDA Coronado National Forest	9/10/2021
PER0012958	0	Recovery	Frank Reichenbacher	9/15/2021
PER0013851	0	Recovery	New Mexico State Land Office	9/15/2021
PER0020547	0	Recovery	Sevenecoten, LLC	9/15/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0011376	0	Recovery	Brent Thompson	9/15/2021
PER0012350	0	Recovery	Zoe Davidson	9/17/2021
PER0013378	0	Recovery	Odysea Aquarium, LLC	9/29/2021
PER0013181	0	Recovery	Marjorie Wright	9/29/2021
PER0020601	0	Recovery	Adam Wood	9/30/2021
829761	8	Recovery	Bureau of Land Management–Las Cruces	10/6/2021
94245B	2	Recovery	Jarrod Powers	10/7/2021
PER0024337	0	Recovery	East Foundation	10/12/2021
00482C	2	Recovery	William Dillsaver	10/18/2021
17907C	2	Recovery	Landhawk Consulting, LLC	10/22/2021
094375	2	Recovery	Azimuth Forestry Services, Inc	11/22/2021
PER0024337	1	Recovery	East Foundation	11/23/2021
082496	1	Recovery	Joint Base San Antonio	12/1/2021
PER0012188	0	Recovery	Crystal Datri	12/2/2021
PER0009588	0	Recovery	Bureau of Land Management–Tucson Field office	12/16/2021
10107C	3	Recovery	Bandelier National Monument	12/21/2021

Region 3 (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States listed above.

HCPs

For more information about any of the following HCP or CCAA permits, contact the HCP Permit Coordinator at *permitsR3ES@fws.gov* or by telephone at 612–713–5343.

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR3ES@fws.gov* or by telephone at 612–713–5343.

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0003552	0	HCP	Rosewater Wind Farm, LLC	3/8/2021
PER0005513	0	HCP	Nextera Energy Bluff Point, LLC	3/25/2021
PER0005174	0	HCP	Meadow Lake Wind Farm, LLC; Meadow Lake Wind Farm II, LLC; Meadow Lake Wind Farm IIII, LLC; Meadow Lake Wind Farm IV, LLC; Meadow Lake Wind Farm V, LLC; Meadow Lake Wind Farm VI, LLC.	3/31/2021
69307D	1	HCP	Blue Creek Wind Farm, LLC	3/31/2021
PER0011567	0	HCP	Union Electric Company	5/14/2021
PER0014119	0	HCP	Scout Clean Energy, LLC	6/14/2021
PER0018464	0	HCP	California Wind Energy, LLC	8/6/2021
PER0026027	0	HCP	Hanson Aggregates Midwest, Inc	11/15/2021
105320	8	Recovery	Tragus Environmental Consulting, Inc	3/18/2021
144832	4	Recovery	Detroit Zoological Society	3/29/2021
07730A	6	Recovery	Redwing Ecological Services, Inc	3/29/2021
70018D	0	Recovery	St. Louis River Alliance	3/30/2021
98298A	1	Recovery	Ohio Environmental Protection Agency	3/31/2021
PER0002431	0	Recovery	Joseph Milanovich	4/6/2021
73584A	4	Recovery	Illinois Natural History Survey	4/19/2021
38856A	6	Recovery	Skelly and Loy, Inc	4/22/2021
PER0003168	0	Recovery	Corie Ereth	4/28/2021
06130D	2	Recovery	Claudio Gratton	5/4/2021
PER0003355	0	Recovery	Josiah J. Maine	5/6/2021
PER0003201	0	Recovery	Braden A. Hoffman	5/6/2021
63118D	1	Recovery	Clarissa Starbuck	5/11/2021
71524B	1	Recovery	Theresa Burke	5/11/2021
PER0011469	0	Recovery	Consumers Energy	5/12/2021
30472C	2	Recovery	Elaine Evans	5/12/2021
33381D	0	Recovery	Neosho National Fish Hatchery	5/18/2021
06778A	5	Recovery	USDA Forest Service–Shawnee National Forest	5/20/2021
38842A	7	Recovery	Sanders Environmental, Inc	5/21/2021
66724A	3	Recovery	Cleveland Metroparks	5/24/2021
02373A	15	Recovery	Environmental Solutions and Innovations, Inc	5/24/2021
PER0002967	0	Recovery	Donald Solick	5/27/2021
106220	7	Recovery	Brianne Walters	6/3/2021
53616C	3	Recovery	Illinois Natural History Survey	6/3/2021
120231	5	Recovery	John Timpone	6/15/2021
15027A	7	Recovery	Stantec Consulting Services, Inc	6/16/2021
697830	12	Recovery	U.S. Fish and Wildlife Service	6/18/2021
72093B	2	Recovery	Rebecca Winterringer	6/25/2021
40247C	2	Recovery	Minnesota Department of Natural Resources	6/25/2021
06809A	6	Recovery	USDA Forest Service	6/29/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
24566D	1	Recovery	Nicholas Smeenk	7/2/2021
PER0003023	0	Recovery	Samuel A. Schratz	7/8/2021
31310A	2	Recovery	Minnesota Pollution Control Agency	7/20/2021
28570D	1	Recovery	Midwest Natural Resources, Inc	7/20/2021
206781	10	Recovery	Ecoanalysts, Inc	7/21/2021
PER0002332	0	Recovery	Minnesota Department of Natural Resources, Center for Aquatic Mollusk Programs.	7/23/2021
64080B	1	Recovery	Michigan Natural Features Inventory–Michigan State University.	7/27/2021
PER0003405	0	Recovery	Crystal A. Griffin	7/27/2021
PER0003135	0	Recovery	Katie Baker	7/27/2021
PER0009788	0	Recovery	Alma Schrage	8/3/2021
PER0002544	0	Recovery	Carlyn S. Rocazella	8/3/2021
38860A	4	Recovery	Jason Garvon	8/4/2021
PER0003893	0	Recovery	Andres E. Ortega	8/5/2021
PER0003114	0	Recovery	Timothy J. Brust	8/6/2021
70868B	1	Recovery	Brian Ortman	8/6/2021
64239B	2	Recovery	Nathanael Light	8/6/2021
PER0011726	0	Recovery	North Fork Ridge Wind Holdings, LLC	8/6/2021
07358A	11	Recovery	Civil and Environmental Consultants, Inc	8/18/2021
PER0009122	0	Recovery	Emily Grossman	8/24/2021
PER0012955	0	Recovery	Christopher Fill	8/27/2021
14549C	1	Recovery	Larissa Herrera	9/1/2021
11035A	3	Recovery	Bob Vande Kopple	9/7/2021
31355B	4	Recovery	Brooke A. Hines	9/8/2021
34563C	2	Recovery	Henry Campa	9/14/2021
71737A	4	Recovery	Roger Klocek, LLC	9/15/2021
135297	9	Recovery	Saint Louis Zoological Park	9/16/2021
77530A	3	Recovery	Douglas Kapusinski	10/7/2021
72093B	3	Recovery	Rebecca Winterringer	10/13/2021
38842A	8	Recovery	Sanders Environmental, Inc	10/13/2021
151109	7	Recovery	Ohio Department of Natural Resources	10/13/2021
PER0011986	0	Recovery	Lindsey N. Jakovljevic	10/27/2021
99056B	2	Recovery	Marion Wells	10/27/2021
206783	5	Recovery	Marlo Perdicas	10/28/2021
805269	16	Recovery	Daniel Soluk	11/17/2021
PER0015171	0	Recovery	Cory Suski	11/22/2021
65611B	2	Recovery	Dennis Skadsen	11/24/2021
PER0016072	0	Recovery	Brittany Rogness	12/17/2021
06778A	6	Recovery	USDA Forest Service–Shawnee National Forest	12/21/2021

Region 4 (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States and territories listed above.

HCPs and SHA

For more information about any of the following HCPs or SHA, contact the HCP Permit Coordinator by email at *PermitsR4ES@fws.gov* or by telephone at 404–679–7140.

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR4ES@fws.gov* or by telephone at 404–679–7140.

Permit No.	Version No.	Permit type	Permittee	Date issued
88303D	0	HCP	Smitherman-Malone Properties, LLC	1/7/2021
84038C	1	HCP	Jimmy Stevens	1/8/2021
80687D	0	HCP	Polk County Board of County Commissioners, Political Subdivision of State of Florida.	1/11/2021
79912D	0	HCP	Polk County (Political Subdivision of The State of Florida)	1/11/2021
88288D	0	HCP	Cannonball Properties, LLC	1/11/2021
PER0002059	0	HCP	Thomas Panos	1/14/2021
82107D	0	HCP	Palmetto Avon Park–Hwy 17, LLC	1/28/2021
PER0002602	0	HCP	Douglas K. Jones	2/23/2021
33505D	1	HCP	Stephen D. Presley	2/24/2021
42767C	1	HCP	Dale Delarber	3/1/2021
PER0003358	0	HCP	Thomas A. Gaghen	3/19/2021
PER0002765	0	HCP	Robert and Maria Schmidt	3/19/2021
PER0003107	0	HCP	Jeanne Hall	3/22/2021
PER0004036	0	HCP	Finlay Holdings, LLC	3/25/2021
PER0002996	0	HCP	John Lagrasse	3/26/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
48834D	1	HCP	Jeff Eldredge	4/2/2021
54008D	1	HCP	Astonia North LLC	4/7/2021
75501D	1	HCP	Larry Giggy	4/8/2021
218292	1	HCP	Steel Bridge Properties LLC	4/9/2021
PER0009234	0	HCP	LJW Properties, LLC	4/16/2021
PER0003117	0	HCP	Crosswood Enterprises, LLC	4/23/2021
48931D	0	HCP	City of Orange Beach	4/28/2021
56402D	1	HCP	Ivy Ridge, LLC	4/30/2021
PER0009633	0	HCP	Thomas Eubanks	5/5/2021
PER0002583	0	HCP	Gail K. Cardoso	5/6/2021
078828	1	HCP	Mark and Maria Frost	5/6/2021
95386C	1	HCP	Shawn Locke	5/6/2021
087068	2	HCP	Steel Bridge Properties, LLC	5/6/2021
58959C	1	HCP	Justin Daniels	5/11/2021
PER0002540	0	HCP	Lennar Homes, LLC	5/28/2021
080087	1	HCP	Mary Beth Prince	6/1/2021
PER0002675	0	HCP	EGR East, LLC	6/10/2021
88352D	0	HCP	Forestar Group, Inc	6/10/2021
PER0012932	0	HCP	Anna Cain	6/11/2021
28392D	2	HCP	Daniel Prickett	6/17/2021
56446D	1	HCP	S&S Partnership, LLC	6/17/2021
05890C	1	HCP	Daniel Prickett	6/17/2021
PER0002676	0	HCP	WP South Acquisition, LLC	6/18/2021
PER0002632	0	HCP	VK Avalon Groves, LLC	6/18/2021
PER0002629	0	HCP	BB Groves, LLC	6/21/2021
64535A	1	HCP	Darrell Lawley	7/8/2021
PER0014124	0	HCP	Jay Brown	7/13/2021
37575D	1	HCP	Lisa Lemay	7/13/2021
PER0002583	1	HCP	Gail K. Cardoso	8/5/2021
PER0016349	0	HCP	Stillwater Capital Assets, LLC	8/5/2021
63420C	1	HCP	Elisa Sargent	8/12/2021
PER0016398	0	HCP	DJM Property, LLC	8/13/2021
PER0018020	0	HCP	Scott Green	8/17/2021
PER0018438	0	HCP	John C. Stevens	8/26/2021
PER0007024	0	HCP	Spring Grove, LLC	9/14/2021
087068	3	HCP	Troy Marion	9/15/2021
PER0019383	0	HCP	Sea and Sandcastles LLC	9/16/2021
PER0020650	0	HCP	Brian Spychalski	9/22/2021
PER0020710	0	HCP	Sean & Dawn Carmichael	9/23/2021
093481	1	HCP	Edward Lowe	10/1/2021
218238	1	HCP	Troy Titus	10/13/2021
PER0006990	0	HCP	PMDW Ventures, LLC	10/14/2021
PER0022074	0	HCP	David Green	10/19/2021
PER0002663	0	HCP	TSG Development, Inc	10/20/2021
PER0024088	0	HCP	Thomas Popee	10/29/2021
PER0018441	0	HCP	Acadian Designs, LLC	11/12/2021
56449D	0	HCP	Mary Newcomb	11/12/2021
131063	1	HCP	Clyde M. Jones	11/17/2021
PER0026701	0	HCP	Robert Stephens	12/1/2021
PER0023831	0	HCP	Brian Reinhardt	12/3/2021
078721	2	HCP	Richard Weiner	12/9/2021
156574	0	HCP	William Fagan	12/14/2021
PER0012932	1	HCP	John Thomas	12/21/2021
83156D	0	Recovery	Jake Schaefer	1/5/2021
108584	7	Recovery	Tim Nehus	1/7/2021
56749B	4	Recovery	Patrick Moore	1/12/2021
88402D	0	Recovery	Alex Pepper	1/13/2021
41955C	1	Recovery	Anthony Miller	1/13/2021
PER0002087	0	Recovery	Alex Pepper	1/20/2021
PER0002088	0	Recovery	Jesus Lara	1/21/2021
PER0002086	0	Recovery	Marc Russack	2/4/2021
PER0002090	0	Recovery	Jennifer L. Oles	2/8/2021
PER0002089	0	Recovery	Michael Giaccone	2/8/2021
78884D	1	Recovery	Thomas Gotcher	2/25/2021
86020D	1	Recovery	Samuel Fava	2/25/2021
86022D	0	Recovery	Matthew Harrell	2/25/2021
83053D	0	Recovery	Steve Bostwick	2/25/2021
56588D	1	Recovery	Martin Melville	2/25/2021
88412D	1	Recovery	Michael Turner	2/26/2021
88402D	1	Recovery	Alex Pepper	2/26/2021
87084D	0	Recovery	Kyle Woodall	2/26/2021
67197D	1	Recovery	Tyler Black	3/4/2021
810274	13	Recovery	ICF Jones and Stokes, Inc	3/12/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0002077	0	Recovery	Casey L. Geldine	3/23/2021
PER0002626	0	Recovery	Taylor Jones	3/24/2021
85000D	0	Recovery	Francisco A. Abreu	3/24/2021
PER0002900	0	Recovery	John K. Maher	3/25/2021
PER0002085	0	Recovery	John T. Riley	3/25/2021
66039A	1	Recovery	Arkansas Game and Fish Commission	4/5/2021
PER0002859	0	Recovery	Keegan T. Jones	4/8/2021
PER0003042	0	Recovery	Joe C. Monahan	4/12/2021
070796	9	Recovery	Apogee Environmental & Archaeological, Inc	4/26/2021
PER0004422	0	Recovery	Gulfarium Marine Adventure Park	4/30/2021
PER0007803	0	Recovery	Michael Lloret	5/2/2021
087191	5	Recovery	Sandhills Ecological Institute	5/4/2021
PER0009347	0	Recovery	Audrius Pauliukonis	5/5/2021
72782D	0	Recovery	Michael Cove	5/13/2021
02332D	1	Recovery	Michelle Gilley	5/18/2021
PER0002976	0	Recovery	Dilan Ekmark	5/19/2021
86496D	0	Recovery	Mark Johnson	5/24/2021
PER0005133	0	Recovery	Michael Mills	5/26/2021
56968D	2	Recovery	Kimberly Andrews	6/2/2021
PER0002901	0	Recovery	Christina Morton	6/9/2021
PER0003655	0	Recovery	Jari A. Valladares-Gomez	6/10/2021
PER0002844	0	Recovery	Ryan Merritt	6/11/2021
71050D	0	Recovery	Brett Andersen	6/23/2021
PER0014808	0	Recovery	Stephen C. Wilder	6/24/2021
PER0012531	0	Recovery	Trevor Mann	6/24/2021
125521	5	Recovery	Department of Natural and Environmental Resources	7/1/2021
PER0012946	0	Recovery	S. Barns	7/7/2021
59318D	0	Recovery	Marie Selby Botanical Gardens	7/7/2021
083085	4	Recovery	Archbold Biological Station	7/8/2021
71653D	0	Recovery	The Nature Conservancy, Camp Shelby	7/8/2021
38519A	2	Recovery	Cardno, Inc	7/8/2021
07525D	1	Recovery	Bruce Porter	7/9/2021
88796C	1	Recovery	Geological Survey of Alabama	7/15/2021
PER0011752	0	Recovery	William C. Kimmel	7/19/2021
PER0009581	0	Recovery	Stephen Cemelli	7/20/2021
171493	3	Recovery	Memphis Zoo	7/22/2021
125521	6	Recovery	Department of Natural and Environmental Resources	7/23/2021
PER0002772	0	Recovery	Auriel M. Fournier	7/30/2021
PER0002011	0	Recovery	University of Georgia	8/2/2021
78084D	0	Recovery	Antone F. Pantaleo	8/9/2021
PER0016467	0	Recovery	Francisco A. Abreu	8/9/2021
PER0015052	0	Recovery	James P. Johnson	8/9/2021
33465A	2	Recovery	USDA Forest Service National Forests in Alabama	8/18/2021
016270	10	Recovery	US Army Fort Benning, Natural Resources Management Branch.	8/30/2021
PER0015264	0	Recovery	Colin Lindsey	8/31/2021
PER0009372	0	Recovery	Joe C. Monahan	8/31/2021
21809A	3	Recovery	Monica Folk	9/5/2021
75914D	0	Recovery	North Carolina State Parks	9/5/2021
98596B	2	Recovery	Sarah Veselka	9/6/2021
64232B	1	Recovery	Joshua Young	9/6/2021
62026D	1	Recovery	Catherine Haase	9/6/2021
37219B	2	Recovery	Roger Perry	9/6/2021
80406D	0	Recovery	Michael Eubanks	9/6/2021
88789B	1	Recovery	Sharon Davis	9/13/2021
PER0004778	0	Recovery	Catherine Jachowski	9/13/2021
82659D	0	Recovery	Sarah J. Messer	9/13/2021
12379D	1	Recovery	Robert McCleery	9/23/2021
68616B	2	Recovery	Carla Atkinson	9/27/2021
37652B	1	Recovery	Blue Ridge Parkway–National Park Service	9/28/2021
83157D	0	Recovery	Matthew Miller	9/29/2021
37652B	2	Recovery	Blue Ridge Parkway–National Park Service	9/30/2021
PER0007314	0	Recovery	Albert J. Leun	9/30/2021
PER0010455	0	Recovery	Kira Lindelof	9/30/2021
83157D	1	Recovery	Matthew Miller	10/6/2021
PER0024551	0	Recovery	John T. Riley	10/18/2021
35313B	5	Recovery	Emma Willcox	10/28/2021
PER0021024	0	Recovery	Daniel Ho-Sang	11/3/2021
PER0020571	0	Recovery	Robert T. Watts	11/3/2021
34882A	2	Recovery	Mark A. Bailey	11/12/2021
06337C	1	Recovery	Zachary Loughman	12/7/2021
PER0021195	0	Recovery	Phillip Wright	12/8/2021
146919	1	SHA	Daytona Beach Community College	12/10/2021

Region 5 (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia)

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR5ES@fws.gov* or by telephone at 413–253–8212.

Permit No.	Version No.	Permit type	Permittee	Date issued
18372D	0	Recovery	US Fish and Wildlife Service	1/12/2021
70312D	0	Recovery	National Aquarium in Baltimore	1/13/2021
69330D	0	Recovery	Allied Whale, College of the Atlantic	1/13/2021
69329D	0	Recovery	Marine Mammals of Maine	1/13/2021
60921D	0	Recovery	Zoological Society of Pittsburgh	1/13/2021
60928D	0	Recovery	National Marine Life Center	1/13/2021
60406D	0	Recovery	Atlantic Marine Conservation Society	1/13/2021
60418D	0	Recovery	Marine Mammal Stranding Center	1/13/2021
60419D	0	Recovery	MERR, Inc	1/13/2021
69328D	0	Recovery	New England Aquarium	1/13/2021
60434D	0	Recovery	Sea Turtle Recovery	1/13/2021
60422D	0	Recovery	Sea Research Foundation	1/13/2021
60415D	0	Recovery	Mass Audubon Wellfleet Bay Wildlife Sanctuary	1/13/2021
82615D	0	Recovery	Downeast Salmon Federation	2/11/2021
01086D	2	Recovery	Virginia Department of Wildlife Resources	3/15/2021
69328D	1	Recovery	New England Aquarium	4/12/2021
60422D	1	Recovery	Sea Research Foundation	4/21/2021
69332D	0	Recovery	Maine Department of Marine Resources	5/3/2021
70044D	0	Recovery	Virginia Aquarium & Marine Science Center Foundation, Inc	5/18/2021
61005D	1	Recovery	Mark Hepner	5/31/2021
70311D	0	Recovery	Riverhead Foundation for Marine Research and Preservation.	6/11/2021
PER0002735	0	Recovery	Jonathan A. Studio	7/28/2021
PER0019000	0	Recovery	Matthew Lobdell	9/1/2021
60415D	1	Recovery	Mass Audubon Wellfleet Bay Wildlife Sanctuary	10/18/2021
60928D	1	Recovery	National Marine Life Center	10/25/2021
60921D	1	Recovery	Zoological Society of Pittsburgh	10/26/2021
69332D	1	Recovery	Maine Department of Marine Resources	11/2/2021
PER0002181	0	Recovery	Paul L. Angermeier	11/23/2021

Region 6 (Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States listed above.

HCPs and SHAs

For more information about any of the following HCP or SHA permits, contact the HCP or SHA Permit Coordinator by telephone at 303–236–7905. An additional permit number 89824D version 0 for an HCP was issued to TransCanada Keystone Pipeline, L.P., on January 8, 2021, but was relinquished by the permittee and canceled as of July 26, 2021.

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR6ES@fws.gov,* or by telephone at 303–236–4224.

Permit No.	Version No.	Permit type	Permittee	Date issued
036719	1	HCP	Washington County, Utah	1/15/2021
PER0010672	0	HCP	Green Diamond Resource Company	5/7/2021
034609	5	HCP	SPP Montana, LLC	5/7/2021
PER0001907	0	Recovery	Timothy C. Vosburgh	1/20/2021
PER0003897	0	Recovery	Bureau of Land Management–Monticello Office	3/24/2021
PER0002640	0	Recovery	Rana Environmental Consulting, Inc	3/24/2021
PER0009566	0	Recovery	Colorado Natural Heritage Program, Colorado State University.	4/14/2021
PER0011233	0	Recovery	Montana State University	5/3/2021
PER0011688	0	Recovery	BLM Utah, Richfield Field office	5/10/2021
35101D	0	Recovery	Schmueser Gordon Meyer, Inc	5/27/2021
067482	2	Recovery	Colorado Department of Transportation	6/1/2021
040834	3	Recovery	Boulder County Parks and Open Space	6/3/2021
PER0013492	0	Recovery	United Tribes Technical College	6/8/2021
PER0007334	0	Recovery	University of Wyoming	6/10/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
047283	2	Recovery	Washington State University	7/7/2021
PER0016372	0	Recovery	William Wyatt Hoback	7/13/2021
PER0004552	0	Recovery	Zion National Park	7/23/2021
PER0014876	0	Recovery	DJ&A, P.C	7/23/2021
PER0012961	0	Recovery	Fort Hays State University	8/2/2021
PER0002968	0	Recovery	Omaha's Henry Doorly Zoo & Aquarium	8/20/2021
085324	3	Recovery	Wyoming Natural Diversity Database–Botany Department	9/1/2021
PER0022766	0	Recovery	Rocksol Consulting Group	9/28/2021
054237	3	Recovery	USDA Forest Service Rocky Mountain Region	10/12/2021
061680	2	Recovery	City of Boulder Open Space and Mountain Parks	10/13/2021
79842A	3	Recovery	Jeremy White	10/27/2021
39716C	1	Recovery	Jason Beason	12/13/2021
PER0025957	0	Recovery	Julie Remp	12/13/2021
PER0028923	0	Recovery	Jordan McMahon	12/27/2021
13024B	2	Recovery	Bureau of Land Management	12/27/2021
PER0025746	0	SHA	Kansas Department of Wildlife and Parks	12/16/2021

Region 7 (Alaska)

The following permits were applied for and issued by the Regional office responsible for section 10 permitting in Alaska. For more information about these recovery permits, contact the Permit Coordinator by email at *PermitsR7ES@fws.gov* or by telephone at 907–786–3323.

Permit No.	Version No.	Permit type	Permittee	Date issued
36906D	1	Recovery	University of Alaska, Fairbanks: Institute of Arctic Biology	3/9/2021
PER0010687	0	Recovery	ABR, Inc.—Environmental Research & Services	5/3/2021

Region 8 (California, Nevada, and the Klamath Basin Portion of Oregon)

The following permits, sorted by type of permit or agreement and date issued in the table below, were applied for and issued by the Regional office responsible for section 10 permitting in the States and region listed above.

HCPs

For more information about any of the following HCP permits, contact the HCP Permit Coordinator by email at *ITEOSpermitsR8ES@fws.gov.*

Recovery Permits

For more information about any of the following recovery permits, contact the Recovery Permit Coordinator by email at *PermitsR8ES@fws.gov* or by telephone at 916–414–6464.

Permit No.	Version No.	Permit type	Permittee	Date issued
PER0003845	0	HCP	Gridliance	3/5/2021
PER0003714	0	HCP	Spring Mountain Raceway, LLC	3/5/2021
PER0004040	0	HCP	East Bay Municipal Utility District	3/19/2021
PER0004039	0	HCP	Morgan Krapes-Kiah	3/29/2021
PER0013273	0	HCP	Manzana Wind, LLC	6/8/2021
PER0014875	0	HCP	Althouse and Meade, Inc	7/12/2021
PER0016083	0	HCP	Serenity Gypsy Canyon, LLC	7/14/2021
PER0019080	0	HCP	Vintage Ranch Orcutt, LLC	8/16/2021
80620D	1	HCP	Andris Upitis	9/23/2021
78131D	2	HCP	Sun Valley Ranch, LLC	10/28/2021
PER0026639	0	HCP	Morgan Krapes-Kiah	11/23/2021
62432B	1	Recovery	Sean Mcallister	2/12/2021
83425D	0	Recovery	Scott Soares	1/8/2021
84091D	0	Recovery	Mike Stake	1/8/2021
77118D	0	Recovery	Kristen Outten	1/8/2021
77125D	0	Recovery	Zachary Cava	1/8/2021
75312D	0	Recovery	Ricka Stoelting	1/8/2021
54728A	2	Recovery	San Francisco Recreation and Parks Department	1/8/2021
73946B	2	Recovery	Austin Parker	1/9/2021
72571C	1	Recovery	Hiram Herrera	1/9/2021
84165D	0	Recovery	Kaia Colestock	1/9/2021
84156D	0	Recovery	Stephen Gergeni	1/9/2021
225970	1	Recovery	Charlotte Marks	1/9/2021
115370	6	Recovery	Gage Dayton	1/9/2021
50510A	6	Recovery	Geoffrey Cline	1/10/2021
14532C	1	Recovery	Hannah Donaghe	1/10/2021
72045A	3	Recovery	Alisa Zych	1/22/2021
88650D	0	Recovery	Joshua Goodwin	1/22/2021
108507	0	Recovery	USFWS, California-Great Basin Region (Legacy Region 8)	12/12/2021

Permit No.	Version No.	Permit type	Permittee	Date issued
829554	0	Recovery	Barbara Kus	3/5/2021
40211B	0	Recovery	Melissa Newman	3/10/2021
807078	19	Recovery	Point Reyes Bird Observatory	3/22/2021
PER0003712	0	Recovery	Ryan O'Donnell	3/22/2021
64546A	4	Recovery	Power Engineers, Inc	3/23/2021
77120D	0	Recovery	Imani Russell	3/23/2021
75190D	0	Recovery	Rory Telemeco	3/29/2021
809232	19	Recovery	Bio-West, Inc	3/31/2021
067064	4	Recovery	Lindsay Messett	3/31/2021
PER0002114	0	Recovery	Scott K. Whitman	3/31/2021
63313D	1	Recovery	Tiffany Alvarez	4/2/2021
067064	5	Recovery	Lindsay Messett	4/6/2021
94998A	2	Recovery	Leonard Liu	4/6/2021
057043	6	Recovery	Green Diamond Resource Company	4/6/2021
PER0008918	0	Recovery	Melissa Tu	4/21/2021
817400	13	Recovery	East Bay Regional Park District	4/28/2021
67253D	1	Recovery	Sequoia Park Zoo/City of Eureka	5/17/2021
768251	16	Recovery	Biosearch Associates	5/20/2021
163017	2	Recovery	California Department of Fish and Wildlife	5/26/2021
PER0002935	0	Recovery	Christopher Cummings	5/26/2021
08293C	1	Recovery	Travis Marella	6/14/2021
PER0002166	0	Recovery	Danielle Dillard	6/17/2021
PER0002933	0	Recovery	Jordan Zylstra	6/23/2021
PER0003167	0	Recovery	Elyssa K. Robertson	6/25/2021
PER0002902	0	Recovery	Carolynn Honeycutt	6/25/2021
PER0004121	0	Recovery	Mulligan Biological Consulting	6/25/2021
PER0002932	0	Recovery	USGS WERC Coastal Ecology	6/28/2021
PER0002928	0	Recovery	Fresno Chaffee Zoo	6/28/2021
PER0003749	0	Recovery	David Cook	6/29/2021
PER0003763	0	Recovery	Daniel Cooper	6/30/2021
PER0003722	0	Recovery	James Hickman	6/30/2021
PER0003214	0	Recovery	Monica Alfaro	6/30/2021
PER0003728	0	Recovery	Tim Bean	6/30/2021
PER0014481	0	Recovery	Hoopa Valley Tribal Council	7/1/2021
PER0003898	0	Recovery	Robert Hamilton	7/9/2021
PER0003852	0	Recovery	Daniel Cordova	7/9/2021
PER0007536	0	Recovery	Linette Davenport	7/12/2021
PER0008920	0	Recovery	Meghan R. Bishop	7/12/2021
PER0002866	0	Recovery	Darren R. Wiemeyer	8/10/2021
039321	5	Recovery	Kylie Fischer	8/10/2021
PER0012535	0	Recovery	Laura Gorman	8/11/2021
PER0010680	0	Recovery	David Moskovitz	8/11/2021
134338	4	Recovery	Brenna Ogg	8/11/2021
PER0004071	0	Recovery	Sharon Dulava	8/11/2021
63371B	1	Recovery	Rheanna Neidinger	8/11/2021
PER0011950	0	Recovery	Olberding Environmental	8/11/2021
834492	6	Recovery	Julie Thomas	8/11/2021
PER0003977	0	Recovery	Cassandra J. Carroll	8/11/2021
135948	3	Recovery	Natalie Brodie	8/11/2021
PER0008931	0	Recovery	Danna Hinderle	8/11/2021
057714	3	Recovery	Dawn Reis	8/12/2021
PER0010754	0	Recovery	Rebecca E. Green	10/5/2021
163671	4	Recovery	Ryan O'Dell	10/26/2021
PER0002526	0	Recovery	San Diego Zoo Wildlife Alliance	11/1/2021
PER0003725	0	Recovery	Melanie C. Madden	11/4/2021
052159	6	Recovery	Jeffrey Ahrens	11/23/2021
PER0008376	0	Recovery	Mark L. Noyes	12/22/2021

Availability of Documents

You may request copies of the **Federal Register** documents publishing the receipt of applications for these permits from the office that issued the permit (see contact information above). Documents and other information submitted with these applications are available for review subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552), by any party who submits a written request for a copy of such documents.

Authority

We provide this notice under the authority of section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Gary Frazer,

Assistant Director for Ecological Services.

[FR Doc. 2022–14203 Filed 7–1–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R4–ES–2022–0002; FXES11130400000–223–FF04EF4000]

Receipt of Incidental Take Permit Application and Proposed Habitat Conservation Plan for the Audubon's Crested Caracara; Glades 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 Stewart Materials, LLC (applicant) for an incidental take permit (ITP) under the Endangered Species Act. The applicant requests the ITP to take the federally listed Audubon's crested caracara incidental to the construction and operation of a sand mine in Glades 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 August 4, 2022.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS–R4–ES–2022–0002 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 any of the following methods:

- *Online: https://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–R4–ES–2022–0002.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R4–ES–2022–0002; U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Alfredo Begazo, by U.S. mail (see **ADDRESSES**), or via phone at 772–469–4234. 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, announce receipt of an application from Stewart Materials, LLC (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 Audubon's crested caracara (*Polyborus plancus audubonii*) (caracara) incidental to the construction and operation of a sand mine in Glades 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 20-year ITP to take caracara via the conversion of approximately 408.4 acres of occupied nesting, foraging, and sheltering caracara habitat incidental to the construction and operation of a sand mine on a 408.4-acre parcel in Sections 21, 22, 27, and 28, Township 41 South, Range 31 East in Glades County, Florida. The applicant proposes to mitigate for take of caracara by donating $100,000 to the Fish and Wildlife Foundation of Florida's Crested Caracara Conservation Fund, an organization dedicated to the recovery efforts for the species. The applicant would make the proposed donation prior to engaging in any phase of the project. Additionally, after the mining operations have concluded, the applicant will plant 20 cabbage palm trees in the buffer around the lake on the parcel. Cabbage palms are the preferred nesting tree for the caracara. These plantings will enhance the area for caracara nesting.

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, grading, excavating, and removal of commercial grade sands via an electric powered hydraulic dredge; construction of berms and access roads; and other ground disturbance and site preparation activities—would individually and cumulatively have a minor or negligible effect on the caracara 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 PER0012910 to Stewart Materials, 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. 2022–14182 Filed 7–1–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[223A2100DD/AAKC001030/ A0A501010.999900]

Indian Gaming; Approval of Tribal-State Class III Gaming Compact Amendment Between Nisqually Indian Tribe and the State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the approval of the Fourth Amendment to the Tribal-State Compact (Amendment) between the Nisqually Indian Tribe (Tribe) and the State of Washington (State).

DATES: The Amendment takes effect on July 5, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, *paula.hart@bia.gov,* (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary.

The Amendment authorizes the Tribe to engage in sports wagering at the Tribe's class III gaming facilities, updates the Compact to reflect this change in various sections, and incorporates Appendix S, Sports Wagering. The Amendment is approved.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–14351 Filed 7–1–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00000.L51010000. ER0000.LVRWF2108350.21X; N–100225; MO#4500162243]

Notice of Segregation of Public Land for the Golden Currant Solar Project, Clark County, Nevada

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Notice.

SUMMARY: Through this notice the Bureau of Land Management (BLM) is segregating public lands included in the right-of-way application for the Golden Currant Solar Project, from appropriation under the public land laws, including the Mining Law, but not the Mineral Leasing or Material Sales Acts, for a period of 2 years from the date of publication of this notice, subject to valid existing rights. This segregation is to allow for the orderly administration of the public lands to facilitate consideration of development of renewable energy resources. The public lands segregated by this notice totals 5,571.82 acres.

DATES: This segregation for the lands identified in this notice is effective on July 5, 2022.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to the mailing list, send requests to: Jessica Headen, Southern Nevada District Energy & Infrastructure Team, at telephone (702) 515–5206; address 4701 North Torrey Pines Drive, Las Vegas, NV 89130–2301; or email *BLM_NV_SND_EnergyProjects@blm.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: Regulations found at 43 CFR 2091.3–1(e) and 2804.25(f) allow the BLM to temporarily segregate public lands within a right-of-way application area for solar energy development from the operation of the public land laws, including the Mining Law, by publication of a **Federal Register** notice. The BLM uses this temporary segregation authority to preserve its ability to approve, approve with modifications, or deny proposed rights-of-way, and to facilitate the orderly administration of the public lands. This temporary segregation is subject to valid existing rights, including existing mining claims located before this segregation notice. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact lands identified in this notice may be allowed with the approval of an authorized officer of the BLM during the segregation period. The lands segregated under this notice are legally described as follows:

Mount Diablo Meridian, Nevada

T. 22 S., R. 55 E.,
- Sec. 2, S½NW¼, and SW¼;
- Sec. 3, SE¼NE¼, and E½SE¼;
- Sec. 7, lots 3 and 4, E½SW¼, and SE¼;
- Sec. 8, S½;
- Sec. 9, S½;
- Sec. 10, NE¼, SE¼NW¼, and SW¼;
- Sec. 15, NW¼NW¼;
- Sec. 16, N½, SW¼, N½SE¼, and SW¼SE¼;
- Sec. 17 thru 20;
- Sec. 21, NW¼, and NW¼SW¼;
- Sec. 29, N½NE¼, SW¼NE¼, and NW¼;
- Sec. 30, lot 1, NE¼, and NE¼NW¼.

The area described contains 5,571.82 acres, according to the official plats of the surveys of the said lands on file with the BLM.

As provided in the regulations, the segregation of lands in this notice will not exceed 2 years from the date of publication unless extended for an additional 2 years through publication of a new notice in the **Federal Register**. The segregation period will terminate and the land will automatically reopen to appropriation under the public land laws, including the mining laws, at the earliest of the following dates: upon issuance of a decision by the authorized officer granting, granting with modifications, or denying the application for a right-of-way; without further administrative action at the end of the segregation provided for in the **Federal Register** notice initiating the segregation; or upon publication of a **Federal Register** notice terminating the segregation.

Upon termination of the segregation of these lands, all lands subject to this segregation would automatically reopen to appropriation under the public land laws, including the mining laws.

Authority: 43 CFR 2091.3–1(e) and 43 CFR 2804.25(f).

Stephen Leslie,

Assistant Field Manager—Las Vegas Field Office.

[FR Doc. 2022–14254 Filed 7–1–22; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[223 LLUT934000 L12200000.FV0000]

Notice of Intent Tto Establish Recreation Fees on Public Lands in the Price, Richfield, and Salt Lake Field Offices, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to applicable provisions of the Federal Lands

Recreation Enhancement Act (FLREA), the Bureau of Land Management (BLM) is posting this Notice of Intent for the Price and Richfield Field Offices to begin phasing in the collection of fees at 15 campgrounds, and for the Salt Lake Field Office to designate a special area with a permit system and to begin collecting fees for recreation uses within the special area.

DATES: Comments on the proposed fees must be received or postmarked by August 4, 2022 and must include the commenter's legible full name and address. Starting January 5, 2023, the BLM will have the option to initate the proposed fees, unless the BLM publishes a **Federal Register** notice to the contrary.

ADDRESSES: Copies of relevant supporting documents for this action may be found at *https://www.blm.gov/programs/recreation/permits-and-fees/business-plans,* or by contacting the BLM Utah State Office, Branch Chief for Outdoor and Heritage Resources, 440 West 200 South, Ste. 500, Salt Lake City, UT 84101.

FOR FURTHER INFORMATION CONTACT: Kelly Orr, Branch Chief for Outdoor and Heritage Resources, Utah State Office, email: *korr@blm.gov;* telephone: (801) 539–4225. 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: The BLM Utah new fee sites and new special area with a new permit system and fee are listed below:

The Price Field Office will establish new expanded amenity recreation fees at New Joes, Cottonwood Canyon, Buckhorn Wash, The Wickiup, The Wedge, South Temple Wash, San Rafael Reef, Temple Mountain Townsite, Little Wild Horse, Sand Wash, Jurassic, and Millsite campgrounds. Fees for overnight use of individual campsites will be $15 per night and group sites will be $75 per night.

The Richfield Field Office will establish new expanded amenity recreation fees at Saul's Meadow, Beas Lewis Flat, and Summerville campgrounds. Fees for overnight use of individual campsites at Saul's Meadow will be $10 per night and group sites will be $65 per night. Fees for overnight use of campsites at Beas Lewis Flat and Summerville campgrounds will be $15 per night.

The Salt Lake Field Office will designate a new Special Area to be known as the Fivemile Pass Recreation Area, with an Individual Special Recreation Permit system and fee. The Fivemile Pass Recreation Area and surrounding vicinity is a popular off-highway vehicle and dispersed camping area. The daily permit fee will be $10 per primary vehicle, which includes overnight camping, and an annual pass fee will be $50 per primary vehicle. The nearby Knolls special area is managed for the same uses and already has approved an annual pass fee of $80 per primary vehicle. The Knolls pass can be purchased in either location and will serve as an annual pass for both locations, whereas the Fivemile Pass annual pass will cover only the Fivemile Pass Recreation Area.

The BLM is authorized to charge an ''Expanded Amenity Recreation Fee'' at developed campgrounds under 16 U.S.C. 6802 when certain amenities and services are provided. Section 6802 also authorizes the BLM to collect special recreation permit fees for specialized recreation uses of federal recreational lands and waters. Under 43 CFR 2930, the BLM may establish a Special Recreation Permit (SRP) and fee system for the use of special areas and establish special areas where the BLM determines that the resources require special management and control measures for their protection. SRPs for individual recreation use in a special area are referred to as ''Individual Special Recreation Permits (ISRP)'' (BLM H–2930–1, Chapt.1, I.D.).

People holding the America the Beautiful—National Parks and Federal Recreational Lands ''Annual Senior Pass,'' ''Senior Lifetime Pass,'' or ''Access Pass'' may be provided a 50 percent discount on some expanded amenity fees except those associated with group reservations. Veterans and ''Annual Interagency Pass,'' ''Fourth Grade Pass,'' and ''Gold Star Families Park Pass'' holders are not entitled to this discount. This discount also does not apply to the Fivemile Pass Recreation Area, per FLREA and BLM policy, as special area fees are ISRPs—to which the America the Beautiful Passes do not apply. FLREA was signed into law in December 2004 and provides authority for the Secretaries of the Interior and Agriculture to establish, modify, charge, and collect recreation fees for use of some Federal recreation lands and waters. The FLREA contains specific provisions addressing public involvement in the establishment of recreation fees, including a requirement that a Recreation Resource Advisory Council (RRAC) have the opportunity to make recommendations regarding establishment of such fees. The FLREA also directs the Secretaries of the Interior and Agriculture to publish six months' advance notice in the **Federal Register** whenever new recreation fee areas are established under their respective jurisdictions.

To meet increasing demands for services and increased maintenance costs, BLM Utah has developed recreation fee business plans. The Price and Richfield Field Office plans establish new Expanded Amenity Recreation Fees for the developed campgrounds indicated above. The Salt Lake Field Office plan establishes a new ISRP fee for a newly designated special area, to be known as the Fivemile Pass Recreation Area, with an ISRP system. In response to increasing visitation on BLM-managed public lands in Utah, the new recreation fees will be used to improve and enhance visitor services and recreation facilities at the respective fee locations and as allowed for by FLREA and BLM policy. While amenities will vary, typical amenities provided at fee sites include restroom facilities, delineated campsites, picnic tables, and fire rings. Trash collection, shade structures, access to drinking water, campground hosts, and other amenities may also be provided.

The BLM recognizes that creating new fee sites may add an additional financial burden to users of public lands, and in particular, lower income populations or those experiencing issues of equity or environmental justice. Fee sites in this proposal include a subset of the most developed or most popular and highly used recreation sites managed by these field offices. The remaining developed recreation sites and non-developed areas compose the vast majority of BLM-managed public lands in each office—areas that will continue to provide a wide variety of recreational opportunities for all members of the public, including those in underserved populations. Furthermore, by carefully developing business plans, conducting market research, and receiving the RRAC's support to collect fees at select sites, the BLM will have greater flexibility to use appropriated funding. This flexibility will help the BLM support non-fee recreation sites, partnerships, hiring initiatives, and other programs that focus on the Administration's priorities regarding equity and environmental justice. Collecting fees also helps the BLM create and maintain accessible features at developed recreation sites. These developed recreation sites serve members of the public who may have different physical or mental abilities, or

those who do not have the means or desire to purchase or rent specialized equipment that is often needed for more remote, backcountry recreation experiences on public lands.

As analyzed in the field offices' business plans, the campsite fees and special area fees are consistent with other established fee sites in the regions including other BLM-administered sites and those managed by the United States Department of Agriculture—Forest Service, United States Department of the Interior—National Park Service, and Utah State Parks and Recreation.

In accordance with the BLM recreation fee program policy, the business plans explain agency management direction, the need for fee collection, and how the fees will be used at the sites. The BLM notified and involved the public at each stage of the planning process. The public was notified of a 30-day comment period on the draft campground business plans and the draft special area business plan through a BLM news release, letters mailed to local governments and major stakeholders, information on the BLM website and posted written notices at each fee site. The draft business plans were publicly available for review and comment on the BLM Utah business plan website.

Following FLREA guidelines, the Utah RRAC has reviewed and made recommendations for the new fee proposals. Fee amounts will be posted on-site and copies of the business plans will be available at the field offices, the BLM Utah State Office, and online. 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.

Authority: 16 U.S.C. 6802 and 43 CFR 2930.

Gregory Sheehan,

State Director.

[FR Doc. 2022–14251 Filed 7–1–22; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–34155; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before June 25, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by July 20, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 25, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Boulder County

Rock Creek Farm Rural Historic District (Agricultural Resources of Boulder County MPS), 2005 South 112th St., Broomfield vicinity, MP100007966

FLORIDA

Duval County

Edward Waters College Historic District (African American Architects in Segregated Jacksonville, 1865–1965 MPS), 1658 Kings Rd., Jacksonville, MP100007972

Leon County

Jake Gaither Golf Course, 801 Bragg Drive, Tallahassee, SG100007971

Orange County

Atlantic Coast Line Station (Florida's Historic Railroad Resources MPS), 1400 Sligh Blvd., Orlando, MP100007973

HAWAII

Honolulu County

Marek, Col. C.S. and Berlinda Ku'ulei, House, 2441 Pacific Heights Rd., Honolulu, SG100007974

KENTUCKY

Jefferson County

Louisville College of Dentistry, 129 East Broadway, Louisville, SG100007975

MASSACHUSETTS

Suffolk County

South Boston Naval Annex Historic District, Roughly bounded by Boston Harbor, Dry Dock and Fid Kennedy Aves., Massport Haul Rd., Boston, SG100007976

NEW YORK

Albany County

Boardman and Gray Piano Company, 883 Broadway, Albany, SG100007951

Columbia County

Sweet Homestead, 582–614 Center Hill Rd., Copake, SG100007955

Delaware County

Fleischmann, Max and Johanna, House, 50 Fleischmanns Heights Rd., Fleischmanns, SG100007958

Genesee County

North Bergen Presbyterian Church, 7068 North Bergen Rd., Bergen vicinity, SG100007959

Greene County

Allen, Captain Joseph, House, 210 Jefferson Hts., Catskill, SG100007952

Orleans County

Fancher World War II Memorial, Southwest corner of NY 31 and Fancher Rd., Murray vicinity, SG100007953

Rensselaer County

First Presbyterian Church of Lansingburgh, 570 3rd Ave., Troy, SG100007954

Gooding Farm, 22420 NY 22, Eagle Bridge, SG100007956

Schenectady County

Schenectady Police Department, 301 Clinton St., Schenectady, SG100007961

NORTH CAROLINA

Guilford County

Pilot Life Insurance Company Home Office, 5300 High Point Rd., Greensboro, SG100007970

Mecklenburg County

Kimberlee Apartments, 1300 Reece Rd., Charlotte, SG100007968

Polk County

Waymon, Eunice, Birthplace, 30 East Livingston St., Tryon, SG100007967

Lynncote Historic District, 3316–3525 Lynn and 39 Wilderness Rds., Tryon vicinity, SG100007969

RHODE ISLAND

Newport County

St. Columba's, the Berkeley Memorial Chapel, 55 Vaucluse Ave., Middletown, SG100007963

Washington County

Wakefield Historic District (Boundary Increase), Main, High, and Robinson Sts., Wright Ave., South Kingstown, BC100007962

TENNESSEE

Grundy County

Highlander Folk School Library Building, 120 Old Highlander Ln., Monteagle, SG100007964

Knox County

Howell Nurseries, 2743 Wimpole Ave., Knoxville, SG100007965

Additional documentation has been received for the following resources:

NEW YORK

Albany County

Schuyler, Philip, Mansion (Additional Documentation), Clinton and Schuyler Sts., Albany, AD67000008

Franklin County

Magill Cottage (Additional Documentation), (Saranac Lake MPS), 74 Kiwassa Rd., Harrietstown, AD92001430

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 29, 2022.

Paul Lusignan,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–14215 Filed 7–1–22; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–624–625 (Fifth Review)]

Helical Spring Lock Washers From China and Taiwan; Termination of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission instituted the subject five-year reviews on April 1, 2022 (87 FR 19134) to determine whether revocation of the antidumping duty orders on helical spring lock washers from China and Taiwan would be likely to lead to continuation or recurrence of material injury. On June 13, 2022, the Department of Commerce published notice that it was revoking the orders effective May 26, 2022, because no domestic interested party responded to the sunset review notice of initiation by the application deadline (87 FR 35733). Accordingly, the subject reviews are terminated.

DATES: May 26, 2022 (effective date of revocation of the orders).

FOR FURTHER INFORMATION CONTACT: Peter Stebbins (202–205–2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*).

Authority: These reviews are being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). This notice is published pursuant to § 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: June 29, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–14265 Filed 7–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–588]

Foreign Trade Zones (FTZs): Effects of FTZ Policies and Practices on U.S. Firms Operating in U.S. FTZs and Under Similar Programs in Canada and Mexico; Submission of Questionnaire and Information Collection Plan for Office of Management and Budget Review

AGENCY: United States International Trade Commission.

ACTION: Notice of submission of request for approval of a questionnaire and information collection to the Office of Management and Budget.

SUMMARY: The information requested by the questionnaire is for use by the Commission in connection with Investigation No. 332–588, *Foreign Trade Zones (FTZs): Effects of FTZ Policies and Practices on U.S. Firms Operating in U.S. FTZs and Under Similar Programs in Canada and Mexico.*

ADDRESSES: All Commission offices are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Due to the COVID–19 pandemic, the Commission's building is currently closed to the public. Once the building reopens, 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.

FOR FURTHER INFORMATION CONTACT: The project leaders for this investigation are Ann Marie Carton, Fernando Gracia, and Lin Jones. The Commission is currently unable to accept paper correspondence for this investigation. Please direct all questions and comments about this investigation to Ann Marie Carton at 202–205–2781 or via email at *ftz.investigation@usitc.gov.*

Comments about the proposal should be provided to the Office of Management and Budget, Office of Information and Regulatory Affairs through the Information Collection Review Dashboard at *https://www.reginfo.gov.* All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revisions or language changes. Copies of any comments should be provided electronically to the Commission's survey team via an email to *ftz.investigation@usitc.gov.*

The public record for this investigation may be viewed on the

Commission's electronic docket (EDIS) at https*://edis.usitc.gov.* General information concerning the Commission may be obtained by accessing its internet address (*https://www.usitc.gov*). Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The information requested by the questionnaire is for use by the Commission in connection with Investigation No. 332–588, *Foreign Trade Zones (FTZs): Effects of FTZ Policies and Practices on U.S. Firms Operating in U.S. FTZs and Under Similar Programs in Canada and Mexico,* instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). This investigation and report were requested by the United States Trade Representative (USTR) on December 14, 2021. This investigation was initiated on January 26, 2022, and the notice of investigation was published in the **Federal Register** on January 31, 2022 (87 FR 4914). The Commission will deliver its report to USTR by April 14, 2023.

As stated in the notice of investigation, USTR requested that the Commission's report include detailed data and other information on firms operating in FTZs in the United States, and under similar programs in Canada, and Mexico. Such information is not available in the requested specificity from governmental and other public sources. The Commission indicated in its notice of investigation that it will need to obtain much of such data and information through a survey. The survey will assist the Commission in developing, as requested, an overview of economic activity and policies and practices in U.S. FTZs and under similar programs in Canada and Mexico, and the effects of those policies and practices on the cost competitiveness of products of firms operating in these programs. Similar programs in Canada include the Duties Relief Program, Drawback Program, Export Distribution Center Program, and Exporters of Processing Services Program. Similar programs in Mexico include Industria Manufacturera, Maquiladora y de Servicios de Exportación (IMMEX), Value Added Tax (VAT)/Special Tax on Production and Services (IEPS) Certification, Programa de Promoción Sectorial (PROSEC), Rule 8 (Regla 8), and Operadores Económicos Autorizados (OEA) (previously Nuevo Esquema de Empresas Certificadas (NEEC)).

The Commission intends to submit the following draft information collection plan to OMB:

(1) Number of forms submitted: 1.

(2) Title of form: Foreign Trade Zones Questionnaire.

(3) Type of request: New.

(4) Frequency of use: Industry questionnaire, single data gathering, scheduled for 2022.

(5) Description of respondents: U.S. firms that have been granted production authority in a U.S. FTZ and have exercised that authority since January 1, 2016.

(6) Estimated number of questionnaire requests to be emailed: 400.

(7) Estimated total number of hours to complete the questionnaire per respondent: 25 hours.

(8) Information obtained from the questionnaire that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a business.

Copies of the draft questionnaire and other supplementary documents may be downloaded from the USITC website at *https://www.usitc.gov/ftzinvestigation.*

By order of the Commission.

Issued: June 28, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–14272 Filed 7–1–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1213]

Notice of a Commission Determination Not to Review an Initial Determination Granting Return of Bond; Termination of Bond Return Proceeding; Certain Light-Emitting Diode Products, Fixtures, and Components Thereof

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 28) of the presiding administrative law judge (''ALJ''), granting a motion filed by RAB Lighting Inc. of Northvale, New Jersey (''RAB'') seeking a return of its bond. The bond return proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 17, 2020, based on a complaint filed on behalf of Ideal Industries Lighting LLC d/b/a Cree Lighting (''Cree'') of Durham, North Carolina. 85 FR 50047–48 (Aug. 17, 2020). The complaint, as supplemented, alleged violations of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light-emitting diode products, fixtures, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,403,531 (''the '531 patent''); 8,596,819 (''the '819 patent''); 8,777,449 (''the '449 patent''); 9,261,270 (''the '270 patent''); and 9,476,570 (''the '570 patent''). The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named RAB as the sole respondent. The Office of Unfair Import Investigations did not participate in the investigation.

On October 25, 2021, the Commission determined to review in part a final ID on violation issued by the presiding Administrative Law Judge. 86 FR 60071–72 (Oct. 29, 2021). The Commission determined not to review the final ID's finding of a violation of section 337 with respect to the '270 and '570 patents and finding of no violation with respect to the '449 patent.

On December 16, 2021, the Commission issued a final determination affirming the final ID's finding of no violation as to the '531 and '819 patents. 86 FR 72623–24 (Dec. 22, 2021). As a remedy for the finding of a violation with respect to the '270 and '570 patents, the Commission issued a limited exclusion order (''LEO'') directed against RAB's infringing products and a cease and desist order (''CDO'') directed against RAB. *Id.*

Cree and RAB each timely appealed the Commission's final determination to

the U.S. Court of Appeals for the Federal Circuit. The separate appeals were subsequently consolidated. On March 28, 2022, the Cree and RAB jointly moved to voluntarily dismiss their appeal and cross-appeal. *See Ideal Industries Lighting LLC* v. *ITC,* Appeal Nos. 2022–1484, –1501, Joint Stipulation for Voluntary Dismissal (Mar. 28, 2022). The Federal Circuit granted the motion and dismissed the appeals the following day. *See Ideal Industries Lighting LLC* v. *ITC,* Appeal Nos. 22–1484, –1501, Order (Fed. Cir. Mar. 29, 2022).

On April 8, 2022, Cree and RAB jointly petitioned to rescind the previously-issued LEO and CDO based on settlement pursuant to section 337(k) (19 U.S.C. 1337(k)) and Commission Rule 210.76(a) (19 CFR 210.76(a)). On May 6, 2022, the Commission granted the parties' petition and rescinded the remedial orders. 87 FR 29178–79 (May 12, 2022).

On April 13, 2022, RAB filed an unopposed motion seeking the return of bond paid by RAB under the CDO and LEO during the period of Presidential review to the Commission and U.S. Customs and Border Protection, respectively.

On May 18, 2022, the ALJ issued Order No. 28, the subject ID, granting the motion pursuant to Commission Rule 210.50(d)(3) (19 CFR 210.50(d)(3)). The ID finds that RAB satisfied the procedural requirements for the return of bond and that there is no reason to deny the motion.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on June 29, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: June 29, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

[FR Doc. 2022–14270 Filed 7–1–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Attestation for Employers Seeking To Employ H–2B Nonimmigrant Workers

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before August 4, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This information collection request supports the Temporary Final Rule, Exercise of Time-Limited Authority to Increase the Fiscal Year 2022 Numerical Limitation for the H–2B Temporary Nonagricultural Worker Program and Portability Flexibility for H–2B Workers Seeking to Change Employers, which was promulgated by the Department of Labor and the Department of Homeland Security (DHS). The regulatory requirements were codified at 8 CFR part 214 and 20 CFR part 655 and the information collection activities covered under Attestation for Employers Seeking to Employ H–2B Nonimmigrant Workers under Section 105 of Division O of the Consolidated Appropriations Act, 2021, Public Law 116–260, and Public Laws 117–43 and 117–70, Form ETA–9142–B–CAA–5 (Form ETA–9142–B–CAA–5), along with other requirements (*e.g.,* recruitment efforts; recordkeeping requirements), covered under Office of Management and Budget (OMB) Control Number 1205–0549. DOL seeks to revise OMB 1205–0549 to eliminate the requirement that employers complete and submit the Form ETA–9142–B–CAA–5 to DHS, but extend the recordkeeping requirements for an additional three years. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 28, 2022 (87 FR 4722).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Attestation for Employers Seeking to Employ H–2B Nonimmigrant Workers.

OMB Control Number: 1205–0549.

Affected Public: Private Sector—Businesses or other for-profits, not-for-profit institutions, and farms.

Total Estimated Number of Respondents: 1,226.

Total Estimated Number of Responses: 1,226.

Total Estimated Annual Time Burden: 307 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: June 28, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–14206 Filed 7–1–22; 8:45 am]

BILLING CODE 4510–FP–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22 –048)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Thursday, July 21, 2022, 12:30 p.m. to 2:00 p.m., Eastern Time.

ADDRESSES: NASA Johnson Space Center, Headquarters Building 1, Room 966, 2101 E. NASA Parkway, Houston, TX 77058.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or *lisa.m.hackley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2022. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the International Space Station Program
—Updates on the Commercial Crew Program
—Updates on Exploration System Development Program
—Updates on Advanced Exploration Systems Program
—Updates on Human Lunar Exploration Program

This meeting is only available telephonically. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at *lisa.m.hackley@nasa.gov* or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022–14200 Filed 7–1–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–22–0013; NARA–2022–054]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by August 17, 2022.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-22-0013/document.* This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the Search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov*, you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Richardson, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov.* For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket, unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact

request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Transportation, Federal Transit Administration, Office of Planning and Evaluation Geospatial Data (DAA–0408–2020–0003).
2. Department of the Treasury, Internal Revenue Service, Refund Litigation Tax Returns (DAA–0058–2021–0007).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022–14247 Filed 7–1–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of National Council on the Humanities

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

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Chair of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out her functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chair; and to consider gifts offered to NEH and make recommendations thereon to the Chair.

DATES: The meeting will be held on Thursday, July 14, 2022, from 10:00 a.m. until 2:30 p.m., and Friday, July 15, 2022, from 11:00 a.m. until adjourned.

ADDRESSES: The meeting will be held by videoconference originating at Constitution Center, 400 7th Street SW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended).

The National Council will convene in executive session by videoconference on July 14, 2022, from 10:00 a.m. until 11:00 a.m.

The following Committees of the National Council on the Humanities will convene by videoconference on July 14, 2022, from 11:00 a.m. until 2:30 p.m., to discuss specific grant applications and programs before the Council:

Digital Humanities;

Education Programs;

Federal/State Partnership;

Preservation and Access;

Public Programs; and

Research Programs.

The plenary session of the National Council on the Humanities will convene by videoconference on July 15, 2022, at 11:00 a.m. The agenda for the plenary session will be as follows:

A. Minutes of Previous Meeting

B. Reports

1. Chair's Remarks
2. Farewell Remarks from Former Council Members
3. Reports on Policy and General Matters

C. Digital Humanities

D. Education Programs

E. Federal/State Partnership

F. Preservation and Access

G. Public Programs

H. Research Programs

This meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5, U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: June 28, 2022.

Samuel Roth,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2022–14179 Filed 7–1–22; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Committee Management Renewals

The National Science Foundation (NSF) management officials having responsibility for the advisory committees listed below have determined that renewing these groups for another two years is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Committees:

Advisory Committee for Computer and Information Science and Engineering #1115
Advisory Committee for Mathematical and Physical Sciences #66
Advisory Committee for Social, Behavioral, and Economic Sciences #1171
Business and Operations Advisory Committee #9556
Committee on Equal Opportunities in Sciences and Engineering #1173
Proposal Review Panel for Astronomical Sciences #1186
Proposal Review Panel for Chemical, Bioengineering, Environmental, and Transport Systems #1189
Proposal Review Panel for Chemistry #1191
Proposal Review Panel for Civil, Mechanical, and Manufacturing Innovation #1194
Proposal Review Panel for Computer and Network Systems #1207
Proposal Review Panel for Computing & Communication Foundations #1192
Proposal Review Panel for Cyberinfrastructure #1185
Proposal Review Panel for Electrical, Communications, and Cyber Systems #1196
Proposal Review Panel for Engineering Education and Centers #173
Proposal Review Panel for Graduate Education #57
Proposal Review Panel for Human Resource Development #1199
Proposal Review Panel for Information and Intelligent Systems #1200
Proposal Review Panel for Materials Research #1203
Proposal Review Panel for Mathematical Sciences #1204
Proposal Review Panel for Physics #1208
Proposal Review Panel for Polar Programs #1209
Proposal Review Panel for Undergraduate Education #1214

Effective date for renewal is June 29, 2022. For more information, please contact Crystal Robinson, NSF, at (703) 292–8687.

Dated: June 29, 2022.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2022–14252 Filed 7–1–22; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 4, 11, 18, 25, August 1, 8, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public and closed.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Betty.Thweatt@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of July 4, 2022

Thursday, July 7, 2022

10:00 a.m. Briefing on Security Issues (Closed Ex. 1)

Week of July 11, 2022—Tentative

There are no meetings scheduled for the week of July 11, 2022.

Week of July 18, 2022—Tentative

Thursday, July 21, 2022

9:00 a.m. Update on 10 CFR part 53 Licensing and Regulation of Advanced Nuclear Reactors; (Contact: Greg Oberson: 301–415–2183)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting in person or watch live via webcast at the Web address—*https://video.nrc.gov/.*

Week of July 25, 2022—Tentative

There are no meetings scheduled for the week of July 25, 2022.

Week of August 1, 2022—Tentative

There are no meetings scheduled for the week of August 1, 2022.

Week of August 8, 2022—Tentative

There are no meetings scheduled for the week of August 8, 2022.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: June 30, 2022.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2022–14365 Filed 6–30–22; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0095]

NRC's Fiscal Years 2023–2027 Artificial Intelligence Strategic Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft NUREG; request for comment; public meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on the NRC's Fiscal Years (FY) 2023–2027 Artificial Intelligence (AI) Strategic Plan. Specifically, the NRC would like input on the overall strategy as well as the agency's strategic goals presented in draft NUREG–2261 ''Artificial Intelligence Strategic Plan: Fiscal Year 2023–2027,'' actions to realize those strategic goals, potential challenges in achieving the outlined goals, and how to address key challenges and external factors. The information gathered will be used to inform the development of the NRC's FY 2023–2027 AI Strategic Plan. The NRC is also announcing a virtual public meeting to receive comments on this document. The meeting will allow

interested members of the public to submit their comments.

DATES: Submit comments by August 19, 2022. The NRC staff will hold a virtual public meeting through online webinar on August 3, 2022, from 1 p.m. to 3 p.m. Eastern Time (ET) to receive comments on the draft Artificial Intelligence Strategic Plan. Comments received after August 19, 2022 will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0095. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Branch.
- *Public Meeting:* You may provide comments through participation in the virtual public meeting discussed later in this document.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Matthew Dennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3702; email: *Matthew.Dennis@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0095, when contacting the NRC about the information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0095.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The draft AI Strategic Plan: Fiscal Years 2023–2027 is available in ADAMS under Accession No. ML22175A206.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. ET, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0095 in your comment submission. You may also provide comments through participation in the virtual public meeting discussed later in this document.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

The NRC is an independent agency established by the Energy Reorganization Act of 1974 that began operations in 1975 as a successor to the licensing and regulatory activities of the Atomic Energy Commission. The NRC's mission is to license and regulate the Nation's civilian use of radioactive materials to provide reasonable assurance of adequate protection of public health and safety and to promote the common defense and security and to protect the environment. Consistent with that mission, the NRC plans to develop strategic goals to address AI in the context of its regulatory activities. For the purposes of the draft AI Strategic Plan, AI refers to a machine-based system that can go beyond defined results and scenarios and has the ability to emulate human-like perception, cognition, planning, learning, communication, or physical action. The draft AI Strategic Plan focuses on a broad spectrum of sub-specialties (*e.g.,* natural language processing, machine learning, deep learning, etc.) which could encompass various algorithms and application examples which the NRC has not previously reviewed and evaluated. The NRC recognizes that AI technological maturity is rapidly evolving and usage is growing; therefore, NRC anticipates increased use of AI in NRC-regulated activities.

III. Discussion

The purpose of the AI Strategic Plan is to ensure the NRC's readiness to review and evaluate the use of AI in NRC-regulated activities. The NRC began actively coordinating across the agency and nuclear industry to better understand activities and plans for the use of AI in FY 2021. The agency: (1) conducted an internal scan to learn the scope of existing NRC projects which may fall within this technical area, (2) issued a **Federal Register** notice (86 FR 20744) to solicit feedback on nuclear industry AI activities, and (3) hosted a series of Data Science and AI Regulatory Applications Public Workshops. These three activities informed the development of the draft AI Strategic Plan. Based on feedback from the Data Science and AI Regulatory Applications Public Workshops, the NRC anticipates that the nuclear industry could begin deploying AI in NRC-regulated activities in the near future.

The draft AI Strategic Plan considers machine learning, natural language processing, robotics process automation, and deep learning to be subsets of AI. In practice, the term AI describes various activities which range from data collection and analyses to support human decisionmaking to fully autonomous systems that can learn without human intervention or oversight. The AI Strategic Plan would contribute to regulatory certainty by ensuring continued NRC readiness to

review the use of AI in NRC-regulated activities.

The draft AI Strategic Plan establishes five strategic goals to ensure the agency's readiness to review the use of AI in NRC-regulated activities. The five strategic goals are: (1) ensure NRC readiness for regulatory decisionmaking, (2) establish an organizational framework to review AI applications, (3) strengthen and expand AI partnerships, (4) cultivate an AI proficient workforce, and (5) pursue use cases to build an AI foundation across the NRC.

IV. Requested Information and Comments

The NRC is interested in obtaining input from stakeholders, including professional organizations, and interested individuals. The focus of the request is to gather information that will permit the NRC staff to develop and refine the draft AI Strategic Plan. The NRC welcomes comments from the public on any areas that they believe are relevant to these topics, and is particularly interested in receiving input on the following questions:

1. Are there any specific recommendations or improvements to consider in the development of the AI Strategic Plan?
2. What goals, objectives, or strategies within the NRC's current strategic plan should be added, enhanced, or modified in the AI Strategic Plan?
3. What are potential near-term, or far-term, AI activities that the NRC should be aware when finalizing and prioritizing the AI Strategic Plan, or associated supporting research?
4. What are potential challenges the NRC should be aware when preparing to review potential use of AI in nuclear applications?

V. Public Meeting Information

The NRC staff will hold a virtual public meeting on August 3, 2022, to receive comments on the draft AI Strategic Plan. A telephone line will also be used for the public to submit oral comments. A court reporter will be recording all comments received during the webinar and the transcript of the meeting will be made publicly available. Additionally, the NRC will discuss the agency's activities related to the development of the AI Strategic Plan or supporting activities for public input and comment on these activities and will continue to seek the views of stakeholders in identifying opportunities to improve the underlying strategic plan. The date and time for the virtual public meeting is as follows:

Date	Time	Location
August 3, 2022	1:00 p.m. to 3:00 p.m. ET	Webinar Information: *https://teams.microsoft.com/registration/dRTQ6LXDakOgZV3vTGT1Lg,dY0urqMKG0-Gm00Y91vqrg,N7h1Wo8JnEK5NUmTldvEqw,2FYud_DrR0260xwKOK2vAA,ujlylZhqmUGql9FnYzVx0g,m1ErSd8hxEO1k_cLUoH9eQ?mode=read&tenantId=e8d01475-c3b5-436a-a065-5def4c64f52e&webinarRing=gcc.* Telephone Access: Bridgeline: 301–576–2978. Participant Access Code: 654 033 041.

Persons interested in attending this meeting should monitor the NRC's Public Meeting Schedule website at *https://www.nrc.gov/pmns/mtg* for additional information, the meeting agenda, information on how to provide verbal comments, and access information for the meeting. Those wishing to make verbal comments at the meeting should follow instructions listed on the NRC's Public Meeting Schedule website.

The NRC may post additional materials related to this document, including public comments, on the Federal rulemaking website. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2022–0095); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Dated: June 29, 2022.

For the Nuclear Regulatory Commission.

Luis D. Betancourt,

Chief, Accident Analysis Branch, Division of Safety Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 2022–14239 Filed 7–1–22; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

Sunshine Act Meeting

TIME AND DATE: July 22, 2022, at 11:00 a.m. Eastern Daylight Time.

PLACE: The meeting will take place virtually and be accessible through the Commission's website at *http://www.prc.gov.*

STATUS: The Postal Regulatory Commission will hold a public meeting to discuss the agenda item outlined below.

MATTERS TO BE CONSIDERED: The agenda for the Commission's July 22, 2022 meeting includes the item identified below.

PORTIONS OPEN TO THE PUBLIC: 1. Commissioners meet to discuss and vote on a Fiscal Year 2023 budget to submit to the Postal Service Governors for consideration pursuant to 39 U.S.C. 504(d).

CONTACT PERSON FOR MORE INFORMATION: David A. Trissell, General Counsel, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001, at 202–789–6820 (for agenda-related inquiries) and Erica A. Barker, Secretary of the Commission, at 202–789–6800 or *erica.barker@prc.gov* (for changes in date or time of the meeting, the virtual webcast, or similar matters). The Commission's website may also provide information on changes in the date or time of the meeting.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2022–14324 Filed 6–30–22; 4:15 pm]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Privacy Act; System of Records

AGENCY: Postal Service™.

ACTION: Notice of a modified system of records.

SUMMARY: The United States Postal Service™ (USPS™) is proposing to revise a General and Customer Privacy Act System of Records. These updates are being made to facilitate use of market research tools that will be implemented by the Chief Customer and Marketing Organization within the Postal Service to assess new and existing USPS and competitive products, services, processes, and campaigns in order to gauge attitudes, perceptions, opinions, habits, and usage

of USPS products and services from voluntary participants (including employees and customers).

DATES: These revisions will become effective without further notice on August 4, 2022, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*privacy@usps.gov*). Arrangements to view copies of any written comments received, to facilitate public inspection, will be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records.

The Postal Service has determined that Customer Privacy Act Systems of Records (SOR), USPS 890.000, Sales, Marketing, Events, and Publications and General Privacy Act SOR 100.600, Personnel Research Records should be revised to support the implementation of market research tools.

I. Background

The Marketing Department, specifically the Customer Insights and Marketing Strategy team, is responsible for managing customer, employee, and market research across the USPS. This includes, but is not limited to initiatives such as:

- Advertising Campaigns
- Brand Strategy
- Strategic Customer Programs
- Customer Experience with Products and Services, including Call Center
- Innovation
- Product Improvements and Development

The Marketing organization utilizes best-in-class market research tools that are used across public, private and academic settings. The tools also provide the evidence, proof points, and data for decision-makers at USPS to determine what actions are optimal for the Postal Service.

The following tools are used by the Marketing department to provide foresight and intelligence across the organization:

- Focus groups
- Surveys
- Interviews
- Diaries
- Observational Studies
- Prototype assessment
- A/B Comparison Testing

II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service is proposing to modify USPS SORs 100.600 and 890.000 to support the use of market research and insights tools by the Marketing Department that will be utilized to improve the effectiveness for business decision making across the organization. Use of these tools enhance insight collection and assessment of new products, services, processes and campaigns for USPS. These SOR modifications are necessary for acquiring data to generate the insights for senior leadership decisions, such as for the USPS Leadership Team.

III. Description of the Modified System of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect these amended systems of records to have any adverse effect on individual privacy rights. USPS SOR 890.000, Sales, Marketing, Events, and Publications and 100.600 Personnel Research Records are provided below in their entirety as follows:

SYSTEM NAME AND NUMBER:

USPS 890.000, Sales, Marketing, Events, and Publications.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Headquarters Marketing and Public Policy; Integrated Business Solutions Services Centers; National Customer Service Center; Area and District USPS facilities; Post Offices; and contractor sites.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Customer and Marketing Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4016.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To understand the needs of customers and improve USPS sales and marketing efforts.
2. To provide appropriate materials and publications to customers.
3. To conduct registration for USPS and related events.
4. To enable access to the USPS meeting and video web conferencing application.
5. To enhance your online meeting experience by utilizing enhanced features and functionality, including voluntary polling to gather responses from attendees to generate reports or the interactive chat feature.
6. To facilitate team collaboration and communication through information sharing and cross-functional participation.
7. To allow task allocation and tracking among team members.
8. To allow users to communicate by telephone and instant-messaging through web-based applications.
9. To provide users outside of the USPS limited collaboration and communication capabilities through guest account access.
10. To facilitate and support cybersecurity investigations of detected or reported information security incidents.
11. To share your personal image via your device camera during meetings and web conferences, if you voluntarily choose to turn the camera on, enabling virtual face-to-face conversations.
12. To facilitate and support marketing initiatives, advertising campaigns, brand strategy, customer experience with products and service, including call centers, strategic customer programs, and innovation and product improvement development.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Customers who interact with USPS sales personnel, respond to direct marketing messages, request publications, respond to contests and surveys, voluntarily participate in focus groups, interviews, diaries, observational studies, prototype assessments, A/B comparison tests, and attend USPS events.
2. Customers and other individuals who participate in web-based meeting, video conference, collaboration, and communication applications sponsored by the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Customer information:* Customer and key contacts' names, date of birth, age, home mailing address, and email address; phone, fax, and pager numbers; company name, job descriptions, titles, roles, level, and company address; other names and emails provided by customers.
2. *Identifying information:* Customer ID(s), D–U–N–S Numbers, USPS

account numbers, meter numbers, and signatures.

3. *Business specific information:* Firm name, size, and years in business; number of employees; sales and revenue information; business sites and locations; URLs; company age; industrial classification numbers; use of USPS and competitor's products and services; types of customers served; customer equipment and services; advertising agency and spending; names of USPS employees serving the firm; and calls made.

4. *Information specific to companies that act as suppliers to USPS:* Contract start and end dates, contract award number, contract value, products and/or services sold under contract.

5. *Information provided by customers as part of a survey or contest.*

6. *Payment information:* Credit and/or debit card number, type, expiration date, and check information; and ACH information.

7. *Event information:* Name of event; role at event; itinerary; and membership in a PCC.

8. *Customer preferences:* Preferences for badge name and accommodations.

9. *Participant session data from web-based meetings and web conferences:* Participant name, participant's webcam-generated image (including presenters), recorded participant audio, video, and shared meeting screen content, chat interaction, polling questions and associated responses, participant join time and leave time, meeting duration, participant location, and participant media hardware information.

10. *Event session data from web-based meetings and web conferences:* Event start time, event status, event organizer, event presenter, event producer, event production type, event recording setting, total number of event media viewings.

11. *Historical device usage data from web-based meetings and web conferences:* Device type (such as mobile, desktop, or tablet), Device Operating System, Number of users of related Operating Systems, Operating System Version, MAC address, and IP address.

12. *Historical application usage data from web-based meetings and web conferences:* Number of active users, number of active users in groups, number of active group communication channels, number of messages sent, number of calls participated in, last activity date of a user, and number of guest users in a group.

13. *Web-based Public Switched Telephone Network data records:* Phone number, time phone call started, user name, call type, phone number called to, phone number called from, called to location, called from location, telephone minutes used, telephone minutes available, charges for use of telephone services, currency of charged telephone services, call duration, call ID, conference ID, phone number type, blocked phone numbers, blocking action, reason for blocking action, blocked phone number display name, date and time of blocking.

14. *Web-based Direct Routing Public Switched Telephone Network records:* Call start time, user display name, SIP address, caller number, called to number, call type, call invite time, call failure time, call end time, call duration, number type, media bypass, SBC FQDN, data center media path, data center signaling path, event type, final SIP, final vendor subcode, final SIP phrase, unique customer support ID.

15. *Survey data:* customer perception, feelings, habits, past behaviors, preferences, recommended improvements, willingness to buy, ownership, and hypothetical future scenarios.

RECORD SOURCE CATEGORIES:

Customers, USPS personnel, and list providers.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated databases, computer storage media, and paper.

POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

1. For sales, events, and publications, information is retrieved by customer name or customer ID(s), mail or email address, and phone number.

2. For direct marketing, information is retrieved by Standard Industry Code (SIC) or North American Industry Classification System (NAISC) number, and company name.

3. Report and tracking data created during web-based meetings and video conferences that pertain to individual participants, content shared, conference codes and other relevant session data and historical device usage data, are retrieved by meeting ID, host name or host email address.

4. Records pertaining to web-based collaboration and communication applications are retrieved by organizer name and other associated personal identifiers.

5. Media recordings created during web-based meetings and video conferences are retrieved by meeting ID, host name or host email address.

6. Web-based meeting and video session recordings are retrieved by meeting ID, host name or host email address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Records relating to organizations and publication mailing lists are retained until the customer ceases to participate.

2. ACH records are retained up to 2 years. Records relating to direct marketing, advertising, and promotions are retained 5 years.

3. Other records are retained 3 years after the relationship ends.

4. Report and tracking data created during web-based meeting and video conferences, such as session data and historical device usage data, are retained for twenty-four months.

5. Records pertaining to web-based collaboration and communication applications are retained for twenty-four months.

6. Web-based meeting and video session recordings are retained for twenty-four months.

7. Customer insight, market research, and survey records will be retained for 3 years.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmission is protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures.

NOTIFICATION PROCEDURE:

For information pertaining to sales, inquiries should be addressed to: Sales and Customer Relations 475 L'Enfant Plaza SW, Washington, DC 20260.

Customers wanting to know if other information about them is maintained in this system of records must address inquiries in writing to the Chief Customer and Marketing Officer and Executive Vice President and include their name and address.

EXEMPTIONS PROMULGATED FROM THIS SYSTEM:

None.

HISTORY:

August 4, 2020, 85 FR 47258; June 1, 2020, 85 FR 33208; October 24, 2011, 76 FR 65756; April 29, 2005, 70 FR 22516.

SYSTEM NAME AND NUMBER:

USPS 100.600 Personnel Research Records

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Headquarters, Integrated Business Solutions Services Centers, and contractor sites.

SYSTEM MANAGER(S) AND ADDRESS:

Vice President, Human Resource, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–4135.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 410, 1001, and 1005.

PURPOSE(S) OF THE SYSTEM:

1.To support research and development efforts on personnel assessment instruments, recruitment efforts, workforce analysis, and evaluation of human resource management practices.

2. To assess the impact of selection decisions on applicants in race, ethnicity, sex, tenure, age, veteran status, and disability categories.

3. To facilitate and support marketing initiatives, advertising campaigns, brand strategy, strategic customer programs, customer experience with products and services, including call centers, and innovation and product improvement development.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Potential applicants for USPS employment, applicants for USPS employment, USPS employee applicants for reassignment and/or promotion, employees whose work records or solicited responses are used in research projects, and former USPS employees.

2. Employees who voluntarily respond to direct marketing messages, respond to surveys, voluntarily participate in focus groups, interviews, diaries, observational studies, prototype assessments, and A/B comparison tests.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Applicant, potential applicant with candidate profile, and employee information: Name, Social Security Number, Candidate Identification Number, Employee Identification Number (EIN), or respondent identification code, place of birth, date of birth, age, postal assignment or vacancy/posting information, work contact information, home address and personal phone number(s), personal email address, finance number(s), title, level, duty location, and pay location.

2. Personnel research information: Records related to race, ethnicity, sex, tenure, age, veteran status, and disability status (only if volunteered by the individual); research project identifiers; and other information pertinent to personnel research.

3. *Survey data:* employee perception, feelings, habits, past behaviors, preferences, recommended improvements, experiences with customers, ownership, and hypothetical future scenarios.

RECORD SOURCE CATEGORIES:

USPS employees, former employees, applicants, and potential applicants with candidate profiles who provide information to personnel research programs and other systems of records.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1 through 9 apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, digital files, and paper files.

POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:

By individual name, Social Security Number, Candidate Identification Number, Employee Identification Number, personal email address, respondent identification code, research project identifiers, postal assignment or vacancy/posting information, duty or pay location, or location where data were collected.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Retention depends on the type of research project but does not exceed 10 years.

2. Data retained for surveys conducted by Customer insight, market research and survey records will be retained for 3 years.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures.

NOTIFICATION PROCEDURE:

Individuals wanting to know if information about them is maintained in this system of records must address inquiries to the Vice President, Employee Resource Management, 475 L'Enfant Plaza SW, Washington, DC 20260.

In cases of studies involving information not collected through an examination, individuals must address inquiries to the system manager.

Inquiries must contain full name; Candidate Identification Number, Employee Identification Number, or respondent identification code, and subject or purpose of research/survey; and date and location of their participation.

EXEMPTIONS PROMULGATED FROM THIS SYSTEM:

Pursuant to 5 U.S.C. 552a(j) and (k), USPS has established regulations at 39 CFR 266.9 that exempt records in this system depending on their purpose. The USPS has also claimed exemption from certain provisions of the Act for several of its other systems of records at 39 CFR 266.9. To the extent that copies of exempted records from those other systems are incorporated into this system, the exemptions applicable to the original primary system continue to apply to the incorporated records.

HISTORY:

July 19, 2013; 78 FR 43247; June 17, 2011; 76 FR 35483; April 29, 2005; 70 FR 22516.

* * * * *

Sarah E. Sullivan,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2022–14277 Filed 7–1–22; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95173; File No. SR–BOX–2022–21]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Allow Multi-Leg Qualified Open Outcry Orders (''QOO Orders'') That Are Not Complex Orders To Trade in Penny Increments Regardless of the Minimum Increments Otherwise Applicable to the Individual Legs of the Multi-Leg QOO Order

June 28, 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 17, 2022, BOX Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to allow multi-leg Qualified Open Outcry Orders[5] (''QOO orders'') that are not Complex Orders[6] to trade in penny increments regardless of the minimum increments otherwise applicable to the individual legs of the multi-leg QOO order. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend BOX Options Market LLC (''BOX'') Rule 7600 to allow multi-leg QOO orders that are not Complex Orders to be quoted and executed in $0.01 increments (''penny increments'') regardless of minimum increments otherwise applicable to the individual legs of the multi-leg QOO order. Currently, multi-leg QOO orders that are not Complex Orders respect the minimum trading increment for the series of the option contracts traded (*e.g.,* $0.01, $0.05, $0.10).[7] The Exchange now proposes to amend BOX Rule 7600(c) to allow multi-leg QOO orders to be quoted and executed in penny increments, regardless of the minimum increments otherwise applicable to the individual legs of the order. BOX notes that this is a competitive rule filing based on a similar proposal filed by Cboe Exchange Inc. (''Cboe'') and approved by the Commission.[8] Currently, multi-leg QOO orders are only traded on the BOX Trading Floor.[9] The Exchange does not propose to allow multi-leg orders that are not Complex Orders to trade electronically as detailed in the Cboe filing.[10] BOX only intends to allow multi-leg QOO orders on the BOX Trading Floor to be quoted and traded in penny increments. BOX will file a proposal with the Commission if it intends to allow multi-leg orders to trade electronically. BOX does not generate Legging Orders on behalf of multi-leg QOO orders. BOX generates Legging Orders only on behalf of Complex Orders resting on the Complex Order Book.[11]

Background

Complex Orders are defined on BOX as any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purpose of executing a particular investment strategy.[12] Bids and offers on Complex Orders may be expressed in any decimal price, and the leg(s) of a Complex Order may be executed in one penny increments, regardless of the minimum increments otherwise

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* BOX Rule 7600(a)(4).

[6] *See* BOX Rule 7240(a)(7).

[7] BOX notes that a recent Cboe proposal suggested that BOX's current rule is silent on the minimum increment for orders submitted for execution on BOX's trading floor and that Cboe has been informed by multiple market participants that are also members of BOX that they may execute multi-legged orders (with ratios greater than three-to-one or less than one-to-three) on BOX's trading floor in penny increments. *See* Securities Exchange Act Release No. 94204 (February 9, 2022), 87 FR 8625 (February 15, 2022) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Cboe Rule 5.4 and Make Corresponding Changes to Other Rules) (''Cboe Order''). The Exchange reiterates that multi-leg QOO Orders currently executed on the BOX Trading Floor are treated like single-leg QOO Orders with respect to execution and priority. Further, and contrary to the exchange's representations, each component series (leg) of a multi-leg QOO order on the BOX Trading Floor respects the minimum trading increment for the series of the option contracts traded on the Exchange (*e.g.,* $0.01, $0.05, $0.10). *See* BOX Comment Letter to SR–CBOE–2021–046 available at *https://www.sec.gov/comments/sr-cboe-2021-046/srcboe2021046-9238319-250622.pdf.*

[8] *See* Cboe Order.

[9] *See* BOX Rule 7600(a)(2).

[10] *See* supra note 5. [sic]

[11] *See* BOX Rule 7240(c).

[12] *See* BOX Rule 7240(a)(7).

applicable to the individual legs of the order.[13]

Multi-leg QOO orders on the BOX Trading Floor differ from Complex QOO Orders as they may have a ratio that is less than one-to-three (.333) or greater than three-to-one (3.00). Further, multi-leg QOO orders must involve the simultaneous purchase and/or sale of two or more different options series in the same underlying security, for the same account, and for the purpose of executing a particular investment strategy. Each component series of a multi-leg QOO order must be executed at a price that is equal to or better than the NBBO for that series subject to the exceptions of BOX Rule 15010(b). Each component series of a multi-leg QOO order (1) may not trade through any equal or better priced Public Customer bids or offers on the BOX book for that series or any non-Public Customer bids or offers on the BOX book for that series that are ranked ahead of or equal to better priced Public Customer bids or offers, and (2) may not trade through any non-Public Customer bids or offers for that series on the BOX book that are priced better than the proposed execution price.[14]

BOX notes that multi-leg QOO orders require special pricing and handling. Bids and offers for multi-leg QOO orders are typically represented on the basis of a total debit or credit for the order. After a multi-leg QOO order executes at the total debit or credit, the parties to the trade record the contract quantities and prices for each component leg of the order. For multi-leg QOO orders executed in open outcry, this task is straightforward when the total debit or credit for a complex strategy is expressed in the minimum increment.[15] However, if a multi-leg QOO order is unable to be expressed in increments smaller than the increment for the class (such as $0.05), it may be difficult for Floor Participants to obtain the desired prices for their customers' orders, because the parties on either side of the transaction must perform extra calculations to break down a complex order into the required contract quantities and prices to fit within the constraint of executing multi-leg QOO orders at a minimum increment other than $0.01.[16] The result is that on active trading days, brokers executing these types of orders cannot be as efficient in representing other customer orders while spending time performing these calculations.

The Exchange believes the proposed rule change will enable Floor Brokers to execute multi-leg QOO Orders more efficiently, including on behalf of customers that wish to execute highly complicated multi-leg QOO orders, by permitting the parties to execute the trades more expeditiously on the BOX Trading Floor. Additionally, the Exchange believes the proposed rule change may give Floor Brokers the flexibility to execute customers' multi-leg QOO orders with these larger ratios at better prices, rather than executing at prices that fit within the confines of a larger increment.

The Exchange notes that it does not propose to change the priority rules for multi-leg QOO Orders. Specifically, each component series of a multi-leg QOO order that is not a Complex Order must be executed at a price that is equal to or better than the NBBO for that series subject to the exceptions of BOX Rule 15010(b). Each component series of a multi-leg QOO order (1) may not trade through any equal or better priced Public Customer[17] bids or offers on the BOX Book[18] for that series or any non-Public Customer bids or offers on the BOX Book for that series that are ranked ahead of or equal to better priced Public Customer bids or offers, and (2) may not trade through any non-Public Customer bids or offers for that series on the BOX Book that are priced better than the proposed execution price.[19] Better or equal priced Public Customer bids or offers are still protected along with certain non-Public Customer bids or offers as described above. To provide additional clarity with regard to how these bids and offers are protected, the Exchange proposes to add language to BOX Rule 7600(c) that states, ''the initiating side of a single leg QOO Order must execute against equal or better priced interest on the BOX Book as provided by Rules 7600(d) and (h) before executing against the contra-side QOO Order.'' The Exchange also proposes to add language to BOX Rule 7600(c) that states, ''The initiating side of a multi-leg QOO order must execute against equal or better priced interest on the BOX Book as provided by Rules 7600(d) and (h) before executing against the contra-side QOO order.'' The Exchange believes the proposed language will provide clarity with regard to the execution and priority for QOO Orders on the BOX Trading Floor. The Exchange notes that the proposal does not change the execution or priority of QOO orders on the BOX Trading Floor.

The Exchange notes that Floor Brokers are responsible for handling all orders in accordance with Exchange priority and trade-through rules.[20] Currently, pursuant to BOX Rule 7600(d), the initiating side of the QOO Order will match against any bids or offers on the BOX Book priced better than the contra-side, provided that an adequate book sweep size was provided by the Floor Broker pursuant to Rule 7600(h). If the number of contracts on the BOX Book that have priority over the contra-side order is greater than the book sweep size, then the QOO Order will be rejected.[21] Similarly, at the same price as the contra-side of the QOO Order, the initiating side of the QOO Order will match against Public Customer Orders on the BOX Book, along with any bids or offers of non-Public Customers ranked ahead of such Public Customer Orders on the BOX Book.[22] In other words, BOX Rules 7600(c) and 7600(d) establish the priority rules and BOX Rule 7600(h) provides a mechanism for fulfilling the requirements of these rules. Further, if a Floor Broker attempts to enter an order without providing an adequate book sweep size, the order will be rejected thus protecting higher priority orders on the BOX Book including Public Customer orders on the BOX Book.

The Securities and Exchange Commission (''Commission''), on December 1, 2003, provided: ''Because of concerns that a higher ratio could provide market participants with a means to enter a ratio order that was designed primarily to gain priority over

[13] *See* BOX Rule 7240(b)(1).

[14] *See* BOX Rule 7600(c).

[15] For example, assume the market for the November FB 225 calls is 31 bid, 32 asked, and the market for the November FB 245 calls is 19.50 bid and 20.50 asked. The fair value of a call spread comprised of one leg to buy and one leg to sell the same number of contracts of this series is 11.50 (the difference between the prices quoted for each option). If an order to buy 100 of the 225 calls and to sell 100 of the 245 calls is quoted and executed at a net debit of 11.50 (expressed in a multiple of the minimum increment), the parties to the trade can easily determine and record a price for each component option that comprises the Multi-Leg Order. Any combination of purchase and sale prices within the quoted ranges for the component options that yield a net debit or credit of 11.50 could be used (*e.g.,* 31.50 for the 225 calls, and 20 for the 245 calls).

[16] Using the example in the previous footnote, if instead a customer wants to pay 11.48 rather than 11.50 for a Multi-Leg Order, in order to determine prices for the component options that are expressed in a multiple of $0.05 the Floor Broker must perform a series of calculations. In this case, the Floor Broker might determine that the trade must be split up into a 40-contract spread that traded at a net debit of 11.45 and a 60-contract spread that traded at a net debit of 11.50, which together yield a net debit of 11.48 for the entire amount. This is ultimately a better net price for the customer.

[17] *See* BOX Rule 100(53).

[18] *See* BOX Rule 100(10).

[19] *See* BOX Rule 7600(c).

[20] *See* BOX Rule 7600(a).

[21] *See* BOX Rule 7600(h).

[22] *See* BOX Rule 7600(d)(2).

orders on the limit order book or in the trading crowd, rather than to effectuate a bona fide trading or hedging strategy, the Commission would need to examine closely any proposal to provide a higher ratio for ratio orders and would be concerned about whether such a proposal would be consistent with investor protection and the public interest under the Act.'' [23] While BOX allows Complex Orders to execute at a price that is equal to or better than the BOX BBO for each of the component series, among other conditions,[24] the same is not true of multi-leg QOO Orders that are not Complex Orders. No change is being proposed to the priority of higher ratio orders, which allows Public Customer orders (among others) to remain protected, thus alleviating the Commission's concern about giving priority to higher ratio orders.

The proposed rule change seeks to allow the execution of the legs of multi-leg QOO orders that are not Complex Orders in penny increments, regardless of the minimum increments otherwise applicable to the individual legs of the order as is currently allowed for Complex Orders.[25] The Exchange understands that there may be some concerns that if the ratios are too greatly expanded, market participants will, for example, enter multi-legged strategies designed primarily to trade orders in a class in pennies that cannot otherwise execute as simple orders in that class in pennies rather than to effectuate a bona fide trading or hedging strategy. The Exchange believes it is highly unlikely that market participants will submit non-bona-fide trading strategies with larger ratios just to trade in penny increments. Adding a single leg to a larger order just to obtain penny pricing may further reduce execution opportunities for such an order, because it may be less likely that sufficient contracts in the appropriate ratio would be available. Additionally, as proposed, multi-leg QOO orders may not trade through any equal or better priced Public Customers on the BOX Book.[26] Complex QOO Orders may trade at a price without giving priority to equivalent bids or offers in the individual series legs, provided that at least one options leg betters the corresponding bid or offer on the BOX Book by at least one minimum increment.[27] However, Complex Order priority does not apply to multi-leg QOO orders.[28] Therefore, if a market participant were to attempt to submit a multi-leg QOO order primarily to trade in penny increments, it may need to improve more legs than a Complex Order, reducing any potential savings the market participant was attempting to achieve.

Further, the Exchange notes that the majority of volume traded on the Exchange in both simple and Complex Orders already trades in penny increments. Further, the Exchange notes that all option series traded on BOX can trade in penny increments in the Price Improvement Period (''PIP'') regardless of the minimum increment otherwise applicable.[29] Therefore, the Exchange does not believe that permitting multi-leg QOO orders that are not Complex Orders to trade in penny increments will materially impact the volume that already executes in pennies on BOX.

The Exchange again notes that another options exchange has similar rules that were recently approved by the Commission.[30]

Lastly, the Exchange proposes to amend Rule 7600(h) to add language that was inadvertently omitted when the Exchange established the rule. Specifically, BOX proposes to state that, ''A Floor Broker may, but is not required to, provide a book sweep size for Complex QOO Orders and multi-leg QOO orders. The book sweep size is the number of contracts, if any, of the initiating side of the Complex QOO Order *or multi-leg QOO Order* that the Floor Broker is willing to relinquish to orders and quotes on the BOX Complex Order Book and the BOX Book that have priority pursuant to Rule 7240(b)(2) and (3) *and Rule 7600(c)* (changes italicized). The Exchange believes that adding this language will provide clarity with respect to the book sweep size functionality and the multi-leg QOO orders on the BOX Trading Floor.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[31] in general, and Section 6(b)(5) of the Act,[32] in particular, the requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and benefit investors, because it will provide market participants with the same pricing flexibility with respect to all their complex trading and hedging strategies. Market participants may determine that investment and hedging strategies on the BOX Trading Floor with ratios greater than three-to-one or less than one-to-three are appropriate for their investment purposes, and the Exchange believes it will benefit market participants if they have additional flexibility to price their investment and hedging strategies to achieve their desired investment results. The Exchange believes the proposed rule change will help protect investors by allowing market participants to receive the benefit of complex order pricing when executing bona fide multi-legged trading or hedging strategies. The Exchange sees no reason to restrict complex orders with a ratio of greater three-to-one (or less than one-to-three) in a class with a minimum increment of $0.05 from being expressed in, or having their legs execute in, $0.01 increments while legs of Complex Orders with a ratio less than or equal to three-to-one (or greater than or equal to one-to-three) in the same class may be expressed in, and have their legs execute in, $0.01 increments. The proposed rule change will further remove impediments to and perfect the mechanism of a free and open market and a national market system, as another options exchange permits multi-leg orders with any ratio and their legs to trade in pennies.[33] These changes will also enable Floor Brokers on the BOX Trading Floor to more efficiently execute multi-leg QOO orders including on behalf of customers that wish to execute highly complicated multi-leg QOO orders, by permitting the parties to execute the trades more expeditiously. Additionally, as discussed above, this may enable Floor Brokers to execute customers' multi-leg

[23] *See* Securities Exchange Act Release No. 48858 (December 1, 2003), 68 FR 68128 (December 5, 2003) (SR–CBOE–2003–07).

[24] *See* BOX Rule 7240(b)(3)(iii).

[25] *See* BOX Rule 7240(b)(1).

[26] *See* BOX Rule 7600(c).

[27] *See id.*

[28] *See* 7600(c) and (d).

[29] *See* BOX Rules 7150(f)(2), 7150(k).

[30] *See* Cboe Rule 5.4(b).

[31] 15 U.S.C. 78f(b).

[32] 15 U.S.C. 78f(b)(5).

[33] *See supra* note 28. [sic]

QOO orders at better prices, rather than executing at prices that fit within the confines of a larger increment, which ultimately benefits investors. The proposed rule change will continue to protect Public Customer order interest on the BOX Book in the same manner it does today, as all multi-leg QOO orders that are not Complex Orders may not trade through any equal or better priced Public Customer bids or offers on the BOX Book for that series or any non-Public Customer bids or offers on the BOX Book for that series that are ranked ahead of or equal to better priced Public Customer bids or offers, and may not trade through any non-Public Customer bids or offers for that series on the BOX Book that are priced better than the proposed execution price. As such, BOX believes the proposed rule change is in the public interest, and therefore, consistent with the Act.

Further, the Exchange believes that the proposed language in 7600(c) regarding single-leg QOO orders and multi-leg QOO orders will provide clarity with regard to the execution and priority for these QOO Orders on the BOX Trading Floor. As such, BOX believes the proposed rule change is in the public interest, and therefore, consistent with 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 does not believe the proposed rule change will impose any burden on intramarket competition, as the proposed rule change will apply in the same manner to all Participants (*i.e.,* all Participants may submit multi-leg QOO orders in penny increments). The Exchange does not believe the proposed rule change will impose any burden on intermarket competition, as it relates to the representation and execution of orders on the BOX Trading Floor and will continue to protect Public Customer Orders on the BOX Book. The Exchange believes the proposed rule change may promote competition, as market participants will have additional flexibility to execute their trading and hedging strategies in a more efficient manner as it will permit multi-leg QOO orders in the same class to trade in the same increments as Complex QOO Orders. Additionally, as discussed herein, another options market currently permits complex orders with ratios greater than three-to-one or less than one-to-three and their legs to execute in penny increments on its trading floor.[34] Further, the Exchange believes that the proposed language in 7600(c) will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act as the proposed changes will provide clarity with regard to the execution and priority for these QOO Orders on the BOX Trading Floor. As such, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not (a) significantly affect the protection of investors or the public interest; (b) impose any significant burden on competition; and (c) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [35] and Rule 19b–4(f)(6) [36] 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.

A proposed rule change filed under Rule 19b–4(f)(6) [37] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[38] 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. The Exchange states that another options exchange currently allows all complex orders to be quoted and executed in $0.01 increments, and that waiving the operative delay period will allow BOX to immediately provide investors with an additional venue to transact larger-ratio multi-leg QOO orders in $0.01 increments.[39] The Exchange further states that the proposal could allow Floor Brokers to execute complicated multi-leg QOO Orders more efficiently and expeditiously on the BOX Trading Floor and provide Floor Brokers with flexibility to execute customers' multi-leg QOO orders at better prices, rather than at prices that fit within the confines of a larger increment. The Exchange states that the proposed changes to BOX Rule 7600(c) will reduce potential investor confusion with regard to the execution and priority of QOO Orders on the BOX Trading floor, and that the proposed changes to BOX Rule 7600(h) will add language that was inadvertently omitted when the Exchange adopted the rule. The Commission finds that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that proposal does not raise new or novel regulatory issues because another options exchange currently allows all complex orders, including complex orders with a ratio less than one-to-three or greater than three-to-one, to be quoted and executed in $0.01 increments.[40] Waiver of the operative delay will allow the Exchange to provide investors with an additional venue for quoting and executing larger-ratio complex orders in $0.01 increments. The Commission believes that the proposed changes to BOX Rule 7600(c) will benefit investors by helping to clarify the priority requirements applicable to QOO Orders, and that the proposed changes to BOX Rule 7600(h) will clarify that rule by adding language regarding multi-leg QOO Orders that was inadvertently omitted from the rule. For these reasons, the Commission designates the proposal operative upon filing.[41]

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

[34] *Id.* [sic].

[35] 15 U.S.C. 78s(b)(3)(A).

[36] 17 CFR 240.19b–4(f)(6).

[37] 17 CFR 240.19b–4(f)(6).

[38] 17 CFR 240.19b–4(f)(6)(iii).

[39] *See* Cboe Rule 5.4(b). *See also* Cboe Order, *supra* note 7.

[40] *See id.*

[41] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2022–21.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2022–21. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2022–21, and should be submitted on or before July 26, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2022–14177 Filed 7–1–22; 8:45 am]

BILLING CODE 8011–01–P

[42] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

SBA Council on Underserved Communities Meeting

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: The SBA is issuing this notice to announce the location, date, time, and agenda for the third meeting of the SBA Council on Underserved Communities. The meeting will be in person for Council members and streamed live to the public.

DATES: The meeting will be held on Friday, July 8th, 2022, from 9:30 a.m. to 1:00 p.m. Central Time.

ADDRESSES: The Council on Underserved Communities will meet at the David Rubenstein Forum on the campus of The University of Chicago which is located at 1201 East 60th Street, Chicago, IL 60637 and live streamed on Zoom for the public. Registration Link Here: *https://www.zoomgov.com/webinar/register/WN_DAZQsazYTcGaAw66tZif9g.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the SBA Council on Underserved Communities (the ''Council''). The Council is tasked with providing advice, ideas and opinions on SBA programs and services and issues of interest to small businesses in underserved communities. For more information, please visit *http://www.sba.gov/cuc.*

The purpose of the meeting is to provide the Council with information on SBA's efforts to support small businesses in underserved communities, as well as provide an opportunity for the Council to discuss its goals for the coming months. The Council will provide insights based on information they have heard from their communities and discuss areas of interest for further research and recommendation development.

FOR FURTHER INFORMATION CONTACT: The meeting will be live streamed to the public, and anyone wishing to submit questions to the SBA Council on Underserved Communities can do so by submitting them via email to *underservedcouncil@sba.gov.*

Additionally, if you need accommodations because of a disability or require additional information, please contact Bajeyah Eaddy, SBA, Office of the Administrator, 409 Third Street SW, Washington, DC 20416, 202–941–5997 or *Bajeyah.Eaddy@sba.gov.*

Dated: June 24, 2022.

Andrienne Johnson,

SBA Committee Management Officer.

[FR Doc. 2022–14172 Filed 7–1–22; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2022–0008]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the United States Department of Health and Human Services, the Office of Child Support Enforcement (OCSE). Under this matching program, OCSE will provide SSA with online query access to the National Directory of New Hires (NDNH) for administration of Supplemental Security Income (SSI), Disability Insurance (DI), and Ticket-to-Work and Self-Sufficiency (Ticket) programs, and will provide SSA quarterly wage and unemployment insurance data from the NDNH through a batch match for administration of the SSI program.

DATES: The deadline to submit comments on the proposed matching program is August 4, 2022. The matching program will be applicable on August 6, 2022, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

ADDRESSES: You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2022–0008 so that we may

associate your comments with the correct regulation. CAUTION: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the *Search* function to find docket number SSA–2022–0008 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (410) 966–0869.

3. *Mail:* Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing *Matthew.Ramsey@ssa.gov.* Comments are also available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit general questions about the matching program to Andrea Huseth, Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 966–5855, or send an email to *Melissa.Feldhan@ssa.gov.*

SUPPLEMENTARY INFORMATION: None.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

PARTICIPATING AGENCIES:

SSA and OCSE.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

This matching agreement between OCSE and SSA is executed pursuant to the Social Security Act (Act) and the Privacy Act of 1974, as amended. Section 453(j)(4) of the Act provides that OCSE shall provide the Commissioner of Social Security (Commissioner) with all information in the NDNH. 42 U.S.C. 653(j)(4). SSA has authority to use data to determine entitlement and eligibility for, and to conduct, programs it administers pursuant to section 1631(e)(1)(B) and (f) (SSI), section 224(h) (DI), section 1148 (Ticket) of the Act. 42 U.S.C. 1383(e)(1)(B) and (f), 42 U.S.C. 424a(h), and 42 U.S.C. 1320b–19, and section 222(d) (Rehabilitation Services), 42 U.S.C. 422(d), and section 1615(d) and (e), 42 U.S.C. 1382d(d) and (e). Disclosures under this agreement shall be made in accordance with 5 U.S.C. 552a(b)(3), and in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r).

With respect to the SSI program, subsection 1631(f) of the Act (42 U.S.C. 1383(f)) provides that ''the head of any federal agency shall provide such information as the Commissioner needs for purposes of determining eligibility for or amount of benefits, or verifying information with respect thereto.''

With respect to the DI program, subsection 224(h) of the Act (42 U.S.C. 424a(h)) provides that ''the head of any Federal agency shall provide such information within its possession as the Commissioner may require for purposes of making a timely determination of the amount of the reduction, if any, required by this section in benefits payable under this subchapter, or verifying other information necessary in carrying out the provisions of this section.''

With respect to the Ticket program, subsections 1148(b)(4) and (h) of the Act (42 U.S.C. 1320b–19(b)(4)(h) requires SSA to verify earnings of beneficiaries/recipients to make payments to employment network providers under the Ticket program. With respect to cost-reimbursement payments to State VR agencies for services to beneficiaries outside of the Ticket program, subsections 222(d) and 1615(d) and (e) of the Act (42 U.S.C. 422(d), 1382d(d) and (e)) requires SSA to verify earnings of beneficiaries/recipients to ensure accurate payments.

PURPOSE(S):

This computer matching agreement, hereinafter ''agreement,'' governs a matching program between OCSE and SSA. The agreement covers the following information exchange operations wherein OCSE will provide SSA with online query access to the NDNH for administration of the SSI, DI, and Ticket programs, and will provide SSA quarterly wage and unemployment insurance data from NDNH through a batch match for administration of the SSI program.

CATEGORIES OF INDIVIDUALS:

The individuals whose information is involved in this matching program are individuals who are applicants or recipients of SSI, DI, and Ticket programs.

CATEGORIES OF RECORDS:

SSA will provide electronically to OCSE the following data elements in the finder file:

- Individual's Social Security number (SSN); and
- Name.

For the Quarterly Batch Match (SSI), OCSE will provide electronically to SSA the following data elements from the NDNH in the quarterly wage file:

- Quarterly wage record identifier
- For employees:

(1) Name (first, middle, last)
(2) SSN
(3) Verification request code
(4) Processed date
(5) Non-verifiable indicator
(6) Wage amount
(7) Reporting period

- For employers of individuals in the quarterly wage file of the NDNH:

(1) Name
(2) Employer identification number
(3) Address(es)

- Transmitter agency code
- Transmitter state code
- State or agency name

OCSE will provide electronically to SSA the following data elements from the NDNH in the unemployment insurance file:

- Unemployment insurance record identifier
- Processed date
- SSN
- Verification request code
- Name (first, middle, last)
- Address
- Unemployment insurance benefit amount
- Reporting period
- Transmitter agency code
- Transmitter state code
- State or agency name

Online Query Access (SSI, DI, and Ticket programs). Data elements on quarterly wage screen:

- Quarterly wage record identifier
- Date report processed
- Name/SSN verified
- For Employees:

(1) SSN
(2) Name (first, middle, last)
(3) Date of hire

- For Employers:

(1) Name
(2) Employer identification number
(3) Employer Federal Information Processing System (FIPS) code (if present)

(4) Address(es)

Data elements on the new hire screen:

- New hire record identifier
- Name/SSN verified
- Date report processed
- For Employees

(1) Name
(2) Employer identification number
(3) Employer FIPS code (if present)
(4) Address(es)

Data elements on the unemployment insurance screen:

- Unemployment insurance record identifier
- Name/SSN verified
- SSN
- Name (first, middle, last)
- Address
- Unemployment insurance benefit amount
- Reporting period
- Payer state
- Date report processed

SYSTEM(S) OF RECORDS:

SSA's SORs are the Supplemental Security Income Record and Special Veterans Benefit (SSR), 60–0103, last fully published at 71 FR 1830 (January 11, 2006), and amended at 72 FR 69723 (December 10, 2007), 83 FR 31250–31251 (July 3, 2018, and at 83 FR 54969 (November 1, 2018); the Completed Determination Record-Continuing Disability Determination file (CDR–CDD), 60–0050, last fully published at 71 FR 1813 (January 11, 2006), amended at 72 FR 69723 (December 10, 2007), and 83 FR 54969 (November 1, 2018), and at 84 FR 17907 (April 26, 2019); the Master Beneficiary Record (MBR), 60–0090, last fully published at 71 FR 1826 (January 11, 2006), amended at 72 FR 69723 (December 10, 2007), 78 FR 40542 (July 5, 2013), 83 FR 31250–31251 (July 3, 2018), and 83 FR 54969 (November 1, 2018); the Electronic Disability (eDIB) Claim File, (60–0320) last fully published at 68 FR 71210 (December 22, 2003), and amended at 72 FR 69723 (December 10, 2007), 83 FR 54969 (November 1, 2018), and 85 FR 34477 (June 4, 2020); the Ticket-to-Work and Self-Sufficiency Program Payment Database, (60–0295) last fully published at 66 FR 17985 (April 4, 2001), and amended at 72 FR 69723 (December 10, 2007), and 83 FR 54969 (November 1, 2018); and the Ticket-to-Work Program Manager (PM) Management Information System, (60–0300) last fully published at 66 FR 32656 (June 15, 2001), and amended at 72 FR 69723 (December 10, 2007), and 83 FR 54969 (November 1, 2018).

OCSE's SOR is the OCSE National Directory of New Hires, System No. 09–80–0381 last fully published at 80 FR 17906 (April 2, 2015) and 83 FR 6591 (February 14, 2018).

[FR Doc. 2022–14231 Filed 7–1–22; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 11776]

Extension of Waiver of Section 907 of the Freedom Support Act With Respect to Assistance to the Government of Azerbaijan

Pursuant to the authority contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Pub. L. 107–115), E.O. 12163, as amended by E.O. 13346, and pursuant to Delegation of Authority 513, I hereby determine and certify that extending the waiver of section 907 of the FREEDOM Support Act of 1992 (Pub. L. 102–511) with respect to Azerbaijan:

- is necessary to support U.S. efforts to counter international terrorism; or
- is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism; or
- is important to Azerbaijan's border security; and
- will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

Accordingly, I hereby extend the waiver of section 907 of the FREEDOM Support Act. This Determination shall be published in the **Federal Register**, and the Determination and Memorandum of Justification shall be provided to the appropriate committees in Congress.

Dated: June 21, 2022.

Brian P. McKeon,

Deputy Secretary of State for Management and Resources.

[FR Doc. 2022–14190 Filed 7–1–22; 8:45 am]

BILLING CODE 4710–23–M

DEPARTMENT OF STATE

[Public Notice 11775]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''First Kings of Europe: The Emergence of Hierarchy in the Prehistoric Balkans'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''First Kings of Europe: The Emergence of Hierarchy in the Prehistoric Balkans'' at the Field Museum of Natural History, Chicago, Illinois; the Institute for the Study of the Ancient World, New York University, New York, New York, under the title ''Ritual and Memory: The Ancient Balkans and Beyond;'' and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–14229 Filed 7–1–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11774]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''Jannis Kounellis in Six Acts'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''Jannis Kounellis in Six Acts'' at the Walker Art Center, Minneapolis, Minnesota, and at possible additional exhibitions or venues yet to

be determined, is of cultural significance and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–14228 Filed 7–1–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2021–0802]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Training and Qualification Requirements for Check Airmen and Flight Instructors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 8, 2021. The collection involves the reporting requirements to ensure the check pilots and instructors are adequately trained and checked/evaluated to ensure they are capable and competent to perform the duties and responsibilities required by the air carrier to meet the regulations. Experienced pilots who would otherwise qualify as flight instructors or check airmen, but who may not medically eligible to hold the requisite medical certificate are mandated to keep records that may be inspected by the FAA to certify eligibility to perform flight instructor or check airmen functions.

DATES: Written comments should be submitted by August 4, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Kevin M. Donohue by email at: *kevin.donohue@faa.gov;* phone: 316–941–1223.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0600.

Title: Training and Qualification Requirements for Check Airmen and Flight Instructors.

Form Numbers: There are no forms associated with this collection of information.

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 8, 2021 (86FR50423). Federal Aviation Regulations (FAR) parts 121.411(d), 121.412(d), 135.337(d), and 135.338(d) require the collection of this data. This collection is necessary to insure that instructors and check airmen have completed necessary training and checking required to perform instructor and check airmen functions.

Respondents: There are approximately 15,925 check airmen and flight instructors.

Frequency: Information Collection is On Occasion.

Estimated Average Burden per Response: 15 Seconds.

Estimated Total Annual Burden: 66 Hours.

Issued in Washington, DC, on June 29, 2022.

Sandra L. Ray,

Aviation Safety Inspector.

AFS–260

[FR Doc. 2022–14250 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2016–0027]

Revision of Form FHWA–1273

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of availability.

SUMMARY: This final notice announces the availability of revised Form FHWA–1273—''Required Contract Provisions Federal-Aid Construction Contracts.'' This form includes certain contract provisions that are required on all Federal-aid construction contracts other than Appalachian construction contracts. This form also includes proposal notices that Federal-aid recipients must incorporate or reference in all solicitation-for-bids or request-for-proposals documents for Federal-aid construction projects.

DATES: The revised Form FHWA–1273 is effective September 6, 2022. Consistent with FHWA's regulations at 23 CFR part 633, subpart A, Federal-aid contractors and recipients must use the new form beginning on this date. Federal-aid recipients must use the new form on this date.

FOR FURTHER INFORMATION CONTACT: Brian Hogge, Office of Infrastructure, (334) 399–0081, *Brian.Hogge@dot.gov* or Michael Harkins, Office of the Chief Counsel, (202) 366–1523, *Michael.Harkins@dot.gov.* Office hours for FHWA are from 8:00 a.m. to 4:30 p.m., eastern, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice and all background material may be viewed online at *www.regulations.gov* using the docket number listed above. A copy of this notice will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is

available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

Background

On November 28, 2016, at 81 FR 85673, FHWA published a notice and request for comments regarding FHWA's proposal to revise Form FHWA–1273. As provided in 23 CFR 633.103, Form FHWA–1273 includes contract provisions and proposal notices that are required by regulations promulgated by FHWA or other Federal agencies. The provisions include nondiscrimination, prevailing wage rates, subcontracting, job-site safety, and other important requirements that must be included in every Federal-aid construction contract other than Appalachian construction contracts. According to 23 CFR 633.104(a), FHWA will update the form as regulatory revisions occur. Since Form FHWA–1273 was last revised on May 1, 2012, a number of revisions have occurred that necessitate the revision of the form.

Discussion of Comments

I. Summary

All comments received in response to the notice and request for comments have been considered in adopting this final notice. Comments were received from four representatives of four State departments of transportation (State DOT). The following discussion identifies and summarizes the major comments submitted in response to the November 28, 2016, notice, as well as FHWA's response to those comments.

II. Analysis of and Response to Comments by Section

Section II. Nondiscrimination

Comment: A representative of the Wyoming DOT recommended not to incorporate the provisions of DOT Order 1050.2A, Appendixes A and E, into the required assurances in Section II.10.c. The commenter stated some of the provisions in DOT Order 1050.2A, Appendixes A and E were not applicable to Federal-aid construction projects.

FHWA Response: The FHWA does not agree with this comment. All entities receiving federal financial assistance must comply with Title VI and all applicable federal civil rights statutes and implementing regulations. DOT's regulations implementing Title VI of the Civil Rights Act of 1964, require, at 49 CFR 21.7(a)(1), every recipient of Federal financial assistance to submit an assurance that the program or facility supported by such assistance will be conducted or operated in compliance with all requirements imposed by or pursuant to DOT's Title VI regulations. DOT's Title VI regulations at 49 CFR 21.7(a)(1) also direct the Secretary to specify the form of the required assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, among others. In accordance with this direction, DOT Order 1050.2A, issued April 24, 2013, sets forth the form of Title VI assurances required of DOT recipients and contractors working on Federal-aid contracts.

The FHWA, as a modal operating administration of DOT, is required to secure from applicants and recipients receiving Federal financial assistance the Standard Title VI Assurances and Nondiscrimination provisions included in DOT Order 1050.2A. Specific Assurance number 3 in the Order requires FHWA recipients to insert the clauses of Appendix A and E in every contract or agreement subject to the cited acts and regulations. For the purpose of this Notice, FHWA is interpreting the word ''insert'' to allow references to the requirements of DOT Order 1050.2, Appendix A and E in contracts and agreements subject to the General provisions of Form FHWA–1273 (*see* I. General, Section 1).

During the public review and comment period associated with the November 28, 2016, **Federal Register** notice and request for comments, FHWA received an internal comment that the proposed revisions to the first sentence in Section II, 1. Equal Employment Opportunity resulted in reduced clarity. To maintain clarity and consistency, FHWA is not implementing the proposed revision to this sentence.

Section IV. Davis-Bacon and Related Act Provisions

Comment 1: A representative of the Florida DOT recommended that the language, ''(W)here the applicable law requires that projects be treated as a project on a Federal-aid highway,'' be changed to, ''All projects (excluding those funded under the recreational trail set-aside) will be treated as if on a Federal-aid highway.''

FHWA's Response 1: The FHWA does not agree with this comment. The proposed language is consistent with the statutory provisions for the applicability of prevailing wage rate requirements. Under 23 U.S.C. 113 and FHWA's implementing guidance, prevailing wage rate requirements are applicable to Federal-aid construction projects within the right-of-way of a Federal-aid highway (this excludes roadways functionally classified as local roads and rural minor collectors). In addition, the statutory language authorizing certain transportation programs requires projects using these program funds to be treated as if on a Federal-aid highway. Examples include: the Surface Transportation Block Grant Program provision in 23 U.S.C. 133(i) [excluding recreational trails projects under subsection (h)(5)]; the Nationally Significant Freight and Highway Projects provision in 23 U.S.C. 117(k); and the National Highway Freight Program in 23 U.S.C. 167(l). Thus, Federal-aid projects using these specific funds, but not all projects, must be treated as if the project were on a Federal-aid highway and, therefore, prevailing wage rate requirements apply regardless of the location of the project.

Comment 2: The Minnesota DOT recommended that the proposed language on ''treatment of projects'' (projects treated as projects on a Federal-aid highway) be clarified to include the exemption for recreational trail set-aside projects. It suggested stating ''(T)he provisions of this subpart apply to all projects funded by the surface transportation block grant program regardless of where the project is located, except that projects funded by recreational trail set-asides are not subject to the provisions of this subpart.''

FHWA's Response 2: The FHWA agrees that clarification is needed. The FHWA has included a sentence that provides examples of Federal-aid program funding categories with 'treatment of project' provisions. When using Federal-aid funds from these programs, contracting agencies must include contract provisions noting the applicability of prevailing wage rate requirements.

Comment 3: The Minnesota DOT requested clarification on whether the ''treatment of projects'' provision of this subpart would apply to 23 CFR 646.216(f) authorizing railroad construction by force account or existing contracts.

FHWA's Response 3: The provisions of this subpart do not apply to railroad construction performed by railroad forces or railroad-let contracts.

Comment 4: The Alabama DOT commented that in Section IV.3.a., the social security numbers and home addresses should not be included on weekly payroll submissions.

FHWA's Response 4: The requirement to exclude full social security numbers and addresses of laborers and

mechanics on the required weekly payroll submissions is discussed in Section IV.3.b.(1). Payrolls and basic records, excluding weekly payroll submissions, shall include social security numbers and addresses of the laborers and mechanics as discussed in Section IV.3.a. This is consistent with the U.S. Department of Labor's (DOL) regulatory requirements titled *Contract provisions and related matters* in 29 CFR 5.5. The provisions in 29 CFR 5.5(a)(3)(ii) prohibit contractors from including full social security numbers and home addresses on the required weekly payroll submission and the provisions of 29 CFR 5.5(a)(3)(i) require full social security numbers and home addresses on payrolls and basic records.

Subsequent to the November 11, 2016, **Federal Register** notice and request for comments announcing FHWA's intent to revise Form FHWA–1273, DOL issued several rulemakings regarding the *Contract Provisions and Related Matters* in 29 CFR 5.5. The FHWA is incorporating these provisions in Form FHWA–1273 with minor editorial changes to match the outline structure and context of Form FHWA–1273. The DOL regulatory revisions provided for an inflation-based adjustment of the liquidated damage rate in 29 CFR 5.5(b)(2) from $10 to $26. Form FHWA–1273, Section V.2 also includes a note to see 29 CFR 5.5(b)(2) for future updates to the liquidated damage rate.

Section IX. Implementation of Clean Air Act and Federal Water Pollution Control Act

Comment: The Minnesota DOT (MnDOT) recommended identifying the party responsible for reporting violations by adding ''(T)he contracting agency must report violations.'' Since EPA may delegate authority to a State agency, MnDOT also recommended adding ''a state authority delegated by EPA'' to the list of enforcing authorities. Additionally, MnDOT suggested that the final paragraph related to flow-down requirements be retained.

FHWA Response: While FHWA understands Minnesota DOT concerns regarding reporting entities, the proposed language for this section is consistent with the provisions in Appendix II to 2 CFR part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards and will remain unchanged. The FHWA agrees with Minnesota DOT regarding the flow-down paragraph and the following sentence will be added to the final document: ''The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.''

Section X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Comment: The MnDOT commented that the term ''in a timely manner'' was too subjective to administer properly and suggested providing, instead, ''whose payments under an obligation to a tax authority are not current.''

FHWA Response: The FHWA does not agree with this suggestion and no revisions are made in the final document. The terms ''agreement'' and ''obligation'' do not have the same meaning. The language used in the proposed text was structured to conform to the definition of ''tax liability'' in the DOT Order 4200.6, *Appropriations Act Requirements for Procurement and Non-Procurement Regarding Tax Delinquency and Felony Convictions,* and is designed to track that definition as closely as possible.

Attachment A—Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts

Comment: The Alabama DOT requested clarification on the applicability of the Appalachian preference provisions.

FHWA Response: The employment and materials preference provisions in Attachment A apply to all construction projects funded under the Appalachian Development Highway Program. Fiscal Year 2012 was the final authorization year for this program; however, some States may have available program balances that have not been obligated or have not lapsed. Therefore, it is necessary to retain Attachment A.

Final Form FHWA–1273

Pursuant to 23 CFR 633.104(a), FHWA has updated Form FHWA–1273 to be consistent with existing regulatory requirements. The FHWA published the proposed revised Form FHWA–1273 for public comment on November 28, 2016. After considering all the comments, FHWA has incorporated all appropriate edits into the revised Form FHWA–1273. As such, and in accordance with 23 CFR part 633, subpart A, the revised Form FHWA–1273, which can be found at *www.fhwa.dot.gov/construction/cqit/form1273.cfm,* must be used by recipients and contractors, as applicable under the regulations.

Authority: 23 U.S.C. 315; 23 CFR 633.104; 49 CFR 1.85.

Stephanie Pollack,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2022–14256 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0109; FMCSA–2013–0442; FMCSA–2013–0444; FMCSA–2013–0445; FMCSA–2014–0381; FMCSA–2015–0320; FMCSA–2015–0323; FMCSA–2015–0326; FMCSA–2017–0252; FMCSA–2017–0253; FMCSA–2018–0050; FMCSA–2019–0033; FMCSA–2019–0206; FMCSA–2020–0046; FMCSA–2020–0047]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 18 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before August 4, 2022.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2013–0109, Docket No. FMCSA–2013–0442, Docket No. FMCSA–2013–0444, Docket No. FMCSA–2013–0445, Docket No. FMCSA–2014–0381, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2015–0326, Docket No. FMCSA–2017–0252, Docket No. FMCSA–2017–0253, Docket No. FMCSA–2018–0050, Docket No. FMCSA–2019–0033, Docket No.

FMCSA–2019–0206, Docket No. FMCSA–2020–0046, or Docket No. FMCSA–2020–0047 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, 20590–0001 between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

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. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0109, Docket No. FMCSA–2013–0442, Docket No. FMCSA–2013–0444, Docket No. FMCSA–2013–0445, Docket No. FMCSA–2014–0381, Docket No. FMCSA–2015–0320, Docket No. FMCSA–2015–0323, Docket No. FMCSA–2015–0326, Docket No. FMCSA–2017–0252, Docket No. FMCSA–2017–0253, Docket No. FMCSA–2018–0050, Docket No. FMCSA–2019–0033, Docket No. FMCSA–2019–0206, Docket No. FMCSA–2020–0046, or Docket No. FMCSA–2020–0047), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2013–0445, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, FMCSA–2020–0046, or FMCSA–2020–0047 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.

C. 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

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The 18 individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. 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(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 18 applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The 18 drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for commercial driver's license (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of July and are discussed below.

As of July 1, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 14 individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

David F. Bigler (MN)
Ronald Bohr (IA)
David P. Crowe (VA)
Heath Crowe (LA)
Michael Davis (ME)
Nathan Dermer (AK)
John Johnson (WI)
Anthony Kornuszko (PA)
Raymond Lobo (NJ)
Lucas Meeker (OH)
David Pamperin (WI)
Kevin Sprinkle (NC)
Stephen Soden (LA)
Michael Vitch (MS)

The drivers were included in docket number FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0444, FMCSA–2014–0381, FMCSA–2015–0320, FMCSA–2015–0323, FMCSA–2015–0326, FMCSA–2017–0252, FMCSA–2017–0253, FMCSA–2018–0050, FMCSA–2019–0033, FMCSA–2019–0206, or FMCSA–2020–0046. Their exemptions are applicable as of July 1, 2022 and will expire on July 1, 2024.

As of July 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Ronald Blount (GA) has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers. This driver was included in docket number FMCSA–2013–0445. The exemption is applicable as of July 14, 2022 and will expire on July 14, 2024.

As of July 21, 2022, 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 epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Sonny Chase (MN); Jason Miller (WI); and Michael Morris (OR).

The drivers were included in docket number FMCSA–2020–0047. Their exemptions are applicable as of July 21, 2022 and will expire on July 21, 2024.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (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 before it was 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).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based on its evaluation of the 18 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2022–14227 Filed 7–1–22; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0026]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny the applications from two individuals treated with an Implantable Cardioverter Defibrillator (ICD) who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

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 materials in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2022–0026, 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.*

Background

On February 17, 2022, FMCSA published a **Federal Register** notice (87 FR 9101) announcing receipt of applications from two individuals treated with ICDs and requested comments from the public. The individuals requested an exemption from 49 CFR 391.41(b)(4) which prohibits operation of a CMV in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. The public comment period closed on March 21, 2021, and 13 comments were received.

FMCSA has evaluated the eligibility of the applicants and concluded that granting an exemption would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(4). A summary of each applicant's medical history related to their ICD exemption request was discussed in the February 17, 2022, **Federal Register** notice and will not be repeated here.

The Agency's decision regarding this exemption application is based on information from the Cardiovascular Medical Advisory Criteria, an April 2007 evidence report titled ''Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,'' [1] and a December 2014 focused research report titled ''Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed.'' Copies of these reports are included in the docket.

FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.[2] The advisory criteria for § 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not medically disqualifying. ICDs are disqualifying due to risk of syncope.

II. Discussion of Comments

FMCSA received 13 comments in this proceeding. All comments received were from private citizens and employers in support of Kelly Lemus and focused on her experience and skill as a CMV driver, her stable health, and that her ICD has not deployed. No adverse comments were received in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

The Agency's decision regarding these exemption applications is based on an individualized assessment of the applicants' medical information, available medical and scientific data concerning ICDs, and any relevant public comments received.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on individuals with ICDs and CMV driving does not support that individuals with ICDs who operate CMVs are able to meet an equal or greater level of safety.

III. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following applicants have been denied an exemption from the physical qualification standards in § 391.41(b)(4):

Michael Bianculli (MA); Kelly Lemus (WA)

The applicants have, prior to this notice, received a letter of final disposition regarding their exemption request. The decision letter fully outlined the basis for the denial and constitute final action by the Agency. The names of these individuals published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–14225 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] The report is available on the internet at *https://rosap.ntl.bts.gov/view/dot/16462.*

[2] These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4),* paragraph 4, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0083]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillator (ICD)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny the applications from

three individuals treated with an ICD who requested an exemption from the Federal Motor Carrier Safety Regulations (FMCSRs) prohibiting operation of a commercial motor vehicle (CMV) in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure.

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 materials in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2022–0083, 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.*

Background

On April 27, 2022, FMCSA published a **Federal Register** notice (87 FR 25079) announcing receipt of applications from three individuals treated with ICDs and requested comments from the public. The individuals requested an exemption from 49 CFR 391.41(b)(4) which prohibits operation of a CMV in interstate commerce by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive heart failure. The public comment period closed on May 27, 2022, and one comment was received.

FMCSA has evaluated the eligibility of the applicants and concluded that granting an exemption would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(4). A summary of each applicant's medical history related to their ICD exemption request was discussed in the April 27, 2022, **Federal Register** notice and will not be repeated here.

The Agency's decision regarding this exemption application is based on information from the Cardiovascular Medical Advisory Criteria, an April 2007 evidence report titled ''Cardiovascular Disease and Commercial Motor Vehicle Driver Safety,'' [1] and a December 2014 focused research report titled ''Implantable Cardioverter Defibrillators and the Impact of a Shock in a Patient When Deployed.'' Copies of these reports are included in the docket.

FMCSA has published advisory criteria to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.[2] The advisory criteria for § 391.41(b)(4) indicates that coronary artery bypass surgery and pacemaker implantation are remedial procedures and thus, not medically disqualifying. ICDs are disqualifying due to risk of syncope.

II. Discussion of Comments

FMCSA received 109 comments in this proceeding. All of the comments were from private citizens. The majority of the comments were in support of Mr. Abiud Ortuno. The remaining comments were not attributed to a specific applicant. All of the comments were supportive of granting ICD exemptions to the applicants. No adverse comments were received in this proceeding. Several commenters felt that FMCSA should rely on the authority of a cardiologist's clearance to receive an ICD exemption to drive a CMV. In one commenter's opinion, CMV operators and other people in general without ICDs suffer cardiac arrest in greater numbers than those with ICDs, and whether younger or older, one cannot predict when this could happen. The commenter believes that texting and other medical conditions were more of a risk to safety while driving a CMV than the possibility of having a cardiac arrest and encouraged FMCSA to grant the exemptions due to the shortage of CMV drivers. Another commenter stated that FMCSA should revise its regulations in accordance with current medical standards and with 49 U.S.C. 31136(e) and 31315. One commenter referred to two research studies, one from the American College of Cardiology that supported statistically low fatality rates from road accidents among individuals with ICDs than fatality rates of the general population, and a second study of a subgroup analysis of the AVID trial, in which the annual incidence of accidents in the ICD population was estimated to be 3.4 percent per year, significantly lower than the 7.1 percent per year accident rate in the general driving population in the USA.''

Regarding the comment concerning medical clearance by a cardiologist to grant ICD exemptions, while FMCSA does not rely solely on a cardiologist's medical clearance or opinion to determine whether to grant an ICD exemption, FMCSA does consider the cardiologist's medical documentation and opinions received as a part of the applicant's exemption request in evaluating whether to grant an exemption. In response to the comments that other safety risks are greater than the risk of ICD deployment due to a cardiac arrest, and that FMCSA should update our standards and revise them in accordance with 49 U.S.C. 31136(e) and 31315, FMCSA is concerned about all safety risks concerning CMVs. FMCSA engages in research, and partners with the Agency's Medical Review Board, medical experts, and our stakeholders to provide evidence-based rulemaking and guidance with the ultimate goal of keeping our roadways safe. FMCSA's exemption process is consistent with the current requirements of 49 U.S.C. 31136(e) and 31315 as further discussed in the Basis for Exemption Determination section that follows in the next section. In response to the

[1] The report is available on the internet at *https://rosap.ntl.bts.gov/view/dot/16462.*

[2] These criteria may be found in 49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section D. *Cardiovascular: § 391.41(b)(4),* paragraph 4, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

comment regarding the two research studies, the studies do not appear to have a clear relevance to ICDs and CMV-related crashes. The commenter did not include specific citations for the study information that was referenced. The Antiarrhythmics Versus Implantable Defibrillators study appears to evaluate the efficacy of cardiac medication treatment over treatment with an ICD rather than ICD crash risk.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.

The Agency's decision regarding these exemption applications is based on an individualized assessment of the applicants' medical information, available medical and scientific data concerning ICDs, and any relevant public comments received.

In the case of persons with ICDs, the underlying condition for which the ICD was implanted places the individual at high risk for syncope or other unpredictable events known to result in gradual or sudden incapacitation. ICDs may discharge, which could result in loss of ability to safely control a CMV. The December 2014 focused research report referenced previously upholds the findings of the April 2007 report and indicates that the available scientific data on individuals with ICDs and CMV driving does not support that individuals with ICDs who operate CMVs are able to meet an equal or greater level of safety.

III. Conclusion

The Agency has determined that the available medical and scientific literature and research provides insufficient data to enable the Agency to conclude that granting these exemptions would achieve a level of safety equivalent to, or greater than, the level of safety maintained without the exemption. Therefore, the following applicants have been denied an exemption from the physical qualification standards in § 391.41(b)(4):

Timothy Broome (SC); Bryce A. Norman (CA); Abiud J. Ortuno (FL)

The applicants have, prior to this notice, received a letter of final disposition regarding their exemption request.

The decision letter fully outlined the basis for the denial and constitute final action by the Agency. The names of these individuals published today summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–14226 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0002–N–13]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. 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 (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before September 6, 2022.

ADDRESSES: Written comments and recommendations for the proposed ICR 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 (2130–0017) 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: Mr. John Purnell, Information Collection Clearance Officer, at email: *john.purnell@dot.gov* or telephone: (202) 713–0246, or 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 ICR 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 summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: U.S. DOT Crossing Inventory.

OMB Control Number: 2130–0017.

Abstract: On January 6, 2015, FRA published in the **Federal Register** a final rule that requires railroads that operate one or more trains through highway-rail or pathway crossings to submit information to the U.S. DOT National Highway-Rail Crossing Inventory about the crossings through which they operate.[1] These amendments, mandated by section 204 of the Rail Safety Improvement Act of 2008, require railroads to submit information about previously unreported and new highway-rail and pathway crossings to the U.S. DOT National Highway-Rail Crossing Inventory, and to periodically update existing crossing data.

In this 60-day notice, FRA made multiple adjustments which increased the previously approved burden hours from 8,293 hours to 8,663 hours. For instance:

[1] This final rule was subsequently amended on June 10, 2016, in response to a petition for reconsideration submitted by the Association of American Railroads. *See* 81 FR 37521.

• Under § 234.403(a–c), the burden increased from 34 hours to 1,509 hours due to changes in the number of responses—from 1,081 updated records to 30,018 updated records per year. FRA's estimate is based on how frequently these updates have been submitted to date.

• Under § 234.405(b), the burden decreased from 883 hours to 17 hours annually due to changes in the number of responses—from 10,600 responses to 200 responses. FRA's estimate is based on how frequently these updates have been submitted to date.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses, States, and the District of Columbia (DC).

Form(s): FRA F 6180.71.

Respondent Universe: 50 States, DC, and 667 railroads.

Frequency of Submission: On occasion.

REPORTING BURDEN

CFR section [2]	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Total cost equivalent (D) = C * wage [3]
234.403(a–c)—Submission of data to the U.S. DOT Highway-Rail Crossing Inventory: Completion of inventory form.	50 States/DC & 667 railroads.	338 forms	30 minutes	169	$13,013
—GCIS update of designated data submitted by railroads & states/DC.	50 States/DC & 667 railroads.	30,018 updates	3 minutes	1,509	115,577
—Excel lists of submitted data	50 States/DC & 667 railroads.	836 lists	15 minutes	209	16,093
—Changes/corrections to Crossing Inventory data submitted via API computer program.	50 States/DC & 667 railroads.	122,520 records	3 minutes	6,126	471,702
—Written requests by states/DC & railroads for FRA Crossing Inventory Guide.	50 States/DC & 667 railroads.	5 requests	15 minutes	1.25	77
(d)—Reporting Crossing Inventory data by state agencies/DC on behalf of railroads: Written notices to FRA.	50 States/DC & 667 railroads.	1 notice	60 minutes	1	77
(e)(1)—Consolidated reporting by parent corporation on behalf of its subsidiary railroads: Written notice to FRA.	667 railroads	15 notices	60 minutes	15	1,155
(e)(2)—Immediate notification to FRA by parent corporation of any changes in the list of subsidiary railroads for which it reports.	667 railroads	5 notices	60 minutes	5	385
234.405(a)(1)—Initial submission of previously unreported highway-rail and pathway crossings through which they operate by primary operating railroads: Providing assigned crossing inventory number to each railroad that operates one or more trains through crossing.	667 railroads	300 assigned inventory members.	5 minutes	25	1,925
—Primary operating railroad providing assigned inventory number to other (2) railroads operating through crossing.	667 railroads	200 provided assigned inventory numbers.	5 minutes	16.6	1,309
234.405(b)—Submission of crossing data specified in the Inventory Guide to the Crossing Inventory.	Duplicate estimate removed. The estimated paperwork burden for this requirement is included under § 234.403(a–c). Consequently, there is no additional burden associated with this requirement.				
(c)—Duty of all operating railroads: Notification to FRA of previously unreported crossing through which it operates.	667 railroads	10 notices/ notifications	60 minutes	10	770
(d)—Incomplete submission by state agency/DC: Written certification by primary operating railroad that state/DC has not provided requested crossing information.	667 railroads	70 certification statements.	2 minutes	2.3	154
—Copies of written certification statements to other operating railroads and responsible state agency/DC.	667 railroads	75 certification copies	2 minutes	2.5	231
234.407(a)—Submission of initial data to the Crossing Inventory for new Crossings: Providing assigned inventory numbers for new highway-rail and pathway crossings through which they operate by primary operating railroads to each railroad that operates one or more trains through the crossing.	667 railroads	50 assigned inventory numbers.	5 minutes	4.2	308
(b) Each operating railroad must submit accurate inventory forms or electronic equivalent to the FRA crossing inventory for new highway-rail & pathway crossings operating on separate tracks.	Duplicate estimate removed. The estimated paperwork burden for this requirement is included under § 234.407(a). Consequently, there is no additional burden associated with this requirement.				
234.409(a)—Submission of periodic updates to the Crossing Inventory by primary operating railroad.	Duplicate estimate removed. The estimated paperwork burden for this requirement is included under § 234.403. Consequently, there is no additional burden associated with this requirement.				
234.411(a)—Notification/report by railroad to primary operating railroad of sale of all or part of a highway-rail or pathway on or after June 10, 2016.	667 railroads	400 notices/reports	15 minutes	100	7,700

REPORTING BURDEN—Continued

CFR section [2]	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C) = A * B	Total cost equivalent (D) = C * wage [3]
(b)—Crossing closure: Submission of Crossing Inventory form by primary operating railroad that closes highway-rail and pathway crossing.	Duplicate estimate removed. The estimated paperwork burden for this requirement is included under § 234.403. Consequently, there is no additional burden associated with this requirement.				
(c)—Primary operating RR submission of inventory form for change in crossing characteristics.	667 railroads	1,200 forms	5 minutes	100	7,700
234.413(a & b)—Recordkeeping—RR Duplicate copy of each inventory form submitted in hard copy to the Crossing Inventory.	667 railroads	350 duplicate copies	1 minute	5.8	462
—Copy of electronic confirmation received from FRA after electronic submission of crossing data to Crossing Inventory.	667 railroads	265,365 copies	5 seconds	368.6	28,413
—List of locations where a copy of any record required by this Subpart may be accessed and copied.	Duplicate estimate removed. The estimated paperwork burden for these requirements is included under § 234.413(a) and § 234.413(b). Consequently, there is no additional burden associated with these requirements.				
Total	50 States/DC & 667 railroads.	421,758 responses	N/A	8,663	667,051

[2] The current inventory exhibits a total burden of 8,293 hours while the total burden of this notice is 8,663 hours.
[3] FRA uses the STB's 2020 Full Year Wage A&B Group No. 200, Professional and Administrative, to represent the wage rate for the respondent universe. The average hourly wage rate is $44.25. FRA adds an overhead of 75 percent to the hourly wage for a fully loaded hourly wage of $77.44 ($44.25 * 1.75). FRA rounds the fully loaded hourly wage rate to $74 for purposes of this ICR.

Total Estimated Annual Responses: 421,758.

Total Estimated Annual Burden: 8,663 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $667,051.

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. 2022–14188 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2022–0002–N–12]

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 September 6, 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: Filing of Dedicated Cars.

OMB Control Number: 2130–0502.

Abstract: Title 49 CFR part 215 contains freight car safety standards, including conditions for freight cars in dedicated service. ''Dedicated service'' means the exclusive assignment of railroad cars to the transportation of freight between specified points under

the conditions listed in 49 CFR 215.5(d), including stenciling, or otherwise displaying, in clear legible letters on each side of the car body, the words ''Dedicated Service.'' The railroad must notify FRA in writing that the cars are to be operated in dedicated service.

In this 60-day notice, FRA made no adjustments to the previously approved burden hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

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 [1] (D = C * wage rates)
215.5(d)(6)—Dedicated Service—Notification to FRA.	754 railroads	4 notifications	1 hour	4	310

Total Estimated Annual Responses: 4.

Total Estimated Annual Burden: 4 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $310.

Title: Remotely Controlled Switch Operations.

OMB Control Number: 2130–0516.

Abstract: Sections 49 CFR 218.30 and 218.77 require that remotely controlled switches be properly lined to protect workers as they inspect or service rolling equipment on track or occupy camp cars. These sections require the operators of the remotely controlled switch to remove the locking device only once they have been informed by the person in charge of the workers that it is safe to do so. Additionally, these operators are required to maintain a record of each protection request for 15 days. Operators of remotely controlled switches use the information as a record documenting protection of workers or camp cars. This record also serves as a valuable resource for railroad supervisors and FRA and State inspectors monitoring regulatory compliance.

In this 60-day notice, FRA decreased the estimated paperwork burden under § 218.30 by 1,209 hours. The decreased burden reflects the reduction in number of work events in the railroad industry.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 53 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)
218.30—Blue signal protection of workmen.	53 railroads	1,837,775 notifications.	45 seconds	22,972	1,375,793
218.77—Protection of occupied camp cars.	1 railroad	150 notifications	45 seconds	2	119
Total	53 railroads	1,837,925 responses	N/A	22,974	1,375,912

Total Estimated Annual Responses: 1,837,925.

Total Estimated Annual Burden: 22,974 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $1,375,912.

Title: Bad Order, Home Shop Card, and Stenciling Reporting Mark.

OMB Control Number: 2130–0519.

Abstract: Under 49 CFR part 215, railroads are required to inspect freight cars placed in service and take remedial action when defects are identified. A railroad freight car with a part 215 defect may be moved to another location for repair only after the railroad has complied with the process under 49 CFR 215.9. Section 215.9 requires railroads to affix a ''bad order'' tag describing each defect to each side of the freight car. It is imperative that a defective freight car be tagged ''bad order'' so it can be readily identified and moved to another location for repair purposes only, and so that the maximum speed and other restrictions necessary for safely conducting the movement are known. At the repair location, the ''bad order'' tag serves as a notification of the defective condition of the freight car. Railroads must retain each tag for 90 days to verify that proper repairs were made at the designated location. When inspecting a freight car, FRA and State inspectors review all pertinent records to determine railroads' compliance with the movement restrictions of 49 CFR 215.9.

Additionally, section 215.301 requires railroads and private car owners to stencil or otherwise display identification marks on freight cars,

[1] The dollar equivalent cost throughout this notice is derived from the Surface Transportation Board's 2020 Full Year Wage A&B data series for railroad workers.

including a car number and build date. FRA uses the identification marks to help obtain certain information related to a car's compliance with Federal safety laws. The marks are used consistently across railroad records to identify the car and show: the type of car, what it's carrying, its movement history, and current maintenance schedule. Using the marks to identify the cars helps FRA determine the application of Federal safety laws to that car and who is responsible for compliance. FRA also uses this information to determine if the freight car qualifies for dedicated service and is excluded from the requirements of part 215. Railroads use the required information to provide identification and control so that dedicated cars remain in the prescribed service.

In this 60-day notice, FRA decreased the estimated paperwork burden under § 215.11 by 250 hours. The decreased burden reflects the reduction in number of mechanical employees in the railroad industry.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

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)
215.9(a)(2)—Movement of defective cars for repair—Tagging.	754 railroads	150,000 Tags	5 minutes	12,500	753,375
—(a)(3) Notifications of removal of defective car tags.	754 railroads	75,000 notifications	2 minutes	2,500	150,675
215.11—Designated inspectors—Records.	754 railroads	30,000 records	1 minute	500	30,135
215.301—Stenciling—General	754 railroads	30,000 stenciled	45 minutes	22,500	1,356,075
Total	754 railroads	285,000 responses	N/A	38,000	2,290,260

Total Estimated Annual Responses: 285,000.

Total Estimated Annual Burden: 38,000 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $2,290,260.

Title: Rear End Marking Devices.

OMB Control Number: 2130–0523.

Abstract: Title 49 CFR part 221 contains requirements for rear end marking devices. Railroads must provide FRA with a detailed description of the type of marking devices used for any locomotive operating singly or for cars or locomotives operating at the end of a train (trailing end) to ensure that they meet minimum standards for visibility and display. Specifically, part 221 requires railroads to furnish a certification that each device has been tested in accordance with current ''Guidelines for Testing of Rear End Marking Devices.'' Additionally, part 221 requires railroads to furnish detailed test records, which include the names of testing organizations, test descriptions, number of samples tested, and the test results, to demonstrate compliance with the performance standard.

In this 60-day notice, FRA made no adjustments to the previously approved burden hours.

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

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)
221.14—Marking Devices, and Appendix A.	754 railroads + 24 manufacturers.	2 submissions + records.	1 hour	2	155

Total Estimated Annual Responses: 2.

Total Estimated Annual Burden: 2 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: $155.

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. 2022–14244 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0047]

Model Minimum Uniform Crash Criteria (MMUCC) Committee

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of the Transportation (DOT).

ACTION: Notice of the creation of the MMUCC Committee.

SUMMARY: NHTSA has led the development of the Model Minimum Uniform Crash Criteria (MMUCC) since the first edition was published in 1998. NHTSA announces that it will form a MMUCC Committee to inform the development and revision of the MMUCC Guideline, sixth edition. The MMUCC Committee's objectives are: (1) to exchange views, information, and advice to further refine the collection of motor vehicle crash data and (2) to exchange views, information, and advice on institutional barriers preventing MMUCC implementation.

ADDRESSES: You may submit comments bearing the Federal Docket Management System Docket ID NHTSA–2022–0047 using any of the following methods:

- *Federal rulemaking Portal:* Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Send comments to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590.
- *Fax:* Written comments may be faxed to (202) 493–2251.
- *Hand Delivery:* If you plan to submit written comments by hand or courier, please do so at 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.

Please submit all comments to the Docket by September 6, 2022.

Whichever way you submit your comments, please remember to mention the agency and the docket number of this document within your correspondence. Please note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading below.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comments (or signing the comments, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *https://DocketInfo.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For information, please contact John Siegler, National Center for Statistics and Analysis, NHTSA (telephone: 202–366–1268 or email: *john.siegler@dot.gov*).

SUPPLEMENTARY INFORMATION: The MMUCC Guideline identifies a voluntary, minimum set of motor vehicle crash data elements and their set of attributes that States can consider collecting and including on their law enforcement traffic crash report forms and in their electronic crash data systems. MMUCC promotes data uniformity within the highway safety community by creating a common foundation for State crash data systems to provide the information necessary to improve highway safety. Crash data is used to identify problems, determine highway safety messages and strategic communication campaigns, optimize the location of selective law enforcement, inform decision-makers of needed highway safety legislation, and evaluate the impact of highway safety countermeasures. NHTSA first published MMUCC with the Governors Highway Safety Association, Federal Highway Administration, Federal Motor Carrier Safety Administration, State and industry partners in 1998. The Guideline has been regularly updated to address emerging highway safety issues, with the most recent 5th Edition published in 2017.

While MMUCC is a voluntary Guideline for States, the crash data that NHTSA obtains from the States feeds both the Fatality Analysis Reporting System (FARS) and the Crash Report Sampling System (CRSS), which are essential to traffic safety research by NHTSA as well as by other agencies. Therefore, it is critical that the recommended MMUCC data elements be designed with clarity, purpose, and efficiency.

The MMUCC Committee will be comprised of employees of State, Local, or Tribal governments acting in their official capacity that collectively will represent government agencies that are stakeholders in the collection, management, and analysis of crash data. These employees will include law enforcement officers, data analysts, IT database administrators or managers, traffic records coordinating committee members, governors' representatives for highway safety, and Federal liaisons. The MMUCC Committee will exist until NHTSA determines that it has fulfilled its mission, and Committee members will serve until they resign or are replaced by NHTSA.

The intent of the MMUCC Committee will be for NHTSA to obtain information or viewpoints specific to the expertise of the Committee members on changes to the MMUCC Guideline. While MMUCC is a voluntary guideline for States, it is fundamental for NHTSA's crash data programs and, therefore, important that MMUCC data elements and attributes agree with CRSS and FARS. NHTSA, in consultation with this Committee, intends to produce the next edition of the MMUCC Guideline.

Issued in Washington, DC, on July 5, 2022 under authority delegated in 49 CFR part 1.95.

Chou-Lin Chen,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2022–14240 Filed 7–1–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–055]

Denial of Motor Vehicle Defect Petition, DP21–004

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted to NHTSA on September 14, 2021, requesting that the agency investigate whether a defect related to motor vehicle safety exists in van-type or box semi-trailers due to a lack of side underride guards. On November 17, 2021, NHTSA opened Defect Petition DP21–004 to evaluate petitioners' request. After a review of the petition and other information, NHTSA has concluded that the issues presented by the petitioners will be examined in work undertaken pursuant to congressional direction under the Bipartisan Infrastructure Law. Accordingly, the agency has denied the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Nate Seymour, Medium and Heavy Duty Vehicle Division, Office of Defects Investigation (ODI), NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590. Telephone: 202–366–2069. Email: *nate.seymour@dot.gov.*

SUPPLEMENTARY INFORMATION: In a letter dated September 14, 2021, Marianne and Jerry Karth, Eric Hein, and Lois Durso (petitioners) petitioned the National Highway Traffic Safety Administration (NHTSA) to initiate a defect investigation into van-type or box semi-trailers for a lack of side underride guards (SUGs). NHTSA's Office of

Defects Investigation (ODI) assessed the information provided by the petitioners, as well as additional information that ODI gathered from other relevant sources.

The petitioners allege there is a known safety hazard and defect where passenger vehicles or other vulnerable road users (pedestrians, bicyclists, or motorcyclists) collide with van-type or box semi-trailers resulting in death and significant injuries due to a lack of SUGs. The petitioners state that at least 500 deaths and 5,000 serious injuries occur annually due to side underride crashes. They also say that a known solution is currently available.

The subject vehicles are van-type or box semi-trailers operated in the United States. The trailers range from twenty-eight feet (28′) to fifty-three feet (53′) in length. They are typically eight feet (8′) to eight and a half feet (8.5′) wide and up to thirteen and a half feet (13.5′) tall. Most have one fixed axle, or two axles mounted in tandem on a sliding rail system at the rear. This allows for proper axle weight distribution as per U.S. Bridge Laws, as well as increased maneuverability when needed. Gross Vehicle Weight Ratings (GVWR) are typically up to 68,000 pounds. All subject vehicles are currently required to have rear underride protection as per Federal Motor Vehicle Safety Standard (FMVSS) 224. The load floor height is approximately four feet (4′) above the ground. The space between the ground and floor is often used for sliding tandems (axles), fuel tanks, air hoses, spare tire carriers, and other optional fixtures. Additionally, many trailers are now equipped with lightweight skirts to improve aerodynamics to increase fuel efficiency.

SUGs are intended to prevent a vehicle from underriding the trailer in the event of a collision (an ''underride'' crash).[1] The concept is that a barrier of sufficient strength extends downward from the trailer side to fill the space between the trailer floor and the ground.

ODI has received three (3) complaints, other than those from the petitioners, related to trailer underride. All three of these additional complaints involve vehicles older than Model Year 2006 and were submitted by the same individual more than 11 years ago. Although NHTSA's Early Warning Reporting (EWR) regulations do not have a specific code for underride, searching the Death and Injury (D&I) EWR data identified five (5) reports citing underride. The following table summarizes the report year and the Model Year of the semi-trailer involved.

Year reported to NHTSA	Model year of trailer
2021	2019
2021	2015
2013	2007
2006	1998
2018	Unknown

In early December 2021, ODI sent an Information Request letter to eight (8) manufacturers asking for information related to side underride. Letters were sent to the following trailer manufacturers: Great Dane; Hyundai Translead; Kentucky Trailer; Stoughton; Strick Trailers; Utility Trailer Manufacturing; Vanguard; and Wabash. ODI received separate responses from each manufacturer by January 14, 2022, and a supplemental response from Hyundai Translead on April 14, 2022.

Each manufacturer was asked about its market share of the subject vehicles. Most replied with a range, as the share varies from year to year. ODI concluded that the eight manufacturers surveyed represent nearly 100% of the subject vehicle population. Additionally, ODI asked each manufacturer for its assessment of the current in-service subject vehicle population. Based on the responses, the total vehicle population is estimated to be 2.45 million trailers.

The responses from the eight manufacturers identified over 20 events that may relate to underride from 2006 to 2022, including events that involved death or injury. ODI was able to locate 19 of the events within its databases. Title 49 of the Code of Federal Regulations (CFR) Part 579 requires the trailer manufacturers to report whenever they receive an allegation that a defect resulted in a death or injury. The manufacturers responded that they are typically unaware of underride events unless legal action is brought against them, or as in one case, the trailer is brought in for repairs.

ODI reviewed additional sources to better understand the petitioners' claim that at least 500 deaths and 5,000 injuries occur annually due to side underride crashes. A 2012 article by Matthew Brumbelow titled ''Potential Benefits of Underride Guards in Large Truck Side Crashes'' included a statistical analysis of Trucks Involved in Fatal Accidents (TIFA).[2] Between 2006 and 2008, 7,250 passenger vehicle occupant deaths were recorded in two-vehicle crashes with large trucks (tractor-trailers and single unit trucks). Using the 2006–2008 TIFA data, Brumbelow estimated that approximately 530 passenger vehicle occupants died annually in two-vehicle crashes in which the passenger vehicle struck the side of a large truck. Brumbelow noted that 20 percent of the side-impacted trucks were straight trucks, and those remaining were tractor-trailers or tractors without trailers. However, TIFA data files did not provide information on the impact location (impact with tractor, between tractor and trailer, between front and rear axles of the trailer, or behind the trailer rear wheels) and whether the passenger vehicle underrode the truck. Brumbelow noted that not all fatalities and injuries were due to vehicle underride and that not all injuries in crashes with side underride could be mitigated by side underride guards, because of the impact location, lack of restraint use, high deceleration levels, and other factors. Using 2008–2017 fatal crash data, NHTSA estimated that there were 212 light passenger vehicle occupant fatalities annually in crashes into the sides of tractor-trailers.

In their petition, petitioners identify patents for side underride guards held by two semi-trailer manufacturers that they state indicates that the industry has already designed and tested a solution to the alleged defect. The petitioners further state that another underride guard, designed outside of the industry, has been successfully crash tested and proven to stop a car from going under a semi-trailer in a collision up to 40 mph. Multiple manufacturers have conducted testing of various SUG devices, and some of the manufacturers queried by NHTSA tested that guard on their trailers. According to the manufacturers, in certain cases, either the trailers and/or the guard experienced structural damage when the guard was fitted to a trailer and subjected to the manufacturer's validation testing. The guard failed the validation test, in other words. In one case, the testing was limited to a floor endurance test as defined by the Truck Trailer Manufacturers Association (TTMA) Recommended Practice 37–07 (RP 37–07). The manufacturer reported that, while the guard-equipped trailer passed two of the three tests, it failed the overload portion. This manufacturer

[1] While petitioners allege that a lack of SUGs also poses a safety hazard to vulnerable road users (*e.g.,* pedestrians), that results in death and injury, SUGs—the lack of which petitioners assert constitutes a defect here—are devices that are specifically intended to prevent a vehicle (not necessarily a vulnerable road user) from underriding a trailer.

[2] Matthew L. Brumbelow, *Potential benefits of underride guards in large truck side crashes,* 13 Traffic Inj. Prevention 592–99 (2012).

has had three customer inquiries about SUGs in the past ten years. The manufacturer stated that at a customer's request it would install an SUG. One other manufacturer noted that it offers a prototypical side-impact guard as optional equipment where specifications are consistent with a side-impact guard and it is determined the guard will not result in an unsafe condition.

Multiple manufacturers also reviewed the IIHS crash test of the guard to which petitioners refer. Manufacturers expressed concerns over various aspects of testing. Manufacturer responses indicated that the trailer was not loaded in a typical manner, in that the load on the trailer was concentrated in the back instead of being evenly distributed across the entire floor (as it would be in a real-world operation). For comparison, FMVSS 223 testing for rear underride requires the test structure/trailer to be fixed so that it does not move. One manufacturer conducted a separate crash test of the guard on what it described as a properly loaded trailer, and noted the trailer was displaced approximately three inches (3″) compared to over one foot (12″) in the IIHS test scenario with the same make/model crash vehicle and impact speed. The manufacturer described that in the IIHS test, energy was dissipated when the trailer flexed and slid (reducing the amount absorbed by the guard). The manufacturer had reservations about performance of the guard, given that the weighting and loading criteria in the IIHS test was not the same as that used for IIHS rear-impact tests, and also expressed concern about exposure to real-world conditions, including with regard to damage to the trailer and attendant safety risks. One manufacturer also noted that the IIHS test involved only a perpendicular impact at the center of the SUG. For comparison, FMVSS 223/224 requires testing along multiple locations of the rear guard. Crash data also shows a significant number of real-world events involve collisions at acute and obtuse angles, and no such tests are known to have been conducted with this guard.

The petitioners claim that since 2010, this guard has been installed on a small number of semi-trailers that logged over one million miles of use delivering loads without negative road clearance issues, structural deficiencies or issues with loading or unloading at docks. A manufacturer response indicated that this statement is based on one trailer operating a dedicated route. This is typical mileage for such an operation, as most trucks average 100,000 miles per year. A dedicated route means the trailer sees the same loading and unloading facilities and travels the same terrain. Furthermore, this manufacturer response stated that this unit is part of a multi-trailer fleet, and that the fleet has not added additional of these guards to the rest of its trailers.

More broadly, certain manufacturers noted that SUGs may be compatible with some trailer and fleet operations, although there was the suggestion that a ''one size fits all'' approach is not possible in the U.S. commercial vehicle market, where vehicles are designed and purchased for specific operations or for versatility necessitated by the fleet's operation. Multiple manufacturers are working on SUG designs, and several manufacturers have filed patents for their designs, although trailer manufacturers pointed out challenges. One manufacturer noted it had not, to date, identified a feasible design to prevent underride while not compromising the structural or operational capabilities of the trailer. Another manufacturer developing a prototype observed that testing is scheduled, but cited potential material shortages and shipping delays. Furthermore, it appears there is a hesitancy on the part of at least some manufacturers in the industry to develop SUGs without research from NHTSA on their effectiveness and cost.

NHTSA is authorized to issue an order requiring notification and remedy of a defect if the agency's investigation shows a defect in the design, construction, or performance of a motor vehicle that presents an unreasonable risk to safety. 49 U.S.C. 30102(a)(9), 30118. Factors the agency may consider when deciding whether to grant or deny a defect petition ''include, among others, allocation of agency resources, agency priorities and the likelihood of success in litigation which might arise from the order.'' 49 CFR 552.8. The above discussion illustrates that the complex issues that the petitioners present would benefit from additional information and data. NHTSA does not prescribe a specific remedy even where a safety defect is identified, but the agency may set performance standards for equipment—and recognizing a need for further research and evaluation of SUGs, Congress included in section 23011 of the Bipartisan Infrastructure Law (BIL) (November 15, 2021) several provisions that relate to side underride issues.

Among these is a requirement that the Secretary of Transportation ''complete additional research on side underride guards to better understand the overall effectiveness of side underride guards'' and, ''if warranted, develop performance standards for side underride guards.'' The Secretary is also required to publish findings of an assessment of the ''feasibility, benefits, and costs of, and any impacts on intermodal equipment, freight mobility (including port operations), and freight capacity associated with, installing side underride guards on newly manufactured trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or more,'' and after taking public comment, submit to Congress a report that includes, among other things, ''a determination as to whether the Secretary intends to develop performance requirements for side underride guards, including any analysis that led to that determination.'' In addition, the Secretary must establish an Advisory Committee on Underride Protection ''to provide advice and recommendations to the Secretary on safety regulations to reduce underride crashes and fatalities relating to underride crashes.''

Based on the available information and agency experience, ODI believes the issues raised by the petitioners are best addressed through the congressionally-directed evaluation of SUGs under section 23011 of the BIL. As the issues presented by the petitioners are being addressed pursuant to such direction, NHTSA has decided not to open a defect investigation, and the petition is denied. The denial of this petition does not foreclose the agency from taking further action if warranted or making a future finding that a safety-related defect exists based upon additional information the agency may receive.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.95 and 501.8.

Anne Collins,

Associate Administrator, Enforcement.

[FR Doc. 2022–14165 Filed 7–1–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more

applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one or more persons currently included on the SDN List. OFAC is also publishing updates to the identifying information of one person currently included on the SDN List and the Sectoral Sanctions Identification List (SSI List); these updates will remove that person from the SDN List. OFAC is publishing updates to the identifying information of one person currently included on the SSI List; these updates will additionally add that person to the SDN List.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Andrea Gacki, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List, SSI List, and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

A. On June 28, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

Individuals:

1. GOVTVIN, Yuriy Nikolaevich (Cyrillic: ГОВТВИН, Юрий Николаевич) (a.k.a. GOVTVIN, Yuriy Nikolayevich; a.k.a. HOVTVIN, Yuriy Mykolayovych (Cyrillic: ГОВТВІН, Юрій Миколайович)), Square of the Heroes of the Great Patriotic War, 3, Luhansk, So-called Luhansk People's Republic, Ukraine; DOB 12 Apr 1968; nationality Ukraine; Gender Male (individual) [RUSSIA-EO14065].

   Designated pursuant to section 2(a)(ii) of Executive Order 14065 of February 21, 2022, "Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to Continued Russian Efforts To Undermine the Sovereignty and Territorial Integrity of Ukraine," 87 FR 10293 (February 23, 2022) (E.O. 14065) for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

2. TODOROVA, Anna Yurievna (Cyrillic: ТОДОРОВА, Анна Юрьевна) (a.k.a. TODOROVA, Anna Yuryevna; a.k.a. TODOROVA, Hanna Yuriyivna (Cyrillic: ТОДОРОВА, Ганна Юріївна)), Square of the Heroes of the Great Patriotic War, 3, Luhansk, So-called Luhansk People's Republic, Ukraine; DOB 20 Feb 1988; nationality Ukraine; Gender Female (individual) [RUSSIA-EO14065].

   Designated pursuant to section 2(a)(ii) of E.O. 14065 for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

3. ANANCHENKO, Aleksandr Evgenyevich (Cyrillic: АНАНЧЕНКО, Александр Евгеньевич) (a.k.a. ANANCHENKO, Aleksandr Evgenevich; a.k.a. ANANCHENKO, Oleksandr Yevhenovych (Cyrillic: АНАНЧЕНКО, Олександр Євгенович)), Donetsk, Ukraine; DOB 02 Feb 1966; alt. DOB 1967; POB

Selydove, Donetsk Oblast, Ukraine; nationality Ukraine; Gender Male (individual) [RUSSIA-EO14065].

Designated pursuant to section 2(a)(ii) of E.O. 14065 for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

4. ANTONOV, Vladimir Nikolaevich (Cyrillic: АНТОНОВ, Владимир Николаевич) (a.k.a. ANTONOV, Volodymyr Mykolayovych (Cyrillic: АНТОНОВ, Володимир Миколайович)), Donetsk, Ukraine; DOB 24 Dec 1979; nationality Ukraine; alt. nationality Russia; Gender Male (individual) [RUSSIA-EO14065].

   Designated pursuant to section 2(a)(ii) of E.O. 14065 for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

5. EZHIKOV, Vladimir Vladimirovich (Cyrillic: ЕЖИКОВ, Владимир Владимирович) (a.k.a. YEZHIKOV, Vladimir), Donetsk, Russia; DOB 20 Jun 1987; nationality Russia; Gender Male (individual) [RUSSIA-EO14065].

   Designated pursuant to section 2(a)(ii) of E.O. 14065 for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

6. PEREVERZEVA, Tatiana Viktorovna (Cyrillic: ПЕРЕВЕРЗЕВА, Татьяна Викторовна) (a.k.a. PEREVERZEVA, Tatyana Viktorovna; a.k.a. PEREVERZEVA, Tetiana Viktorivna (Cyrillic: ПЕРЕВЕРЗЕВА, Тетяна Вікторівна)), Donetsk, Ukraine; DOB 20 Jun 1964; POB Donetsk, Ukraine; nationality Ukraine; Gender Female (individual) [RUSSIA-EO14065].

   Designated pursuant to section 2(a)(ii) of E.O. 14065 for being or having been since the date of E.O. 14065 a leader, official, senior executive officer, or member of the board of directors of an entity operating in the Covered Regions.

7. ANOSOV, Viktor Yuryevich (Cyrillic: АНОСОВ, Виктор Юрьевич) (a.k.a. ANOSOV, Viktor Yurevich; a.k.a. ANOSOV, Viktor Yuriyovich (Cyrillic: АНОСОВ, Віктор Юрійович)), Russia; DOB 31 Oct 1965; nationality Russia; alt. nationality Ukraine; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

   Designated pursuant to section 1(a)(iii)(C) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024)for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

8. BORODAY, Alexander Yuryevich (Cyrillic: БОРОДАЙ, Александр Юрьевич) (a.k.a. BORODAI, Aleksandr), Russia; Dubai, United Arab Emirates; DOB 25 Jul 1972; POB Moscow, Russia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Tax ID No. 772916358810 (Russia); Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [UKRAINE-EO13660] [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

9. CHUMAKOV, Aleksey Nikolaevich (Cyrillic: ЧУМАКОВ, Алексей Николаевич) (a.k.a. CHUMAKOV, Aleksej Nikolaevich; a.k.a. CHUMAKOV, Oleksiy Mykolayovych (Cyrillic: ЧУМАКОВ, Олексій Миколайович)), Russia; DOB 06 May 1974; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

   Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

10. DANILTSEV, Yuriy Viktorovich (Cyrillic: ДАНИЛЬЦЕВ, Юрий Викторович) (a.k.a. DANYLTSEV, Yuriy Viktorovych (Cyrillic: ДАНИЛЬЦЕВ, Юрій Вікторович)), Moscow, Russia; DOB 02 Sep 1974; POB Snezhnoye, Donetsk Oblast, Ukraine; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

11. DZINIKASHVILI, Dmitriy Vladimirovich (Cyrillic: ДЖИНИКАШВИЛИ, Дмитрий Владимирович) (a.k.a. DZINIKASHVILI, Dmitrij Vladimirovich; a.k.a. DZYNIKASHVILI, Dmytro Volodymyrovych (Cyrillic: ДЖИНІКАШВІЛІ, Дмитро Володимирович)), Rostov-na-Donu, Russia; DOB 17 Jul 1987; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

12. ENALDIEV, Tamerlan Borisovich (Cyrillic: ЕНАЛДИЕВ, Тамерлан Борисович) (a.k.a. ENALDIEV, Tamerlan Borysovych (Cyrillic: ЄНАЛДІЄВ, Тамерлан Борисович)), Moscow, Russia; DOB 06 Dec 1966; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

13. KHAVCHENKO, Dmitriy Vasilyevich (Cyrillic: ХАВЧЕНКО, Дмитрий Васильевич) (a.k.a. HAVCHENKO, Dmitrij Vasilevich; a.k.a. KHAVCHENKO, Dmytro Vasylovych (Cyrillic: ХАВЧЕНКО, Дмитро Васильович)), Moscow, Russia; Crimea, Ukraine; DOB 06 Jan 1966; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

14. KOLEDA, Mariya Vasilyevna (Cyrillic: КОЛЕДА, Мария Васильевна) (a.k.a. KOLEDA, Mariya Vasilevna; a.k.a. KOLEDA, Mariya Vasylivna (Cyrillic: КОЛЄДА, Марія Василівна)), Russia; DOB 07 Jun 1991; POB Saint Petersburg, Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

15. KULYGINA, Olga Ivanovna (Cyrillic: КУЛЫГИНА, Ольга Ивановна) (a.k.a. KULYHINA, Olha Ivanivna (Cyrillic: КУЛИГІНА, Ольга Іваніна)), Moscow, Russia; DOB 14 Sep 1972; Gender Female (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

16. KUZNETSOVA, Anastasiya Viktorovna (Cyrillic: КУЗНЕЦОВА, Анастасия Викторовна) (a.k.a. KUZNETSOVA, Anastasiya Viktorivna (Cyrillic: КУЗНЕЦОВА, Анастасія Вікторівна)), Donetsk, Ukraine; DOB 20 Jul 1970; Gender Female (individual) [RUSSIA-EO14024] (Linked To:

INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

17. LASHKARYOVA, Nadezhda Vitalyevna (Cyrillic: ЛАШКАРЁВА, Надежда Витальевна) (a.k.a. LASHKAREVA, Nadezhda Vitalevna (Cyrillic: ЛАШКАРЕВА, Надежда Витальевна); a.k.a. LASHKAROVA, Nadiya Vitaliivna (Cyrillic: ЛАШКАРЬОВА, Надія Віталіївна)), Dnipro, Ukraine; Krasnyy Luch, Ukraine; DOB 08 Nov 1961; Gender Female (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

18. LENSHIN, Roman Yuryevich (Cyrillic: ЛЕНЬШИН, Роман Юрьевич) (a.k.a. LENSHIN, Roman Yurevich; a.k.a. LENSHYN, Roman Yuriiovich (Cyrillic: ЛЕНЬШИН, Роман Юрійович)), Russia; DOB 02 Aug 1976; Gender Male; Tax ID No. 773576584106 (Russia) (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

19. PINCHUK, Andrei Yuryevich (Cyrillic: ПИНЧУК, Андрей Юрьевич) (a.k.a. PINCHUK, Andrej Yurevich; a.k.a. PINCHUK, Andriy Yuriiovich (Cyrillic: ПІНЧУК, Андрій Юрійович)), Tiraspol, Moldova; Russia; DOB 27 Dec 1977; POB Tiraspol, Moldova; nationality Russia; alt. nationality Ukraine; Gender Male; Tax ID No. 262813379706 (Russia) (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

20. PUGACHYOV, Oleg Ivanovich (Cyrillic: ПУГАЧЁВ, Олег Иванович) (a.k.a. PUHACHOV, Oleh Ivanovych (Cyrillic: ПУГАЧОВ, Олег Іванович)), Russia; DOB 27 Jul 1987; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

21. SHEVCHENKO, Yuriy Valeryevich (Cyrillic: ШЕВЧЕНКО, Юрий Валерьевич) (a.k.a. SHEVCHENKO, Yurij Valerevich; a.k.a. SHEVCHENKO, Yuriy Valeriyovych (Cyrillic: ШЕВЧЕНКО, Юрій Валерійович)), Taranrog, Rostov Oblast, Russia; DOB 30 Dec 1966; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

22. SOSONNYY, Aleksey Petrovich (Cyrillic: СОСОННЫЙ, Алексей Петрович) (a.k.a. SOSONNYJ, Aleksej Petrovich; a.k.a. SOSONNYY, Oleksiy Petrovych (Cyrillic: СОСОННИЙ, Олексій Петрович)), Russia; DOB 05 Nov 1983; Gender Male (individual) [RUSSIA-EO14024] (Linked To: INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS).

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Interregional Social Organization Union of Donbas Volunteers, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

23. KHOTSENKO, Vitaliy Pavlovich (Cyrillic: ХОЦЕНКО, Виталий Павлович) (a.k.a. HOTSENKO, Vitaly), Donetsk, Ukraine; DOB 18 Mar 1986; POB Dnepropetrovsk, Ukraine; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

24. AFANASYEV, Dmitriy Valeryevich (a.k.a. AFANASIEV, Dmitry), Russia; DOB 18 Nov 1988; POB Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

25. KOKOREV, Alexander Aleksandrovich, Russia; DOB 23 Sep 1973; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

26. KOKOREVA, Natalia Vasilyevna, Russia; DOB 28 May 1979; POB Moscow, Russia; nationality Russia; Gender Female (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

27. GRIGORYEV, Andrey Ivanovich (a.k.a. GRIGOR'EV, Andrej Ivanovich; a.k.a. GRIGORIEV, Andrey Ivanovich; a.k.a. GRIGORYEV, Andrei Ivanovich), Russia; DOB 30 Jan 1963; nationality Russia; Gender Male; Tax ID No. 772788747079 (Russia) (individual) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

28. KOGOGIN, Sergei Anatolyevich (Cyrillic: КОГОГИН, Сергей Анатольевич) (a.k.a. KOGOGIN, Sergey), Russia; DOB 16 Nov 1957; POB Bolshie Klyuchi village, Zelenodolsk Region, the Republic of Tatarstan, Russia; nationality Russia; Gender Male; Tax ID No. 164804995925 (Russia) (individual) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

29. KRINITSYN, Oleg Anatolyevich (Cyrillic: КРИНИЦЫН, Олег Анатольевич), Russia; DOB 12 May 1971; nationality Russia; Gender Male; Tax ID No. 342304942480 (Russia) (individual) [RUSSIA-EO14024] (Linked To: LIMITED LIABILITY COMPANY RSB-GROUP

    Designated pursuant to section 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of Limited Liability Company RSB-Group, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

Entities:

1. JOINT STOCK COMPANY TEKHNODINAMIKA (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ТЕХНОДИНАМИКА) (a.k.a. AKTSIONERNOE OBSCHESTVO TEKHNODINAMIKA; a.k.a. AO TEKHNODINAMIKA; a.k.a. JOINT STOCK COMPANY AVIATION EQUIPMENT; a.k.a. JSC TEKHNODINAMIKA (Cyrillic: АО ТЕХНОДИНАМИКА); a.k.a. TEKNODINAMIKA JSC), Ul. Bolshaya Tatarskaya D. 35, Str. 5, Moscow 115184, Russia; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1037719005873 (Russia); Tax ID No. 7719265496 (Russia); Government Gazette Number 07543117 (Russia); For more information on

directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

2. JOINT STOCK COMPANY SHVABE (a.k.a. AKTSIONERNOE OBSHCHESTVO SHVABE; a.k.a. AO SHVABE; f.k.a. SHVABE PAO), 176, Prospekt Mira, Moscow 129366, Russia; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type State-Owned Enterprise; Registration ID 1107746256727 (Russia); Tax ID No. 7717671799 (Russia); Government Gazette Number 07508641 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

3. LIMITED LIABILITY COMPANY KAPO-AVTOTRANS (a.k.a. KAPO-AVTOTRANS OOO; a.k.a. PSK AVIASTROI), ul Dementyeva d 2B, Kazan 420127, Russia; Tax ID No. 1661022799 (Russia); Registration Number 1081690078700 (Russia) [RUSSIA-EO14024] (Linked To: TUPOLEV PUBLIC JOINT STOCK COMPANY).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Tupolev Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

4. LIMITED LIABILITY COMPANY KAPO-ZHILBILTSERVIS (a.k.a. UK KAPO-ZHBS; a.k.a. UK KAPO-ZHILBYTSERVIS OOO), ul Akademika Pavlova d 9, Kazan 420127, Russia; Tax ID No. 1661022862 (Russia); Registration Number 1081690080450 (Russia) [RUSSIA-EO14024] (Linked To: TUPOLEV PUBLIC JOINT STOCK COMPANY).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Tupolev Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

5. TUPOLEV PUBLIC JOINT STOCK COMPANY (f.k.a. OTKRYTOE AKTSIONERNOE OBSCHESTVO TUPOLEV; a.k.a. PUBLICHNOE AKTSIONERNOE OBSCHESTVO TUPOLEV; a.k.a. TUPOLEV JSC; a.k.a. TUPOLEV PAO), 17, Naberezhnaya Akademika Tupoleva, Moscow 105005, Russia; Tax ID No. 7705313252 (Russia); Registration Number 1027739263056 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector and the aerospace sector of the Russian Federation economy.

6. ENERGOTSENTR IRKUT (a.k.a. ETS IRKUT OOO), ul Novatorov d 3, Irkutsk 664020, Russia; Tax ID No. 3810035857 (Russia); Registration Number 1043801430530 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

7. IRKUT CORPORATION JOINT STOCK COMPANY (a.k.a. IRKUT CORP PJSC; a.k.a. KORPORATSIYA IRKUT PAO; a.k.a. NP KORPORATSIYA IRKUT PAO; f.k.a. OAO SCIENTIFIC PRODUCTION CORPORATION IRKUT; a.k.a. PUBLICHNOE AKTSIONERNOE OBSCHESTVO NAUCHNO-PROIZVODSTVENNAYA IRKUT), 68, Leningradsky Prospekt, Moscow 125315, Russia; Tax ID No. 3807002509 (Russia); Registration Number 1023801428111 (Russia) [RUSSIA-EO14024].

   Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector and the aerospace sector of the Russian Federation economy.

8. IRKUT-AVTOTRANS (a.k.a. IRKUT-AVTOTRANS OOO), ul Novatorov d 3, Irkutsk 664020, Russia; Tax ID No. 3810035769 (Russia); Registration Number 1043801430386 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

9. IRKUT-REMSTROI (a.k.a. IRKUT-REMSTROI OOO), ul Novatorov d 3, Irkutsk 664020, Russia; Tax ID No. 3810035310 (Russia); Registration Number 1043801429110 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

   Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

10. IRKUT-STANKO SERVICE (a.k.a. IRKUT-STANKO SERVIS OOO), ul Novatorov d 3, Irkutsk 664020, Russia; Tax ID No. 3810035303 (Russia); Registration Number 1043801429100 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

11. RAPART SERVISEZ (a.k.a. RAPART SERVISEZ OOO), ul. Leninskaya Sloboda d. 26, et 1 pom. IV kom 106, Moscow 115280, Russia; Tax ID No. 7725497858 (Russia); Registration Number 1187746841941 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

12. SPORTIVNO-OZDOROVITELNYI TSENTR IRKUT-ZENIT (a.k.a. IRKUT-ZENIT OOO; a.k.a. SOTS IRKUT-ZENIT), ul Aviastroitelei d 4 korp A, Irkutsk 664002, Russia; Tax ID No. 3810034846 (Russia); Registration Number 1043801428065 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

13. THE LIMITED LIABILITY COMPANY NETWORKING COMPANY IRKUT (a.k.a. SETEVAYA KOMPANIYA IRKUT OOO), ul. Aviastroitelei d. 28 A, Irkutsk 664020, Russia; Tax ID No. 3810035487 (Russia); Registration Number 1043801429737 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

14. TIPOGRAFIYA IRKUT (a.k.a. TIPOGRAFIYA IRKUT OOO), ul Novatorov d 3, Irkutsk 664020, Russia; Tax ID No. 3810035293 (Russia); Registration Number 1043801429099 (Russia) [RUSSIA-EO14024] (Linked To: IRKUT CORPORATION JOINT STOCK COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Irkut Corporation Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

15. JOINT STOCK COMPANY ILYUSHIN FINANCE COMPANY (a.k.a. AKTSIONERNOE OBSHCHESTVO ILYUSHIN FINANS KO; a.k.a. JSC ILYUSHIN FINANCE COMPANY; a.k.a. OJSC ILYUSHIN FINANCE; a.k.a.

"AO IFK"; a.k.a. "IFC LEASING"; a.k.a. "JSC IFC"), Pr-kt Michurinskii, Olimpiiskaya Derevnya D. 1, Korp. 1, et. 4, Moscow 119602, Russia; Pr-kt Leninskii d. 43A, office 502, Voronezh 394004, Russia; 1st km of Rublevo-Uspenskoe Shosse, Building 6, Odintsovo, Moscow 143030, Russia; Organization Established Date 10 Mar 1999; Tax ID No. 3663029916 (Russia); Registration Number 1033600042332 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

16. OPEN JOINT STOCK COMPANY ILYUSHIN AVIATION COMPLEX (a.k.a. JSC ILYUSHIN AVIATION COMPLEX; a.k.a. OAO ILYUSHIN AVIATION COMPLEX; a.k.a. OJSC ILYUSHIN AVIATION COMPLEX; a.k.a. PUBLICHNOE AKTSIONERNOE OBSCHESTVO AVIATSIONNYI KOMPLEKS IM S. V ILYUSHINA; a.k.a. "OJSC IL"), 45G Leningradsky Avenue, Moscow 125190, Russia; ISIN RU0007796926; Tax ID No. 7714027882 (Russia); Registration Number 1027739118659 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector and the aerospace sector of the Russian Federation economy.

17. PUBLIC JOINT STOCK COMPANY UNITED AIRCRAFT CORPORATION (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО ОБЪЕДИНЕННАЯ АВИАСТРОИТЕЛЬНАЯ КОРПОРАЦИЯ) (a.k.a. MIG; f.k.a. OJSC UAC (Cyrillic: ОАО ОАК); f.k.a. OTKRYTOE AKTSIONERNOE OBSCHESTVO OBEDINENNAYA AVIASTROITELNAYA KORPORATSIYA; a.k.a. PJSC UAC (Cyrillic: ПАО ОАК); a.k.a. PUBLICHNOE AKTSIONERNOE OBSCHESTVO OBEDINENNAYA AVIASTROITELNAYA KORPORATSIYA; a.k.a. SUKHOI; a.k.a. UNITED AIRCRAFT CORPORATION), ul. Bolshaya Pioneerskaya, d. 1, Moscow 115054, Russia (Cyrillic: ул. Большая Пионерская, д. 1, город Москва 115054, Russia); Str.1, 22, Ulanskyi Pereulok, Moscow 101000, Russia; Organization Established Date 2006; Target Type State-Owned Enterprise; Tax ID No. 7708619320 (Russia); Registration Number 1067759884598 (Russia) [RUSSIA-EO14024].

Designated pursuant to sections 1(a)(i) and 1(a)(vii) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy and for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

18. JOINT STOCK COMPANY FLIGHT RESEARCH INSTITUTE N.A. M.M. GROMOV (a.k.a. AKTSIONERNOE OBSHCHESTVO LETNO-ISSLEDOVATELSKI INSTITUT IMENI M.M. GROMOVA (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ЛЕТНО-ИССЛЕДОВАТЕЛЬСКИЙ ИНСТИТУТ ИМЕНИ М.М. ГРОМОВА); a.k.a. JSC FLIGHT RESEARCH INSTITUTE N.A. M.M. GROMOV (Cyrillic: АО ЛЕТНО-ИССЛЕДОВАТЕЛЬСКИЙ ИНСТИТУТ ИМ. М.М. ГРОМОВА); a.k.a. JSC FRI N.A. M.M. GROMOV (Cyrillic: АО ЛИИ ИМ. М.М. ГРОМОВА); a.k.a. STATE FEDERAL UNITARY ENTERPRISE GROMOV FLIGHT RESEARCH INSTITUTE), D. 2a, Ul. Garnaeva, Zhukovskiy 140180, Russia (Cyrillic: д. 2А,

ул. Гарнаева, Московская область, Жуковский 140180, Russia); Zhukovsky-2, Moscow region 140182, Russia; Organization Established Date 1993; Target Type State-Owned Enterprise; Tax ID No. 5040114973 (Russia); Registration Number 1125040002823 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

19. PUBLIC JOINT STOCK COMPANY TAGANROG AVIATION SCIENTIFIC-TECHNICAL COMPLEX N.A. G.M. BERIEV (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО ТАГАНРОГСКИЙ АВИАЦИОННЫЙ НАУЧНО-ТЕХНИЧЕСКИЙ КОМПЛЕКС ИМ. Г.М. БЕРИЕВА) (a.k.a. BERIEV AIRCRAFT COMPANY; a.k.a. PJSC TAGANROG AVIATION SCIENTIFIC-TECHNICAL COMPLEX N.A. G.M. BERIEV (Cyrillic: ПАО ТАГАНРОГСКИЙ АВИАЦИОННЫЙ НАУЧНО-ТЕХНИЧЕСКИЙ КОМПЛЕКС ИМ. Г.М. БЕРИЕВА); a.k.a. PJSC TASTC N.A. G. M. BERIEV; a.k.a. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO TAGANROGSKI AVIATSIONNY NAUCHNO TEKHNICHESKI KOMPLEKS IM. G.M. BERIEVA; f.k.a. TAGANROGSKI AVIATSIONNY NAUCHNO-TEKHNICHESKI KOMPLEKS IM. G.M. BERIEVA PAO; a.k.a. TANTK IM.G.M. BERIEVA PAO), d. 1, pl. Aviatorov, Taganrog, Rostovskaya Oblast 347923, Russia (Cyrillic: д.1, пл. Авиаторов, Таганрог, Ростовская область 347923, Russia); Organization Established Date 13 Jul 1994; Target Type State-Owned Enterprise; Tax ID No. 6154028021 (Russia); Registration Number 1026102571065 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the aerospace sector of the Russian Federation economy.

20. JOINT STOCK COMPANY RT-TEKHPRIEMKA (a.k.a. JSC RT-TEKHPRIEMKA; a.k.a. RT-TECHPRIEMKA), Per. Elektricheskii D. 1, Str. 12, Moscow 123557, Russia; Organization Established Date 12 Jul 1991; Target Type State-Owned Enterprise; Tax ID No. 7714710760 (Russia); Registration Number 1077759874070 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Rostec, a person whose property and interests in property are blocked pursuant to E.O. 14024.

21. RT-BUSINESS DEVELOPMENT (a.k.a. RT-RAZVITIE BIZNESA, OOO), Pl. Paveletskaya D. 2, Str. 2, Moscow 115054, Russia; Organization Established Date 09 Apr 2014; Target Type State-Owned Enterprise; Tax ID No. 7704861136 (Russia); Registration Number 1147746392200 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Rostec, a person whose property and interests in property are blocked pursuant to E.O. 14024.

22. RT-CAPITAL LIMITED LIABILITY COMPANY (a.k.a. RT-CAPITAL LLC), Berezhkovskaya Nab D. 38 G, Moscow 121059, Russia; Organization Established Date 03 Dec 2010; Target Type State-Owned Enterprise; Tax ID No. 7704770859 (Russia); Registration Number 1107746989954 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Rostec, a person whose property and interests in property are blocked pursuant to E.O. 14024.

23. RT-INFORM LIMITED LIABILITY COMPANY (a.k.a. RT-INFORM LLC), Turchaninov Pereulok D. 6, Str. 2, Of. 105, Moscow 119048, Russia; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Organization Established Date 28 Jun 2012; Target Type State-Owned Enterprise; Registration ID 1127746501190 (Russia); Tax ID No. 7704810710 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Rostec, a person whose property and interests in property are blocked pursuant to E.O. 14024.

24. RT-PROJECT TECHNOLOGY OPEN JOINT STOCK COMPANY (a.k.a. AO RT-PROEKTNYE TEKHNOLOGII; a.k.a. JSC RT – PROJECT TECHNOLOGIES; a.k.a. RT-PROEKTNYE TEKHNOLOGII, PAO), Berezhkovskaya Nab D. 6, Moscow 121059, Russia; Organization Established Date 15 Sep 2011; Target Type State-Owned Enterprise; Tax ID No. 7724804619 (Russia); Registration Number 1117746729682 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Rostec, a person whose property and interests in property are blocked pursuant to E.O. 14024.

25. EMC SUD LIMITED, King Palace Plaza, No 55 King Yip Street, Rm C, Kwun Tong, Hong Kong, China; Organization Established Date 28 Jun 2017; Registration Number 2550003 (Hong Kong) [RUSSIA-EO14024] (Linked To: KOKOREV, Alexander Aleksandrovich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Alexander Aleksandrovich Kokorev, a person whose property and interests in property are blocked pursuant to E.O. 14024.

26. ADVANCED RESEARCH FOUNDATION (a.k.a. FOND PERSPEKTIVNYKH ISSLEDOVANIY (Cyrillic: ФОНД ПЕРСПЕКТИВНЫХ ИССЛЕДОВАНИЙ); a.k.a. "FPI"), Nab. Berezhkovskaya, D. 22, Str. 3, Moscow 121059, Russia; Website fpi.gov.ru; Tax ID No. 7710480347 (Russia); Registration Number 1127799026596 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

27. LIMITED LIABILITY COMPANY PRIVATE SECURITY ORGANIZATION RSB-GROUP (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ЧАСТНАЯ ОХРАННАЯ ОРГАНИЩАЦИЯ РСБ-ГРУПП) (a.k.a. LLC PSO RSB-GROUP (Cyrillic: ООО ЧОО РСБ-ГРУПП); a.k.a. OBSCHESTVO S OGRANICHENNOY OTVETSTVENNOSTYU CHASTNAYA OKHRANNAYA ORGANIZATSIYA RSB-GRUPP; a.k.a. OOO CHOO RSB-GRUPP), Ulitsa Krzhizhanovskogo, D. 14, K. 2, Pom I Komn 1;2, Moskva 117218, Russia (Cyrillic: Улица Кржижановского, Д. 14, К. 2, Пом I Комн 1;2, Москва 117218, Russia); Organization Established Date 14 Nov 2008; Tax ID No. 7718731144 (Russia); Registration Number 5087746401573 (Russia) [RUSSIA-EO14024] (Linked To: KRINITSYN, Oleg Anatolyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Oleg Anatolyevich Krinitsyn, a person whose property and interests in property are blocked pursuant to E.O. 14024.

28. LIMITED LIABILITY COMPANY RSB-GROUP (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ РСБ-ГРУПП) (a.k.a. LLC RSB-GROUP (Cyrillic: ООО РСБ-ГРУПП); a.k.a. OBSCHESTVO S OGRANICHENNOY OTVETSTVENNOSTYU RSB-GRUPP; a.k.a. "RUSSIAN SECURITY SYSTEMS"), Ulitsa Dnepropetrovskaya, Dom 3, Korpus 5, Et 1, Pom III, K 8 0 6-6, Moskva 117525, Russia (Cyrillic: Улица Днепропетровская, Дом 3, Корпус 5, Эт 1, Пом III, К 8 0 6-6, Москва 117525, Russia); Organization Established Date 24 Nov 2005; Tax ID No. 6177746707088 (Russia); Registration Number 1057749205942 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

29. JOINT STOCK COMPANY CONCERN AVTOMATIKA (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО КОНЦЕРН АВТОМАТИКА) (a.k.a. AO KONTSERN AVTOMATIKA; a.k.a. JSC CONCERN AVTOMATIKA (Cyrillic: АО КОНЦЕРН АВТОМАТИКА)), Ul. Botanicheskaya D. 25, Moscow 127106, Russia; Tax ID No. 7715906332 (Russia); Registration Number 1127746139564 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

30. INTERREGIONAL SOCIAL ORGANIZATION UNION OF DONBAS VOLUNTEERS (Cyrillic: МЕЖРЕГИОНАЛЬНАЧЯ ОБЩЕСТВЕННАЯ ОРГАНИЗАЦИЯ СОЮЗ ДОБРОВОЛЬЦЕВ ДОНБАССА) (a.k.a. MOO SDD (Cyrillic: МОО СДД); a.k.a. UNION OF DONBAS VOLUNTEERS (Cyrillic: СОЮЗ ДОБРОВОЛЬЦЕВ ДОНБАССА)), ofis 2, str. 1, d. 7, ul. Fadeyeva, Moscow 125047, Russia; ul. Ulofa Palme, d. 1, podyezd C, Moscow, Russia; Tax ID No. 9710001943 (Russia); Registration Number 1157700015065 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(ii)(F) of E.O. 14024 for being responsible or complicit in, or having directly or indirectly engaged in activities that undermine the peace, security, political stability, or territorial integrity of the United States, its allies, or its partners for or on behalf of, or for the benefit of, directly or indirectly, the Government of the Russian Federation.

31. STATE FLIGHT TESTING CENTER NAMED AFTER V.P. CHKALOV (Cyrillic: ГОСУДАРСТВЕННЫЙ ЛЁТНО-ИСПЫТАТЕЛЬНЫЙ ЦЕНТР ИМЕНИ В.П.ЧКАЛОВА) (a.k.a. 929 GLITS; a.k.a. 929 STATE FLIGHT TEST CENTER (Cyrillic: 929-Й ГОСУДАРСТВЕННЫЙ ЛЁТНО-ИСПЫТАТЕЛЬНЫЙ ЦЕНТР)), Akhtubinsk, Astrakhan Region, Russia; Khmeimim Air Base, Syria; Chkalovsky Airfield, Russia; Organization Established Date Oct 1920; Target Type Government Entity [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(iv) of E.O. 14024 for being a political subdivision, agency, or instrumentality of the Government of the Russian Federation.

32. STATE CORPORATION ROSTEC (a.k.a. STATE CORPORATION FOR THE PROMOTION OF THE DEVELOPMENT, MANUFACTURE, AND EXPORT OF HIGH TECH PRODUCTS ROSTEC (Cyrillic: ГОСУДАРСТВЕННАЯ КОРПОРАЦИЯ ПО СОДЕЙСТВИЮ РАЗРАБОТКЕ, ПРОИЗВОДСТВУ И ЭКСПОРТУ ВЫСОКОТЕХНОЛОГИЧНОЙ ПРОМЫШЛЕННОЙ ПРОДУКЦИИ РОСТЕХ)), 24 Usacheva Str., Moscow 119048, Russia; 21 Gogolevsky Blvd., Moscow 119991, Russia; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Organization Established Date 03 Dec 2007; Registration ID 1077799030847 (Russia); Tax ID No. 7704274402 (Russia); Government Gazette Number 94137372 (Russia); For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662] [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

33. JOINT STOCK COMPANY INFORMATION SECURITY REFORM (a.k.a. IB REFORM JSC; a.k.a. JSC IS REFORM), D. 125 Str. 1 Etazh 6 Pom. X Kom 23, Shosse Varshavskoe, Moscow 117587, Russia; Organization Established Date 31 Jul 2019; Tax ID No. 7726482572 (Russia); Government Gazette Number

75059643 (Russia); Registration Number 1217700423654 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy.

34. AKTSIONERNOE OBSHCHESTVO TORGOVO-FINANSOVAYA KOMPANIYA KAMAZ (a.k.a. JOINT-STOCK COMPANY TRADING-FINANCIAL COMPANY KAMAZ; a.k.a. JSC TFK KAMAZ; a.k.a. TFK KAMAZ AO; f.k.a. TORGOVO-FINANSOVAYA KOMPANIYA KAMAZ AO), Raion Avtomobilnogo Zavoda, ABK-421, Naberezhnyye Chelny 423800, Russia; 12, proezd Avtosborochny, Naberezhnye Chelny, Tatarstan Resp. 423800, Russia; Organization Established Date 23 Oct 1997; Tax ID No. 1653019048 (Russia); Government Gazette Number 47104250 (Russia); Registration Number 1021602019097 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

35. BEGISHEVO AIRPORT JOINT STOCK COMPANY (a.k.a. AEROPORT BEGISHEVO AO; a.k.a. AKTSIONERNOE OBSHCHESTVO AEROPORT BEGISHEVO; a.k.a. BEGISHEVO AIRPORT OPEN JOINT STOCK COMPANY; a.k.a. BEGISHEVO INTERNATIONAL AIRPORT), Aeroport Begishevo, Nizhnekamsk 423550, Russia; Aeroport S. Biklyan, Tukaevski Raion, Tatarstan Resp. 423878, Russia; Organization Established Date 24 Aug 2006; Tax ID No. 1650145238 (Russia); Government Gazette Number 96889449 (Russia); Registration Number 1061650059921 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

36. CHELNYVODOKANAL OOO (f.k.a. CHELNYVODOKANAL AO; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU CHELNYVODOKANAL), Promzona, Khlebnyi Proezd 27, Naberezhnyye Chelny 423810, Russia; d. 27, proezd Khlebny, Naberezhnye Chelny, Tatarstan Resp. 423800, Russia; Organization Established Date 01 Dec 2014; Tax ID No. 1650297657 (Russia); Government Gazette Number 42150340 (Russia); Registration Number 1141650021534 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

37. JOINT STOCK COMPANY KRASNODARSKIY AVTOCENTR KAMAZ, d. 125, ul. Krasnaya Stanitsa Dinskaya, Dinskoi Raion, Krasnodarski Kr. 353202, Russia; Organization Established Date 08 Aug 2002; Tax ID No. 2330025470 (Russia); Government Gazette Number 26378374 (Russia); Registration Number 1022303612418 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

38. KAMAZ PUBLICLY TRADED COMPANY (a.k.a. KAMAZ PAO; a.k.a. KAMAZ PJSC; a.k.a. KAMAZ PTC; a.k.a. KAMSKOE OBEDINENIE PO PROIZVODSTVU BOLSHEGRUZNYKH AVTOMOBILEI KAMAZ), d. 2, prospekt Avtozavodski, Naberezhnye Chelny, Tatarstan Resp. 423827, Russia; Organization Established Date 1969; Tax ID No. 1650032058 (Russia); Government Gazette Number 00231515 (Russia); Registration Number 1021602013971 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

39. LEASING COMPANY KAMAZ INCORPORATED (a.k.a. KAMAZ LEASING CO OAO; a.k.a. KAMAZ LEASING COMPANY INC.; a.k.a. LIZINGOVAYA KOMPANIYA KAMAZ PAO), PR-KT Avtozavodskii D. 2, Naberezhnyye Chelny 423827, Russia; Prospect Avtozavodskii, 2, Naberezhnyye Chelny, Tatarstan 423827, Russia; Organization Established Date 31 Aug 2005; Tax ID No. 1650130591 (Russia); Government Gazette Number 78681685 (Russia); Registration Number 1051614089944 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

40. LIMITED LIABILITY COMPANY ALFA-INVEST (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ АЛЬФА-ИНВЕСТ), Ul. Kooperativnaya D. 1, Zelenodolsk 422541, Russia; Organization Established Date 17 Jun 2003; Tax ID No. 1648013530 (Russia); Registration Number 1031644204921 (Russia) [RUSSIA-EO14024] (Linked To: KOGOGIN, Sergei Anatolyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Sergei Anatolyevich Kogogin, a person whose property and interests in property are blocked pursuant to E.O. 14024.

41. LIMITED LIABILITY COMPANY PFMK, d. 1, ul. Kooperativnaya, Zelenodolsk, Zelenodolski Raion, Tatarstan Resp. 422541, Russia; Ul.

Privokzalnaya D. 5, Zelenodolsk 422546, Russia; Organization Established Date 26 Feb 2008; Tax ID No. 1648023497 (Russia); Government Gazette Number 83465274 (Russia); Registration Number 1081673000650 (Russia) [RUSSIA-EO14024] (Linked To: KOGOGIN, Sergei Anatolyevich).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Sergei Anatolyevich Kogogin, a person whose property and interests in property are blocked pursuant to E.O. 14024.

42. MIKAM HOLDINGS LIMITED, Neroupos Business Centre, Flat No: 202, Floor No: 2, Ptolemaion 53 3041, Limassol 3041, Cyprus; Organization Established Date 16 Sep 2009; Tax ID No. 10254897D (Cyprus); Registration Number HE254897 (Cyprus) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

43. NEFAZ PUBLICLY TRADED COMPANY (a.k.a. NEFAZ PAO; f.k.a. NEFTEKAMSK MOTOR PLANT PJSC; f.k.a. NEFTEKAMSKIY AVTOZAVOD OAO; a.k.a. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO NEFAZ), d. 3, ul. Yanaulskaya, Neftekamsk, Bashkortostan Resp. 452680, Russia; 3, Yanaul'skaya Street, Neftekamsk 452680, Russia; Organization Established Date 1993; Tax ID No. 0264004103 (Russia); Government Gazette Number 05745101 (Russia); Registration Number 1020201881116 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

44. NON-STATE PENSION FUND FIRST INDUSTRIAL ALLIANCE (a.k.a. AKTSIONERNOE OBSHCHESTVO NEGOSUDARSTVENNY PENSIONNY FOND PERVY PROMYSHLENNY ALYANS; a.k.a. AO NPF PERVYI PROMYSHLENNYI ALYANS; a.k.a. JOINT-STOCK COMPANY NON-GOVERNMENTAL PENSION FUND FIRST INDUSTRIAL ALLIANCE; a.k.a. NPF PERVY PROMYSHLENNY ALYANS AO), 2E, ul. Vishnevskogo Kazan, Tatarstan Resp. 420097, Russia; Organization Established Date 02 Mar 1999; Tax ID No. 1655319199 (Russia); Government Gazette Number 50607380 (Russia); Registration Number 1151600000210 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

45. PUBLIC JOINT STOCK COMPANY TUTAEV MOTOR PLANT (a.k.a. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO TUTAEVSKI MOTORNY ZAVOD; a.k.a. TUTAEVSKI MOTORNY ZAVOD OTKRYTOE AKTSIONERNOE OBSHCHESTVO; a.k.a. "TMZ PAO"), 1, Builders Street, Tutayev 152 300, Russia; d. 1, ul. Stroitelei Tutaev, Tutaevski Raion, Yaroslavskaya Obl. 152303, Russia; Organization Established Date 04 Nov 2002; Tax ID No. 7611000399 (Russia); Government Gazette Number 00233218 (Russia); Registration Number 1027601272082 (Russia) [RUSSIA-EO14024] (Linked To: KAMAZ PUBLICLY TRADED COMPANY).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Kamaz Publicly Traded Company, a person whose property and interests in property are blocked pursuant to E.O. 14024.

46. ZALOG OOO (a.k.a. LIMITED LIABILITY COMPANY WITH FOREIGN INVESTMENTS ZALOG (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ С ИНОСТРАННЫМИ ИНВЕСТИЦИЯМИ ЗАЛОГ); a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU ZALOG), d. 22 pom. 305, ul. Martyna Mezhlauka, Kazan, Tatarstan Resp. 420021, Russia; Ul. Kooperativnaya 1, Zelenodolsk 422541, Russia; Organization Established Date 2002; Tax ID No. 1648011501 (Russia); Government Gazette Number 57238810 (Russia); Registration Number 1021606761175 (Russia) [RUSSIA-EO14024] (Linked To: KOGOGIN, Sergei Anatolyevich).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Sergei Anatolyevich Kogogin, a person whose property and interests in property are blocked pursuant to E.O. 14024.

47. JOINT STOCK COMPANY CENTRAL RESEARCH INSTITUTE CYCLONE (a.k.a. AO TSNII TSIKLON), Sh. Shchelkovskoe D. 77, Moscow 107497, Russia; Organization Established Date 25 Nov 1991; Tax ID No. 7718159209 (Russia); Registration Number 1027700223352 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

48. JOINT STOCK COMPANY METEOR PLANT (a.k.a. AO ZAVOD METEOR; a.k.a. METEOR PLANT JSC), Ul. Gorkogo D. 1, Volzhskiy 404130, Russia; Organization Established Date 17 Jul 1959; Tax ID No. 3435000717 (Russia); Registration Number 1023402012050 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or

indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

49. JOINT STOCK COMPANY PLASMA (a.k.a. JSC PLASMA; a.k.a. "AO PLAZMA"), Ul. Tsiolkovskogo D. 24, Ryazan 390023, Russia; Organization Established Date 1959; Tax ID No. 6230005886 (Russia); Registration Number 1026201102850 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

50. JOINT STOCK COMPANY RUSSIAN RESEARCH INSTITUTE ELECTRONSTANDART (a.k.a. AO RNII ELEKTRONSTANDART; a.k.a. RNII ELECTRONSTANDARD), Ul. Tsvetochnaya D. 25, Korp. 3, Saint Petersburg 196006, Russia; Organization Established Date 1943; Tax ID No. 7810196298 (Russia); Registration Number 1027804880135 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

51. JOINT STOCK COMPANY SCIENTIFIC PRODUCTION ENTERPRISE KONTAKT (a.k.a. AKTSIONERNOE OBSHCHESTVO NAUCHNO-PROIZVODSTVENNOE PREDPRIYATIE KONTAKT; a.k.a. AO NPP KONTAKT; a.k.a. JSC SPE KONTAKT; a.k.a. "NPP CONTACT"), 1, Ul. Spitsyna, Saratov, Saratovskaya Oblast 410086, Russia; Organization Established Date 11 Dec 1991; Tax ID No. 6453097665 (Russia); Government Gazette Number 07619636 (Russia); Registration Number 1086453000567 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

52. JOINT STOCK COMPANY SCIENTIFIC RESEARCH INSTITUTE GIRICOND (a.k.a. AO NII GIRIKOND; a.k.a. RESEARCH INSTITUTE GIRIKOND), Ul. Kurchatova D. 10, Saint Petersburg 194223, Russia; Organization Established Date 1939; Tax ID No. 7802144144 (Russia); Registration Number 1027801555143 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or

indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

53. JOINT STOCK COMPANY SCIENTIFIC RESEARCH INSTITUTE OF ELECTRICAL CARBON PRODUCTS (a.k.a. "AO NIIEI"), Per. Gorki D.1, Elektrougli 142455, Russia; Organization Established Date 1946; Tax ID No. 5031099373 (Russia); Registration Number 1125031000093 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

54. JOINT STOCK COMPANY SCIENTIFIC RESEARCH INSTITUTE PLATAN WITH PLANT (a.k.a. AO NII PLATAN S ZAVODOM PRI NII), Proezd Zavodskoi D. 2, Fryazino 141190, Russia; Organization Established Date Oct 1965; Tax ID No. 5052023047 (Russia); Registration Number 1115050010460 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

55. JOINT STOCK COMPANY SPECIAL RELAY SYSTEM DESIGN AND ENGINEERING BUREAU (a.k.a. "AO SKTB RT"), Ul. Nekhinskaya D. 55, Velikiy Novgorod 173025, Russia; Organization Established Date 20 May 1992; Tax ID No. 5321095589 (Russia); Registration Number 1045300260940 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

56. JOINT STOCK COMPANY TRADING HOUSE ROSEL (a.k.a. "AO TD ROSEL"), Ul. Kosmonavta Volkova D. 12, Moscow 127299, Russia; Organization Established Date 26 Oct 2005; Tax ID No. 7718564221 (Russia); Registration Number 1057748776733 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

57. JOINT STOCK COMPANY UNITED ENGINE CORPORATION (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ОБЪЕДИНЕННАЯ ДВИГАТЕЛЕСТРОИТЕЛЬНАЯ КОРПОРАЦИЯ) (a.k.a. AKTSIONERNOE OBSHCHESTVO OBEDINENNAYA DVIGATELESTROITELNAYA KORPORATSIYA; a.k.a. UNITED ENGINE CORP JSC; a.k.a. "AO ODK" (Cyrillic: "АО ОДК")), 16, Budyonny Avenue, Moscow 105118, Russia; Per. Mayakovskogo D. 11, Moscow 109147, Russia; Organization Established Date 22 Nov 2007; Tax ID No. 7731644035 (Russia); Registration Number 1107746081717 (Russia) [RUSSIA-EO14024].

    Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector of the Russian Federation economy.

58. AKTSIONERNOE OBSHCHESTVO ELEKTRON OPTRONIK (a.k.a. AO ELEKTRON OPTRONIK; a.k.a. ELEKTRON OPTRONIK PAO), Pr-Kt Morisa Toreza, D. 68, Saint Petersburg 194223, Russia; Organization Established Date 19 Dec 1997; Tax ID No. 7802362079 (Russia); Registration Number 5067847207698 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

59. AKTSIONERNOE OBSHCHESTVO NAUCHNO ISSLEDOVATELSKII INSTITUT PROMYSHLENNOGO TELEVIDENIYA RASTR (a.k.a. AO NIIPT RASTR), Ul. Bolshaya Sankt-Peterburgskaya D. 39, Velikiy Novgorod 173001, Russia; Organization Established Date 1982; Tax ID No. 4345309407 (Russia); Registration Number 1114345026784 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

60. AKTSIONERNOE OBSHCHESTVO NAUCHNO ISSLEDOVATELSKII INSTITUT SREDSTV VYCHISLITELNOI TEKHNIKI (a.k.a. "AO NII SVT"; a.k.a. "NII SVT PAO"), Ul. Melnichnaya D. 31, Kirov 610025, Russia; Tax ID No. 4345309407 (Russia); Registration Number 1114345026784 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

61. AKTSIONERNOE OBSHCHESTVO NAUCHNO PROIZVODSTVENNOE PREDPRIYATIE SVYAZ (a.k.a. AO NPP SVYAZ), Ul. Shkolnaya D. 19, Balakirevo 301214, Russia; Organization Established Date 1964; Tax ID No. 7118011916 (Russia); Registration Number 1027101505133 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

62. AKTSIONERNOE OBSHCHESTVO RYAZANSKII ZAVOD METALLOKERAMICHESKIKH PRIBOROV (a.k.a. RYAZAN METAL CERAMICS INSTRUMENTATION PLANT JSC; a.k.a. RYAZAN PLANT OF METAL-CERAMIC DEVICES (Cyrillic: РЯЗАНСКИЙ ЗАВОД МЕТАЛЛОКЕРАМИЧЕСКИХ ПРИБОРОВ); a.k.a. "AO RZMKP"), 51B Novaya St., Ryazan 390027, Russia; Organization Established Date 1964; Tax ID No. 6230006400 (Russia); Registration Number 1026201102377 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

63. AKTSIONERNOE OBSHCHESTVO SPETSIALNOE KONSTRUKTORSKOE BYURO VYCHISLITELNOI TEKHNIKI (a.k.a. "AO SKB VT"), Ul. Maksima Gorkogo D. 1, Pskov 180007, Russia; Organization Established Date 11 Dec 1991; Tax ID No. 6027075580 (Russia); Registration Number 1036000308937 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

64. AKTSIONERNOE OBSHCHESTVO SPETSIALNOE PROEKTNO KONSTRUKTORSKOE BYURO SREDSTV UPRAVLENIYA (a.k.a. "AO SPKB SU"), Per. Vagzhanovskii D. 9, Tver 170100, Russia; Organization Established Date 26 Feb 1976; Tax ID No. 6950087667 (Russia); Registration Number 1086952019164 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

    Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

65. AO NPP TSIKLON TEST (a.k.a. JOINT STOCK COMPANY RESEARCH AND PRODUCTION ENTERPRISE CIKLON TEST; a.k.a. NPP CYCLONE TEST), Proezd Zavodskoi D. 4, Fryazino 141190, Russia; Organization Established Date 19 Dec 1991; Tax ID No. 5052022886 (Russia); Registration Number 1115050007676 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).
Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

66. JOINT STOCK COMPANY SCIENTIFIC AND RESEARCH INSTITUTE OF ELECTRONIC ENGINEERING MATERIALS (a.k.a. "AO NIIMET"), Ul. Gagarina, D. 1, Kaluga 248650, Russia; Organization Established Date 22 Nov 1991; Tax ID No. 4026008516 (Russia); Registration Number 1024001177188 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

67. OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS (Cyrillic: ОТКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО РОССИЙСКАЯ ЭЛЕКТРОНИКА) (a.k.a. AO ROSELEKTRONIKA; a.k.a. JSC RUSELECTRONICS (Cyrillic: АО РОСЭЛЕКТРОНИКА); a.k.a. JSC RUSSIAN ELECTRONICS), 12 Kosmonavta Volkova, Moscow 127299, Russia; Ul. Vereiskaya D. 29, Str. 141, Moscow 121357, Russia; Executive Order 13662 Directive Determination - Subject to Directive 3; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type State-Owned Enterprise; Registration ID 1027739000475; Tax ID No. 7710277994; Government Gazette Number 48532918; For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: STATE CORPORATION ROSTEC).

Designated pursuant to sections 1(a)(i) and 1(a)(vii) of E.O. 14024 for operating or having operated in the technology and the electronics sector of the Russian Federation economy and for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

68. SCIENTIFIC AND RESEARCH INSTITUTE FERRIT DOMEN (Cyrillic: НАУЧНО ИССЛЕДОВАТЕЛЬСКИЙ ИНСТИТУТ ФЕРРИТ-ДОМЕН) (a.k.a. AO NII FERRIT DOMEN; a.k.a. FERRITE DOMEN COMPANY; a.k.a. RESEARCH INSTITUTE FERRIT DOMAIN), Ul. Tsvetochnaya, D. 25, Korp. 3, Saint Petersburg 196084, Russia; Organization Established Date 22 May 1959; Tax ID No. 7810245940 (Russia); Registration Number 1037821019631 (Russia) [RUSSIA-EO14024] (Linked To: OPEN JOINT STOCK COMPANY RUSSIAN ELECTRONICS).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Open Joint Stock Company Russian Electronics, a person whose property and interests in property are blocked pursuant to E.O. 14024.

69. DONETSK PEOPLE'S REPUBLIC (Cyrillic: ДОНЕЦЬКА НАРОДНА РЕСПУБЛІКА) (a.k.a. DONETSKAYA NARODNAYA RESPUBLIKA (Cyrillic: ДОНЕЦКАЯ НАРОДНАЯ РЕСПУБЛИКА)), Donetsk Region, Ukraine; Website dnronline.su; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type Unrecognized Government Entity [UKRAINE-EO13660] [RUSSIA-EO14065].

    Designated pursuant to section 2(a)(i) of E.O. 14065 for operating or having operated since the date of E.O. 14065 in the Covered Regions.

70. LUHANSK PEOPLE'S REPUBLIC (Cyrillic: ЛУГАНСЬКА НАРОДНА РЕСПУБЛІКА) (a.k.a. LUGANSK PEOPLE'S REPUBLIC (Cyrillic: ЛУГАНСКАЯ НАРОДНАЯ РЕСПУБЛИКА); a.k.a. PEOPLE'S REPUBLIC OF LUHANSK), Luhansk Region, Ukraine; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type Unrecognized Government Entity [UKRAINE-EO13660] [RUSSIA-EO14065].

    Designated pursuant to section 2(a)(i) of E.O. 14065 for operating or having operated since the date of E.O. 14065 in the Covered Regions.

B. On June 28, 2022, OFAC updated the entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked under the relevant sanctions authority listed below.

1. FRADKOV, Petr Mikhailovich (Cyrillic: ФРАДКОВ, Пётр Михайлович) (a.k.a. FRADKOV, Petr; a.k.a. FRADKOV, Petr Mihaylovich; a.k.a. FRADKOV, Pyotr Mikhailovich; a.k.a. FRADKOV, Pyotr Mikhaylovich; a.k.a. FRAKOV, Pyetr Mikhaylovich), 33-1 Prospekt Mira, Apt. 34, Moscow, Russia; DOB 07 Feb 1978; POB Moscow, Russia; nationality Russia; Gender Male; Passport 530285387 (Russia) issued 31 Oct 2012 expires 12 Jul 2022; National ID No. 45033399117 (Russia) (individual) [RUSSIA-EO14024].

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FRADKOV, Petr Mikhailovich (Cyrillic: ФРАДКОВ, Пётр Михайлович) (a.k.a. FRADKOV, Petr; a.k.a. FRADKOV, Petr Mihaylovich; a.k.a. FRADKOV, Pyotr Mikhailovich; a.k.a. FRADKOV, Pyotr Mikhaylovich; a.k.a. FRAKOV, Pyetr Mikhaylovich), 33-1 Prospekt Mira, Apt. 34, Moscow, Russia; DOB 07 Feb 1978; POB Moscow, Russia; nationality Russia; Gender Male; Passport 530285387 (Russia) issued 31 Oct 2012 expires 12 Jul 2022; National ID No. 4503339117 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the defense and related materiel sector and the financial services sector of the Russian Federation economy.

2. JSC SLAVA (a.k.a. AO SLAVA; a.k.a. MOSCOW JOINT STOCK COMPANY SLAVA SECOND WATCH FACTORY), Ul. Verkhnaya d. 34, Str. 1, 2 Et, Pom. 8, Komn. 50, Moscow 125040, Russia; Website www.slava-watch.com; Tax ID No. 7714046028 (Russia); Registration Number 1027700324530 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION BANK FOR DEVELOPMENT AND FOREIGN ECONOMIC AFFAIRS VNESHECONOMBANK).

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JSC SLAVA (a.k.a. AO SLAVA; a.k.a. MOSCOW JOINT STOCK COMPANY SLAVA SECOND WATCH FACTORY), Ul. Verkhnaya d. 34, Str. 1, 2 Et, Pom. 8, Komn. 50, Moscow 125040, Russia; Tax ID No. 7714046028 (Russia); Registration Number 1027700324530 (Russia) [RUSSIA-EO14024] (Linked To: STATE CORPORATION BANK FOR DEVELOPMENT AND FOREIGN ECONOMIC AFFAIRS VNESHECONOMBANK).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, State Corporation Bank for Development and Foreign Economic Affairs Vnesheconombank, a person whose property and interests in property are blocked pursuant to E.O. 14024.

3. RODINA, Victoria Sergeyevna (Cyrillic: РОДИНА, Виктория Сергеевна), Russia; DOB 29 Oct 1989; nationality Russia; Gender Male; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

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RODINA, Victoria Sergeyevna (Cyrillic: РОДИНА, Виктория Сергеевна), Russia; DOB 29 Oct 1989; nationality Russia; Gender Female; Member of the State Duma of the Federal Assembly of the Russian Federation (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

C. On June 28, 2022, OFAC updated the entry for the following person on the SDN List and SSI List. This update removes the person from the SDN List; however, the person remains on the SSI List and remains subject to the prohibitions of Directive 1 under Executive Order 13662, "Blocking Property of Additional Persons Contributing to the Situation in Ukraine" 79 FR 16169 (March 24, 2014) (E.O. 13662) for being identified as an entity in which in the Bank of Moscow owns, directly or indirectly, a 50 percent or greater interest.

1. BM BANK PUBLIC JOINT STOCK COMPANY (a.k.a. AKTSIONERNOE OBSHCHESTVO BM BANK; f.k.a. AKTSIONERNY KOMMERCHESKI BANK BANK MOSKVY OTKRYTOE AKTSIONERNOE OBSCHCHESTVO; f.k.a. BANK MOSKVY PAO; f.k.a. BANK OF MOSCOW; a.k.a. BM BANK AO; a.k.a. BM BANK JSC; f.k.a. JOINT STOCK COMMERCIAL BANK – BANK OF MOSCOW OPEN JOINT STOCK COMPANY; a.k.a. PAO BM BANK), Bld 3 8/15, Rozhdestvenka St., Moscow 107996, Russia; SWIFT/BIC MOSWRUMM; Website www.bm.ru; BIK (RU) 044525219; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type Financial Institution; Government Gazette Number 29292940 (Russia); Registration Number 1027700159497 (Russia); All offices worldwide; for more information on directives, please visit the following link: https://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: VTB BANK PUBLIC JOINT STOCK COMPANY).

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BM BANK PUBLIC JOINT STOCK COMPANY (a.k.a. BMBANK JSC; a.k.a. LLC BM BANK; a.k.a. PUBLICHNOYE JOINT-STOCK COMPANY BM BANK), 37/122 T. Shevchenko bld, Kyiv 01032, Ukraine; SWIFT/BIC BMLTUAUK; Website http://www.bmbank.com.ua; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Government Gazette Number 29292940 (Russia); Registration Number 1027700159497 (Russia); All offices worldwide; for more information on directives, please visit the following link: https://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives [UKRAINE-EO13662] (Linked To: BM BANK JSC).

D. On June 28, 2022, OFAC updated the entry for the following person on the SSI List. This update adds the person to the SDN List pursuant to E.O. 14024 for being owned or controlled by, or for having acted or purported to act for or on behalf of, directly or indirectly, VTB Bank Public Joint Stock Company, a person whose property and interests in property are blocked pursuant to E.O. 14024. The person remains on the SSI List and remains subject to the prohibitions of Directive 1 under E.O. 13662 for operating in the financial services sector of the Russian Federation economy.

1. BANK OF MOSCOW (f.k.a. AKTSIONERNY KOMMERCHESKI BANK BANK MOSKVY, OTKRYTOE AKTSIONERNOE OBSCHCHESTVO; a.k.a. JOINT STOCK COMMERCIAL BANK - BANK OF MOSCOW, OPEN JOINT STOCK COMPANY), 8/15 Korp. 3 ul. Rozhdestvenka, Moscow 107996, Russia; Bld 3 8/15, Rozhdestvenka St., Moscow 107996, Russia; SWIFT/BIC MOSWRUMM; Website www.bm.ru; Email Address holmogorov_ss@mmbank.ru; alt. Email Address info@mmbank.ru; BIK (RU) 044525219; alt. Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1027700159497; Government Gazette Number 29292940; For more information on directives,

please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662].

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BM BANK JSC (a.k.a. AKTSIONERNOE OBSHCHESTVO BM BANK; f.k.a. AKTSIONERNY KOMMERCHESKI BANK BANK MOSKVY OTKRYTOE AKTSIONERNOE OBSCHCHESTVO; f.k.a. BANK MOSKVY PAO; f.k.a. BANK OF MOSCOW; a.k.a. BM BANK PUBLIC JOINT STOCK COMPANY; f.k.a. JOINT STOCK COMMERCIAL BANK - BANK OF MOSCOW OPEN JOINT STOCK COMPANY; a.k.a. PAO BM BANK; a.k.a. BM BANK AO), Bld 3 8/15, Rozhdestvenka St., Moscow 107996, Russia; SWIFT/BIC MOSWRUMM; Website www.bm.ru; BIK (RU) 044525219; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Target Type Financial Institution; Registration ID 1027700159497; Government Gazette Number 29292940; For more information on directives, please visit the following link: http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives. [UKRAINE-EO13662] [RUSSIA-EO14024] (Linked To: VTB BANK PUBLIC JOINT STOCK COMPANY).

Dated: June 28, 2022.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2022–14210 Filed 7–1–22; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Primary Dealer Meeting Agenda

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collections listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before September 6, 2022.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION: *Title:* Primary Dealer Meeting Agenda.

OMB Control Number: 1505–0261.

Type of Review: Extension without change of a currently approved collection.

Description: The Primary Dealer Meeting Agenda a quarterly survey sent to all primary dealers, of which there are currently 25 financial institutions. Primary dealers are trading counterparties of the Federal Reserve Bank of New York in its implementation of monetary policy. Primary dealers are also expected to have a substantial presence as a market maker for Treasury securities and bid on a pro-rata basis in all Treasury auctions. The Treasury's mission to manage the U.S government's finances and resources effectively includes financing the government's borrowing needs at the lowest cost over time. Treasury meets this objective by issuing debt in a regular and predictable pattern, providing transparency in its decision-making process, and seeking continuous improvements in the Treasury auction process. The risks to regular and predictable debt issuance result from unexpected changes in our borrowing requirements, changes in the demand for Treasury securities, and anything that inhibits timely sales of securities. To reduce these risks, Treasury closely monitors economic conditions, market activity, and, if necessary, responds with appropriate changes in debt issuance based on analysis and consultation with market participants, including the primary dealers through the quarterly survey and subsequent meetings.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 25.

Frequency of Response: Quarterly.

Estimated Total Number of Annual Responses: 100.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 200.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

(Authority: 44 U.S.C. 3501 *et seq.*)

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2022–14185 Filed 7–1–22; 8:45 am]

BILLING CODE 4810–AK–P

DEPARTMENT OF THE TREASURY

Office of The Secretary

List of Countries Requiring Cooperation With an International Boycott

In accordance with section 999(a)(3) of the Internal Revenue Code of 1986, the Department of the Treasury is publishing a current list of countries which require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

On the basis of the best information currently available to the Department of the Treasury, the following countries require or may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1986).

Iraq
Kuwait
Lebanon
Libya
Qatar
Saudi Arabia
Syria
Yemen

Lindsay Kitzinger,

Acting International Tax Counsel, (Tax Policy).

[FR Doc. 2022–14192 Filed 7–1–22; 8:45 am]

BILLING CODE 4810–AK–P

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Part II

Department of Energy

Federal Energy Regulatory Commission

18 CFR Part 35

Improvements to Generator Interconnection Procedures and Agreements; Proposed Rule

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM22–14–000]

Improvements to Generator Interconnection Procedures and Agreements

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a Notice of Proposed Rulemaking (NOPR) proposing reforms to its *pro forma* Large Generator Interconnection Procedures, *pro forma* Small Generator Interconnection Procedures, *pro forma* Large Generator Interconnection Agreement, and *pro forma* Small Generator Interconnection Agreement to address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies. The reforms are intended to ensure that the generator interconnection process is just and reasonable and not unduly discriminatory or preferential. The Commission invites all interested persons to submit comments on the proposed reforms, including proposed revisions to the *pro forma* interconnection procedures and agreements, and in response to specific questions.

DATES: Comments are due October 13, 2022 and Reply Comments are due November 14, 2022.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. 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 U.S. Postal Service mail or by hand (including courier) delivery.

○ *Mail via U.S. Postal Service only:* Addressed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426.

○ *For delivery via any other carrier (including courier):* Deliver to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures Section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT:

Tristan Kessler (Technical Information), Office of Energy Policy and Innovation, 888 First Street NE, Washington, DC 20426, (202) 502–6608, *tristan.kessler@ferc.gov*

Franklin Jackson (Technical Information), Office of Energy Market Regulation, 888 First Street NE, Washington, DC 20426, (202) 502–6464, *franklin.jackson@ferc.gov*

Sarah Greenberg (Legal Information), Office of the General Counsel, 888 First Street NE, Washington, DC 20426, (202) 502–6230, *sarah.greenberg@ferc.gov*

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I. Introduction

1. Pursuant to our authority under section 206 of the Federal Power Act (FPA),[1] we are proposing reforms in this Notice of Proposed Rulemaking (NOPR) to the Commission's *pro forma* Large Generator Interconnection Procedures (LGIP), *pro forma* Small Generator Interconnection Procedures (SGIP), *pro forma* Large Generator Interconnection Agreement (LGIA), and *pro forma* Small Generator Interconnection Agreement (SGIA) to address interconnection queue backlogs, improve certainty, and prevent undue discrimination for new technologies.

2. Nineteen years ago the Commission issued Order No. 2003,[2] in which the Commission required all public utilities that own, control, or operate facilities used for transmitting electric energy in interstate commerce to have on file standard procedures and a standard agreement for interconnecting generating facilities larger than 20 MW (called the *pro forma* LGIP, and the *pro forma* LGIA).[3] The Commission stated its expectation that the changes would prevent undue discrimination, preserve reliability, increase energy supply, and lower wholesale prices for customers by increasing the amount and variety of new generation that would compete in the wholesale electricity market.[4] The Commission further stated that the standard procedures would facilitate market entry for generation competitors by reducing interconnection costs and time.[5] In Order No. 2006,[6] the Commission adopted standard procedures and a standard agreement for interconnecting generating facilities no larger than 20 MW (called the *pro forma* SGIP, and the *pro forma* SGIA), citing the same purposes outlined in Order No. 2003.[7]

3. The electricity sector has transformed significantly since the issuance of Order Nos. 2003 and 2006. The growth of new resources seeking to interconnect to the transmission system and the differing characteristics of those resources have created new challenges for the generator interconnection process. These new challenges are creating large interconnection queue backlogs and uncertainty regarding the cost and timing of interconnecting to the transmission system, potentially increasing costs for consumers. Backlogs in the generator interconnection process, in turn, can create reliability issues as needed new generating facilities are unable to come online in an efficient and timely manner. Therefore, we believe that it may be appropriate to reform the Commission's standard interconnection procedures and agreements to ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner, thereby ensuring that rates, terms, and conditions for Commission-jurisdictional services remain just and reasonable and not unduly discriminatory or preferential.

4. Accordingly, we propose in this NOPR reforms to the Commission's *pro forma* LGIP and *pro forma* LGIA. Specifically, as explained in detail in this NOPR, we propose reforms to: (1) implement a first-ready, first-served cluster study process;[8] (2) increase the speed of interconnection queue processing; and (3) incorporate technological advancements into the interconnection process.

5. We also propose reforms to the *pro forma* SGIP and *pro forma* SGIA. Specifically, as explained in detail in this NOPR, for small generators we propose reforms to incorporate alternative transmission technologies into the interconnection process and to provide modeling and performance requirements for non-synchronous generators. In addition, we seek comment on whether the other reforms proposed in this NOPR should be applied to the *pro forma* SGIP and *pro forma* SGIA.

6. We recognize that transmission providers have undertaken efforts to address interconnection queue management issues. This NOPR is not intended to divert or slow the potential progress represented by those efforts. We will review any filings that result from those efforts based on the record before us in those proceedings and not based on whether they comply with the proposed reforms in this NOPR. We note that any compliance obligations arising out of any final rule in this docket on the issues addressed herein will be evaluated in light of the independent entity variation for RTO/ISO regions and the consistent with or superior to standard for non-RTO regions.

A. Background

1. The Commission's Pro Forma Generator Interconnection Procedures

7. In Order No. 2003, the Commission recognized a need for a standard set of interconnection procedures for transmission providers[9] and a single, uniformly applicable interconnection agreement for large generating facilities.[10] The Commission noted that generator interconnection is a ''critical component of open access transmission service and thus is subject to the requirement that utilities offer comparable service under the [*pro forma*] OATT.''[11] The Commission found that it was appropriate to establish a standard set of generator interconnection procedures to

[1] 16 U.S.C. 824e. Section 206 of the FPA requires that whenever the Commission finds any rate, term, or condition for the transmission of electric energy in interstate commerce or the sale of such energy at wholesale in interstate commerce to be unjust, unreasonable, unduly discriminatory, or preferential, the Commission must establish a just and reasonable and not unduly discriminatory or preferential replacement rate, term, or condition.

[2] *Standardization of Generator Interconnection Agreements & Proc.,* Order No. 2003, 68 FR 49845 (Aug. 19, 2003), 104 FERC ¶ 61,103 (2003), *order on reh'g,* Order No. 2003–A, 69 FR 15932 (Mar. 5, 2004), 106 FERC ¶ 61,220, *order on reh'g,* Order No. 2003–B, 70 FR 265 (Jan. 19, 2005), 109 FERC ¶ 61,287 (2004), *order on reh'g,* Order No. 2003–C, 70 FR 37661 (July 18, 2005), 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n of Regul. Util. Comm'rs* v. *FERC,* 475 F.3d 1277 (D.C. Cir. 2007) (*NARUC* v. *FERC*).

[3] Order No. 2003, 104 FERC ¶ 61,103 at P 2.

[4] *Id.* P 1.

[5] *Id.* P 12.

[6] *Standardization of Small Generator Interconnection Agreements & Proc.,* Order No. 2006, 70 FR 34189 (June 13, 2005), 111 FERC ¶ 61,220, *order on reh'g,* Order No. 2006–A, 70 FR 71760 (Nov. 30, 2005), 113 FERC ¶ 61,195 (2005), *order granting clarification,* Order No. 2006–B, 71 FR 42587 (July 27, 2006), 116 FERC ¶ 61,046 (2006).

[7] Order No. 2006, 111 FERC ¶ 61,220 at PP 15, 36.

[8] A first-ready, first-served cluster study process includes the following elements: increased access to information prior to entering the queue; a mechanism to study interconnection requests in groups; and increased financial commitments and readiness requirements to enter and proceed through the queue. To contrast, the existing first-come, first-served serial study process assigns interconnection requests an individual queue position based solely on the date of entry into the queue and does not include access to information prior to entering the queue.

[9] In this order, transmission provider ''shall mean the public utility (or its designated agent) that owns, controls, or operates transmission or distribution facilities used for the transmission of electric energy in interstate commerce and provides transmission service under the [Transmission Provider's Tariff]. The term . . . should be read to include the Transmission Owner when the Transmission Owner is separate from the Transmission Provider.'' *Pro forma* LGIP section 1; *pro forma* LGIA art. 1; *pro forma* SGIP attach. 1; *pro forma* SGIA attach. 1. Therefore, unless otherwise noted, ''transmission provider'' refers only to public utility transmission providers. FPA section 201(e) defines ''public utility'' to mean ''any person who owns or operates facilities subject to the jurisdiction of the Commission under this subchapter.'' 16 U.S.C. 824(e). A non-public utility that seeks voluntary compliance with the reciprocity condition of an Open Access Transmission Tariff (OATT) may satisfy that condition by filing an OATT, which includes the *pro forma* LGIP, the *pro forma* SGIP, the *pro forma* LGIA, and the *pro forma* SGIA. *See* Order No. 2003, 104 FERC ¶ 61,103 at PP 1, 616; Order No. 2006, 111 FERC ¶ 61,220 at P 1.

[10] Order No. 2003, 104 FERC ¶ 61,103 at P 11. Large generating facilities are defined to mean ''a Generating Facility having a Generating Facility Capacity of more than 20 MW.'' *Pro forma* LGIP section 1.

[11] Order No. 2003, 104 FERC ¶ 61,103 at P 9 (citing *Tenn. Power Co.,* 90 FERC ¶ 61,238 (2000)).

''minimize opportunities for undue discrimination and expedite the development of new generation, while protecting reliability and ensuring that rates are just and reasonable.'' [12] To this end, the Commission adopted the *pro forma* LGIP and *pro forma* LGIA and amended its regulations to require all transmission providers to incorporate these standard procedures and agreement into their OATTs.[13]

8. To initiate the generator interconnection process set forth in the Commission's *pro forma* LGIP,[14] the interconnection customer submits an interconnection request for its proposed generating facility that includes preliminary documentation of the site of the proposed generating facility, certain technical information about the proposed generating facility, and the expected commercial operation date of the proposed generating facility, along with a refundable deposit of $10,000.[15] After the transmission provider determines that the interconnection request is complete, the interconnection request enters the transmission provider's interconnection queue with other pending interconnection requests and is assigned a queue position based on the time and date of its receipt.[16] The queue position determines the order in which the transmission provider studies the interconnection requests in its queue.[17]

9. Transmission providers must schedule a scoping meeting with the interconnection customer to discuss possible points of interconnection for the proposed generating facility and exchange technical information, which is followed by a series of interconnection studies to evaluate the proposed interconnection in detail.[18] Transmission providers study interconnection requests in three phases: (1) the Interconnection Feasibility Study (feasibility study);[19] (2) the Interconnection System Impact Study (system impact study);[20] and (3) the Interconnection Facilities Study (facilities study).[21] These studies contain the power flow, short circuit, and stability analyses necessary to: (1) identify any adverse impacts on the transmission providers' transmission system or any affected systems;[22] (2) determine the interconnection facilities and network upgrades[23] needed to reliably interconnect the generating facility; and (3) estimate the interconnection customer's cost responsibility for these facilities.[24] The *pro forma* LGIP requires that transmission providers use reasonable efforts to complete: (1) feasibility studies within 45 days; (2) system impact studies within 90 days; and (3) facilities studies within 90 or 180 days, depending on the interconnection customer's requested accuracy margin.[25]

10. At the completion of the facilities study, the *pro forma* LGIP requires the transmission provider to issue a report on the best estimate of the costs to effectuate the requested interconnection and provide a draft generator interconnection agreement to the interconnection customer.[26] If the interconnection customer wishes to proceed, after negotiations, the interconnection customer enters into a generator interconnection agreement with the transmission provider or, in specific circumstances, requests that the transmission provider file the agreement with the Commission unexecuted.[27] The transmission provider is responsible for the construction of all network upgrades, but, as further discussed below, the interconnection customer has the option to build these facilities in certain circumstances.[28]

11. Similar to Order No. 2003, in Order No. 2006, the Commission recognized the need for standardized interconnection procedures and agreements for small generating facilities with a capacity of 20 MW or less.[29] In addition to establishing a *pro forma* interconnection study process for small generating facilities similar to the process for large generation established in Order No. 2003, the Commission included: (1) a ''Fast Track Process'' [30] that uses technical screens to evaluate a certified small generating facility no larger than 2 MW; and (2) a ''10 kW Inverter Process'' [31] that uses the same technical screens to evaluate a certified inverter-based small generating facility no larger than 10 kW.[32] The Commission later issued Order No.

[12] *Id.* P 11.

[13] 18 CFR 35.28(f)(1).

[14] While we provide a broad description of the process in the Commission's *pro forma* LGIP as background here, we recognize that many transmission providers have adopted (and the Commission has accepted) variations to many of the terms in the Commission's *pro forma* LGIP and *pro forma* LGIA. Consequently, some or many of the details of a particular transmission provider's generator interconnection procedures may vary considerably from the broad description provided here.

[15] Order No. 2003, 104 FERC ¶ 61,103 at P 35; *pro forma* LGIP sections 3.1, 3.4.

[16] *Pro forma* LGIP section 4.1.

[17] *Id.*

[18] Order No. 2003, 104 FERC ¶ 61,103 at P 36; *pro forma* LGIP sections 3.4.4; 6–8.

[19] The *pro forma* LGIP defines a feasibility study as ''a preliminary evaluation of the system impact and cost of interconnecting the Generating Facility to the Transmission Provider's Transmission System.'' The scope of a feasibility study is described in section 6 of the *pro forma* LGIP. *Pro forma* LGIP sections 1, 6.

[20] The *pro forma* LGIP defines a system impact study as ''an engineering study that evaluates the impact of the proposed interconnection on the safety and reliability of Transmission Provider's Transmission System and, if applicable, an Affected System.'' In particular, a system impact study identifies and details ''the system impacts that would result if the Generating Facility were interconnected without project modifications or system modifications, focusing on the Adverse System Impacts identified in the [feasibility study], or to study potential impacts, including but not limited to those identified in the Scoping Meeting.'' *Id.* section 1.

[21] The *pro forma* LGIP defines a facilities study as ''a study conducted by the Transmission Provider or a third-party consultant for the Interconnection Customer to determine a list of facilities (including Transmission Provider's Interconnection Facilities and Network Upgrades as identified in the [system impact study]), the cost of those facilities, and the time required to interconnect the Generating Facility with the Transmission Provider's Transmission System.'' The scope of a facilities study is described in section 8 of the *pro forma* LGIP. *Id.* sections 1, 8.

[22] An affected system is an electric system other than the transmission provider's transmission system that may be affected by the proposed interconnection. *Id.* section 1; *pro forma* LGIA art. 1.

[23] For purposes of this NOPR, unless otherwise noted, ''network upgrades'' refers to interconnection-related network upgrades. More specifically, the *pro forma* LGIP and *pro forma* LGIA state that ''Network Upgrades shall mean the additions, modifications, and upgrades to the Transmission Provider's Transmission System required at or beyond the point at which the Interconnection Facilities connect to the Transmission Provider's Transmission System to accommodate the interconnection of the Large Generating Facility to the Transmission Provider's Transmission System.'' *Pro forma* LGIP section 1 (Definitions); *pro forma* LGIA art. 1 (Definitions).

[24] Order No. 2003, 104 FERC ¶ 61,103 at PP 35–37; *pro forma* LGIP sections 6–8. The interconnection customer is responsible for the actual costs of interconnection studies and any necessary re-studies. *Pro forma* LGIP section 13.3.

[25] *Id.* sections 6.3, 7.4, 8.3.

[26] Order No. 2003, 104 FERC ¶ 61,103 at P 38. Section 11.1 of the *pro forma* LGIP requires the transmission provider to tender a draft LGIA to the interconnection customer ''in the form of Transmission Provider's FERC-approved standard form LGIA.''

[27] If the transmission provider and interconnection customer execute an LGIA that conforms to the transmission provider's FERC-approved standard form LGIA, the agreement does not need to be filed with the Commission (if the transmission provider has such a standard form LGIA on file and submits an Electronic Quarterly Report). Alternatively, the transmission provider must file an LGIA with the Commission for review and approval if: (1) the interconnection customer determines that negotiations with the transmission provider over the terms of an LGIA are at an impasse and requests submission of the unexecuted LGIA with the Commission; or (2) the LGIA does not conform to the transmission provider's FERC-approved standard form LGIA. *See* Order No. 2003–A, 106 FERC ¶ 61,220 at P 201; *pro forma* LGIP sections 11.2–11.3.

[28] Order No. 2003, 104 FERC ¶ 61,103 at PP 351–354; *pro forma* LGIA art. 5.1.3.

[29] Order No. 2006, 111 FERC ¶ 61,220 at P 36.

[30] *Pro forma* SGIP section 2.1.

[31] *Id.* attach. 5.

[32] Order No. 2006, 111 FERC ¶ 61,220 at PP 36, 38–39.

792,[33] in which the Commission revised the *pro forma* SGIP and *pro forma* SGIA to provide for interconnection customers to receive point of interconnection information in advance of submitting an interconnection request, increase the threshold for participation in the Fast Track Process to 5 MW, and to specifically include electric storage devices.[34]

2. 2008 Order on RTO/ISO Interconnection Queuing Practices

12. In response to concerns voiced to the Commission about interconnection queue management, in 2007, the Commission held a technical conference,[35] and later issued an order [36] addressing interconnection queue issues in RTOs/ISOs. In the order, the Commission noted that some transmission providers were not processing their interconnection queues within the timelines established in the *pro forma* LGIP, and in certain cases, were greatly exceeding them.[37] The Commission stated that, although it ''may need to [impose solutions] if the RTOs and ISOs do not act themselves,'' each RTO/ISO would have an opportunity to work with its stakeholders to develop its own solutions.[38] As further discussed below, following the order, multiple RTOs/ISOs submitted queue reform proposals to the Commission, some of which moved away from a so-called ''first-come, first-served'' approach (whereby interconnection requests are processed in the order they are received) to a so-called ''first-ready, first-served'' approach (whereby interconnection requests are processed based on when interconnection customers meet certain project development milestones).[39]

3. Order No. 845

13. In 2018, the Commission issued Order No. 845,[40] in which the Commission made the most comprehensive revisions to the *pro forma* LGIP and *pro forma* LGIA since their adoption in Order No. 2003. In Order No. 845, the Commission concluded that reforms to the *pro forma* LGIP and *pro forma* LGIA were needed to mitigate concerns regarding systemic inefficiencies, remedy discriminatory practices, and address recent developments, including changes in the resource mix and emergence of new technologies.[41] The Commission therefore adopted reforms designed to improve certainty for interconnection customers, promote more informed interconnection decisions, and enhance the generator interconnection process.[42] Among other things, the Commission: (1) expanded the interconnection customer's option to build certain network upgrades; (2) revised the definition of generating facility to include electric storage resources; [43] (3) established reporting requirements for aggregate interconnection study performance; (4) allowed interconnection customers to request a level of interconnection service that is lower than their generating facility capacity; (5) required transmission providers to allow provisional interconnection service that provides for limited operation of a generating facility prior to completion of the full generator interconnection process; (6) required transmission providers to create a process for interconnection customers to use surplus interconnection service [44] at existing points of interconnection; and (7) required transmission providers to assess and, if necessary, study, an interconnection customer's technology changes without affecting the interconnection customer's queue position.[45]

4. Transmission Planning and Cost Allocation ANOPR

14. On July 15, 2021, the Commission issued an Advance Notice of Proposed Rulemaking (ANOPR) in Docket No. RM21–17–000, presenting potential reforms to the Commission's requirements governing the regional transmission planning and cost allocation and generator interconnection processes.[46] Specific to the generator interconnection process, the Commission sought comment on whether and which reforms may be necessary to ensure a more purposeful integration of the generator interconnection process with the regional transmission planning and cost allocation processes, establish a faster and more efficient interconnection queueing process, and promote a more efficient and cost-effective allocation of interconnection-related network upgrade costs.[47] For instance, the Commission noted that the cost of interconnection-related network upgrades can depend largely on both the timing of when the interconnection customer enters the interconnection queue and where the interconnection customer proposes to interconnect its generating facility. Therefore, the Commission noted, interconnection customers may submit multiple interconnection requests in an effort to determine the most favorable point of interconnection [48] that minimizes their interconnection-related network upgrade costs.[49] The Commission stated that this practice, in turn, may lead to late-stage withdrawals of the excess interconnection requests, which can then impede the transmission provider's ability to process its interconnection queue in an efficient manner. As a result, the Commission stated that it may be time to consider reforms to generator interconnection process that would make them more efficient and ensure that generation facilities that are more ''ready'' than others are not unduly delayed in the interconnection queue.

15. On April 21, 2022, the Commission issued a Notice of Proposed Rulemaking (Transmission Planning and Cost Allocation NOPR) proposing reforms to its existing regional transmission planning and cost allocation requirements in the same proceeding as it issued the ANOPR. While the Transmission Planning and Cost Allocation NOPR did not address many of the concerns raised by the Commission in the ANOPR with respect

[33] *Small Generator Interconnection Agreements & Procs.,* Order No. 792, 78 FR 73240 (Dec. 5, 2013), 145 FERC ¶ 61,159 (2013), *clarifying,* Order No. 792–A, 146 FERC ¶ 61,214 (2014).

[34] *See* Order No. 792, 145 FERC ¶ 61,159 at P 1.

[35] *Interconnection Queuing Practices,* Docket No. AD08–2–000, Notice of Technical Conference (issued Nov. 2, 2007).

[36] *Interconnection Queuing Practices,* 122 FERC ¶ 61,252 (2008) (2008 Technical Conference Order).

[37] *Id.* P 3.

[38] *Id.* P 8.

[39] *See, e.g., Sw. Power Pool, Inc.,* 128 FERC ¶ 61,114 (2009) (*SPP*); *Midwest Ind. Sys. Operator, Inc.,* 124 FERC ¶ 61,183 (2008); *Cal. Ind. Sys. Operator Corp.,* 124 FERC ¶ 61,292 (2008).

[40] *Reform of Generator Interconnection Procs & Agreements,* Order No. 845, 83 FR 21342 (May 09, 2018), 163 FERC ¶ 61,043 (2018), *order on reh'g,* Order No. 845–A, 166 FERC ¶ 61,137, 84 FR 8156 (Mar. 06, 2019), *order on reh'g,* Order No. 845–B, 168 FERC ¶ 61,092 (2019).

[41] Order No. 845, 163 FERC ¶ 61,043 at P 7.

[42] *Id.* P 2.

[43] Generating Facilities ''shall mean Interconnection Customer's device for the production and/or storage for later injection of electricity identified in the Interconnection Request, but shall not include the Interconnection Customer's Interconnection Facilities.'' *Pro forma* LGIP section 1.

[44] The *pro forma* LGIP defines surplus interconnection service as ''any unneeded portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if Surplus Interconnection Service is utilized the total amount of Interconnection Service at the Point of Interconnection would remain the same.'' *Pro forma* LGIP section 1.

[45] Order No. 845, 163 FERC ¶ 61,043 at PP 3–5.

[46] *Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation & Generator Interconnection,* 86 FR 40266 (July 15, 2021), 176 FERC ¶ 61,024 (2021) (ANOPR).

[47] *Id.* P 5.

[48] Point of Interconnection refers to ''the point, as set forth in Appendix A to the Standard Large Generator Interconnection Agreement, where the Interconnection Facilities connect to the Transmission Provider's Transmission System.'' *Pro forma* LGIP section 1.

[49] ANOPR, 176 FERC ¶ 61,024 at P 41.

to the generator interconnection queue process, the Commission noted in the Transmission NOPR that it would continue to review the record and that it expected to address possible inadequacies through subsequent proceedings that propose reforms, as warranted, related to that topic.[50] We are now taking that next step with the reforms we propose in this NOPR.

5. Joint Federal-State Task Force on Electric Transmission

16. On June 17, 2021, the Commission established a Joint Federal-State Task Force on Electric Transmission (Task Force) to formally explore broad categories of transmission-related topics.[51] The Commission explained that the development of new transmission infrastructure implicates a host of different issues, including generator interconnection. The Task Force is comprised of all FERC Commissioners as well as representatives from 10 state commissions nominated by the National Association of Regulatory Utility Commissioners (NARUC), with two originating from each NARUC region.[52] The Task Force will convene for multiple formal meetings and has thus far met three times—on November 10, 2021, on February 16, 2022, and on May 6, 2022.

17. The discussion at the May meeting focused on interconnection issues, including generator interconnection queue processes and backlogs. The Task Force Members discussed: the primary challenges preventing more efficient processing of interconnection queues; specific improvements to interconnection processes (such as tighter applicant requirements to enter and remain in the queue, clustering, fast tracking, tighter deadlines on transmission providers completing studies, and minimizing reiterative studies); and how to balance near term improvements to the interconnection procedures with longer-term regional transmission planning and development.[53]

B. Need for Reform

18. Under the Commission's *pro forma* LGIP, the interconnection study process for large generating facilities is a serial first-come, first-served study process by which transmission providers study interconnection requests individually in the order the transmission provider received them.[54] The Commission adopted these procedures at a time when most interconnection requests were for large traditional generating facilities that would use readily available transmission capacity. In the 2008 Technical Conference Order, the Commission acknowledged that, while the generator interconnection process set forth in the *pro forma* LGIP made sense at the time that the Commission adopted it, it has since led to some unexpected consequences, particularly for transmission systems with numerous interconnection customers and limited excess transmission capacity.[55] The Commission also explained that surges in the volume of new types of generating facilities, principally renewable generation, were placing stress on interconnection queue management because such generating facilities can be constructed and placed into operation more quickly than traditional types of generating facilities. The increase in the number of interconnection requests and limited transmission capacity have not subsided since the issuance of the 2008 Technical Conference Order. Although in Order No. 845, the Commission attempted to address interconnection queue backlogs,[56] the interconnection queue backlog has persisted and worsened. Indeed, as of the end of 2021, there were over 8,100 active interconnection requests in interconnection queues throughout the United States, representing over 1,000 GW of generation and an estimated 420 GW of electric storage.[57] This is more than triple the total volume, in gigawatts, of generation and electric storage in interconnection queues nationwide just five years earlier.[58]

19. The continued use of the Commission's *pro forma* LGIP in the face of dramatic increases in interconnection requests is leading to a growing backlog of interconnection requests for many transmission providers. Based on Commission staff's compilation of information posted by transmission providers for 2021, nationwide, almost 1,900 interconnection requests were awaiting interconnection studies that had not been performed as of the tariff-defined deadline.[59] These interconnection queue backlogs and study delays create uncertainty and inhibit project developers' ability to interconnect generating facilities to the transmission system.[60] In addition, as interconnection studies fall behind, the amount of time subsequent interconnection requests spend in the interconnection queue rises.[61]

20. Numerous factors appear to contribute to these interconnection queue backlogs. Increasing volumes of interconnection requests are entering the interconnection queue due to a confluence of the rapidly changing

[50] *Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation & Generator Interconnection,* 87 FR 26504 (May 04, 2022), 179 FERC ¶ 61,028, at P 10 (2022) (Transmission Planning and Cost Allocation NOPR).

[51] *Joint Fed.-State Task Force on Elec. Transmission,* 175 FERC ¶ 61,224, at PP 1, 6 (2021).

[52] An up-to-date list of Task Force members, as well as additional information on the Task Force, is available on the Commission's website at: *https://www.ferc.gov/TFSOET.* Public materials related to the Task Force, including transcripts from public meetings, are available in the Commission's eLibrary in Docket No. AD21–15–000.

[53] *Joint Fed.-State Task Force on Elec. Transmission,* Notice of Meeting, Docket No. AD21–15–000 (issued Apr. 22, 2022) (attaching agenda).

[54] *Pro forma* LGIP section 4.1.

[55] 2008 Technical Conference Order, 122 FERC ¶ 61,252 at P 15.

[56] Order No. 845, 163 FERC ¶ 61,043 at P 24.

[57] Joseph Rand et al., Lawrence Berkeley Nat'l Lab'y, *Queued Up: Characteristics of Power Plants Seeking Transmission Interconnection as of the End of 2021,* at 26 (Apr. 2022), *https://emp.lbl.gov/sites/default/files/queued_up_2021_04-13-2022.pdf* (*Queued Up*).

[58] *See* Ryan Wiser et al., Lawrence Berkeley Nat'l Lab'y, Wind Energy Techs. Office, *Land-Based Wind Market Report: 2021 Edition,* at 10 (Aug. 2021), *https://www.energy.gov/eere/wind/articles/land-based-wind-market-report-2021-edition-released.*

[59] *See* app. A (compiling data publicly posted by transmission providers in compliance with Order No. 845); *see also* Order No. 845, 163 FERC ¶ 61,043 at P 305. This is based on informational reports submitted by transmission providers in compliance with Order No. 845.

[60] *See* Joint Fed.-State Task Force on Elec. Transmission, Technical Conference, Docket No. AD21–15–000, Tr. 15:21–16:1 (Ted Thomas) (May 6, 2022) (May Joint Task Force Tr.) (''Houston, we have a problem. As stated in the NARUC ANOPR comments, existing methods for interconnecting new resources to the transmission grid are inadequate and inefficient because of the time necessary to interconnect new resources and the corresponding network upgrade costs.'').

[61] For the four RTOs/ISOs (California Independent System Operator Corporation (CAISO), Electric Reliability Council of Texas (ERCOT), New York Independent System Operator, Inc. (NYISO), and PJM Interconnection, L.L.C (PJM) and one utility (Arizona Public Service Company)) for which data was available, the average time projects spent in interconnection queues before being constructed increased from ~2.1 years for projects built between 2000 and 2010 to ~3.7 years for those built between 2011 and 2021. *Queued Up* at 3. As of the end of 2021, only 13% of total capacity in interconnection queues had an executed generator interconnection agreement. *Id.* at 17. *See also* May Joint Task Force Tr. 23:18–25 (Jason Stanek) (expressing frustration with the status quo and agreement that it is ''no longer tenable'' considering the inability of generators to interconnect in a timely manner, e.g., there are ''2,500 projects under study [in the MACRUC region] and about a half of them have been in the queue since at least 2001'').

resource mix,[62] market forces,[63] and emerging technologies.[64] At the same time, available transmission capacity appears to have been exhausted in many regions. As the Commission observed in the Transmission Planning and Cost Allocation NOPR, ''[t]he evidence suggests that long-term regional transmission planning and cost allocation to identify and plan for transmission needs . . . is not occurring in most transmission planning regions on a regular or consistent basis.'' [65] Instead, the Commission added, significant transmission expansion appears to be happening in an incremental fashion, in response to individual interconnection requests.[66] This reactive approach to transmission expansion adds to the challenge many proposed projects face to successfully complete the interconnection queue process and reach commercial operation. Therefore, the number of projects waiting in the interconnection queue is increasing. Further, transmission providers report that there is a nationwide shortage of qualified engineers to keep pace with the increasing number of interconnection requests in the queue and associated interconnection studies.[67] Many, if not all, of these drivers are either ongoing or increasing. Thus, we are concerned that, without reforms to the generator interconnection process, existing interconnection queue backlogs are likely to intensify.

21. In recent years, numerous transmission providers have responded to the types of trends and challenges outlined above by seeking to reform their interconnection queue processes.[68] Since 2018, the Commission has approved proposals from five non-independent transmission providers to transition from the serial first-come, first-served study process set forth in the *pro forma* LGIP to a first-ready, first-served cluster study process that imposes increasing readiness requirements to advance through the study phases.[69] Meanwhile, several RTOs/ISOs, including MISO and Southwest Power Pool (SPP), have proposed refinements to the cluster study processes in their regions that the Commission had previously approved.[70]

22. As the factors contributing to interconnection queue backlogs and study delays continue and even increase, it has become more apparent that the Commission's existing generator interconnection procedures and agreements may be insufficient to ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner, thereby ensuring that rates, terms, and conditions for Commission-jurisdictional services remain just and reasonable and not unduly discriminatory or preferential.[71] We preliminarily find that the Commission's *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA result in rates, terms, and conditions pursuant to which transmission providers provide generator interconnection service are unjust and unreasonable and unduly discriminatory or preferential. Further, because the interconnection queue backlogs and study delays afflicting generator interconnection service nationwide hinder the timely development of new generation and thereby stifle competition in the wholesale electric markets, we preliminarily find that the Commission's *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA result in rates, terms, and conditions in the wholesale electric markets that are unjust and unreasonable and unduly discriminatory or preferential.

23. Our preliminary findings are based on several features of the Commission's existing generator interconnection procedures and agreements that are of concern, specifically: (1) the information (or lack thereof) available to prospective interconnection customers and the commitments required of them to enter and progress through the interconnection queue; (2) the reliance on a serial first-come, first-served study process and the standard to which transmission providers are held for meeting interconnection study deadlines; (3) the protocols for affected systems studies; (4) the provisions for studying new or hybrid (co-located) generation technologies and considering alternative transmission technologies; and (5) the performance requirements for inverter-based technologies, including wind, solar, and electric storage facilities. We describe these features of the Commission's existing generator interconnection procedures and agreements—as set forth in the Commission's *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA—in this section and then turn to our proposed reforms to address the concerns identified with those features.[72]

24. First, the *pro forma* LGIP does not contain a process by which an interconnection customer can obtain information at a specific location or point of interconnection about potential interconnection costs prior to submitting an interconnection request. As a result, at the outset of the generator interconnection process,[73]

[62] Corporations purchased over 30 GW of clean energy through power purchase agreements in 2021, up nearly 24% from 2020. U.S.-based purchases represented 17 GW of the power purchase agreements executed in 2021. Bloomberg New Energy Finance, *Corporate Clean Energy Buying Tops 30GW Mark in Record Year* (Jan. 31, 2022), *https://about.bnef.com/blog/corporate-clean-energy-buying-tops-30gw-mark-in-record-year/#:~:text=Corporate%20Clean%20Energy%20Buying%20Tops%2030GW%20Mark%20in%20Record%20Year,-January%2031%2C%202022&text=New%20York%20and%20London%2C%20January,research%20firm%20BloombergNEF%20* (BNEF).

[63] From 2009 to 2021, the levelized cost of energy from unsubsidized utility scale wind and solar photovoltaic facilities dropped 72% and 90%, respectively. Lazard, *Lazard's Levelized Cost of Energy Analysis—Version 15.0,* at 9 (Oct. 2021), *https://www.lazard.com/perspective/levelized-cost-of-energy-levelized-cost-of-storage-and-levelized-cost-of-hydrogen/* (*Lazard's LCOE*).

[64] For instance, 42% (285 GW) of solar and 8% (17 GW) of wind projects currently in the queue include are proposed as hybrid resources including electric storage. *Queued Up* at 18.

[65] Transmission Planning and Cost Allocation NOPR, 179 FERC ¶ 61,028 at P 36.

[66] *Id.*

[67] For example, CAISO stated in its recent proposal to extend its interconnection study deadlines to accommodate its interconnection queue cluster 14 that neither CAISO nor the participating transmission owners could increase staffing as few experts are available to hire. *Cal. Indep. Sys. Operator Corp.,* 176 FERC ¶ 61,207, at PP 7, 21 (2021). The Midcontinent Independent System Operator (MISO) has indicated that it similarly has experienced delays in performance of interconnection studies by outside consultants. *See* MISO, Informational Report, Transmittal, Docket No. ER19–1960, at 12 (filed Nov. 16, 2020).

[68] *See* May Joint Task Force Tr. 88:10–12 (Ted Thomas) (''[T]he RTOs have been working on these interconnection issues and we don't have a solution yet.'').

[69] *Dominion Energy S.C., Inc.,* Docket No. ER22–301–000 (Dec. 28, 2021) (delegated order) (*Dominion*); *Duke Energy Carolinas, LLC,* 176 FERC ¶ 61,075 (2021) (*Duke*); *PacifiCorp,* 171 FERC ¶ 61,112 (2020); *Pub. Serv. Comm'n of Colo.,* 169 FERC ¶ 61,182 (2019) (*PSCo*); *Tri-State Generation & Transmission Ass'n, Inc.,* 173 FERC ¶ 61,015 (2020) (2020 Tri-State Order).

[70] *See, e.g., Midcontinent Indep. Sys. Operator, Inc.,* 178 FERC ¶ 61,141 (2022); *Sw. Power Pool, Inc.,* 178 FERC ¶ 61,015 (2022).

[71] *See* May Joint Task Force Tr. 23:6–11 (Riley Allen) (''Ultimately, this system is not working efficiently now and those inefficiencies translate into costs. It's not just cost on the developers, but I find from my decades of experience that, if there are inefficiencies in the system, they ultimately have to be borne by the loads and ratepayer interests.'').

[72] *See id.* 184:6–19 (Clifford Rechtschaffen) (''I think it's beyond dispute that we need queue reform. I don't know if it's a crisis, but there's logjams, dysfunctions, inefficiencies . . . . I think there's a real need to keep the foot on the gas and for FERC to provide guidance templates, best practices, . . . minimum baselines, while again, providing for flexibility.'').

[73] As in the background of this NOPR, we describe the generator interconnection process set forth in the Commission's *pro forma* LGIP, which

Continued

interconnection customers typically have little insight into the interconnection capacity available at various points on the transmission system. Furthermore, interconnection customers face limited financial commitments to enter and stay in the interconnection queue and few requirements to prove the commercial viability of proposed generating facilities.[74] Therefore, developers often submit multiple interconnection requests for proposed generating facilities at various points of interconnection, not all of which are expected to reach commercial operation, as an exploratory mechanism to obtain information to allow them to choose the most favorable site.[75]

25. Second, securing a higher interconnection queue position is valuable when interconnecting to a transmission provider that uses the serial first-come, first-served study process as laid out in the *pro forma* LGIP because the transmission provider will process interconnection requests (*i.e.,* perform required interconnection studies) in the order in which the interconnection requests are received. By obtaining an early queue position, a generating facility may be able to use available transmission capacity and not need to incur costs for network upgrades that later-queued interconnection customers potentially incur. Under this framework, interconnection customers have an incentive to submit interconnection requests to secure a queue position as early as possible, even if they are not prepared to move forward with the proposed generating facility at the time the interconnection request is made, to identify locations with available headroom on the transmission system and establish priority over later-queued interconnection requests.

26. Often, these more speculative interconnection requests do not prove to be commercially viable. For example, in many interconnection queues, the MW volumes of interconnection requests far exceed the transmission provider's peak network load.[76] A lack of commercial viability often means that many proposed generating facilities in the interconnection queue will eventually withdraw after not finding a purchaser for their output. In the case where the interconnection customer submits multiple requests, the developer may select only the one or two most viable project candidates and withdraw the interconnection requests for the remaining projects. These withdrawals then impact the remaining interconnection customers in the interconnection queue. A withdrawal may necessitate re-studies and cause the shifting of network upgrade costs to lower-queued interconnection customers. New cost estimates, in turn, can alter a proposed generating facility's commercial viability and create further re-studies and withdrawals, often referred to as cascading re-studies and withdrawals.[77] These re-studies exacerbate the cost uncertainty faced by interconnection customers[78] and prevent the transmission provider from maintaining a model base case for how its transmission system is expected to reliably operate and serve load in the future.

27. These delays faced by individual interconnection customers may hinder the timely development of new generation, and, thereby, stifle competition in wholesale energy markets or delay access to potential low cost generation, which ultimately drive up costs for consumers.

28. Compounding these issues, the *pro forma* LGIP does not require transmission providers to meet deadlines for conducting interconnection studies. Rather, transmission providers are only required to use ''reasonable efforts''[79] to complete interconnection studies on time.[80] Despite complaints from interconnection customers, the Commission has not yet found that a transmission provider failed to use reasonable efforts to meet interconnection study deadlines, even though such studies are routinely completed months or years late. While interconnection customers can be removed from the queue for failure to comply with deadlines throughout the generator interconnection process,[81] transmission providers face no consequences for failure to comply with study deadlines.

29. Third, similar to the lack of requirements for timely completion of interconnection studies, the *pro forma* LGIP provides almost no requirements regarding how or when transmission providers or affected systems should complete affected system studies; in particular, even the reasonable efforts standard does not apply to these studies.[82] In practice, these studies often lag behind those completed by the host transmission provider and are sometimes completed very late in the process, causing an additional round of delays and cost uncertainty for interconnection customers.[83]

30. In short, under the Commission's existing *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA, it is difficult for transmission providers to disincentivize interconnection customers from entering multiple speculative interconnection requests into the interconnection queue or minimize the risk of late-stage withdrawals of interconnection requests. Conversely, transmission providers have little

we recognize differs from many transmission providers' generator interconnection processes due to Commission-approved variations.

[74] For example, the total cost of interconnection studies under the *pro forma* LGIP is often under $500,000. *See pro Forma* LGIP sections 3.1 ($10,000 deposit with interconnection request), 6.1 ($10,000 deposit with Feasibility Study Agreement), 7.2 ($50,000 deposit with System Impact Study Agreement), 8.1 (minimum $100,000 deposit with Facilities Study Agreement).

[75] *See, e.g., Review of Generator Interconnection Agreements and Procedures,* Technical Conference Transcript, Docket No. RM16–12–000, at 211:10–21 (May 13, 2016) (Steve Naumann, Exelon Corp.) (filed Aug. 23, 2016) (''We would look at putting let's say new gas fired generation in PJM, it may have four queue positions. And we only intend to go through with one, that's not speculation, that's trying to get information on which is the most viable.'').

[76] For example, Dominion, PSCo, and Tri-State each provided statistics to this effect as part of their argument for interconnection queue reforms. *See* Dominion, Transmittal Letter, Docket No. ER22–301–000, at 8 (filed Nov. 1, 2021); PSCo, Transmittal Letter, Docket No. ER19–2774–000, at 27 (filed Sep. 9, 2019); Tri-State, Transmittal Letter, Docket No. ER21–410–000, at 20 (filed Nov. 13, 2020).

[77] *See pro forma* LGIP section 7.6; *see also* May Joint Task Force Tr. 70:20–71:6 (Matthew Nelson) (analogizing reiterative studies to going to the supermarket to buy ingredients for a recipe without knowing how much the ingredients cost, finding out at the register that they cost too much for your budget, and having to ''go home, get a new recipe, and start it all over again'').

[78] *Id* 74:9–21 (Andrew French) (stating that generator developers complain principally about cost certainty and cost sharing and that ''cost certainty is the much bigger issue'' given that ''an essential element of being able to sell a product is to know what your inputs are so you can market it'').

[79] Reasonable efforts are defined as ''actions that are timely and consistent with Good Utility Practice and are substantially equivalent to those a Party would use to protect its own interests.'' Order No. 2003, 104 FERC ¶ 61,103 at P 67; *pro forma* LGIP section 1.

[80] *See pro forma* LGIP sections 2.2, 6.3, 7.4, 8.3.

[81] *Id.* section 3.7 (''[I]f Interconnection Customer fails to adhere to all requirements of this LGIP . . . Transmission Provider shall deem the Interconnection Request to be withdrawn and shall provide written notice to Interconnection Customer . . . [.] Interconnection Customer shall have fifteen (15) Business Days in which to either respond with information or actions that cures the deficiency or to notify Transmission provider of its intent to pursue Dispute Resolution.'').

[82] Affected systems studies are used to study the impact of proposed interconnection requests on neighboring transmission systems. Transmission providers are obligated to coordinate the conduct of affected system studies, but the Commission has not required transmission providers to follow any specific affected system coordination process. *See pro forma* LGIP section 3.6.

[83] *EDF Renewable Energy, Inc.* v. *Midcontinent Indep. Sys. Operator, Inc.,* 168 FERC ¶ 61,173 (2019) (*EDF* v. *MISO*).

incentive to perform interconnection studies in a timely fashion. The resulting timing and cost uncertainty creates a barrier to entry that hinders competitive wholesale electric markets. As the Commission has previously observed, delayed interconnection study results or unexpected cost increases can disrupt numerous aspects of generating facility development, including project financing and the ability to obtain a power purchase agreement.[84] Developers in the interconnection queues have recently filed complaints with the Commission alleging that interconnection study delays have caused direct and indirect financial harm to them by threatening the viability of their projects.[85] Cost uncertainty poses an especially significant obstacle because proposed generating facilities may simply not be able to absorb substantial unexpected interconnection costs allocated as the result of a re-study. As indicated earlier, our fundamental concern is the follow-on impacts of these issues on rates paid by consumers. Unnecessary interconnection costs, either on the part of project developers or transmission providers, are ultimately passed through to consumers through higher energy or transmission rates, respectively. Conversely, efficient interconnection queues and well-functioning wholesale markets deliver enormous benefits to consumers by driving down wholesale electricity costs.

31. Fourth, in addition to our preliminary findings related to the interconnection queue backlogs described above, we preliminarily find that the Commission's *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA are unjust and unreasonable, unduly discriminatory, and preferential as applied to several interconnection procedural and modeling issues. This set of inquiries was prompted by newer technologies entering interconnection queues in greater numbers. Interconnection queues consist now predominantly of non-synchronous resources such as wind, solar, and electric storage projects, all of which have operating characteristics that were not anticipated when the Commission issued Order No. 2003.[86] In particular, interest in hybrid resources, which combine more than one generating facility type, often with electric storage, has increased dramatically.[87] This change in the types of resources has brought to light several issues. For example, the *pro forma* LGIP does not specify whether interconnection customers of all resource types can submit a single interconnection request for co-located components of a generating facility, although research shows that this option is frequently used in regions where it has been made available through variations from the Commission's *pro forma* generator interconnection procedures.[88]

32. Further, the addition of generating facilities that do not affect the requested interconnection service level are often deemed a material modification without review, which can cause unnecessary network upgrades. Also, the use of the surplus interconnection process, as adopted in Order No. 845, has proven helpful for interconnection customers seeking to access interconnection capacity that has already been approved through an LGIA, but it is currently only available when a resource is fully operational. Lastly, with respect to interconnection requests involving electric storage resources, a transmission provider may use operating assumptions for interconnection studies that employ worst-case assumptions or other inaccuracies (e.g., that electric storage will charge during peak load periods)[89] that do not accurately reflect the planned operation of these resources, thus requiring network upgrades that may not be necessary.

33. We also preliminarily find that failing to consider alternative transmission technologies that can be deployed both more quickly and at lower costs than network upgrades may render Commission-jurisdictional rates unjust and unreasonable. Therefore, we propose to modify the Commission's *pro forma* LGIP and SGIP to require their consideration to achieve their benefits in generator interconnection processes.[90] Alternative transmission technologies might allow for the interconnection of a proposed generating facility at a lower cost and require less time to implement than traditional network upgrades.[91] Despite these potential benefits, alternative transmission technologies often do not receive the same consideration during generator interconnection processes and have only been deployed in a small number of instances.[92] The result is that interconnection customers—and ultimately consumers—may be paying more than is reasonable to reliably interconnect new generating facilities, rendering Commission-jurisdictional rates unjust and unreasonable and unduly discriminatory and preferential.

34. Fifth, we preliminarily find that the *pro forma* LGIP and SGIP's data submission and performance requirements for non-synchronous generating facilities[93] (including wind, solar, and electric storage facilities) require reform to avoid undue discrimination and ensure just and reasonable Commission-jurisdictional rates. When an interconnection customer submits an interconnection

[84] *Reform of Generator Interconnection Procedures and Agreements,* 157 FERC ¶ 61,212, at P 30 (2016).

[85] *See, e.g.,* SOO Green HVDC Link Project Co, LLC, Complaint, Docket No. EL21–85–000, at 24, 38–39 (filed June 21, 2021).

[86] As of the end of 2019, 90% of the generating capacity that was waiting in interconnection queues nationwide was wind, solar, or energy storage projects. *See* Jay Caspary et al., Ams. for a Clean Energy Grid, *Disconnected: The Need for a New Generator Interconnection Policy,* at 4 (Jan. 2021), *https://cleanenergygrid.org/disconnected-the-need-for-new-interconnection-policy/* (ACEG Report).

[87] 42% (285 GW) of solar and 8% (17 GW) of wind projects currently in the queue are proposed as hybrid resources including electric storage. *Queued Up* at 18.

[88] In researching hybrid interconnection requests, Lawrence Berkeley National Laboratory encountered many projects for which ''the 'Generator Type' field includes multiple types for a single queue entry.'' *See* Mark Bolinger, et al., Lawrence Berkeley Nat'l Lab'y, *Hybrid Power Plants: Status of Installed and Proposed Projects,* at 16 (Aug. 2021), *https://emp.lbl.gov/sites/default/files/hybrid_plant_development_2021.pdf.*

[89] Hybrid Resource Coalition, Comments, Docket No. AD20–9–000, at 11–12 (filed Sept. 20, 2021); City of New York, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Clean Grid Alliance, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Savion, Post-Technical Conference Comments, Docket No. AD20–9–000, at 7 (filed Sept. 24, 2020); Enel, Post-Technical Conference Comments, Docket No. AD20–9–000, at 2–3 (filed Sept. 24, 2020).

[90] A variety of technologies offer potential alternatives to standard infrastructure network upgrades (e.g., reconductoring transmission lines or building new ones). These technologies include advanced power flow control devices, transmission switching, dynamic line ratings, static synchronous compensators, static volt-ampere reactive (VAR) compensators, and electric storage in specific use cases.

[91] *See, e.g.,* EDF Renewables, Comments, Docket No. RM21–17–000, at 16 (filed Nov. 30, 2021); State Agencies, Comments, Docket No. RM21–27–000, at 30–33 (filed Nov. 30, 2021); Alliant Energy Corporate Services, Inc. et al., Comments, Docket No. RM20–16–000, at 6 (filed Mar. 22, 2021) (stating that ''utilization of [dynamic line ratings] can improve contingency planning and defer or eliminate the need for line upgrades or reconductoring'').

[92] *See, e.g.,* EDF Renewables, Comments, Docket No. RM21–17–000, at 16 (filed Nov. 30, 2021); Potomac Economics, Comments, Docket No. RM21–17–000, at 8–9 (filed Nov. 30, 2021); State Agencies, Comments, Docket No. RM21–27–000, at 31–32 (filed Nov. 30, 2021).

[93] Non-synchronous generating facilities are ''connected to the bulk power system through power electronics, but do not produce power at system frequency (60 Hz).'' They ''do not operate in the same way as traditional generators and respond differently to network disturbances.'' *Reactive Power Requirements for Non-Synchronous Generation,* Order No. 827, 81 FR 40793 (June 23, 2016), 155 FERC ¶ 61,277, at P 10 n.24 (2016) (citing *Interconnection for Wind Energy,* Order No. 661, 70 FR 34993 (June 16, 2005), 111 FERC ¶ 61,353, at P 3 n.4 (2005)).

request for a proposed synchronous generating facility, it must provide a variety of system information, which allows the transmission provider to assess and model the facility's ability to respond appropriately to transmission system disturbances.[94] By contrast, non-synchronous generating facilities are not required to provide a comparable level of information that would allow the transmission provider to model and assess the facility's ability to respond appropriately to transmission system disturbances.[95] As the penetration of wind, solar, and electric storage resources increases, the behavior of these types of non-synchronous generating facilities during transmission system disturbances becomes more consequential, as does the need to assess their potential contribution to cascading outages or other major electric system issues. Furthermore, we are concerned that, without reform to require interconnection customers developing non-synchronous resources to provide sufficiently accurate and validated models, interconnection studies may not identify the appropriate interconnection facilities and network upgrades needed for that interconnection request. If the interconnection studies are not able to identify the appropriate interconnection facilities and network upgrades, then the interconnection costs assigned to that interconnection customer may be skewed, resulting in unjust and unreasonable rates for interconnection service.

35. In addition, we are concerned that the *pro forma* LGIA and SGIA may impose disparate performance requirements during system disturbances on synchronous and non-synchronous resources. Specifically, the physical characteristics of synchronous generating facilities result in such facilities continuing to inject electric current during transmission system disturbances, consistent with the need to remain ''connected to and synchronized with the Transmission System'' as required by the *pro forma* LGIA and SGIA.[96] As a result, services that support transmission system reliability are not disrupted during such events. However, the *pro forma* LGIA and SGIA do not currently require non-synchronous generating facilities to continue injecting current in a comparable manner during system disturbances. Specifically, non-synchronous resources many cease injecting current through ''momentary cessation.'' [97] As a result, transmission providers cannot determine whether non-synchronous generating facilities, in the aggregate, will continue to inject electric current during transmission system disturbances.

36. In light of the concerns outlined above, we preliminarily find that it is necessary to reform the Commission's *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and *pro forma* SGIA to ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner, thereby ensuring that rates, terms, and conditions for Commission-jurisdictional services remain just and reasonable and not unduly discriminatory or preferential.

II. Proposed Reforms

A. Reforms To Implement a First-Ready, First-Served Cluster Study Process

37. In recent years, late-stage withdrawals of interconnection requests have caused significant delays in interconnection study processes. In its January 2020 interconnection queue reform filing, PacifiCorp noted that about 75% of all interconnection requests ultimately withdraw from its interconnection queue and that withdrawals are a significant cause of delays in the generator interconnection process because withdrawals trigger re-studies. PacifiCorp argued that the current generator interconnection process encourages speculative projects to enter the interconnection queue because it does not require any progress toward commercial viability and does not penalize withdrawals from the interconnection queue.[98]

38. In support of its 2019 interconnection queue reform proposal, PSCo stated that it has experienced a surge in interconnection requests that cannot be processed under its current generator interconnection process. PSCo explained that, because the amount of generation requesting interconnection is significantly greater than the region's needs, only a small fraction of the generating facilities in the interconnection queue are likely to reach commercial operation. In addition, PSCo stated that, due to the configuration of PSCo's transmission system and the fact that most requests are for network resource integration service (NRIS),[99] almost all lower-queued interconnection requests, regardless of study phase, are affected by changes to higher-queued interconnection requests.[100]

39. For the reasons explained above, we preliminarily find that the Commission's *pro forma* LGIP and LGIA are unjust, unreasonable, unduly discriminatory, and preferential and that reforms are needed to allow interconnection customers to interconnect in a reliable, efficient, timely manner, thereby ensuring that rates, terms, and conditions for Commission-jurisdictional services remain just and reasonable and not unduly discriminatory or preferential. In particular, with regard to interconnecting in an efficient and timely manner, we propose reforms to the *pro forma* LGIP that: (1) require transmission providers to offer an optional informational interconnection study to serve as additional information for prospective interconnection customers in deciding whether to submit an interconnection request and set minimum requirements for transmission providers to publicly post available information pertaining to generator interconnection; (2) require transmission providers to implement a first-ready, first-served cluster study process that allocates costs associated with cluster studies and identified network upgrades consistent with the discussion below; and (3) impose more stringent financial commitments and readiness requirements on interconnection customers, including increased study deposits, more stringent site control requirements, a commercial readiness framework, and higher withdrawal penalties. To implement these reforms, we also propose to require transmission providers to establish a transition process, consistent with the proposed requirements below.

1. Interconnection Information Access

a. Need for Reform

40. We are concerned that the lack of transparency for prospective interconnection customers to obtain information about potential

[94] This information includes model block diagrams for excitation systems, power system stabilizers, and governor systems, to inform and verify the dynamic models used by the transmission provider to assess the proposed synchronous generating facility's response to transmission system disturbances. *See pro forma* LGIP app. 1, attach. A.

[95] *See infra* PP 310–312.

[96] *Pro forma* LGIA art. 9.73; *pro forma* SGIA art. 1.57.

[97] *See infra* note 463.

[98] *PacifiCorp,* 171 FERC ¶ 61,112 at P 3.

[99] NRIS allows the interconnection customer to integrate its generating facility with the transmission provider's transmission system in a manner comparable to that in which the transmission provider integrates its generating facilities to serve native load customers, or in an RTO/ISO with market-based congestion management, in the same manner as Network Resources. NRIS in and of itself does not convey transmission service. *Pro forma* LGIP section 1.

[100] *PSCo,* 169 FERC ¶ 61,182 at P 21.

interconnection costs prior to submitting an interconnection request is problematic. Without this information, it is difficult for interconnection customers to assess the viability of a specific proposed generating facility. Subsequently, interconnection customers submit multiple speculative interconnection requests in an attempt to obtain information through the system impact study process about the costs associated with various project configurations.

41. Some transmission providers have attempted to solve these problems by making more information available to interconnection customers before they enter the interconnection queue through an optional informational interconnection study that provides estimates of costs and scheduling for various sites.[101] These optional informational interconnection studies evaluate the feasibility of a proposed interconnection request and provide interconnection customers with non-binding information upon which to base preliminary siting decisions. Transmission providers that offer these types of studies require a $10,000 deposit for the studies, subject to a true-up based on actual costs of performing the studies.[102] While some transmission providers offer such an option, it is not currently required by the *pro forma* LGIP.

b. Proposed Reforms

i. Informational Interconnection Study

42. To address the lack of information available to interconnection customers prior to entering the interconnection queue, and the associated impacts on development of new generating facilities, interconnection queue backlogs, and interconnection study delays, we propose to revise the Commission's *pro forma* LGIP to require transmission providers to offer an informational interconnection study to serve as additional information for prospective interconnection customers in deciding whether to submit an interconnection request. The study would provide cost estimates for the transmission provider's interconnection facilities [103] and network upgrade costs specific to the interconnection scenario detailed in the study agreement. Specifically, we propose to revise sections 6.1–6.3 and Appendix 2 to the *pro forma* LGIP to implement this reform: section 6.1 (Informational Interconnection Study Agreement), section 6.2 (Scope of Informational Interconnection Study), section 6.3 (Informational Interconnection Study Procedures), Appendix 2 (Informational Interconnection Study Request form), and Attachment A to Appendix 2 (Informational Interconnection Study Agreement form). We also propose to include new definitions for an informational interconnection study and informational interconnection study agreement.

43. Proposed section 6.1 of the *pro forma* LGIP provides that a prospective interconnection customer may request an informational interconnection study. The proposed provision would limit prospective interconnection customers to no more than five separate informational interconnection study requests pending at a time to ensure that transmission providers are not overburdened with these studies and that one prospective interconnection customer cannot prevent others from taking advantage of this information-gathering process.[104] Each configuration of an interconnection request would require a separate informational interconnection study. For example, prospective interconnection customers seeking to evaluate different sites or different voltage levels at the same site would need to submit a separate request for each configuration. The informational interconnection study would be at the interconnection customer's expense, and each study would require a $10,000 deposit, subject to a true-up based on actual study costs.

44. Under the proposal, within seven business days of the receipt of a prospective interconnection customer's request for an informational interconnection study, the transmission provider would have to provide the prospective interconnection customer with an informational interconnection study agreement in the form of Attachment A to Appendix 2 of the *pro forma* LGIP. The informational interconnection study agreement would specify the technical data that the prospective interconnection customer must provide and an estimate of the expected costs of the study, including, to the extent known by the transmission provider, an estimate of the study costs expected to be incurred by any relevant affected systems. The prospective interconnection customer would have 10 business days to execute the agreement and deliver it to the transmission provider, along with the relevant technical data and study deposit, after which the transmission provider would have 45 days to complete the study.

45. Proposed section 6.2 of the *pro forma* LGIP explains that the informational interconnection study consists of a sensitivity analysis based on the assumptions specified in the informational interconnection study agreement. The informational interconnection study would identify potential interconnection facilities and network upgrades that may be required to interconnect the prospective interconnection customer's proposed generating facility, including an approximation of the costs of such interconnection facilities and network upgrades. The transmission provider would also coordinate with affected systems that may be impacted by the prospective interconnection customer's request to provide information on affected systems-related issues.

46. Proposed Attachment A to Appendix 2 of the *pro forma* LGIP contains the informational interconnection study agreement form. The form agreement explains that the informational interconnection study is performed solely for informational purposes and is not binding on either party. It also requires the study report to provide specific information, including, at a minimum: (1) preliminary identification of any circuit breaker short circuit capability limits exceeded; (2) preliminary identification of any thermal overload or voltage limit violations; and (3) estimated network

[101] *Dominion,* Docket No. ER22–301–000 (Dec. 28, 2021) (delegated order); *Duke,* 176 FERC ¶ 61,075 at P 19; *PacifiCorp,* 171 FERC ¶ 61,112 at P 54; *PSCo,* 169 FERC ¶ 61,182 at PP 9–10, 30; *Tri-State Generation & Transmission Ass'n, Inc.,* 174 FERC ¶ 61,021, at P 6 (2021) (*Tri-State*).

[102] *See, e.g.,* Dominion, OATT and Service Agreements, attach. M (4.5.0), section 3.1; PSCo, Transmission and Service Agreements Tariff, OATT, attach. N. (0.8.0), section 6.1 (requiring a $10,000 deposit for an informational study request).

[103] The *pro forma* LGIA defines ''Transmission Provider's Interconnection Facilities'' as ''all facilities and equipment owned, controlled or operated by the Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades.'' These are distinct from ''Interconnection Customer's Interconnection Facilities,'' which are those facilities ''identified in Appendix A of the Standard Large Generator Interconnection Agreement, that are located between the Generating Facility and the Point of Change of Ownership, including any modification, addition, or upgrades to such facilities and equipment necessary to physically and electrically interconnect the Generating Facility to the Transmission Provider's Transmission System. Interconnection Customer's Interconnection Facilities are sole use facilities.'' *Pro forma* LGIA section 1.

[104] *See, e.g.,* Dominion, OATT and Service Agreements, attach. M (4.5.0), section 3.1 (''Any one Interconnection Customer (including affiliates) shall have no more than five (5) requests for Informational Interconnection Study reports pending at one time.'').

upgrade costs related to the identified overloads and violations.

47. We recognize that the benefit of the informational interconnection study results would depend on the information provided, the assumptions made, and the timing of the proposed interconnection, with studies looking at interconnection requests with proposed commercial operation dates further into the future carrying greater uncertainty. Nevertheless, we seek comment on whether the informational interconnection study, as proposed, would provide prospective interconnection customers with sufficient and timely information to inform decision-making prior to submitting an interconnection request.

48. We seek comment on whether transmission providers should be required to establish a request window of a limited number of days each year in which potential interconnection customers can request an optional informational interconnection study. Lastly, we seek comment on the burdens on transmission providers of conducting informational studies and whether other options, such as the proposal below for public interconnection information, might strike a better balance of providing interconnection customers with useful information while making efficient use of transmission provider resources.

ii. Public Interconnection Information

49. In addition to the optional informational interconnection study described above, to address the lack of information available to interconnection customers prior to entering the interconnection queue, and the associated impacts on development of new generating facilities, interconnection queue backlogs, and interconnection study delays, we also propose to set minimum requirements for transmission providers to publicly post available information pertaining to generator interconnection. We believe that providing an interactive visual representation [105] of available interconnection capacity, as explained below, across a transmission provider's transmission system could provide valuable information to prospective interconnection customers that are considering efficient points of interconnection and could ameliorate the incentive to submit multiple speculative interconnection requests to gather information useful to assessing the viability of proposed generating facilities.

50. Some transmission providers already post such generator interconnection information as an extra tool for prospective interconnection customers. For example, MISO provides an interactive heatmap of expected congestion to serve as a guide on potential points of interconnection with available interconnection capacity.[106] The heatmap allows prospective interconnection customers to see estimated changes in variables such as the distribution factor (an approximation of congestion) and the percentage impact on power flow for monitored facilities based on a user-entered MW amount and voltage level at a user-selected point of interconnection. Transmission congestion is a key consideration for potential interconnection customers because elevated congestion in a particular area of the transmission system may signal that it is a location where network upgrades are more likely to be required or curtailments are more likely to occur relative to an area with less congestion. This heatmap is based on the assumptions in a given interconnection study cycle and MISO includes the caveat that the tool does not provide consideration for all system conditions, including voltage and stability constraints.

51. In order to make similar information available to prospective interconnection customers across the country—ensuring comparable access to information regardless of the interconnecting transmission provider—we propose to require transmission providers to maintain and make publicly available an interactive visual representation of available interconnection capacity as well as a table of relevant interconnection metrics that allow prospective interconnection customers to see certain estimates of a potential generating facility's effect on the transmission provider's transmission system. Specifically, we propose to revise section 6.4 of the *pro forma* LGIP to implement this reform. Section 6.4 (Publicly Posted Interconnection Information) would set forth minimum requirements that include a heatmap of estimated incremental injection capacity (in MW) available at each bus in the transmission provider's footprint under N–1 conditions, as well as providing a table of results showing the estimated impact of the addition of a proposed project (based on the user-specified MW amount, voltage level, and point of interconnection) for each monitored facility impacted by the proposed project on: (1) the distribution factor; (2) the MW impact (based on the proposed project size and the distribution factor); (3) the percentage impact on the monitored facility (based on the MW values of the proposed project and the monitored facility rating); (4) the percentage of power flow on the monitored facility before the proposed project; and (5) the percentage power flow on the monitored facility after the injection of the proposed project. These metrics would be calculated based on the power flow model of the cluster study or re-study with the transfer simulated from each bus to the whole transmission providers footprint (to approximate NRIS), and with the incremental capacity at each bus decremented by the existing and queued generation in the Cluster (based on the existing or requested interconnection service limit of the generation). These metrics would be intended to facilitate a high-level comparison between various points of interconnection, without submitting an interconnection request. We propose to require transmission providers to make this information available on their public websites to facilitate transparency and the usefulness of this information for prospective interconnection customers. We propose to require transmission providers to update this information within 30 days after the completion of each cluster study and re-study. Should prospective interconnection customers require more detailed analysis, they could submit a request for an informational interconnection study, as we proposed to establish above in Section A.1.b.

52. We seek comment on whether there are any security concerns with this proposed requirement. We also seek comment on whether the assumptions specified for the analysis are the right set of assumptions.

2. Cluster Study

a. Need for Reform

53. As discussed above, the inefficiency of the *pro forma* serial first-come, first-served interconnection study process in the *pro forma* LGIP is a major cause of the backlogs delaying transmission providers' interconnection queues. Using the *pro forma* serial interconnection study process in the face of a large interconnection queue backlog leads to uncertainty with regard to how long it will take to complete the interconnection study process, and the interconnection customer's cost responsibility for network upgrades.

[105] *See, e.g.,* Midcontinent Indep. Sys. Operator, *Points of Interconnection, https://giqueue.misoenergy.org/PoiAnalysis/index.html* (accessed March 17, 2022).

[106] *Id.*

54. Even for transmission providers that have not yet experienced large backlogs, the serial interconnection study process may cause unnecessary delay and inefficiently allocate network upgrade costs. Under the *pro forma* LGIP study process, interconnection requests are typically studied individually where a single proposed generating facility may create a need for network upgrades. This current serial process may result in a piecemeal identification of network upgrades which does not account for possible efficiencies of studying multiple interconnection customer requests and identifying fewer network upgrades that are able to accommodate multiple interconnection requests, particularly requests that may be located in a similar area.[107]

55. Moreover, advancing interconnection customers' facilities through the queue based solely on date of entry may result in inefficiencies where earlier queued customers have the potential to delay later-queued facilities. Specifically, the serial process combined with existing allocation of costs may cause unreasonable delays in the study process. Under existing tariffs within the RTOs/ISOs and non-RTO/ISO regions, the transmission provider allocates the full cost of those network upgrades to the individual interconnection customer. Although the crediting policy in the *pro forma* LGIP requires that the interconnection customer is ultimately reimbursed for the cost of the network upgrades, the large upfront network upgrade cost allocation may render a proposed generating facility economically non-viable, such that the interconnection customer is forced to withdraw from the interconnection queue.[108] Unless the withdrawing interconnection customer's proposed generating facility is electrically isolated, this withdrawal will also trigger individual re-study of lower-queued interconnection requests. As the transmission provider attempts to allocate this large network upgrade cost to the next interconnection customer in the interconnection queue, it can cause several projects to withdraw and trigger further re-studies—commonly referred to as cascading re-studies. If the interconnection customer does not withdraw and pays for the network upgrade to be constructed, lower-queued interconnection customers that will benefit from the network upgrade are not required to share cost responsibility simply because they submitted an interconnection request at a later date.[109] Therefore, the existing serial study process may now be unjust and unreasonable because interconnection customers are no longer able to consistently progress through the interconnection process in a timeframe consistent with Order No. 2003 and the *pro forma* LGIP. Further, the existing serial study process may now be unjust and unreasonable because the process frequently allocates to individual interconnection customers the cost network upgrades that may create additional interconnection capacity needed for several interconnection customers.

b. Proposed Reforms

i. Background

56. The serial first-come, first-served study process in the *pro forma* LGIP includes three distinct studies, conducted on an individual basis, to identify the interconnection facilities and network upgrades that are needed to accommodate the interconnection request and provide an estimate of the cost responsibility and timing for those facilities. Each study incorporates the base case study model, which includes all generating facilities and the associated interconnection facilities and network upgrades needed for higher-queued interconnection requests that are pending, as well as an up-to-date model of the transmission provider's transmission system.[110] First, the transmission provider conducts the feasibility study, which is a preliminary evaluation of the system impact and cost of interconnecting the generating facility to the transmission provider's transmission system, and consists of a power flow and short circuit analysis.[111] The transmission provider must use reasonable efforts to complete the feasibility study no later than 45 days after it receives the executed interconnection feasibility study agreement.[112]

57. Second, the transmission provider conducts the system impact study. The system impact study identifies and details the impacts to the transmission provider's transmission system or an affected system of the interconnection of the proposed generating facility.[113] The system impact study consists of a short circuit analysis, a stability analysis, and a power flow analysis. The transmission provider must use reasonable efforts to complete the system impact study within 90 days after it receives the executed interconnection system impact study agreement.[114] The *pro forma* LGIP provides transmission providers with the option to study interconnection requests on a clustered basis for the system impact study.[115]

58. Third, the transmission provider conducts the facilities study, which specifies and estimates the cost of the equipment, engineering, procurement, and construction work needed to implement the conclusions of the system impact study.[116] Where the system impact study focuses mainly on impacts to the transmission system, the facilities study aims to provide a more accurate estimate of the electrical switching configuration of the connection equipment, such as transformers, switchgear, meters, and other station equipment and a more accurate estimate of the specific costs associated with required network upgrades rather than a per-mile estimate. The facilities study will also identify any potential control equipment needed to accommodate requests for interconnection service that are lower than the generating facility capacity. Interconnection customers

[107] *See* May Joint Task Force Tr. 43:25–44:4 (Riley Allen) (''Clustering helps the regions identify what I'll call the backbone or trunk facilities that provide efficiencies in the system to the benefit ultimately of ratepayers. New England has been relying on clustering and I'm told that that's going very well.'').

[108] *See, e.g., Duke,* 176 FERC ¶ 61,075 at P 3 (explaining that, in many cases, assignment of such significant network upgrade costs can make new generation projects infeasible, incentivizing those projects to delay in committing to fund the network upgrades or to withdraw from the interconnection queue, causing delays and the need for re-studies). Interconnection customers may be even more likely to withdraw in RTO/ISO areas where the Commission has allowed for participant funding of network upgrades, whereby the interconnection customer will not be fully reimbursed for the cost of the network upgrades.

[109] *See* Order No. 845–A, 166 FERC ¶ 61,137 at P 78 (''The principle of cost causation generally requires that costs 'are to be allocated to those [that] cause the costs to be incurred and reap the resulting benefits.'''') (citing *S.C. Pub. Serv. Auth.* v. *FERC,* 762 F.3d 41, 87 (D.C. Cir. 2014)) (quoting *NARUC* v. *FERC,* 475 F.3d at 1285).

[110] *Pro forma* LGIP section 2.3.

[111] *Id.* section 6.2. Some transmission providers—including CAISO, Arizona Public Service Company, El Paso Electric Company (El Paso Electric), Sierra Pacific Power Company and Nevada Power Company (jointly, NV Energy), and Public Service Company of New Mexico (PNM)—have eliminated the feasibility study to reduce interconnection request processing time.

[112] *Id.* section 6.3.

[113] *Id.* section 7.3.

[114] *Id.* section 7.4.

[115] Order No. 2003, 104 FERC ¶ 61,103 at PP 153–156; *pro forma* LGIP section 4.2. If the transmission provider elects to study interconnection requests using clustering, all interconnection requests received within 180 days (queue cluster window) must be studied together without regard to the nature of the underlying interconnection service, whether NRIS or ERIS. However, the *pro forma* LGIP allows the transmission provider to study an interconnection request separately based on the electrical remoteness of the proposed generating facility. *Pro forma* LGIP section 4.2.

[116] *Id.* section 8.2.

have two options for the timeframe in which the facilities study must be completed: 90 days, if the interconnection customer requests a +/−20% cost estimate contained in the report; or 180 days, if the interconnection customer requests a +/−10% cost estimate.[117]

59. Re-study is required when (1) a higher-queued interconnection request withdraws from the interconnection queue, (2) a higher-queued interconnection request modifies its proposed generating facility pursuant to section 4.4 of the *pro forma* LGIP, or (3) the interconnection customer redesignates its point of interconnection.[118] Transmission providers are required to conduct re-study of the feasibility study within 45 days of the triggering event and re-study of the system impact and facilities studies within 60 days of the triggering event.

60. Under the *pro forma* LGIP, the interconnection customer can request to begin negotiations to the LGIA with the transmission provider at any time after the interconnection customer executes the interconnection facilities study agreement, for not more than 60 days after tender of the final interconnection facilities study report.[119] If the interconnection customer determines that negotiations are at an impasse, it may request termination of the negotiations at any time after tender of the draft LGIA and request submission of the unexecuted LGIA to the Commission, or initiate dispute resolution procedures. The transmission provider must provide a final LGIA to the interconnection customer within 15 days after the completion of the negotiation process. Within 15 days after receipt of the final LGIA, the interconnection customer must provide the transmission provider either (1) reasonable evidence of continued site control or (2) post additional non-refundable security of $250,000, which will be applied toward future construction costs.[120] The interconnection customer also must provide reasonable evidence that it has achieved one or more milestones in the development of the generating facility as listed in section 11.3 of the *pro forma* LGIP. As soon as practicable, but not later than 10 days after receiving the tendered LGIA or the request to file an unexecuted LGIA, the transmission provider must file the LGIA with the Commission.[121]

61. The Commission has stated that clustering is the preferred method for conducting interconnection studies, and has strongly encouraged clustering in interconnection queue management and interconnection study processes for all transmission providers.[122] In the 2008 Technical Conference Order, the Commission noted that clustering that takes into account factors other than the interconnection request filing date may allow for more efficient prioritization of interconnection requests while still providing protection from undue discrimination by transmission providers.[123] Subsequently, the Commission approved many variations of cluster study processes where the transmission provider groups interconnection requests received during an open window period and processes those requests as a cluster, with some form of shared cost responsibility for identified network upgrades triggered by the cluster. The Commission noted that performing studies in clusters helps alleviate interconnection queue backlogs and offers considerable benefits as the network upgrades required for an interconnection customer to interconnect to the transmission system may be large enough to accommodate more than one interconnection request.[124] Generally, cluster study processes include the following elements: (1) an interconnection request window; (2) a customer engagement window; (3) cluster studies including (a) a power-flow and voltage study, which is similar to a feasibility study under the *pro forma* LGIP, and (b) a stability and short circuit study, which completes the traditional system impact study; (4) a facilities study; (5) re-study, if needed; and (6) LGIA execution or filing of an unexecuted LGIA.

62. To join a cluster, an interconnection customer must generally submit a valid interconnection request before the close of the request window for that cluster. Some transmission providers accept interconnection requests during an annual[125] window, whereas others have a semi-annual[126] window. After the interconnection requests are received and deemed valid, and before the start of the interconnection study process for the cluster, a customer engagement window begins.[127] During the customer engagement window, transmission providers work with interconnection customers to build study models, verify data, hold stakeholder meetings, and generally prepare for the interconnection study process. At the end of the customer engagement window, all interconnection customers with complete interconnection requests and a signed study agreement will be included in that cluster.

63. Many transmission providers with large transmission systems typically group interconnection requests on the basis of geographic location and electrical relevance before conducting a cluster study.[128] Most transmission providers that use a cluster study process still conduct facilities studies on an individual basis.[129] In addition, some non-RTO/ISO transmission providers offer a separate generator interconnection process for interconnection customers participating in a resource solicitation process.[130]

[117] If the interconnection customer wants its cost estimate to be accurate within a range of +/−20%, the study must be completed within 90 days since there is greater room for error on the part of the transmission provider's estimate, whereas if the interconnection customer wants its cost estimate to be accurate within a range of +/−10%, the transmission provider has up to 180 days to develop a more accurate cost estimate. *Id.* section 8.3.

[118] *Id.* sections 6.4, 7.6, 8.5.

[119] *Id.* section 11.2.

[120] *Id.* section 11.3.

[121] *Id.*

[122] Order No. 2003, 104 FERC ¶ 61,103 at P 155, Order No. 2006, 111 FERC ¶ 61,220 at P 181.

[123] 2008 Technical Conference Order, 122 FERC ¶ 61,252 at P 18.

[124] *Midwest Ind. Sys. Operator, Inc.,* 124 FERC ¶ 61,183 at PP 114, 143 (accepting usage of group studies as a means to help alleviate interconnection queue backlog and finding that clustering studies offers considerable benefits); *SPP,* 128 FERC ¶ 61,114 at P 32 (finding that performing cluster studies should enable processing the interconnection queue backlog more effectively); *So. Cal. Edison Co.,* 135 FERC ¶ 61,093, at P 50 (2011) (finding that coordinating the cluster study processes for interconnection requests to a utility's transmission and distribution systems would ''achieve greater efficiency and effectively manage network impacts''); *see also* May Joint Task Force Tr. 42:3–9 (Gladys Brown Dutrieuille) (explaining that clustering has two goals: minimizing the study time and minimizing the first mover disadvantage by sharing costs among those resources that need the same upgrades).

[125] PacifiCorp, Tri-State, Duke, ISO New England Inc. (ISO–NE), MISONYISO, and SPP have annual windows.

[126] PNM, Arizona Public Service Company, El Paso Electric, NV Energy, PSCo, and CAISO have semi-annual windows.

[127] PSCo and Tri-State have 75-day customer engagement windows, while Duke has a 60-day customer engagement window.

[128] MISO, CAISO, SPP, ISO–NE, NV Energy, Arizona Public Service Company, and PNM group projects in such a way, and PacifiCorp and Tri-State have added the term Cluster Area to their LGIPs. *See* PacifiCorp, Transmission OATT and Service Agreements, part. IV.36 (Definitions) (5.0.0); Tri-State Generation and Transmission Association, Inc., Open Access Transmission Tariff, attach. N, Standard LGIP (7.0.0), section 1.

[129] NV Energy, however, uses clusters for the facilities study. MISO performs both the system impact study and facilities study in a group study format.

[130] The resource solicitation process provision is discussed later in the NOPR.

ii. Proposal

64. We propose to revise the *pro forma* LGIP and *pro forma* LGIA to make cluster studies the required interconnection study method under the *pro forma* LGIP.[131] We therefore propose to require transmission providers to eliminate the serial first-come, first-served study process and instead use a first-ready, first-served cluster study process. We preliminarily find that a first-ready, first-served cluster study process, coupled with increased financial commitments and readiness requirements that we also propose in this NOPR, will address the interconnection queue issues described above, thereby remedying potentially unjust and unreasonable Commission-jurisdictional rates.[132] Even in areas that have not yet experienced large backlogs, we believe the first-ready, first-served cluster study process increases efficiency of the interconnection process and would help prevent delays in the future. A first-ready, first-served cluster study process is a more efficient way of studying a large interconnection queue because transmission providers can perform larger interconnection studies encompassing numerous proposed generating facilities, rather than separate studies for each individual interconnection customer.[133] Additionally, conducting a single cluster study and cluster re-study each year would minimize delays that can arise from proposed generating facility interdependencies and also minimize the risk of cascading re-studies when a higher-queued interconnection customer withdraws.[134] This limited re-study process would consume far less time than under a serial first-come, first-served re-study process, which requires re-studying all proposed generating facilities in isolation with a new base case. In addition, the proposed reforms may assist interconnection queue management because, even if clusters have cascading re-study issues, there will be fewer re-studies needed and fewer cost consequences for lower-queued generators as compared to serial re-studies. Thus, we believe that requiring a first-ready, first-served cluster study process, coupled with increased financial commitments and readiness requirements that we also propose in this NOPR, should improve the efficiency in processing generator interconnection requests, and result in just and reasonable Commission-jurisdictional rates.

65. In particular, we propose several revisions to the *pro forma* LGIP and *pro forma* LGIA to implement a first-ready, first-served cluster study process. We describe these revisions briefly in this section and include the full proposed language in appendices to this NOPR. We propose to add several new defined terms and revise several defined terms in section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA. For example, we propose to modify the definition of stand alone network upgrade to clarify that, for a network upgrade to be eligible for treatment as a stand alone network upgrade,[135] the network upgrade must only be required for one interconnection customer. This clarification should prevent lengthy conflict and negotiations in instances where multiple interconnection requests trigger the need for a network upgrade that could be considered a stand alone network upgrade under the current definition mainly because it can be constructed without affecting day-to-day operations of the transmission system, and several interconnection customers have an interest in exercising the option to build. We also propose modifying the definition of material modification to account for the equal queue position of generating facilities in the same cluster.[136] The new definition would clarify that material modifications are those with a material impact on the cost or timing of interconnection requests with a later or equal queue position.

66. We propose revisions to add new subsection 3.1.1.1 (Initial Study Deposit) to the *pro forma* LGIP, which provides that an interconnection customer must submit its interconnection request and applicable study deposit during a cluster request window (described below). We also propose to add new subsection 3.1.2 (Submission) to the *pro forma* LGIP, which provides that interconnection customers evaluating different options (such as different sizes, sites, or voltages) are encouraged but not required to use the new informational interconnection study proposed in this NOPR before entering the cluster study. New subsection 3.1.2 of the *pro forma* LGIP also provides that the interconnection customers must select a definitive point of interconnection to be studied when executing the cluster study agreement. Upon mutual agreement, the transmission provider may make reasonable changes to the requested point of interconnection to facilitate efficient interconnection of clustered interconnection requests at common points of interconnection.

67. We also propose to add new subsection 3.4.1 (Cluster Request Window) to the *pro forma* LGIP, which provides that interconnection customers must submit an interconnection request during a specified period, the cluster request window, which is a 45-day period with the start date to be determined by each transmission provider (with the annual start date for the transmission provider's cluster

[131] *See* May Joint Task Force Tr. 46:15–19 (Clifford Rechtschaffen) (stating that CAISO's cluster process has been helpful and important for improving interconnection queue processing and that clustering ''is a best practice and should be promoted'').

[132] *See* 2020 Tri-State Order, 173 FERC ¶ 61,015 at PP 29, 45 (finding that a first-ready, first-served cluster study process would address interconnection queue backlog and rejecting the filing on other grounds); *PacifiCorp,* 171 FERC ¶ 61,112 at P 47 (finding that proposed interconnection queue reform was a just and reasonable solution to an interconnection queue backlog); *PSCo,* 169 FERC ¶ 61,182 at P 30 (same); *Pub. Serv. Co. of N.M.,* 136 FERC ¶ 61,231, at P 77 (2011) (*PNM*) (finding that first-ready, first-served cluster study process would address interconnection queue backlog and allow projects that are further along in development to proceed on a more accelerated basis while allowing less developed projects to receive early information); *Duke,* 176 FERC ¶ 61,075 at P 51 (finding that proposed revisions to Duke LGIP and LGIA were consistent with or superior to the *pro forma* LGIP and LGIA); *see also Tri-State,* 174 FERC ¶ 61,021 at P 27 (noting previous findings from the 2020 Tri-State Order).

[133] *See Duke,* 176 FERC ¶ 61,075 at P 52 (finding that Duke's transition to a first-ready, first-served cluster study process could relieve ''(1) delays in completing generator interconnection studies; (2) inability of interconnection customers to share costs of network upgrades; and (3) existence of non-viable projects in the queues''); *see also Tri-State,* 174 FERC ¶ 61,021 at P 31 (noting PSCo's Comments that PSCo's preliminary experience of operating under the cluster study process has demonstrated that ''studying requests in clusters is shown to be more efficient than studying each request individually,'' and that ''this approach to generator interconnection is superior to the *pro forma* LGIP and LGIA'').

[134] *PNM,* 136 FERC ¶ 61,231 at P 79 (noting that ''PNM's proposal adopting the cluster approach to study related projects together will likely improve efficiency by limiting the need for re-studies'') (citing Order No. 2006, 111 FERC ¶ 61,220, at P 181).

[135] Under the current *pro forma,* Stand Alone Network Upgrades are defined as ''Network Upgrades that are not part of an Affected System that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement. If the Transmission Provider and Interconnection Customer disagree about whether a particular Network Upgrade is a Stand Alone Network Upgrade, the Transmission Provider must provide the Interconnection Customer a written technical explanation outlining why the Transmission Provider does not consider the Network Upgrade to be a Stand Alone Network Upgrade within 15 days of its determination.'' *Pro forma* LGIP section 1.

[136] Under the current *pro forma,* Material Modification is defined as ''those modifications that have a material impact on the cost or timing of any Interconnection Request with a later queue priority date.'' *Pro forma* LGIP section 1.

request window included in its LGIP). The transmission provider would consider all interconnection requests accepted within this period to have equal queue priority for purposes of the cluster study. Following the close of the cluster request window, the transmission provider would begin a 30-day customer engagement window as provided in new subsection 3.4.5 (Customer Engagement Window) of the *pro forma* LGIP.

68. We propose to renumber and revise subsection 3.4.4 (Scoping Meeting) as subsection 3.4.6 of the *pro forma* LGIP to provide that, during the customer engagement window, transmission providers must hold a scoping meeting with all interconnection customers whose interconnection requests were received in that cluster request window. Revised subsection 3.4.6 of the *pro forma* LGIP would also require transmission providers to hold individual customer-specific scoping meetings, at the interconnection customer's request, which must be requested by no later than 15 business days after the close of the cluster request window. By the end of the customer engagement window, the transmission provider would post on OASIS the final cluster study plan, which lists all valid interconnection requests with an executed cluster study agreement that will be part of the cluster study.

69. We propose to replace the sections of the *pro forma* LGIP, including subsection 3.5.2 (Requirement to Post Interconnection Study Metrics) of the *pro forma* LGIP, that require the posting of metrics for interconnection feasibility studies processing time and system impact study processing time with sections that require the posting of metrics for cluster study processing time and cluster re-study processing time. We also propose to add a new subsection to require the posting of the time from when the transmission provider received a valid interconnection request to the completion of the cluster study, cluster re-study, and facilities study.

70. We also propose several revisions to section 4 (Queue Position) of the *pro forma* LGIP to make clear that cluster studies are the required interconnection study method under the *pro forma* LGIP and that transmission providers may not have a first-come, first-served interconnection study method under their respective LGIPs. We propose to rename and revise section 4.1 of the *pro forma* LGIP as ''Queue Position'' and add two new subsections: (1) subsection 4.1.1 (Assignment of Queue Position), which makes clear that queue position will be based on the time and date that the transmission provider receives all items required under section 3.4 (Valid Interconnection Request) and that there is no queue priority for interconnection customers that opted for informational interconnection studies; [137] and (2) subsection 4.1.2 (Higher Queue Position), which provides that all interconnection requests studied in a single cluster shall be considered to have equal queue priority, but clusters initiated earlier in time shall be considered to have a higher queue position than clusters initiated later. To be clear, the date of submission of an individual interconnection request within the same cluster would have no bearing on the allocation of the cost of the network upgrades identified in the applicable cluster study, because such costs would be allocated among interconnection requests using a proportional impact method (discussed below in section II.A.4.).

71. New subsection 4.1.2 of the *pro forma* LGIP also provides that moving a point of interconnection shall result in a loss of queue position if the transmission provider deems the change a material modification. To align with this, we propose corresponding changes to the material modification provisions in section 4.4 (Modification) of the *pro forma* LGIP to provide that moving a point of interconnection shall result in a loss of interconnection queue position if it is deemed a material modification by the transmission provider. We note that the interconnection customer may decide to forego the requested change that constitutes a material modification and retain its existing queue position.[138] We also propose to revise *pro forma* LGIP section 4.4.5, which currently states that an extension of less than three cumulative years of the generating facility's commercial operation date are not material and should be handled through construction sequencing. We propose to provide that the commercial operation date reflected in the initial interconnection request shall be used in calculating the permissible three-year extension.

72. We propose to remove from section 4.2 (Clustering) of the *pro forma* LGIP the provisions allowing interconnection requests to be studied serially. We also propose to remove the requirement for the transmission provider to provide 180 days' advance notice before opening a cluster window. In addition to removing these provisions, we propose to rename section 4.2 of the *pro forma* LGIP ''General Study Process'' and revise it to provide that interconnection studies shall be performed within the cluster study process.

73. We propose to revise subsection 4.4.1 of the *pro forma* LGIP to make clear that: (1) the modifications previously permitted prior to return of the executed system impact study agreement are now permitted to be made prior to return of the executed cluster study agreement; and (2) for plant increases, the incremental increase will be studied with the next cluster study for purposes of cost allocation and study analysis.

74. We propose to delete section 6 (Interconnection Feasibility Study) of the *pro forma* LGIP (and all subsections). As explained above, we propose to adopt the new section 6 (Interconnection Information Access) of the *pro forma* LGIP to establish a mechanism for the interconnection customer to evaluate the feasibility of a prospective generating facility. We propose to revise section 7 (Interconnection System Impact Study) of the *pro forma* LGIP to make clear that the system impact study will now be conducted on a clustered basis, and that the transmission provider must complete the cluster study within 150 days of the closing of the customer engagement window. We further propose revisions to sections 3.4.2 and 8.1 of the *pro forma* LGIP to include the financial commitments and readiness requirements that must be met for the interconnection customer to remain in the interconnection queue following the completion of the cluster study. Those requirements are discussed in greater detail below. We propose additional revisions to delete section 7.5 (Meeting with Transmission Provider) of the *pro forma* LGIP and adopt the new section 7.5 (Cluster Study Re-Studies) of the *pro forma* LGIP to include provisions governing clustered re-studies where an interconnection customer in the cluster or a higher-queued cluster withdraws its interconnection request. Specifically, we propose to require transmission providers to conduct a re-study of the cluster within 150 days of informing the cluster of the need for re-study.

75. We propose revisions to the facilities study provisions in section 8 (Interconnection Facilities Study) of the *pro forma* LGIP to make clear that re-studies can be triggered by a higher or equally queued interconnection project withdrawing from the interconnection queue or modification of a higher or equally queued interconnection project

[137] *See supra* PP 42–45 (explaining that the informational interconnection study is intended to provide prospective interconnection customers with information prior to entering the queue).

[138] *Pro forma* LGIP section 4.4.3.

pursuant to section 4.4 (Modifications) of the *pro forma* LGIP.

76. We also propose revisions to section 11.1 (Tender) of the *pro forma* LGIP to clarify the procedures for executing the LGIA. We propose revisions to section 11.3 (Execution and Filing) of the *pro forma* LGIP to provide that the interconnection customer must submit to the transmission provider at the same time it submits the executed LGIA demonstration of continued site control, the requisite deposit, and reasonable evidence of achieving milestones in the development of the generating facility. An interconnection customer that requests that the transmission provider file an unexecuted LGIA with the Commission must submit the aforementioned information within 15 days of the Commission issuing an order on the unexecuted LGIA filing, or its interconnection request will be deemed withdrawn. We propose revisions to the system impact study agreement and facilities study agreement to be consistent with the new cluster study process. We propose to add several new definitions to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA that relate to the new first-ready, first-served cluster study process and to modify a number of other definitions.

77. We seek comment on whether the Commission should require transmission providers to conduct cluster studies on subgroups of interconnection customers based on areas of geographic and electric relevance, and, if so, whether the Commission should adopt provisions governing how cluster areas should be formed to ensure that cluster areas are formed in a transparent and not unduly discriminatory manner.[139]

78. We seek comment on whether the *pro forma* LGIP should specify how cluster studies must be rerun after re-study is triggered or whether there are provisions the Commission could adopt to improve the efficacy of the re-study process, such as preventing excessive re-study by limiting the transmission provider to two re-studies per month within the 150-day cluster re-study period.

79. We seek comment on whether the Commission should maintain an option in the *pro forma* LGIP for some interconnection requests to be processed outside of the annual cluster study process, and if so, in what circumstances and on what timeframe (for completion of the study), and on what priority compared to any active clusters.

3. Allocation of Cluster Study Costs

a. Background

80. Under the *pro forma* LGIP, interconnection studies are conducted for each individual interconnection request and study costs are paid by the interconnection customer. Transitioning to a first-ready, first-served cluster study process would require transmission providers to establish a method to allocate the shared cost of clustered interconnection studies among the interconnection customers in the cluster.

81. The Commission has accepted a variety of approaches to allocating the costs of cluster studies, most of which allocate costs using two factors: (1) the total MW size requested in a cluster; and (2) the number of interconnection requests in the cluster. Approaches among transmission providers vary with regard to the weight assigned to each of these factors. For example, Duke and Dominion allocate 90% of the applicable study costs to interconnection customers on a pro rata basis based on requested MWs included in the applicable cluster, and 10% on a per capita basis based on the number of interconnection requests included in the applicable cluster.[140] SPP, PNM, PSCo, PacifiCorp, and Tri-State allocate 50% of the study costs based on requested MWs, and 50% based on the number of interconnection requests.[141] CAISO, NYISO, and MISO only use one of the two factors in their allocation method. CAISO and NYISO allocate all study costs equally based on the number of interconnection requests within the cluster,[142] while MISO allocates all study costs pro rata based on the number of MWs requested.[143]

b. Proposal

82. We propose to revise section 13.3 (Obligation for Study Costs) of the *pro forma* LGIP to allocate the shared costs of cluster studies as follows: 90% of the applicable study costs to interconnection customers on a pro rata basis based on requested MWs included in the applicable cluster, and 10% of the applicable study costs to interconnection customers on a per capita basis based on the number of interconnection requests included in the applicable cluster.[144] We preliminarily find that this allocation of the costs of cluster studies would result in just and reasonable Commission-jurisdictional rates because it appropriately recognizes that the MW size of a cluster has a dramatic impact on the cost of studying the cluster, while also recognizing that the number of interconnection requests included in the cluster also impacts the cost of studying the cluster, but to a lesser degree.

83. We seek comment on whether a different cost allocation approach may be appropriate or whether each transmission provider should be provided additional flexibility to propose a cost allocation approach on compliance with any final rule.

4. Allocation of Cluster Network Upgrade Costs

a. Background

84. As discussed above, under the serial first-come, first-served study process in the *pro forma* LGIP, transmission providers study interconnection requests individually and in the order in which they are received. If a study identifies a need for network upgrades in response to an individual interconnection customer request, the transmission provider allocates the initial cost of those network upgrades to the individual interconnection customer. The *pro forma* LGIP allows transmission providers to perform clustered system impact studies but does not explain how transmission providers should allocate network upgrade costs among interconnection customers within a cluster.

85. Several of the transmission providers that have adopted a cluster first-ready, first-served study process have also adopted methods for allocating network upgrade costs that differ from their previously existing cost allocation mechanisms in one of two ways: (1) proportional capacity (based on the proposed generating facility's MW capacity in proportion to the cluster's total MW capacity); or (2) proportional impact (determined based

[139] Commenters that believe that the Commission should adopt provisions governing how cluster areas should be formed should also explain how to define such a cluster area (e.g., based on geographic proximity, geographic constraints such as bodies of water or mountain ranges, system topology, and/or major transmission system constraints).

[140] *See Duke,* 176 FERC ¶ 61,075 at P 18; *Dominion,* Docket No. ER22–301–000 (Dec. 28, 2021) (delegated order).

[141] *See* SPP, OATT, attach. V (4.0.0), section 4.2.5; *PNM,* 136 FERC ¶ 61,231 at P 24; *PSCo,* 169 FERC ¶ 61,182 at P 32; *PacifiCorp,* 171 FERC ¶ 61,112 at P 13; *Tri-State,* 174 FERC ¶ 61,021 at P 33.

[142] CAISO, CAISO eTariff, OATT, app. DD, section 3 (14.0.0), section 3.5.1.2; NYISO, NYISO Tariffs, attach. X, section 30.13 (5.0.0), section 30.13.3.

[143] MISO, FERC Electric Tariff, OATT, attach. X, (155.0.0) section 3.3.1.

[144] If an interconnection customer withdraws its interconnection request prior to the start of the cluster study, that customer would be required to pay the actual costs of processing its interconnection request but would not be assessed a withdrawal penalty.

on a distribution factor analysis). Several transmission providers also separate network upgrades into two categories prior to allocating costs based on the proportional capacity or proportional impact method: (1) station equipment, including all equipment located in the substation immediately beyond the point of interconnection to which the generating facility is connected (called station equipment network upgrades); and (2) all other network upgrades, including equipment located beyond the substation, such as transmission lines, transformers, voltage support, and distantly located breakers (called system network upgrades).[145] These methods allocate station equipment network upgrade costs based on the number of generating facilities interconnecting at an individual station (i.e., allocated equally to each interconnection customer interconnecting to the substation).

86. For network upgrades beyond the transmission provider's substation, PNM and PacifiCorp use the proportional capacity method.[146] PacifiCorp explained in its interconnection queue reform proposal that the proportional capacity method is better for PacifiCorp given the size of its service territory, and that PacifiCorp uses a cluster area approach in which it clusters projects by electrical relevance, which prevents interconnection customers from bearing the costs of network upgrades in distant areas of PacifiCorp's transmission system.[147]

87. CAISO, MISO, SPP, NYISO, PSCo, Tri-State, Duke, and Dominion use the proportional impact method by performing a distribution factor analysis.[148] Relative to other transmission providers, Tri-State includes a more comprehensive explanation of its distribution factor analysis method in its tariff. Specifically, Tri-State's tariff provides that: (1) thermal network upgrade costs are allocated based on the impact (in MWs) from each generating facility within the cluster or cluster area; (2) voltage network upgrade costs are allocated based on the voltage impact from each generating facility within the cluster or cluster area on the most constrained bus under the most constraining contingency in the definitive interconnection study case(s); (3) transient stability network upgrade costs within a cluster or cluster area are allocated based on the pro rata share of the total MW requests of all generating facilities causing instability; (4) short circuit network upgrade costs are allocated based on the impact (in kiloamperes) from each generating facility within the cluster or cluster area, on the constrained facilities under the most constraining fault in the definitive interconnection study case(s); and (5) in instances when a network upgrade resolves multiple types of constraints (such as thermal and voltage or thermal and voltage and transient stability), the costs are allocated within a cluster or cluster area based on a ratio share of the total cost of the independent mitigation types to equitably allocate the cost to all generating facilities contributing to constraints.[149]

b. *Proposal*

88. We propose to revise the *pro forma* LGIP to include new subsection 4.2.3 to require transmission providers to allocate network upgrade costs to interconnection customers within a cluster using a proportional impact method. Therefore, we propose to establish the definition ''Proportional Impact Method'' in the *pro forma* LGIP,[150] and require transmission providers to revise their LGIPs to include the specific technical parameters and thresholds of the method for cost allocation. We preliminarily find that this approach will ensure just and reasonable Commission-jurisdictional rates because it will allow the transmission provider to allocate network upgrade costs among several interconnection customers that may benefit from (and cause the need for) certain network upgrades.[151] By allocating shared network upgrade costs among a cluster of interconnection customers, we expect that this reform will reduce the frequency of an individual customer being allocated a large network upgrade that benefits subsequent interconnection customers, reduce the incentive to submit multiple speculative requests, and reduce the amount of cascading withdrawals and re-studies. We believe that a proportional impact method will accurately reflect the level of contribution of an interconnection request to the need for the network upgrade.

89. We seek comment on whether there are specific types of analyses that the Commission should require transmission providers to use to determine the proportional impact attributed to an interconnection request, including the benefits and drawbacks of any proposed approach. Conversely, we seek comment on whether there are specific types of analyses that the Commission should prohibit because they are known to be inaccurate, provide undue discretion to the transmission provider, or could otherwise be problematic. Additionally, we seek comment on alternative methods to allocate the cost of network upgrades within a cluster such as the proportional capacity method as discussed above. While such a method does not assign cost based on level of contribution of an interconnection request to the need for a network upgrade, we seek comment on whether this method can be sufficiently accurate, in certain instances, in a manner consistent with or superior to the proposed method. For instance, we seek comment on whether the proportional capacity method may be appropriate when a transmission provider with a relatively small service territory clusters projects by electrical relevance. Conversely, we seek comment on whether there are some circumstances where the proportional capacity method would not be appropriate, such as circumstances where there may be potential for discriminatory treatment.

5. Shared Network Upgrades

a. Background

90. There are no existing provisions in the *pro forma* LGIP that require transmission providers to share network upgrade costs between earlier-in-time and later-in-time interconnection customers (e.g., customers studied in separate clusters). However, in MISO and NYISO, the Commission has approved tariff provisions that require interconnection customers in later cluster studies that benefit from network upgrades completed prior to that later-in-time interconnection customer commencing commercial operation to partially reimburse the interconnection customers in an earlier cluster study that were initially responsible for the facilities' construction.[152]

91. MISO tests all network upgrades in service for less than five years to

[145] *E.g., PNM,* 136 FERC ¶ 61,231 at P 25.

[146] *Id.; PacifiCorp,* 171 FERC ¶ 61,112 at P 18.

[147] PacifiCorp, Transmittal, Docket No. ER20–924–000, at n.107 (filed Jan. 31, 2020).

[148] *PSCo,* 169 FERC ¶ 61,182 at P 34; *Tri-State,* 174 FERC ¶ 61,021 at P 38; *Duke,* 176 FERC ¶ 61,075 at P 11; *Dominion,* Docket No. ER22–301–000 (Dec. 28, 2021) (delegated order).

[149] Tri-State LGIP section 4.2.4.b.

[150] We propose to revise section 1 of the *pro forma* LGIP to provide that Proportional Impact Method shall mean a technical analysis conducted by the transmission provider to determine the degree to which each generating facility in the cluster contributes to the need for a specific network upgrade.

[151] *Tri-State,* 174 FERC ¶ 61,021 at P 38.

[152] *See* NYISO, NYISO Tariffs, attach. S, section 25 (16.0.0), section 25.7.2; MISO, FERC Electric Tariff, MISO OATT, attach. FF section III (81.0.0), section III.A.2.d.2.

determine whether they qualify for cost sharing. MISO requires interconnection customers in a later cluster study to share costs if they (1) connect to that network upgrade or (2) pass a two-part power flow screening.[153] If the test reveals that more than five MW of the later-in-time interconnection customer's generating facility uses the network upgrade with a network upgrade rating exceeding one percent, MISO performs an additional analysis. If the results of the second analysis conclude that the interconnection customer generating facility's impact exceeds more than five percent of the network upgrade's facility rating, or that the transmission distribution factor (TDF)[154] is greater than 20%, the interconnection customer in the later cluster study will reimburse interconnection customers from the earlier cluster study based on the share of the cost of the network upgrade allocated to each interconnection customer. MISO allocates the costs of the shared network upgrades using the pro rata share of the MW contribution on all constraints from each project.

92. NYISO accounts for excess capacity created by network upgrades and requires that interconnection customers in a later cluster study reimburse the interconnection customers from an earlier cluster study for the use of these facilities. NYISO tracks any excess capacity, or headroom,[155] created by network upgrades and determines eligibility for cost sharing using two methods. When technically feasible, a later-in-time interconnection customer's use of headroom is measured in terms of the interconnection customer's electrical impact. Otherwise, headroom usage is based on the total number of interconnection customers using a given network upgrade. The headroom is available for 10 years or until it is depleted.[156]

b. Relevant ANOPR Comments

93. Multiple commenters support the concept of cost sharing approaches. The National Association of Regulatory Utility Commissioners (NARUC), for example, contends that the Commission should encourage improvements to the participant funding model through sharing the costs of clusters of similarly situated interconnection customers.[157]

94. MISO and NYISO each highlight the advantages of their existing network upgrade cost sharing approaches. MISO claims that its cost sharing method appropriately balances the interconnection customers' interests.[158] NYISO asserts that its group-based facilities study minimizes later-in-time interconnection customers benefiting without paying for the use of a network upgrade at the outset.[159] NYISO also states that its headroom accounting process partly addresses the issue caused by later-in-time interconnection customers benefiting from preexisting network upgrades.

95. The Michigan Commission asserts that MISO has not made frequent use of its shared network upgrade process and suggests that the Commission explore whether analyzing network upgrades up to 20 years post-construction would encourage the development of higher-cost network upgrades in transmission constrained areas.[160]

96. Some commenters argue that a network upgrade sharing arrangement would be too complicated to execute and lead to stakeholder disagreements. EDF asserts that, while a study-based cost allocation might offer a more precise representation of benefits, such approaches are time-consuming and can be prone to stakeholder disagreement over the study's assumptions and results; EDF believes that any cost sharing percentage for generators should be commensurate with the value of the reimbursement generators receive.[161] TAPS states that, while cost sharing arrangements make sense conceptually, developing a cost sharing process can be resource-intensive and highly contentious.[162]

c. Need for Reform

97. We preliminarily find that the absence of network upgrade cost sharing provisions in the *pro forma* LGIP poses a barrier to entry to generation development. Absent cost sharing provisions among clusters, interconnection customers may significantly benefit from earlier-in-time network upgrades but not share in the cost of those network upgrades in a manner that is roughly commensurate with benefits.[163] As a result, individual interconnection customers may be responsible for the entire cost of network upgrades and may be reluctant to move forward with the development of an interconnection request if there is no opportunity to recover some of the costs associated with the construction of significant network upgrades that are likely to benefit interconnection customers in subsequent cluster studies.

d. Proposal

98. We propose to revise the *pro forma* LGIP and *pro forma* LGIA to require transmission providers to allocate the costs for network upgrade costs between interconnection customers in an earlier cluster study and interconnection customers in a subsequent cluster study that benefit from the same network upgrade in a manner that is roughly commensurate with the benefits received. First, we propose to require that, as part of the first-ready, first-served cluster study process that we also propose in this NOPR, the transmission provider analyze all network upgrades identified through the transmission provider's study process, and, if a generating facility of an interconnection customer in a later cluster study directly connects either to (1) a network upgrade in-service for less than five years or (2) a substation where the network upgrade in-service for less than five years terminates, then the transmission provider would be required to designate the network upgrade a shared network upgrade, and the interconnection customer in the later cluster study would be required to contribute a pro rata portion of the shared network upgrade's remaining undepreciated capital cost based on the impact the interconnection customer in the later cluster study has on the network upgrade as measured using the same method the transmission provider used to determine the impact of the interconnection customer(s) in the earlier cluster study. Second, if the new generating facility does not directly connect to the network upgrade, then the transmission provider would perform a power flow analysis with a two-step test to measure the later-in-time interconnection customer's use of and benefit from the network upgrade

[153] MISO Business Practice Manual No. 15, section 6.1.1.1.11, version 23 (May 2021), *https://cdn.misoenergy.org/BPM%20015%20-%20Generation%20Interconnection49574.zip*

[154] TDF measures the energy the interconnection customer has requested to inject onto the transmission system, expressed as the percent of the flows across a given transmission facility.

[155] NYISO defines headroom as ''the functional or electrical capacity of the System Upgrade Facility or the electrical capacity of the System Deliverability Upgrade that is in excess of the functional or electrical capacity actually used by the Developer's Project.'' NYISO, NYISO Tariffs, attach. S, section 25.1 (12.0.0).

[156] *See id.* section 25.8.7.

[157] NARUC, Comments, Docket No. RM21–17–000, at 23 (filed Oct. 12, 2021).

[158] MISO, Comments, Docket No. RM21–17–000, at 87–88 (filed Oct. 12, 2021).

[159] NYISO, Comments, Docket No. RM21–17–000, at 45 (filed Oct. 12, 2021).

[160] Michigan Comm'n, Comments, Docket No. RM21–17–000, at 21–22 (filed Oct. 12, 2021).

[161] EDF Renewables, Inc., Comments, Docket No. RM21–17–000, at 13 (filed Oct. 12, 2021).

[162] Transmission Access Policy Study Group (TAPS), Comments, Docket No. RM21–17–000, at 47–48 (filed Oct. 12, 2021).

[163] *See* May Joint Task Force Tr. 135:6–7 (Andrew French) (''I do think costs should be shared between clusters.'')

funded by interconnection customers from an earlier cluster study. Under the first step, the transmission provider would determine if the impact of the interconnection customer in the later cluster study exceeds 5 MW and exceeds one percent of the network upgrade's rating, which we believe would reasonably identify interconnection customers that benefit from the network upgrade. Then, if those criteria are met, the transmission provider would determine if the later-in-time interconnection customer's impact either exceeds more than five percent of the network upgrade's facility rating or if the TDF is greater than 20%.[164] Finally, if either of these criteria were met, the transmission provider would be required to designate that network upgrade a shared network upgrade, and the interconnection customer in the later cluster study would be responsible for a pro rata share of the network upgrade's remaining undepreciated capital cost based on the impact the interconnection customer in the later cluster study has on the network upgrade as measured using the same method the transmission provider used to determine the impact of the interconnection customer(s) from the earlier cluster study.

99. We propose to require the interconnection customer in the later cluster study to pay the transmission provider for the interconnection customer's share of the shared network upgrade costs through a one-time lump sum, which the transmission provider would disburse to the appropriate interconnection customer(s) from the earlier cluster study. Where applicable, the interconnection customer from the earlier cluster study or the relevant transmission provider would be required to assign transmission credits for the portion of the shared network upgrade that the interconnection customer in the later cluster study funded to the interconnection customer in the later cluster study. Additionally, we propose to require that the interconnection customer in the later study cluster not be required to pay for its share of the cost of the shared network upgrade until that shared network upgrade is in service. We propose to require transmission providers to provide the list of shared network upgrades to interconnection customers in subsequent cluster studies at the conclusion of the cluster study and to list those network upgrades in the LGIA.

100. As noted above, an interconnection customer in a later cluster study that otherwise meets the criteria described above would only bear some of the network upgrade costs for a network upgrade that was in service before the commercial operation date of the generating facility of the interconnection customer in the later cluster study. Thus, there could be scenarios where the network upgrade may be identified as both a shared network upgrade and a contingent facility pursuant to section 3.8 of the *pro forma* LGIP; and, therefore a designation of a network upgrade as a contingent facility does not preclude it from also being a shared network upgrade if the network upgrade meets the aforementioned criteria and passes the screens.[165]

101. We preliminarily find that requiring transmission providers to develop a method to share network upgrade costs among interconnection customers in earlier and later cluster studies will result in just and reasonable Commission-jurisdictional rates by allowing for allocation of costs of network upgrades in a manner more closely aligned to the distribution of benefits than the status quo.[166] Specifically, to the extent that interconnection customers in later cluster studies benefit from pre-existing network upgrades, we preliminarily find that it is just and reasonable for those interconnection customers to share a portion of those network upgrade costs.[167]

6. Increased Financial Commitments and Readiness Requirements

a. Need for Reform

102. The *pro forma* LGIP allows an interconnection customer to proceed through the generator interconnection process without having shown evidence to the transmission provider of meaningful progress toward achieving commercial viability (e.g., a power purchase agreement or site control). We are concerned that without requiring this type of evidence, interconnection customers will continue to submit multiple speculative interconnection requests and later withdraw those requests, triggering rounds of re-studies. While we believe that our proposal to require transmission providers to implement a first-ready, first-served cluster study process will substantially improve transmission providers' ability to manage their interconnection queues, we recognize that the sheer volume of interconnection requests in interconnection queues nationwide are overwhelming many transmission providers' resources.[168] Although the optional informational interconnection study that we also propose in this NOPR would provide a mechanism for prospective interconnection customers to obtain key information on potential points of interconnection for proposed generating facilities, prospective interconnection customers may still prefer to submit an interconnection request to establish a queue position rather than investing in and waiting for the results of an optional informational interconnection study.

103. Therefore, in addition to the reforms that we propose to implement a first-ready, first-served cluster study process, we also propose a set of reforms to adopt more stringent financial commitments and readiness requirements for interconnection customers to remain in the interconnection queue to discourage speculative interconnection requests and allow transmission providers to focus on processing viable interconnection requests and to better approximate the cost of the interconnection study process.[169] These

[164] *Midwest Indep. Transmission Sys. Operator, Inc.,* 133 FERC ¶ 61,221, at P 336 (2010) (finding that the 20% TDF screen is an appropriate measure of benefits for shared network upgrades that strikes an appropriate balance between cost sharing and guarding against overcharging late-coming generating facilities).

[165] Contingent facilities include ''those unbuilt . . . Network Upgrades upon which the Interconnection Request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for Re-Studies of the Interconnection Request or a reassessment of the Interconnection Facilities and/or Network Upgrades and/or costs and timing.'' *Pro forma* LGIP section 1. Pursuant to section 3.8 of the *pro forma* LGIP, transmission providers must have a method for identifying contingent facilities to be provided to the interconnection customer at the conclusion of the system impact study and including in the LGIA. *Id.* section 3.8.

[166] *See, e.g., Midwest Indep. Transmission Sys. Operator, Inc.,* 133 FERC ¶ 61,221 at PP 55, 336 (accepting shared network upgrades as just and reasonable and agreeing that the proper test for cost sharing with regard to an already-constructed upgrade is not what effect a late-coming generating facility would have had on the system as it existed prior to the network upgrade, but rather whether that late-coming generating facility will actually benefit from the network upgrade).

[167] *Id.* P 336.

[168] *See, e.g.,* Tri-State Generation and Transmission Association, Inc., Transmittal Letter, Docket No. ER20–2593–000, at 3, 14, and 17 (filed Jul. 31, 2020); Transmittal Letter, Docket No. ER11–3522–000, at 3 (filed May 5, 2011); PacifiCorp, Transmittal Letter, Docket No. ER20–924–000, at 5 (filed Jan. 31, 2020).

[169] *See* May Joint Task Force Tr. 38:7–8 (Matthew Nelson) (''[W]hat we hope to do is try to make sure that being in the queue means something[.]''); *id* 47:1–4 (Clifford Rechtschaffen) (cautioning that clustering is important but must be accompanied by other reforms to interconnection queue processing to address existing problems).

proposed reforms pertain to (1) increased study deposits, (2) demonstration of site control, (3) commercial readiness, and (4) withdrawal penalties.

b. Proposed Reforms

i. Increased Study Deposits and LGIA Deposit

(a) Background

104. Under the serial first-come, first-served interconnection study process in the *pro forma* LGIP, an interconnection customer must submit the following study deposits: [170]

- $10,000 deposit with its interconnection request, which is used for the feasibility study,
- $50,000 deposit when executing the system impact study agreement, and
- $100,000 deposit when executing the facilities study agreement.

105. Several transmission providers have increased the study deposit requirements in a tiered fashion to recognize that interconnection requests with higher generating facility capacities cost more to study. In accepting PNM's tiered approach, the Commission stated that increasing the study deposit in a tiered fashion is reasonable because it recognizes that larger proposed generating facilities within a cluster likely carry a greater risk (such as risk triggering the need for substantial network upgrades and triggering re-studies when withdrawing from the queue).[171] The Commission has accepted maximum study deposits as high as $250,000 for interconnection requests of 200 MW and greater and accepted proposals requiring study deposits at multiple points throughout the interconnection study process. For example, PSCo, Tri-State, Dominion, and Duke require four study deposits throughout their cluster study processes, and an additional deposit upon LGIA execution. In accepting PSCo's study deposit framework, the Commission reasoned that the study deposits represented the total approximate cost of PSCo's reformed cluster study process and that this framework was consistent with Order No. 2003's requirement that interconnection customers pay the actual costs of their studies.[172]

(b) Proposal

106. We propose to adopt the following study deposit framework in the *pro forma* LGIP:

Size of proposed generating facility associated with interconnection request	Amount of deposit
>20 MW <80 MW	$35,000 + $1,000/MW.
≤80 MW <200 MW	$150,000.
≤200 MW	$250,000.

107. We propose to require transmission providers to collect this study deposit before each phase of the new first-ready, first-served cluster study process (i.e., cluster study, cluster re-study, and facilities study).[173] We propose to require the interconnection customer to provide an initial study deposit along with its interconnection request which will be used to pay for the cluster study.[174] We propose to require the interconnection customer to provide the second study deposit of the same amount within 20 days of receiving the cluster study report from the transmission provider.[175] This second study deposit will cover the cost of any clustered re-studies. We propose to require the interconnection customer to provide the third study deposit of the same amount along with its executed facilities study agreement.[176] Study deposits would be refundable, and the transmission provider would refund any portion of the study deposits above the applicable study costs and withdrawal penalties once the interconnection customer executes the LGIA, requests the filing of an unexecuted LGIA and submits the corresponding payment discussed below, or withdraws from the queue.[177]

108. We also propose to require interconnection customers to submit a deposit equal to nine times the amount of its study deposit when executing the LGIA or requesting the filing of an unexecuted LGIA.[178] This deposit would be fully refunded once the generating facility achieves commercial operation, but if the interconnection customer withdraws after executing the LGIA or after requesting the filing of an unexecuted LGIA, this deposit would be refunded subject to the withdrawal penalty discussed below.

109. We believe that increasing the total study deposit amounts submitted in the interconnection study process would better approximate the cost of the interconnection study process and disincentivize interconnection customers from submitting interconnection requests for speculative, non-commercially viable generating facilities. As the Commission recognized in the 2008 Technical Conference Order, ''relatively small deposit amounts, coupled with the incentives produced by a first-come, first-served approach to allocating capacity, provides an incentive for developers to secure a place in the queue even for projects that may not be commercially viable.'' [179] Conversely, the Commission has specifically found that increased study deposits ''better identif[y] viable projects that are more ready to proceed with construction and commercial operation while discouraging speculative projects that could delay the cluster study process.'' [180] The Commission has similarly explained ''that increasing the deposit in a tiered fashion . . . is reasonable because it recognizes that larger projects likely carry a greater risk.'' [181] Accordingly, we propose to revise section 3 of the *pro forma* LGIP to implement these proposed increased study deposit reforms.

110. We seek comment on whether the proposed study deposit amounts accurately estimate the cost of conducting cluster studies, such that interconnection customers are not required to submit deposits that are likely to far exceed actual study costs. We also seek comment on whether the Commission should adopt additional provisions or a different framework that would require larger proposed

[170] *Pro forma* LGIP sections 6.1, 7.2, 8.1.

[171] *PNM,* 136 FERC ¶ 61,231 at P 80.

[172] *PSCo,* 169 FERC ¶ 61,182 at P 36 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 37).

[173] Proposed *pro forma* LGIP section 3.1.1.

[174] *Id.* section 3.1.1.1.

[175] *Id.* section 3.1.1.2.

[176] *Id.* section 3.1.1.2.

[177] Consistent with Order No. 2003, interconnection customers would be responsible for actual study costs, and the study deposits would be subject to true-up. Order No. 2003, 104 FERC ¶ 61,103 at P 37; *pro forma* LGIP section 8.1.

[178] Proposed *pro forma* LGIP section 3.1.1.3.

[179] 2008 Technical Conference Order, 122 FERC ¶ 61,252 at P 15.

[180] *PNM,* 136 FERC ¶ 61,231 at P 80; *see also PSCo,* 169 FERC ¶ 61,182 at PP 36, 49.

[181] *PNM,* 136 FERC ¶ 61,231 at P 80.

generating facilities to provide a higher deposit amount—such as a per MW framework.

ii. Demonstration of Site Control

(a) Background

111. The *pro forma* LGIP defines site control as documentation demonstrating: (1) ownership of, a leasehold interest in, or a right to develop a site for the purpose of constructing the generating facility; (2) an option to purchase or acquire a leasehold site for such purpose; or (3) an exclusivity or other business relationship between the interconnection customer and the entity having the right to sell, lease, or grant the interconnection customer the right to possess or occupy a site for such purpose.[182] Interconnection customers are required to submit a demonstration of site control along with the interconnection request or submit a $10,000 deposit in lieu of such a demonstration.[183] The in-lieu-of deposit allows the interconnection customer to proceed through the generator interconnection process without providing evidence of site control. At the end of the study process, within 15 days after receipt of the draft LGIA, the interconnection customer must provide evidence of continued site control or post $250,000 of non-refundable security that will be applied toward future construction costs. The *pro forma* LGIA allows the interconnection customer to suspend its LGIA for up to three years before providing the additional security or demonstration of site control.[184]

112. The Commission has accepted several interconnection queue reform proposals that have increased the initial $10,000 deposit in lieu of site control. For example, Nevada Power increased the initial deposit amount to $50,000 [185] and Arizona Public Service Company and El Paso Electric increased the amount of the initial deposit in lieu of site control to match their increased study deposits—$160,000 for interconnection requests less than 75 MW, and $250,000 for interconnection requests for 75 MW and greater.[186] All of these transmission providers maintain the *pro forma* LGIP provision allowing the interconnection customer to post $250,000 of non-refundable security in lieu of site control at LGIA execution.

113. PacifiCorp allows interconnection customers to submit a $10,000 deposit in lieu of site control to begin the cluster study process but requires that the interconnection customer demonstrate exclusive site control before proceeding to the facilities study.[187] Duke and Dominion adopted a similar approach of requiring that the interconnection customer demonstrate exclusive site control before proceeding to the facilities study but increased the deposit amount to $20,000 plus $500 per MW.[188] These transmission providers have removed the option to post $250,000 of non-refundable security in lieu of site control at LGIA execution and instead require proof of site control without exception.

114. PNM,[189] PSCo,[190] and MISO have eliminated the deposit in lieu of site control. However, MISO allows a deposit in lieu of site control of $10,000 per MW where regulatory limitations prohibit the procurement of site control.[191] This deposit is subject to a floor of $500,000 and a ceiling of $2,000,000. The cash in lieu deposit is only available to customers at the start of the study process: interconnection customers must demonstrate 100% site control prior to MISO conducting the facilities study.[192] To cut down on multiple speculative projects leasing the same site in order to remain in the queue, MISO also requires that interconnection customers demonstrate an ''exclusive right to develop the site'' of a generating facility or, where facilities are to be co-located, a right that is ''sufficient to accommodate the final design of the facility and account for any other projects that will utilize all or part of the same site.'' [193]

(b) Proposal

115. We believe that more stringent site control requirements will help prevent interconnection customers from submitting interconnection requests for speculative, non-commercially viable proposed generating facilities.[194] We preliminarily find that an interconnection customer securing the exclusive land right necessary to construct its proposed generating facility (or for co-located resources, demonstration of shared land use) is sufficient evidence of the interconnection customer's commitment to construct the generating facility.

116. We propose to revise the *pro forma* LGIP to require interconnection customers to demonstrate 100% site control for their proposed generating facilities when they submit their interconnection request. We propose to have transmission providers include in their tariff specific acreage requirements for each generating facility technology type.

117. To cut down on multiple interconnection customers leasing the same site in order to remain in the queue, we propose to revise the *pro forma* LGIP to require interconnection customers to demonstrate the exclusive land right (where the land rights are exclusive to the interconnection customer, not necessarily the individual project) to develop, construct, operate, and maintain its generating facility or, where facilities are co-located, to demonstrate a shared land use right to develop, construct, operate, and maintain co-located facilities.

118. We propose to include a limited option for interconnection customers to submit a deposit in lieu of site control

[182] *Pro forma* LGIP section 1.

[183] *Id.* section 3.4.1.

[184] *Pro forma* LGIA art. 5.16.

[185] *NV Energy, Inc.,* 142 FERC ¶ 61,165, at P 25 (2013).

[186] *Ariz. Pub. Serv. Co.,* 137 FERC ¶ 61,099, at P 11 (2011); *El Paso Elec. Serv. Co.,* 137 FERC ¶ 61,101, at P 11 (2011).

[187] PacifiCorp, Transmission OATT and Service Agreements, attach. W, section 5 (3.0.0), section 5.2.

[188] Duke, Tariffs, Rate Schedules and Service Agreements, OATT, attach. J (18.0.0), section 4.4.2; Dominion, OATT and Service Agreements, attach. M (4.5.0), section 4.4.2.

[189] *PNM,* 136 FERC ¶ 61,231 at P 81.

[190] *PSCo,* 169 FERC ¶ 61,182 at P 58. Site control requirements for PSCo are as follows: (1) before entering Phase 1, demonstration of 50% site control and 0% site control of interconnection customer's interconnection facilities is required; (2) before entering Phase 2, demonstration of 50% site control and 0% site control of interconnection customer's interconnection facilities is required; (3) before entering Phase 1, demonstration of 60% site control and 0% site control of interconnection customer's interconnection facilities is required; (4) before entering Phase 4, demonstration of 75% site control and 0% site control of interconnection customer's interconnection facilities is required; (5) before executing an LGIA, demonstration of 90% site control and 50% site control of interconnection customer's interconnection facilities is required. PSCo, Transmission and Service Agreements Tariff, Xcel Energy Operating Cos. Joint OATT, attach. N (0.8.0), section 7.7.6.

[191] In order to demonstrate regulatory limitations to securing site control, MISO requires the interconnection customer to submit: (1) a signed affidavit from an officer of the company indicating that site control is unobtainable due to regulatory requirements; and (2) documentation sufficiently describing and explaining the source and effects of such regulatory restrictions, including a description of any conditions that must be met in order to satisfy the regulatory restrictions and the anticipated time by which the interconnection customer expects to satisfy the regulatory restrictions. MISO, FERC Electric Tariff, MISO OATT, attach. X (155.0.0), section 7.2.1.2.

[192] *Midcontinent Indep. Sys. Operator, Inc.,* 169 FERC ¶ 61,173, at P 27 (2019).

[193] *Id.* P 48; *see also Midcontinent Indep. Sys. Operator, Inc.,* 166 FERC ¶ 61,187 (2019).

[194] *See, e.g., PNM,* 136 FERC ¶ 61,231 at P 81 (accepting PNM's increased deposit requirement and revised site control); *PSCo,* 169 FERC ¶ 61,182 at P 58 (stating that removing the $10,000 deposit option ''provides interconnection customers with the flexibility to demonstrate their viability while also balancing the goal of ensuring viable projects continue through the queue'').

when they submit their interconnection request only when regulatory limitations prohibit the interconnection customer from obtaining site control.[195] In such instances, the interconnection customer would submit an initial deposit in lieu of site control of $10,000 per MW, subject to a floor of $500,000 and a ceiling of $2,000,000, which would be applied toward any interconnection studies or withdrawal penalty, if applicable. Such an interconnection customer must demonstrate 100% site control prior to the facilities study.

119. In compliance with any final rule in this proceeding, we also propose that, after notifying the transmission provider of a change to the interconnection customer's site control demonstration, the transmission provider give the interconnection customer 10 business days to demonstrate satisfaction with the applicable requirement after notification. We propose to implement these requirements through revisions to sections 3.4.1 and 11.3 of the *pro forma* LGIP, as set forth in Appendix B to this NOPR.

120. We believe that strengthening the site control requirements of the *pro forma* LGIP to include a demonstration of 100% site control would help prevent speculative interconnection requests. We recognize that requiring site control effectively bars entry into the queue until land is acquired, and that this may prevent early-stage projects from entering the queue. We nevertheless believe this proposed reform to be just and reasonable because it will address the concerns with interconnection queue backlogs and study delays explained in the Need for Reform by reducing the number of interconnection requests being submitted and ensure that interconnection customers in the queue are ready to proceed.

121. We seek comment on whether there are other specific situations in which the Commission should accept a deposit in lieu of site control.

122. We seek comment on whether the definition of ''site control,'' including the requirement to obtain an exclusive land right (or, for co-located resources, a shared land right), should be broadened or refined to account for circumstances that may arise in, for example, the siting and permitting of offshore resources in bodies of water and/or submerged land. Further, for circumstances where interconnection customers are proposing to develop generating facilities on sites owned or physically controlled by a state governmental entity and/or federal governmental entity, there may be a need to craft a different site control requirement that acknowledges that the interconnection customer, that has to comply with regulatory requirements, may not be able to demonstrate site control as proposed in this NOPR until later. For this reason, we seek comment on whether and how the definition of ''site control'' should be adjusted for interconnection customers (including both onshore and offshore) to account for any regulatory requirements they may have associated with proposed generating facilities developed on sites owned or physically controlled by a state governmental entity and/or a federal governmental entity. We also seek comment on the appropriate stage in developing such sites when the Commission should view completion of such stage as indicative of an interconnection customer's request being non-speculative and whether there are substantive differences among interconnection customers (including both onshore and offshore) developing sites owned or physically controlled by a state governmental entity and/or a federal governmental entity.

123. We also seek comment on whether the Commission should allow transmission providers to accept demonstrations of less than 100% site control in the initial phases of the interconnection study process, outside of when regulatory limitations prohibit the interconnection customer from obtaining site control. Additionally, we seek comment on whether the Commission should instead adopt site control provisions that allow a deposit in lieu of site control to enter the generator interconnection process and be evaluated under the first-ready, first-served cluster study process described above but require interconnection customers to demonstrate site control to enter the facilities study.

iii. Commercial Readiness

(a) Background

124. Generally, at least in bilateral markets, an interconnection customer does not proceed to construct a generating facility unless it has executed some form of off-take agreement, such as a contract for the sale of electric energy or capacity from the generating facility. Transmission providers often use the terms ''ready'' or ''commercially viable'' to describe projects that have demonstrated commercial progress by executing such an agreement.[196] Aside from a demonstration of site control or the $10,000 deposit in lieu of site control, the *pro forma* LGIP does not require interconnection customers to demonstrate progress towards achieving commercial readiness throughout the interconnection study process. Rather, section 11.3 of the *pro forma* LGIP only requires demonstrations of commercial progress within 15 days after receipt of the final LGIA, after the transmission provider has completed its studies of the interconnection request. If interconnection customers cannot meet this deadline, the *pro forma* LGIA allows them to suspend their LGIAs for up to three years: that suspension may include a decision by the interconnection customer to pause work on their proposed generating facilities and network upgrades.[197] Under this approach, interconnection customers are able to submit interconnection requests and progress through the interconnection queue for only $160,000 in study deposits, subject to true-up based on actual study costs and then suspend their LGIAs for an additional three year time period for no cost.[198] In Order 2003, the Commission allowed suspension for a three year time period to allow generation projects the flexibility necessary to accommodate permitting and other delays that are particularly likely to affect large projects.[199]

125. PSCo, PacifiCorp, Tri-State, Dominion, and Duke have implemented frameworks that require interconnection customers to demonstrate commercial readiness early in the generator interconnection process to incentivize developers to submit ready or near-ready proposed generating facilities into the interconnection queue and to discourage the inclusion of speculative interconnection requests in the interconnection queue. These transmission providers offer several options to demonstrate commercial readiness. Notably, the commercial readiness requirements become more stringent as the interconnection customer proceeds to the later phases of the interconnection study process:

[195] For example, in MISO, the Commission found that 100% site control for the interconnection customer's interconnection facilities, the transmission owner's interconnection facilities, and network upgrades at the point of interconnection is impractical because those facilities often are subject to additional state siting and permitting requirements that do not apply to generating facilities. *Midcontinent Indep. Sys. Operator, Inc.,* 169 FERC ¶ 61,173 at P 40.

[196] *See, e.g.,* PSCo, Transmission and Service Agreements Tariff, Xcel Energy Operating Cos. Joint OATT, attach. N, (0.8.0) § 7.7.6; PacifiCorp, Transmission OATT and Service Agreements, OATT, pt. IV.38 (6.0.0), section 38.4.1.

[197] *Pro forma* LGIA art. 5.16.

[198] *See pro forma* LGIP sections 3.4.1, 6.1, 7.2, 8.1 (providing for: $10,000 for the Interconnection Feasibility Study, $50,000 for the Interconnection System Impact Study, and $100,000 for the Interconnection Facilities Study).

[199] Order No. 2003, 104 FERC ¶ 61,103 at P 410.

• Executed term sheet in early phases, or executed contract or power purchase agreement in later phases;

• Reasonable evidence of being selected in a resource plan or offered into a resource solicitation plan in early phases, or proof of applying for certificate of public convenience and necessity, if required, in later phases; or

• Provisional LGIA filed executed or unexecuted at the Commission in early phases or accepted at the Commission in later phases.[200]

126. As an alternative, PSCo, PacifiCorp, Tri-State, Dominion, and Duke allow interconnection customers that cannot provide these non-financial forms of readiness to instead provide additional deposit funds to proceed through the interconnection study process. Because PacifiCorp's cluster study process has fewer phases than PSCo, Tri-State, Dominion, and Duke, PacifiCorp offers the option to submit a deposit in lieu of readiness of $3,000/MW at the interconnection request phase, and for the later phase, a deposit equal to the network upgrade costs allocated to the interconnection customer in the most recent cluster study.[201] To contrast, in PSCo, Tri-State, Dominion, and Duke, an interconnection customer that cannot provide a readiness demonstration must provide additional deposits equal to:

• Two times the study deposit amount to enter the phase 1 cluster study;

• Three times the study deposit amount after the phase 1 report meeting to enter the phase 2 cluster study;

• Five times the study deposit amount after the phase 2 report meeting; and

• Seven times the study deposit amount after receipt of the facilities study agreement.[202]

127. As explained earlier, we are concerned with the significant interconnection queue backlogs and study delays, which we believe are caused in part by the minimal requirements for submitting interconnection requests and the tendency for non-viable projects to linger in interconnection queues. We have learned through interconnection queue reform filings that interconnection customers typically do not actually construct generating facilities unless they have entered into an off-take agreement for the output of such facilities, at least in bilateral market areas.[203] On the other hand, interconnection customers that do not enter into such agreements frequently withdraw from the interconnection queue, sometimes late in the study process or even after the conclusion of the study process, triggering the types of delays and re-studies for commercially viable projects that raise concerns for us. Thus, we believe that the existing *pro forma* LGIP requirements may be insufficient because they do not require customers to demonstrate commercial readiness early enough in the study process to deter interconnection customers from submitting interconnection requests for, and continuing in the interconnection queue, speculative proposed generating facilities.

(b) Proposal

128. We propose to revise the *pro forma* LGIP to include a commercial readiness framework. One major benefit of the frameworks adopted by PSCo, PacifiCorp, Tri-State, Dominion, and Duke is that the financial requirement in lieu of readiness increases throughout the study process, which encourages interconnection customers that are not ready to proceed to withdraw from the interconnection queue earlier in the study process while also providing them the flexibility to enter and remain in the interconnection queue without an off-take agreement. We believe that such a mechanism would reduce the number of times an interconnection customer executes and suspends an LGIA for a speculative interconnection request, only to later withdraw the request, which impacts the remaining interconnection customers in the interconnection queue by causing re-studies and shifting network upgrade costs to lower-queued interconnection customers. This proposed reform should also reduce the strain on transmission providers and enable viable interconnection requests to progress more quickly through a less congested interconnection queue, thereby remedying the unjust and unreasonable Commission-jurisdictional rates discussed in our need for reform.

129. Therefore, we propose to establish the defined terms ''Commercial Readiness Demonstration'' [204] and ''Commercial Readiness Deposit'' [205] in the *pro forma* LGIP. We also propose to add to sections 3.4.2, 7.5 and 8.1 of the *pro forma* LGIP the following options as acceptable commercial readiness demonstration options to enter into the cluster study and cluster re-study:

• Executed term sheet (or comparable evidence) related to a contract, binding upon the parties to the contract, for sale of (1) the constructed generating facility, (2) the generating facility's energy or capacity, or (3) the generating facility's ancillary services; where the term of sale is not less than five years.

• Reasonable evidence that the project has been selected in a resource plan or resource solicitation process by or for a load serving entity, is being developed by a load-serving entity (LSE), or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer.

• Provisional LGIA which has been filed at the Commission (executed or unexecuted), which is not suspended and includes a commitment to construct the generating facility.

130. We propose to add to section 8.1 of the *pro forma* LGIP that the following may serve as commercial readiness demonstration options to enter the facilities study, and must be provided with the executed facilities study agreement:

• Executed contract (as opposed to term sheet), binding upon the parties to the contract, for sale of (1) the constructed generating facility, (2) the generating facility's energy or capacity, or (3) the generating facility's ancillary services; where the term of sale is not less than five years.

• Reasonable evidence that the project has been selected in a resource plan or resource solicitation process by or for a load serving entity, is being developed by an LSE, or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer.

[200] PSCo, Transmission and Service Agreements Tariff, Xcel Energy Operating Cos. Joint OATT, attach. N (0.8.0), section 7.7; PacifiCorp, Transmission OATT and Service Agreementts, OATT, pt. IV.38 (6.0.0), section 38.4.1; Tri-State, Tri-State OATT, attach. N (7.0.0), section 7.7; Dominion, OATT and Service Agreements, attach. M (4.5.0), section 10.1; Duke, Tariffs, Rate Schedules and Service Agreements, OATT, attach. J (18.0.0), section 10.11 .

[201] PacifiCorp, Transmission OATT and Service Agreements, OATT, pt. IV.38 (6.0.0), section 38.4.1(v).

[202] PSCo, Transmission and Service Agreements Tariff, Xcel Energy Operating Cos. Joint OATT, attach. N (0.8.0), section 7.7.5; Tri-State, Tri-State OATT, attach. N (7.0.0), section 7.7.5; Dominion, OATT and Service Agreements, attach. M (4.5.0), section 10.1.6; Duke, Tariffs, Rate Schedules and Service Agreements, OATT, attach. J (18.0.0), section 10.11.6.

[203] PNM, Transmittal Letter, Docket No. ER11–3522–000, at 10–12 (filed May 5, 2011); PacifiCorp, Transmittal Letter, Docket No. ER20–924–000, at 51 (filed Jan. 31, 2020).

[204] We propose to revise section 1 of the *pro forma* LGIP to provide that Commercial Readiness Demonstration shall have the meaning set forth in Sections 3.4.2, 7.5, and 8.1 of this LGIP.

[205] We propose to revise section 1 of the *pro forma* LGIP to provide that Commercial Readiness Deposit shall mean a deposit paid in lieu of submitting a Commercial Readiness Demonstration, as set forth in Sections 3.4.2, 7.5, and 8.1 of this LGIP.

• Provisional LGIA accepted for filing by the Commission, which is not suspended, with reasonable evidence that the generating facility and interconnection facilities have commenced design and engineering.

131. We also propose to require the interconnection customer to inform the transmission provider of any material change to its commercial readiness demonstration. We propose to require the transmission provider to give the interconnection customer 10 business days to demonstrate satisfaction with the applicable requirement after notification of a change to the interconnection request's commercial readiness demonstration. The interconnection customer would have the option to submit a commercial readiness deposit, discussed further below, within the 10-day cure period if the change to the commercial readiness demonstration meant that the interconnection request no longer satisfied the criteria.

132. The Commission has previously accepted interconnection queue reform proposals that allow interconnection customers to submit additional refundable deposits in lieu of a demonstration of commercial readiness. In accepting these proposals, the Commission has found that the demonstrations of commercial readiness and alternative deposit in lieu of commercial readiness framework provide interconnection customers with the flexibility to employ a variety of business models.[206] We believe that this approach is appropriate for all transmission providers and therefore propose to allow interconnection customers the option to submit a Commercial Readiness Deposit in lieu of demonstrating commercial readiness through the commercial readiness demonstration options required to enter a cluster study, cluster re-study, and facilities study. We note that, outside of RTOs/ISOs, transmission providers may be able to provide certain contractual arrangements to their own projects or other preferred interconnection customers, such as the term sheet option discussed above, which could lead to unduly discriminatory behavior. This deposit in lieu of demonstrating commercial readiness may potentially prevent any undue discrimination in the generator interconnection process, consistent with the adoption of a standard set of procedures in the first instance.[207]

133. We propose to revise the *pro forma* LGIP to include a framework to allow interconnection customers to provide a commercial readiness deposit in lieu of meeting commercial readiness requirements in the following amounts:

• Two times the study deposit amount to enter the initial cluster study phase;

• Five times the study deposit amount after the initial cluster study phase and before the system impact re-study phase; and

• Seven times the study deposit after receipt of the facilities study agreement.[208]

134. The commercial readiness deposit is separate from the study deposit. The commercial readiness deposit is returned if the interconnection customer later makes a commercial readiness demonstration. If the interconnection customer withdraws from the interconnection queue, the commercial readiness deposit is applied toward any incurred withdrawal penalties. As described below in section III.A.1.iv, we propose that withdrawal penalties will be higher for interconnection customers that made a deposit in lieu of a demonstration of commercial readiness.

135. Additionally, we propose revisions to the list of development milestones in section 11.3 of the *pro forma* LGIP to clarify the following: (1) a contract for the supply or transportation of fuel and a contract for the supply of cooling water will not be accepted for wind, storage, or solar photovoltaic resources; (2) comparable evidence of a contract for the sale of energy or capacity will be accepted; and (3) any of the commercial readiness demonstration options accepted to enter the facilities study will be accepted along with the executed LGIA or within 15 days of the Commission issuing an order on the unexecuted LGIA filing, while a commercial readiness deposit will not be accepted.

136. We propose this framework because we believe that it will allow interconnection customers to calculate the exact deposit that will be required prior to entering the interconnection queue, as it is based on multiples of the study deposit, and the study deposit is based on the size of the proposed generating facility, as chosen by the interconnection customer, leading to predictability in the deposit amount. We believe this increased transparency of the deposit amount early in the generator interconnection process will discourage speculative requests from entering the queue.

137. We seek comment on whether the Commission should also establish, as another alternative demonstration of commercial readiness, evidence of a commitment to participate in RTO/ISO markets, a site specific purchase order for generating equipment specific to the interconnection request, or a statement signed by an officer or authorized agent of the interconnection customer attesting that the generating facility included is to be supplied with major electric generating components (such as wind turbines) with a manufacturer's blanket purchase agreement to which the interconnection customer is a party.

iv. Withdrawal Penalties

(a) Background

138. The *pro forma* LGIP does not require transmission providers to assess withdrawal penalties when an interconnection customer withdraws from the interconnection queue. Under the *pro forma* LGIP, withdrawing interconnection customers need only pay the actual study costs that the transmission provider incurred. Specifically, section 3.7 of the *pro forma* LGIP states that ''[a]n Interconnection Customer that withdraws or is deemed to have withdrawn its Interconnection Request shall pay to Transmission Provider all costs that Transmission Provider prudently incurs with respect to that Interconnection Request prior to Transmission Provider's receipt of [Interconnection Customer's written notice of such withdrawal to Transmission Provider].''

139. The Commission has accepted several transmission providers' proposals to assess withdrawal penalties on interconnection customers that withdraw from a cluster study process and thereby delay the timing or increase the interconnection costs for other proposed generating facilities in the same cluster, reasoning that such penalties decrease the number of late-stage withdrawals and mitigate potential harm to other interconnection customers.[209] The Commission found that withdrawal penalties provide an incentive to interconnection customers to ensure that their interconnection-

[206] *See, e.g., PSCo,* 169 FERC ¶ 61,182 at P 50; *PacifiCorp,* 171 FERC ¶ 61,112 at P 102.

[207] Order No. 2003, 104 FERC ¶ 61,103 at PP 1–2.

[208] *See* PSCo, Transmission and Service Agreements Tariff, Xcel Energy Operating Cos. Joint OATT, attach. N (0.8.0), section 7.7.5; Tri-State, Tri-State OATT, attach. N (7.0.0), section 7.7.5; Dominion, OATT and Service Agreements, attach. M (4.5.0), section 10.1.6; Duke, Tariffs, Rate Schedules and Service Agreements, Duke OATT, attach. J (18.0.0), section 10.11.6.

[209] *See e.g., PacifiCorp,* 171 FERC ¶ 61,112; *PSCo,* 169 FERC ¶ 61,182; *Tri-State,* 174 FERC ¶ 61,021; *see also* May Joint Task Force Tr. 31:19–32:1 (Kimberly Duffley) (describing Duke's withdrawal penalty requirements, stating that ''North Carolina is optimistic that these revisions will allow for the efficient interconnection of generation projects.'').

related decisions consider the costs associated with an interconnection customer withdrawing from the queue.[210]

(b) Proposal

140. As explained below, we propose to revise the *pro forma* LGIP to require transmission providers to assess withdrawal penalties to interconnection customers in certain circumstances. We preliminarily find that withdrawal penalties are needed to account for the harms that can occur when interconnection customers withdraw from the interconnection queue, as detailed in the Need for Reform for this NOPR. We believe that withdrawal penalties—as we propose to require below—will encourage interconnection customers to make every effort to ensure their proposed projects are viable and all interconnection requirements are met in a timely fashion, thereby limiting the potential for situations where an interconnection customer must withdraw at a late stage of the generator interconnection process and remedying the unjust and unreasonable Commission-jurisdictional rates discussed in our Need for Reform.

141. More specifically, we propose to revise the *pro forma* LGIP to require transmission providers to assess withdrawal penalties to interconnection customers that choose to withdraw at any point in the interconnection study process or do not otherwise reach commercial operation unless: (1) the withdrawal does not delay the timing of other proposed generating facilities in the same cluster; (2) the withdrawal does not increase the cost of network upgrades for other proposed generating facilities in the same cluster; (3) the interconnection customer withdraws after receiving the most recent cluster study report and the costs assigned to the interconnection customer have increased 25% compared to the previous cluster study report; or (4) the interconnection customer withdraws after receiving the individual facilities study report and the costs assigned to the interconnection customer have increased by more than 100% compared to costs identified in the cluster study report. Thus, under this proposal, interconnection customers would be exempt from a withdrawal penalty if the withdrawal does not harm other interconnection customers or if the withdrawal follows a significant unanticipated increase in network upgrade cost estimates.

142. The proposed withdrawal penalty will increase as the interconnection customer moves through the study process and will also increase if a commercial readiness deposit is provided in lieu of a demonstration of commercial readiness.[211] For an interconnection customer that provides a commercial readiness deposit in lieu of a demonstration of commercial readiness, we propose that its withdrawal penalty will be higher and increase as the interconnection customer progresses in the interconnection study process. This will help dissuade interconnection customers from submitting interconnection requests for speculative, non-commercially viable proposed generating facilities or from remaining in the interconnection queue despite the non-viability of the proposed generating facility.

143. We propose that the withdrawal penalty for an interconnection customer that provides a commercial readiness deposit in lieu of a demonstration of commercial readiness will be the greater of the study deposit or: (1) two times the study cost if the customer withdraws during the cluster study or after receipt of a cluster study report, capped at $1,000,000; (2) three times the study cost if the customer withdraws during the cluster re-study or after receipt of any applicable re-study reports, capped at $1,500,000; (3) five times the study cost if the customer withdraws during the facilities study, after receipt of the individual facilities study report, or after receipt of the draft LGIA, capped at $2,000,000; or (4) nine times the study costs if the customer withdraws before achieving commercial operation and after executing the LGIA or filing an unexecuted LGIA. We also propose that the withdrawal penalty revenues be used to fund studies conducted under the cluster study process.

144. The table below summarizes the proposed withdrawal penalty structure for both interconnection requests that have demonstrated commercial readiness and those that have not (by instead submitting a deposit in lieu of commercial readiness).

Phase of withdrawal	Commercial readiness demonstration provided?	Total withdrawal penalty (if greater than study deposit)	Withdrawal penalty cap
1	Yes	1 times study costs	No Cap.
2	Yes	1 times study costs	No Cap.
3	Yes	1 times study costs	No Cap.
LGIA	Yes	9 times study costs	No Cap.
1	No	2 times study costs	$1 million.
2	No	3 times study costs	$1.5 million.
3	No	5 times study costs	$2 million.
LGIA	No	9 times study costs	No Cap.

145. Accordingly, we propose to add the defined term ''Withdrawal Penalty'' and revise section 3.7 of the *pro forma* LGIP, as set forth in Appendix B to this NOPR.

146. We seek comment on how to define the circumstances in which a withdrawal is deemed to have delayed the timing or increased the cost of network upgrades for other proposed generating facilities in the same cluster, including what criteria should be used to determine whether the withdrawal caused the delay or increased cost, and whether to establish a threshold for when a delay or increase in cost will trigger a withdrawal penalty (and if so, what that threshold should be).

147. We seek comment on whether the Commission should consider exceptions to the proposed withdrawal penalties beyond those we propose in this NOPR.

148. In addition, we seek comment on whether withdrawal penalties that increase with proposed generating facility size (as measured by MW) would more effectively deter withdrawals that cause the greatest harm. Specifically, we seek comment on whether a correlation exists between the size of a withdrawing proposed

[210] *PacifiCorp,* 171 FERC ¶ 61,112 at P 112.

[211] *See* May Joint Task Force Tr. 75:23–76:1 (Kimberly Duffley) (''I think one of the best practices of the new system that DEP & DEC have implemented is the increase of withdrawal penalties as the interconnection moves through the process.'')

generating facility and the relative level of harm (in terms of delays and increased cost) to other interconnection customers as a result of the withdrawal.

7. Transition Process

a. Need for Reform

149. Requiring transmission providers both to utilize a first-ready, first-served cluster study process and to adopt more stringent financial commitments and readiness requirements to remain in the interconnection queue should significantly improve interconnection queue management in the future. However, we are mindful that many providers currently face significant backlogs of existing interconnection customers. Absent a transition process, the need to study all existing interconnection requests under existing rules could substantially delay the transmission provider's ability to use and benefit from the new cluster study process and commercial readiness requirements, thus diminishing the effectiveness of these reforms in the near term. Therefore, we are proposing that transmission providers be required to implement a transition process whereby most existing interconnection customers will be subject to the new study process, financial commitments, and readiness requirements, while certain late-stage customers will be allowed to finish the interconnection process under the existing rules.

b. Proposed Reform

i. Background

150. The transmission providers that have proposed to adopt a first-ready, first-served cluster study process have proposed a transition process to provide an orderly move to the new approach and to resolve their interconnection queue backlogs.

151. Following the 2008 Technical Conference Order, the Commission accepted several RTO/ISO proposals to implement a one-time transition process as the RTOs/ISOs moved to a first-ready, first-served cluster study process. To expedite interconnection queue processing, each of these transition plans applied a cluster study process to the majority of the interconnection requests in the interconnection queue. CAISO and SPP created a large transitional cluster study group (or a pair of study groups) yet continued to study later-stage interconnection customers under the preexisting serial first-come, first-served study process (*i.e.,* grandfathered). Specifically, CAISO grandfathered all interconnection customers slated to receive a system impact study by the date of CAISO's filing with the Commission (as well as those meeting selected readiness requirements),[212] while SPP grandfathered all interconnection customers with executed facilities study agreements.[213] MISO gave existing interconnection customers 60 days to meet new commercial readiness requirements, although interconnection requests for which the facilities study had already commenced were only subject to new suspension procedures. All projects in MISO's interconnection queue at the start of the transition were slated for cluster study unless they were determined to be electrically remote. However, the size of cluster study groups was not addressed in MISO's filing.[214]

152. Recent non-RTO/ISO interconnection queue reform filings gave existing interconnection customers three options: transitional serial study, transitional cluster study, or withdrawal from the interconnection queue.[215] Eligibility for the transitional studies was based on study status and/or commercial readiness demonstrations, as discussed further below. In accepting PSCo's interconnection queue reform filing, the Commission found that PSCo's transition process ''consider[s] the interests of interconnection customers whose requests are far along in the process'' while allowing a transmission provider to resolve its interconnection queue backlog.[216]

153. As discussed above, in the interconnection queue reform filings immediately following the 2008 Technical Conference Order, the Commission approved transition plans that grandfathered interconnection customers that had executed a system impact study agreement or a facilities study agreement.[217] However, in more recent interconnection queue reform filings, only late-stage interconnection customers have been consistently given a path to executing an LGIA under the existing interconnection procedures. Specifically, a grandfathering threshold based on the execution of a facilities study agreement has been more common. For example, transmission providers may require receipt of a facilities study agreement by the interconnection customer[218] or receipt of a completed system impact study as well as execution of a facilities study agreement for an interconnection customer to qualify for grandfathering.[219]

154. The Commission has also allowed transmission providers to apply the new commercial readiness requirements in their interconnection queue reforms to existing interconnection customers. For example, to qualify for a transitional serial study, several transmission providers have required interconnection customers to: execute a transitional facilities study agreement; provide a deposit equivalent to 100% of the costs identified in the system impact study for interconnection facilities and network upgrades; demonstrate exclusive site control; and demonstrate commercial readiness.[220] To qualify for the transitional cluster study, the Commission has approved transition plans that require interconnection customers to: execute a transitional cluster study agreement; provide a $5 million deposit;[221] demonstrate exclusive site control for the generating facility; and demonstrate commercial readiness.[222] The Commission has also approved less stringent requirements for transitional cluster study eligibility. For example, Duke's transition plan imposes lower cost security deposit requirements for ready interconnection customers and allows the use of cash deposits in lieu of site control (for the first phase of the

[212] CAISO also grandfathered interconnection customers with a power purchase agreement approved by the California Public Utilities Commission or pending with it, and interconnection customers seeking to interconnect to a new transmission line, with sufficient capacity, that had received land-use approval. *See Cal. Ind. Sys. Operator Corp.,* 124 FERC ¶ 61,031, at PP 1, 11, 12 (2008).

[213] SPP also allowed interconnection customers that had received a system impact study but not yet executed a facilities study agreement to opt out of the new cluster study process. *See Sw. Power Pool, Inc.,* 126 FERC ¶ 61,012, at P 6 (2009).

[214] *See Midwest Ind. Sys. Operator, Inc.,* 124 FERC ¶ 61,183 at PP 84, 90, 112, 114.

[215] *See, e.g., Duke,* 176 FERC ¶ 61,075 at P 20; *PSCo,* 169 FERC ¶ 61,182 at P 64; *Tri-State,* 174 FERC ¶ 61,021 at P 17.

[216] *PSCo,* 169 FERC ¶ 61,182 at P 7.

[217] *See, e.g., id.* P 58; *Midwest Indep. Sys. Operator, Inc.,* 124 FERC ¶ 61,183 at P 90; *Sw. Power Pool, Inc.,* 129 FERC ¶ 61,226 at P 28.

[218] *See PacifiCorp,* 171 FERC ¶ 61,112 at P 115.

[219] *PSCo,* 169 FERC ¶ 61,182 at P 65; 2020 Tri-State Order, 173 FERC ¶ 61,015 at P 54.

[220] *See, e.g., PSCo,* 169 FERC ¶ 61,182 at P 65; 2020 Tri-State Order, 173 FERC ¶ 61,015 at PP 17–18 (describing transitional study requirements but rejecting the filing due to insufficient time period to meet them); *Tri-State,* 174 FERC ¶ 61,021 at P 45.

[221] In its interconnection queue reform filing, PSCo stated that this value is ''likely at the low end of the potential cost'' of interconnection, based on a review of interconnection costs from 2003 to 2017, estimates of transmission investments in PSCo's Resource Planning Process, and the experience of a neighboring facility. PSCo, Transmittal Letter, Docket No. ER19–2774–000, at 86–87 (filed Sept. 9, 2019).

[222] *See, e.g., PSCo,* 169 FERC ¶ 61,182 at P 65; 2020 Tri-State Order, 173 FERC ¶ 61,015 at P 56 (order describing $5 million deposit yet rejecting filing for other reasons); *Tri-State,* 174 FERC ¶ 61,021 at P 45.

transitional cluster study) or commercial readiness.[223]

155. The Commission has also made it clear that existing interconnection customers must be given sufficient time to meet new requirements. For example, the Commission rejected Tri-State's initial transition process proposal because it would have given interconnection customers just 10 calendar days after the filing's effective date to meet new requirements.[224] Commission-approved transition processes commonly allow interconnection customers between 30–60 days after a filing's effective date (or the provision of written notice) to meet new commercial readiness requirements.[225]

ii. Proposal

156. We propose to revise the *pro forma* LGIP to require transmission providers to establish a transition process for moving to a first-ready, first-served cluster study process, as proposed in this NOPR.[226] Specifically, we propose to require transmission providers to offer existing eligible, interconnection customers the options, for each project in the queue, to either enter a transitional serial interconnection facilities study or a transitional cluster study, with commercial readiness requirements, or to permit them to withdraw from the interconnection queue without penalty.

157. We believe that this approach would provide an efficient way to prioritize and process interconnection requests in the interconnection queue based on how far they have advanced through the interconnection study process on the effective date of these reforms and their commercial readiness to continue that process. We also believe that this proposal strikes an appropriate balance between respecting previous expectations of interconnection customers and ensuring that the interconnection requests that continue under the transition process pose an acceptably low risk of withdrawal from the interconnection queue, which should help reduce the likelihood of re-studies. Accordingly, we propose to revise section 5 of the *pro forma* LGIP to specify how interconnection customers can elect to enter a transitional serial study or transitional cluster study or withdraw from the interconnection queue without penalty, as set forth in Appendix B to this NOPR.

158. Our proposed transitional serial study process will allow late-stage interconnection customers that have executed a facilities study agreement by the deadline discussed below to continue under the existing serial study process, enter into an LGIA, and interconnect, provided they are ready to move forward to commercial operation. To proceed to the transitional serial study, eligible interconnection customers would be required to execute a transitional serial interconnection facilities study agreement to codify their choice. At the time of execution of such agreement, the interconnection customer would be required to provide a deposit equal to 100% of the interconnection facility and network upgrade costs allocated to the interconnection customer in the system impact study report. If the customer reaches commercial operation, this deposit would be used towards construction costs of the same facilities. If the customer withdraws, the deposit would be refunded after the final invoice for study costs and the withdrawal penalty are settled. The transitional serial study withdrawal penalty would equal nine times the study cost because all future interconnection requests may be harmed if the transitional projects do not reach commercial operation. Specifically, these transitional projects would be included in the base case of the transitional cluster study, so a transitional serial project withdrawing could cause the entire first cluster to be re-studied. Transitional serial projects would also be required to provide evidence of exclusive site control for the entire generating facility and demonstrate commercial readiness through one of the following: (1) an executed term sheet (or comparable evidence) related to a contract for the sale of the generating facility or its energy/ancillary services; (2) reasonable evidence that the generating facility is included in a resource planning entity's resource plan, has received a contract via a resource solicitation process, or is being developed for a large end-use customer; or (3) a provisional LGIA that is not suspended and includes a commitment to build the generating facility. We propose that the deadline for the interconnection customer to meet all the provisions above will be 60 days after the effective date of a transmission provider's compliance filing with the final rule. Finally, we propose that the transitional serial studies be completed by the transmission provider within 90 days after the deadline for eligibility requirements to be satisfied.

159. Existing interconnection customers that opt for the transitional cluster study would have to execute a transitional cluster study agreement to codify their choice. The costs of this study and the identified facilities would be allocated as the costs are allocated for future clusters as set forth in the final rule in this proceeding. The transitional cluster will be subject to an expedited combined system impact and interconnection facilities study. Transitional cluster study projects would be required to select Energy Resource Interconnection Service (ERIS)[227] or NRIS.[228] To ensure that interconnection customers are ready to move forward, interconnection customers opting for a transitional cluster study would be required to make a $5 million deposit. We draw on the evidence provided by PSCo in proposing this value; specifically, it is equivalent to a reasonable estimate of the costs that would be allocated to the customer via the transitional cluster study. We propose to subject this deposit to the same conditions as the transitional serial study deposit. Transitional cluster study projects also would be required to produce evidence of exclusive site control for the entire generating facility and demonstrate commercial readiness through one of the same three options described above for transitional serial studies. Once again, we propose to set the deadline for satisfying these requirements as 60 days after the effective date of a transmission provider's compliance filing with any final rule. Finally, we propose that the transitional cluster study be completed by the transmission provider within 300 days after the deadline for eligibility requirements to be satisfied.

160. We seek comment on whether certain interconnection customers with a pending interconnection request prior to the issuance of a final rule in this proceeding should be allowed to

[223] *See* Duke, Transmittal Letter, Docket No. ER21–1579–000, at 48, 52 (filed Apr. 1, 2021). In its interconnection queue reform proposal, Duke stated that it selected these lower thresholds d in response to stakeholder feedback. *See Duke,* 176 FERC ¶ 61,075 at P 51 (approving these provisions).

[224] *Tri-State,* 174 FERC ¶ 61,021 at P 43.

[225] *See, e.g., Midwest Indep. Sys. Operator, Inc.,* 124 FERC ¶ 61,183 at P 84; *PSCo,* 169 FERC ¶ 61,182 at P 65; *Tri-State,* 174 FERC ¶ 61,021 at P 60.

[226] We note that this proposed reform may not be applicable to transmission providers that already employ a cluster study approach.

[227] ERIS allows the interconnection customer to connect its generating facility to the transmission provider's transmission system to be eligible to deliver the generating facility's electric output using the existing firm or nonfirm capacity of the transmission provider's transmission system on an as available basis. ERIS in and of itself does not convey transmission service. *Pro forma* LGIP section 1.

[228] *See supra* note 99.

proceed to LGIA execution without entering the transition process, for example, interconnection customers with an executed facilities study agreement. We seek comment on whether the Commission should require transmission providers to accept any additional commercial readiness demonstrations for entry into the transition process, and whether existing interconnection customers should be permitted to enter the transitional cluster study process by posting a deposit in lieu of demonstrating commercial readiness. We seek comment on whether five million dollars is a reasonable estimate of the costs that would be allocated to the customer via the transitional cluster study.

B. Reforms To Increase the Speed of Interconnection Queue Processing

1. Elimination of the Reasonable Efforts Standard

a. Background

161. The *pro forma* LGIP requires transmission providers to use reasonable efforts to process interconnection requests in a timely manner. Reasonable efforts are defined as ''actions that are timely and consistent with Good Utility Practice and are substantially equivalent to those a Party would use to protect its own interests.'' [229]

162. Specifically, section 2.2 of the *pro forma* LGIP requires transmission providers to use reasonable efforts in processing and analyzing interconnection requests. Sections 6.3, 7.4, and 8.3 of the *pro forma* LGIP require transmission providers to use reasonable efforts to complete feasibility studies within 45 days, system impact studies within 90 days, and facilities studies within 90 or 180 days, depending on the requested accuracy of the cost estimate. The *pro forma* LGIP does not include any penalties or financial consequences if a transmission provider fails to meet these deadlines.

163. In the Order No. 845 proceeding, some commenters advocated for the elimination of the reasonable efforts standard and imposition of firm study deadlines.[230] The Commission declined to do so, explaining that the record in that proceeding did not support such action.[231] Further, the Commission reasoned that ''reliance on improved reporting is a preferable approach to encourage timely processing of interconnection studies, rather than moving to a regime of firm study deadlines.'' [232]

164. To improve reporting, the Commission required transmission providers to post interconnection study metrics on a quarterly basis to increase the transparency of interconnection study completion timeframes.[233] The Commission also adopted a filed report requirement pursuant to which transmission providers that exceed study deadlines for more than 25% of any study type for two consecutive quarters must file informational reports at the Commission.[234] In adopting these requirements, the Commission reasoned that the increased transparency should provide for improved interconnection queue management.[235] The Commission also explained that the informational requirements could highlight systemic problems in interconnection study processing and could be useful to the Commission in determining if additional action is required to address interconnection study delays in the future.[236]

b. Need for Reform

165. The transmission provider reporting requirements adopted in Order No. 845 indicate that the failure to timely complete interconnection studies is a significant problem nationwide. Appendix A to this NOPR compiles the interconnection study metrics that transmission providers publicly posted in 2021 in compliance with Order No. 845. The data shows that almost 1,900 interconnection studies were delayed as of the end of Q4 2021. Additionally, in February 2022, the following transmission providers submitted required informational reports to the Commission because they exceeded an interconnection study deadline for more than 25% of any study type for two consecutive quarters: Arizona Public Service Company, Avista, Dominion, Duke, FP&L, ISO–NE, LG&E/KU, MISO, Northwestern Corp, NYISO, PacifiCorp, PJM, PNM, Puget Sound, Tri-State, and Tucson Electric.[237] Common explanations for these study delays include the high volume of interconnection requests,[238] re-studies caused by withdrawal of higher-queued interconnection requests,[239] and coordination among transmission owners, affected systems, and interconnection customers.[240]

166. Overall, the data demonstrate that nearly all transmission providers across the country regularly fail to meet interconnection study deadlines. Importantly, the data show that many of the transmission providers that have implemented some of the reforms that we propose in this NOPR, such as a first-ready, first-served cluster study process, still often fail to meet interconnection study deadlines. We believe that this indicates the potential need for further reforms to better ensure that transmission providers meet interconnection study deadlines. In particular, we believe that the reasonable efforts standard in the *pro forma* LGIP contributes to interconnection study delays because transmission providers do not face any consequence for missing study deadlines.[241]

167. The timely provision of interconnection service is critical to maintaining just and reasonable rates. As such, this NOPR proposes reforms to remedy several well-established sources of delay, such as speculative

[229] Order No. 2003, 104 FERC ¶ 61,103 at P 67; *pro forma* LGIP section 1.

[230] Order No. 845, 163 FERC ¶ 61,043 at P 315.

[231] *Id.* P 322.

[232] *Id.* P 323.

[233] *Id.* P 305.

[234] *Id.* PP 290, 305.

[235] *Id.* P 306.

[236] *Id.* PP 309, 323.

[237] Arizona Pub. Serv. Co., Filing, Docket No. ER19–1939–000 (filed Feb. 14, 2022); Avista Corp., Filing, Docket No. ER19–1959–000 (filed Feb. 11, 2022); Dominion, Filing, Docket No. ER19–1946–000 (filed Feb. 14, 2022); Duke, Filing, Docket No. ER19–1507–000 (filed Feb. 14, 2022); FP&L, Filing, ER20–1384–000 (filed Feb. 14, 2022); ISO–NE, Filing, Docket No. ER19–1951–000 (filed Feb. 14, 2022); LG&E/KU, Filing, Docket No. ER19–1916–000 (filed Feb. 14, 2022); Midcontinent Indep. Sys. Operator, Inc., Filing, Docket No. ER19–1960–004 (filed Feb. 11, 2022); NorthWestern Corp., Filing, Docket No. ER19–1943–000 (filed Feb. 14, 2022); NYISO, Filing, Docket No. ER19–1949–000 (filed Feb. 14, 2022); PacifiCorp., Filing, Docket No. ER19–1948–000 (filed Feb. 9, 2022); PJM Interconnection, L.L.C., Filing, Docket No. ER19–1958–003 (filed Feb. 14, 2022); PNM, Filing, Docket No. ER19–1955–000 (filed Feb. 15, 2022); Puget Sound, Filing, Docket No. ER19–1947–000 (filed Feb. 15, 2022); Tri-State, Filing, Docket No. ER20–687–000 (filed Feb. 2, 2022); Tucson Electric, Filing, Docket No. ER19–1934–000 (filed Feb. 14, 2022).

[238] *See, e.g.,* Dominion, Filing, Docket No. ER19–1946–000, at 3 (filed Feb. 14, 2022); ISO–NE, Filing, Docket No. ER19–1951–000, at 5 (filed Feb. 14, 2022); LG&E/KU, Filing, Docket No. ER19–1916–000, at 2 (filed Feb. 14, 2022); NYISO, Filing, Docket No. ER19–1949–000, at 5 (filed Feb. 14, 2022); PJM Interconnection, L.L.C., Filing, Docket No. ER19–1958–003, at 1–2, 5–6 (filed Feb. 14, 2022).

[239] *See, e.g.,* ISO–NE, Filing, Docket No. ER19–1951–000, at 5 (filed Feb. 14, 2022); NorthWestern Corp., Filing, Docket No. ER19–1943–000, at 2 (filed Feb. 14, 2022).

[240] *See, e.g.,* ISO–NE, Filing, Docket No. ER19–1951–000, at 5 (filed Feb. 14, 2022); Midcontinent Indep. Sys. Operator, Inc., Filing, Docket No. ER19–1960–004, at 9–12, 14–15 (filed Feb. 11, 2022); NYISO, Filing, Docket No. ER19–1949–000, at 4 (filed Feb. 14, 2022); PJM Interconnection, LLC, Filing, Docket No. ER19–1958–003, at 13–15 (filed Feb. 14, 2022).

[241] May Joint Task Force Tr. 89:6–25 (Ted LeVar) (encouraging FERC to examine ''appropriate consequences to the transmission providers when they don't comply with the tariffs,'' including by missing study deadlines).

interconnection requests, affected systems coordination, and serial interconnection queues. While we expect that these reforms will yield a more efficient process, we also believe that it is appropriate to establish mechanisms to hold transmission providers accountable for the timely execution of their duties under the tariff. The data collected pursuant to Order No. 845 indicates that the reasonable efforts standard does not provide a meaningful incentive for the transmission providers to complete their studies within the deadlines established in their tariffs. Indeed, the fact that the Commission has never found a transmission provider to have violated the reasonable efforts standard despite wide-spread study delays further heightens this concern.[242] Accordingly, we preliminary find that use of the reasonable efforts standard results in rates that are unjust and unreasonable.

c. Proposal

168. We propose to revise the *pro forma* LGIP to eliminate the reasonable efforts standard for transmission providers completing interconnection studies, and instead impose firm study deadlines and establish penalties that would apply when transmission providers fail to meet these deadlines.[243] Specifically, we propose to revise sections 2.2, 3.5.4(i), 7.4, 8.3, and Attachment A to Appendix 4 of the *pro forma* LGIP to remove the phrase ''reasonable efforts'' in relation to the completion of cluster studies and facilities studies.

169. Furthermore, we propose to add a new section 3.9 to the *pro forma* LGIP to impose financial penalties on transmission providers that fail to meet study deadlines [244] for cluster studies, cluster re-studies, facilities studies, and affected system studies,[245] except in situations where force majeure is determined to be applicable. By cluster studies,[246] we mean those that are part of the first-ready, first-served cluster study process that we propose in this NOPR, and we exclude the proposed transitional cluster study process from this meaning. Specifically, we propose to require transmission providers that do not complete a cluster, cluster re-study, facilities, or affected system study by the deadline specified in the *pro forma* LGIP to pay a penalty of $500 per day that the study is late. For example, a transmission provider that misses a study deadline by 150 days would be penalized $75,000. We believe that $500 per day is an appropriate penalty because (1) it is in line with the penalties applied in the context of studies performed for transmission service requests, and (2) it is high enough to incent transmission providers to comply with study deadlines, without being unnecessarily punitive.[247] Such penalties would be distributed to the delayed interconnection customers on a pro rata basis to offset their study costs. Consistent with other penalties, we propose that such penalties would not be recoverable in transmission rates.[248]

170. We propose to cap penalties at 100% of the total study deposit received for the late study to provide a safeguard against overly large penalties that may be considered punitive. We further propose that no financial penalties on transmission providers that fail to meet study deadlines shall be assessed until one cluster study cycle (that is not a transitional study cycle) after the effective date accepted on compliance for implementing the reforms proposed herein. Thus, for example, once the reforms proposed herein become effective, a transmission provider would not be subject to penalties until *after* the completion of (1) the transition process, and (2) the first cluster study cycle applying the first-ready, first-served cluster study process. We also propose a 10-day grace period such that no penalties will be assessed for a study that is delayed by 10 business days or less. However, for studies that are delayed by more than 10 business days, the penalty would be calculated based on the first business day the study was late. For example, a transmission provider whose study was delayed by 11 business days would pay a $5,500 penalty. Additionally, we propose to permit the transmission provider to extend the deadline or a particular study by 30 days by mutual agreement of the transmission provider and all interconnection customers in the relevant study. In such a scenario, we propose that no penalties will be assessed for missing the original deadline. Finally, we propose to require transmission providers to post to its OASIS or a public website on a quarterly basis (1) the total amount of such penalties from the previous quarter, and (2) the highest amount of such penalties to a single interconnection request from the previous quarter.

171. We recognize that the application of penalties for late interconnection studies in the context of RTOs/ISOs may raise several unique issues. Consistent with our findings in Order No. 890, we continue to believe that penalties are appropriate in certain circumstances to incent compliance with tariff deadlines, notwithstanding the RTO's/ISO's status as a not-for-profit entity. As the Commission explained in Order No. 890, ''we believe that all entities administering the tariff should operate under the same rules, reporting obligations, and performance metrics . . . Non-profit transmission providers have other sources of money to pay penalties beyond the revenue they collect for sales of transmission service.'' [249] Similarly, in Order No. 672–A, the Commission noted ''it is not arbitrary and capricious to treat all operators alike, including RTOs and ISOs, in terms of their liability for violation of a Reliability Standard.'' [250] We continue to believe it is appropriate to apply penalties to RTOs/ISOs in a similar manner to other transmission providers.

172. In the context of reliability penalties, the Commission has recognized that, as not-for-profit entities, RTOs/ISOs may need to seek to recover from other entities the costs of monetary penalties imposed on the RTO/ISO.[251] As such, the Commission has approved tariff provisions creating mechanisms to permit RTOs/ISOs to recover monetary penalties imposed by NERC for violations of reliability

[242] *See, e.g., EDF* v. *MISO,* 163 FERC ¶ 61,003, at P 47, *order on reh'g,* 165 FERC ¶ 61,071, at PP 7–12 (2018); *California Indep. Sys. Operator Corp.,* 124 FERC ¶ 61,292 at PP 188–189, 199.

[243] This proposal would not affect the application of the reasonable efforts standard in other contexts, such as construction of network upgrades or legally ordered disclosure of confidential information. *Pro forma* LGIP sections 12.2.2, 13.1.6.

[244] *See Preventing Undue Discrimination & Preference in Transmission Service,* Order No. 890, 72 FR 12266 (Mar. 15, 2007), 118 FERC ¶ 61,119, at P 1340 (2007) (imposing penalties when transmission providers fail to meet study deadlines for transmission service request).

[245] Specifically, we propose to penalize transmission providers when they fail to meet study deadlines for studying interconnection requests on an affected transmission system.

[246] *See supra* PP 64–76.

[247] *See* Order No. 890, 118 FERC ¶ 61,119 at P 1347.

[248] *See* Order No. 890, 118 FERC ¶ 61,119 at P 1357 (''We will prohibit all jurisdictional transmission providers from recovering penalties for late studies from transmission customers); Order No. 2003, 104 FERC ¶ 61,103 at P 884 (''[B]ecause liquidated damages liability will not have to be paid unless the Transmission Provider is at fault, we conclude that these damages will not be considered just and reasonable costs of service and will not be recoverable in transmission rates.'').

[249] *Id.* P 1357.

[250] *Rules Concerning Certification of the Elec. Reliability Org.; & Procs. for the Establishment, Approval, & Enforcement of Elec. Reliability Standards,* Order No. 672–A, 71 FR 19814 (Apr. 18, 2006), 114 FERC ¶ 61,104, at P 56 (2006).

[251] *Reliability Standard Compliance & Enf't in Regions with Reg'l Transmission Organizations or Indep. Sys. Operators,* 122 FERC ¶ 61,247 (2008) (Reliability Penalty Guidance Order).

standards from entities that are responsible for, or contributed to, such violations, or from a broader set of entities.[252] We recognize that similar tariff provisions are likely to be necessary to permit RTOs/ISOs to recover the costs of penalties they are obligated to pay for failing to meet interconnection study deadlines. Therefore, to ensure that RTOs/ISOs will be able to pay any such penalties, we propose to require RTOs/ISOs to propose tariff provisions that require the RTO/ISO to submit requests to recover the costs of specific interconnection study penalties under FPA section 205. Similar to the ability of RTOs/ISOs to seek to directly assign monetary penalties for violations of reliability standards to other responsible entities, RTOs/ISOs may include a provision that the RTO/ISO may make a FPA section 205 filing seeking to allocate such penalties to the appropriate transmission owner that is responsible for, or contributed to, the delay.[253] However, given the complexity recognized above regarding assigning monetary penalties to RTOs/ISOs for late interconnection studies, we seek comment on whether there is a more appropriate method for assigning such penalties in RTOs/ISOs. More generally, we seek comment on whether penalties will effectively incent more timely completion of interconnection studies in RTOs/ISOs, and/or whether monetary penalties may have adverse consequences (*e.g.,* incenting timeliness over accuracy or increased waiver requests).

173. Additionally, we seek comment on the proposed penalty structure, including whether the penalty amount for a cluster study should be $500 per day or whether an approach that accounts for the number of interconnection customers affected, such as $100 per day per customer in the delayed study, would be more appropriate. We further seek comment on how and when the Commission should require transmission providers to communicate to interconnection customers the status of studies that may be delayed. Additionally, we seek comment on whether to include exceptions to the penalty other than force majeure, and if so, what those exceptions should be. Lastly, to improve transparency, we seek comment on whether Commission staff should issue periodic reports summarizing the status of transmission providers' queues and timeliness of interconnection studies based on information collected through existing reporting requirements,[254] and whether this periodic report should be in addition to or a substitute for the proposed monetary penalties discussed above.

2. Affected Systems

a. Background

174. In Order No. 2003, the Commission found that the transmission system with which a generating facility directly interconnects (the host transmission system) must allow any affected system [255] to participate in the process when conducting interconnection studies, as well as incorporate the legitimate safety and reliability needs of the affected system. However, the Commission rejected a request to require that an affected system operator [256] participate in the host transmission provider's generator interconnection process.[257] Instead, section 3.6 of the *pro forma* LGIP requires the host transmission provider to coordinate required interconnection studies with affected system operators and, if possible, to include those results within the host transmission provider's applicable results in the LGIP study process.

175. Specifically, the *pro forma* LGIP requires that host transmission providers: (1) coordinate the conduct of any studies required to determine the impact of an interconnection request on an affected system with the affected system operator and, if possible, include those study results in the transmission provider's applicable interconnection study; and (2) include affected system operators in all meetings held with the interconnection customer.[258] The *pro forma* LGIP further requires affected system operators to ''cooperate with [Host] Transmission Provider . . . in all matters related to the conduct of studies and the determination of modifications to Affected Systems.'' [259]

176. The affected system operator is not bound by the terms of the host transmission provider's *pro forma* LGIP, is not a party to any study agreement, and is not otherwise required to meet any deadlines to complete the affected system study. Additionally, in Order No. 2003, the Commission explicitly stated that a host transmission provider may proceed with the generator interconnection process even if an affected system operator does not provide information in a timely manner by not taking into account any information that could have been provided by the affected system operator, provided that the interconnection itself (as distinct from any future delivery service) will not endanger reliability.[260] The Commission also stated that neither the *pro forma* LGIP nor the *pro forma* LGIA is intended to expose the host transmission provider to liability resulting from delays by the affected system operator.[261]

177. The Commission did not specifically require in Order No. 2003 that host transmission providers post their process for coordinating with affected system operators.[262] The Commission also did not require that affected system operators give interconnection customers the affected systems study results at any specific time in the generator interconnection process.

178. The Commission convened a technical conference in Docket No. AD18–8–000 to explore affected systems coordination issues and address a complaint filed by EDF in Docket No. EL18–26–000 regarding affected systems coordination between PJM, MISO, and SPP. In the order on complaint and technical conference, the Commission declined to act generically to reform affected systems requirements but required PJM, MISO, and SPP to clarify certain aspects of their affected systems study processes in their tariffs and joint operating agreements (JOA).[263]

b. Need for Reform

179. As further discussed below, affected systems study processes lack consistency between transmission providers.[264] Interconnection customers

[252] *Midcontinent Indep. Sys. Operator, Inc.,* 147 FERC ¶ 61,022 (2014); *Cal. Indep. Sys. Operator Corp.,* 138 FERC ¶ 61,156 (2012); *N.Y. Indep. Sys. Operator, Inc.,* 127 FERC ¶ 61,196 (2009).

[253] *See* Reliability Penalty Guidance Order, 122 FERC ¶ 61,247 at P 23.

[254] Order No. 845, 163 FERC ¶ 61,043 at P 305.

[255] An affected system is an electric system other than the transmission provider's transmission system that may be affected by the proposed interconnection. *Pro forma* LGIP section 1; *pro forma* LGIA art. 1.

[256] An affected system operator is an entity that operates an affected system. *Pro forma* LGIP section 1; *pro forma* LGIA art. 1.

[257] Order No. 2003, 104 FERC ¶ 61,103 at P 121.

[258] *See pro forma* LGIP section 3.6.

[259] *Id.*

[260] Order No. 2003, 104 FERC ¶ 61,103 at P 121; *see also* Order No. 2003–A, 106 FERC ¶ 61,220 at P 114 (clarifying on rehearing that delays by an affected system operator are not an acceptable reason to deviate from the timetables established in Order No. 2003 unless the interconnection will endanger reliability).

[261] Order No. 2003, 104 FERC ¶ 61,103 at P 121.

[262] Transmission providers are obliged to coordinate the conduct of affected system studies (*see pro forma* LGIP section 3.6), but the Commission has not required transmission providers to follow any specific affected systems study process.

[263] *EDF* v. *MISO,* 168 FERC ¶ 61,173.

[264] *See* May Joint Task Force Tr. 67:6–8 (Dan Scripps) (''Specifically, there may be an

Continued

need a timely cost determination to make decisions to facilitate the interconnection of their generating facilities, and without any requirement for a timely cost determination, affected system operators may not return study results in time for interconnection customers to make those decisions.[265] As explained earlier, interconnection queues have dramatically increased in size and are only getting larger. Without an efficient affected system study process that enables interconnection customers to receive affected system study results and cost estimates in a timely manner, there will continue to be late-stage withdrawals due to unexpected high costs for affected system network upgrades and resulting re-studies and delays.[266]

180. During the technical conference in Docket No. AD18–8–000 and in comments on the ANOPR,[267] interconnection customers have recommended standardization of the affected systems study process. Specifically, they requested that the Commission standardize the timing of study results, the amount of study costs, and modeling criteria used in affected systems studies.[268]

181. Currently, detailed information about any two transmission providers' affected systems study processes is found in multiple transmission provider documents and is not necessarily cohesive, which creates confusion and uncertainty. For example, some information about the study process may be contained in a JOA between two transmission providers and some may be in the transmission provider's business practice manuals. However, much of the study process coordination between transmission providers is ad hoc and, therefore, unclear to interconnection customers. Affected systems study processes are also highly variable based on region and transmission provider and may not be uniform even across a single transmission provider's footprint.[269]

c. Affected Systems Study Process

i. Need for Reform

182. We preliminarily find that the lack of an affected system study process results in Commission-jurisdictional rates that are unjust and unreasonable because an interconnection customer cannot evaluate its costs in a timely manner, which increases uncertainty and may result in late-stage withdrawals and subsequent re-studies, delays, and increased costs to the remaining interconnection customers in the interconnection queue. Without a transparent affected system study process, neither an interconnection customer nor the Commission can evaluate whether the affected system operator has acted in an unduly discriminatory manner. Reforms to improve transparency and coordination, therefore, may be necessary to establish a just and reasonable and not unduly discriminatory or preferential affected systems study process.

ii. Proposal

183. We propose to revise the *pro forma* LGIP to include an affected systems study process. The proposed process includes initial notification, affected system scoping meeting, study process, cost allocation, study results and assessment, and financial penalties assessment. We also propose to add several definitions to section 1 of the *pro forma* LGIP, including ''Affected System Interconnection Customer,'' ''Affected System Network Upgrades,'' ''Affected System Scoping Meeting,'' and ''Affected System Study.''

184. In subsection 3.6.1 of the *pro forma* LGIP, we propose to require that the transmission provider notify the affected system operator of a potential affected system impact caused by the interconnection request within 10 business days after the close of the first event giving rise to the identification of an affected system impact. For transmission providers utilizing a cluster study process, this event could be (1) the cluster request window, (2) the customer engagement window, (3) the cluster study, or (4) the cluster re-study as part of the first-ready, first-served cluster study process we also propose in this NOPR (described above in section II.A). At the same time that the transmission provider notifies the affected system, we propose to require the transmission provider to provide the interconnection customer with a list of potential affected systems, along with relevant contact information. The transmission provider would be required to provide the affected system operator data monthly, or more frequently as needed, about its transmission system and generation in its interconnection queue for the duration of the affected system study process.

185. In subsection 3.6.2 and section 9 of the *pro forma* LGIP, we also propose several requirements on transmission providers acting as an affected system, whose transmission systems may be impacted by the proposed interconnection of a generating facility to a transmission system other than transmission provider's transmission system. We propose to add a new definition for the interconnection customer whose proposed interconnection with the host transmission system impacts the transmission provider acting as the affected system: the ''Affected System Interconnection Customer.''[270] We propose to require the transmission provider acting as an affected system, within 15 business days of receiving notification from the host transmission provider of an impact on its transmission system, to respond in writing indicating whether it intends to perform an affected system study. We believe that the proposed initial notification requirement would streamline the affected systems study process and minimize miscommunications that lead to delays and cost uncertainty for interconnection customers as well as potential impacts on affected systems that may be unaccounted for absent an effective coordination process. Firm deadlines ensure that the notification process advances expediently and that the obligations of each party are clear.

186. In subsection 3.6.2 of the *pro forma* LGIP, we propose to require that the transmission provider acting as the affected system schedule an affected system scoping meeting within seven business days after providing written notification that it intends to conduct an

opportunity to create a general framework that would be consistent across RTO seams.''); *id.* 68:12–18 (Ted Thomas) (agreeing with Chair Scripps that ''the most effective place that FERC can operate is in the area where you have two RTOs and the real issue is getting them on the same page'').

[265] *See id.* 65:2–8 (Dan Scripps) (citing affected systems studies as ''a growing source of delay and cost uncertainty for interconnection customers, both in terms of just the timelines involved and the difficulty in pinning those down'').

[266] *See id.* 67:14–17 (Dan Scripps) (''[W]e expect the affected systems study process to become increasingly critical as more renewable resources come online in renewable rich areas and transmission capacity becomes ever more scarce.'').

[267] *See, e.g.,* Clean Energy Coalition, Supplemental Comments, Docket No. RM21–17–000, at 9–12 (filed Feb. 14, 2022).

[268] *See also* May Joint Task Force Tr. 64:18–24 (Dan Scripps) (stating that ''FERC may have a larger role to play in issues that cross RTO boundaries, particularly, around cross-RTO affected system studies where individual RTOs have limited control'' and certainty ''around the timing of affected systems studies'').

[269] *Compare* Sw. Power Pool, Inc., Rate Schedule FERC No. 9, MISO–SPP Joint Operating Agreement (1.0.0), *with* Sw. Power Pool, Inc., Rate Schedule FERC No. 10, SPP–AECI Joint Operating Agreement (0.0.0).

[270] As we propose to define in the LGIP, the ''Affected System Interconnection Customer'' shall mean ''any entity that proposes interconnection of a device for the production and/or storage for later injection of electricity to a transmission system other than Transmission Provider's Transmission System.'' *See* proposed LGIP section 1.

affected system study. We also propose to require that the affected system scoping meeting be held within seven business days after it is scheduled. The transmission provider acting as the affected system must include the affected system interconnection customer, using best efforts to include the transmission provider with whom interconnection has been requested. The purpose of the affected system scoping meeting is to discuss the potential impacts on transmission provider's transmission system and how they may be mitigated. Within 15 business days after the close of this meeting, the transmission provider would share with all scoping meeting attendees the schedule to complete the affected system study. We believe that these requirements will ensure that all relevant parties are timely aware of relevant impacts to affected systems and have the opportunity to discuss potential required network upgrades and mitigation measures.

187. In subsection 3.6.3 of the *pro forma* LGIP, we propose to require that the transmission provider provide data monthly, or more frequently as needed, regarding the amount and location of generation in the transmission provider's interconnection queue as well as updated information about the transmission provider's transmission system.

188. In section 9 of the *pro forma* LGIP, we propose to require the transmission provider acting as the affected system to tender an affected system study agreement to the affected system interconnection customer within five business days of sharing the schedule for the affected system study.[271] The affected system interconnection customer must then return the executed affected system study agreement within 10 business days of receipt.

189. In subsection 9.2 of the *pro forma* LGIP, we propose to require the transmission provider acting as the affected system to use what we refer to as a ''first-ready, first-served interconnection queue priority approach,'' which should explain how affected system network upgrade costs will be allocated by that transmission provider amongst interconnection customers in separate transmission systems.[272] Specifically, in some situations, both affected system interconnection customers and interconnection customers on the transmission system of the transmission provider acting as the affected system cause the need for affected system network upgrades; in this case, each interconnection customer's relative queue priority must be determined. A first-ready, first-served interconnection queue priority approach would require the transmission provider acting as the affected system to assign the affected system interconnection customer an interconnection queue position its interconnection queue according to when the affected system interconnection customer executes an affected system study, rather than when the affected system interconnection customer entered its host transmission provider's queue. Such a position would be equivalent to that of a transmission provider's own interconnection customer that had just received its cluster study report. Under subsection 9.8 of the *pro forma* LGIP, the transmission provider acting as the affected system must allocate network upgrade costs in accordance with LGIP section 4.2.3, which requires using a proportional impact method, as discussed above in section II.A.4.

190. In subsection 9.6 of the *pro forma* LGIP, the transmission provider acting as the affected system must provide the affected system interconnection customer with affected system study results within 90 calendar days after the receipt of the executed affected system study agreement. The transmission provider acting as the affected system would be required to include in the study results both the estimated costs for any network upgrades identified in the study and the timing for the construction of those network upgrades.

191. In subsection 9.9 of the *pro forma* LGIP, we also propose to require, after the completion of the affected system study, that the transmission provider acting as the affected system provide the affected system interconnection customer with an affected system facilities construction agreement within 30 calendar days after providing the affected system study results.[273] The affected system interconnection customer would then be required to notify the transmission provider within five business days of executing its generating interconnection agreement with its host transmission provider whether it would like to execute the affected system facilities construction agreement or request it to be filed unexecuted with the Commission. The transmission provider acting as the affected system would then be required to execute (or file unexecuted) the affected system facilities construction agreement within five business days after receiving such direction from the affected system interconnection customer.

192. In subsection 9.6 of the *pro forma* LGIP, we propose to impose financial penalties on transmission providers acting as the affected systems that fail to timely complete actions required within section 9 of the *pro forma* LGIP, in accordance with the proposed new section 3.9 of the *pro forma* LGIP, discussed above.[274] We reiterate that transmission providers conducting cluster studies are not required to delay those studies by waiting for the results of affected systems studies. A host transmission provider would not be penalized for a late Affected System Study, and we do not require a host transmission provider to wait on the results of an Affected System Study to conduct its Cluster Study, so any Affected System Study delay would not delay such a Cluster Study. The transmission provider acting as the affected system is the only entity that would be penalized for failure to timely complete an Affected System Study.

193. These proposals aim to streamline the affected systems study process by addressing concerns about the lack of transparency and certainty in the affected systems study process. A detailed affected systems study process within the *pro forma* LGIP would prevent the use of ad hoc approaches that may give rise to interconnection customers being treated in an unjust, unreasonable, unduly discriminatory, or preferential manner. Such an approach would provide interconnection customers certainty regarding expectations throughout the generator interconnection process, including greater cost certainty when it is time to finalize an LGIA. Definitive deadlines should ensure that the process moves along expediently, provide clarity and certainty in costs prior to an interconnection customer finalizing an LGIA, and provide increased transparency throughout the study process that should minimize opportunities for undue discrimination. We seek comment on the proposed affected systems study process.

[271] *See infra* PP 197–198 for an explanation of the proposed *pro forma* affected system study agreement.

[272] *See, e.g., Sw. Power Pool, Inc.,* 179 FERC ¶ 61,148 (2022) (accepting JOA between SPP and MISO with similar queue priority provisions setting forth, in section 9.4 of the JOA, procedures under which ''[t]he relative queue position for interconnection requests in the MISO or SPP interconnection queues will be determined . . .'').

[273] *See infra* PP 200–201 for a discussion of the proposed *pro forma* affected system facilities construction agreement.

[274] *See supra* P 169.

d. Pro Forma Agreements

i. Need for Reform

194. We are concerned that the lack of *pro forma* agreements related to affected system studies and the construction of network upgrades on affected systems is both hindering the efficiency of the generator interconnection process through increased litigation over such agreements and leaving the door open to potential unduly discriminatory behavior against interconnection customers whose interconnection requests necessitate affected system network upgrades. In Order No. 2003, the Commission found that standard agreements applicable to large generating facilities would, among some other functions, minimize opportunities for undue discrimination and expedite the development of new generation, while protecting reliability and ensuring that rates are just and reasonable.[275]

195. We believe that there is a pressing need for (1) a standardized, uniformly applicable affected system study agreement that stipulates how to study the impact of interconnecting generating facilities on an affected system to identify network upgrades needed to accommodate the interconnection request and (2) a standardized affected system facilities construction agreement to set the terms and conditions for the construction of those network upgrades to minimize opportunities for undue discrimination against interconnection customers and expedite the development of new generation.[276] In Order No. 2003, the Commission stated that, if an affected system operator fails to provide information in a timely manner, the transmission provider may proceed in the generator interconnection process without taking into account the information that could have been provided by the affected system operator. However, there is no definition for a ''timely manner'' and affected system study delays could result in delays to the host transmission provider's interconnection study process.[277] Additionally, the Commission found in Order No. 2003 that, when an interconnection customer is required to pay for network upgrades on an affected system, the interconnection customer must enter into an agreement with the affected system operator unless the costs are incorporated in the interconnection agreement between the interconnection customer and the host transmission provider.[278] Although the Commission incorporated this requirement into article 11.4.1 of the *pro forma* LGIA, the *pro forma* LGIP does not contain a *pro forma* agreement that governs the terms and conditions of the affected system study process to identify when the interconnection request requires network upgrades to be built on the affected system. The Commission has recently seen disputes arising from an affected system operator attempting to negotiate terms not in accordance with the *pro forma* LGIA and Order No. 2003.[279] With the increasing number of affected system-related disputes, it has become apparent that the current approach is an inadequate and inefficient means to address affected system issues.

196. We preliminarily find that it is unjust and unreasonable to leave affected systems facilities construction agreements wholly up to individualized negotiations because such negotiations leave open opportunities for undue discrimination against interconnection customers throughout the process. Among other things, the *pro forma* LGIA sets terms and conditions for the construction of network upgrades identified as necessary to interconnect the generating facility to the transmission owner's transmission system to which it will directly connect. However, the Commission does not have a similar *pro forma* agreement governing the construction of affected system network upgrades. Notably, MISO has both a *pro forma* facilities construction agreement and a *pro forma* multi-party facilities construction agreement in its tariff for instances when an interconnection customer is interconnecting to the MISO transmission system and network upgrades are needed to ensure reliability on a neighboring transmission owner's transmission system within the MISO footprint.[280] Specifically, MISO's *pro forma* facilities construction agreement is an agreement for network upgrades constructed for an interconnection customer by a MISO transmission owner other than the MISO transmission owner with which it directly interconnects. MISO's *pro forma* multi-party facilities construction agreement is used when multiple interconnection requests cause the need for construction of common network upgrades (network upgrades that are constructed by a transmission owner for more than one interconnection customer) on the transmission owner's transmission system to which the interconnection customer is either directly or indirectly connecting to in MISO. The Commission found in its acceptance of these *pro forma* agreements that MISO accomplished the goal of Order No. 2003 to standardize procedures. As evidence of the importance of these *pro forma* agreements, which set consistent terms and conditions for the construction of network upgrades necessary for an interconnection customer's interconnection, more than 69 multi-party facilities construction agreements have been executed since 2017.[281]

ii. Proposal

(a) Pro Forma Affected System Study Agreement

197. We propose to establish a *pro forma* affected system study agreement to further improve the efficiency and transparency of the interconnection customer's interaction with the affected system operator. We believe that a *pro forma* affected system study agreement could reduce uncertainty for the interconnection customer and save time by reducing the need for individualized negotiations for each interconnection customer with the affected system operator.

198. We propose to model the *pro forma* affected system study agreement, incorporated as a new Appendix 15 to the *pro forma* LGIP, on the form of the existing *pro forma* system impact study agreement, with necessary minor revisions to the party names.[282] Specifically, the affected system interconnection customer and transmission provider acting as the affected system would be parties to the agreement to ensure close coordination, which should reduce delays and errors in the affected system study process.

199. In article 5 of the proposed affected system study agreement, we propose to require the affected system study to provide the following information: identification of any circuit breaker short circuit capability limits

[275] *See* Order No. 2003, 104 FERC ¶ 61,103 at PP 12, 919.

[276] *Id.* P 11.

[277] *Id.* P 121.

[278] *Id.* P 739.

[279] *See Duke Energy Progress, LLC,* 177 FERC ¶ 61,001, *reh'g denied,* 177 FERC ¶ 62,114 (2021), *appeal pending sub nom. Duke Energy Progress, LLC* v. *FERC, No.* 21–1272 (Dec. 27, 2021); see also *Edgecombe Solar Energy LLC* v. *Duke Energy Progress, LLC,* 177 FERC ¶ 61,122 (2021).

[280] MISO Tariff, attach. X, app. 8 (Facilities Construction Agreement) (45.0.0); *id.* app. 9 (Multi-Party Facilities Construction Agreement) (45.0.0).

[281] MISO, Transmittal, Docket No. ER21–2793–000 (filed Aug. 31, 2021).

[282] We also note that the Commission recently approved adoption of a *pro forma* affected system study agreement for CAISO, which CAISO proposed in anticipation of an increase in the need to perform affected system studies. *Cal. Indep. Sys. Operator Corp.,* 178 FERC ¶ 61,223 (2022) (delegated order).

exceeded as a result of the interconnection; identification of any thermal overload or voltage limit violations resulting from the interconnection; identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; a non-binding, good faith estimated cost of facilities required to interconnect the Affected System Interconnection Customer's project to its host transmission provider's system; and a description of how such facilities will address the identified short circuit, instability, and power flow issues. We seek comment on whether the information required for the study report provides adequate information to the affected system interconnection customer to understand the results of the affected system study.

(b) Pro Forma Affected Systems Facilities Construction Agreement

200. We propose to revise the *pro forma* LGIP to add a new Appendix 16 to include a *pro forma* affected systems facilities construction agreement. A *pro forma* affected systems facilities construction agreement would improve the efficiency of the generator interconnection process by reducing delays through improved coordination among the parties and minimizing opportunities for undue discrimination.

201. The proposed Appendix 16 includes 11 articles based on the *pro forma* facilities construction agreement included in MISO's tariff, including: terms of the agreement; construction of network upgrades; taxes; force majeure; information reporting; security, billing, and payments; assignment; indemnity; breach, cure, and default; termination; contractors; confidentiality; information access and audit rights; dispute resolution; and notices. Appendix A to the agreement details network upgrades, cost estimates and responsibility, construction schedule, and payment schedule. Appendix B discusses how to handle notification of completed construction. Appendix C includes the transmission provider site map, the site plan, the network upgrades plan and profile, and the estimated cost of the network upgrades.

202. The affected systems facilities construction agreement would be entered into by the transmission provider acting as the affected system and the affected system interconnection customer. The transmission provider acting as the affected system would be responsible for the design, procurement, construction, and installation of all network upgrades identified in Appendix A using reasonable efforts to complete construction consistent with the schedule identified in Appendix A. The affected system interconnection customer will initially fund the cost of any assigned network upgrades and be reimbursed by the transmission provider acting as the affected system. Because affected system interconnection customers do not take transmission service over the affected system's transmission system, we do not require transmission providers acting as affected systems to reimburse affected system interconnection customers with transmission service credits. Rather, we propose to require that the transmission provider acting as the affected system repay the affected system interconnection customer the full cost of network upgrades, plus interest, in a term to be mutually agreed upon but not to exceed 20 years. This term mirrors the repayment term in the *pro forma* LGIA but allows for flexibility for the parties to come to another arrangement if they prefer. Within six months of construction completion of the network upgrades, the transmission provider acting as the affected system would invoice the affected system interconnection customer for the final construction costs to include a true-up of estimated and actual costs. The affected system facilities construction agreement would terminate upon the transmission provider acting as the affected system's final repayment to the affected system interconnection customer. The affected system interconnection customer could also terminate the affected system facilities construction agreement with 60 days' written notice to the transmission provider acting as the affected system.

203. We seek comment on the network upgrade funding and repayment provisions in the proposed affected system facilities construction agreement. Specifically, we seek comment as to the repayment time frame and whether the similarity of the proposal to the repayment terms in the *pro forma* LGIA is appropriate.

204. We also seek comment on whether any additional articles or provisions should be added to the *pro forma* affected system facilities construction agreement or whether the proposed provisions are sufficient.

e. Affected System Modeling and Study Assumptions

i. Background

205. When an interconnection customer submits an interconnection request, they must choose to be studied as ERIS or NRIS, depending on the level of deliverability they will ultimately seek for the electric output of their facility. For interconnection customers seeking to deliver their generating facility's electric output using the existing firm or non-firm capacity of the transmission provider's system on an as-available basis, the interconnection customer will choose an ERIS study. A customer will choose an NRIS study when seeking to integrate their generating facility with the transmission provider's system (1) in a manner comparable to that in which the transmission provider integrates its generating facilities to serve native load customers or (2) in an RTO/ISO with market-based congestion management, in the same manner as network resources.[283] An NRIS study goes beyond the prerequisite ERIS study and uses stricter modeling standards [284] to assess an interconnection request to ensure that the interconnection customer's electric output is deliverable to load in aggregate on the host transmission provider's system.[285] Such a deliverability analysis varies from region to region but can analyze anything from various stressed dispatch scenarios to an additional set of contingencies. As such, an NRIS study

[283] ''Network Resource shall mean any designated generating resource owned, purchased, or leased by a Network Customer under the Network Integration Transmission Service Tariff. Network Resources do not include any resource, or any portion thereof, that is committed for sale to third parties or otherwise cannot be called upon to meet the Network Customer's Network Load on a non-interruptible basis.'' *Pro forma* LGIP section 1; *pro forma* LGIA art. 1.

[284] The term ''modeling standard'' refers to the distribution factor threshold on a transmission element used by transmission providers, such that beyond this threshold an interconnection request will require network upgrades. For example, for SPP, if a transmission element is found to be overloaded in the study, and an NRIS interconnection request has over a 3% distribution factor on that element, the requesting entity will be assigned network upgrades. SPP uses a 19.5% distribution factor threshold for ERIS requests. *See EDF* v. *MISO,* 168 FERC ¶ 61,173 at P 17. A lower threshold indicates a stricter modeling standard because a smaller impact triggers network upgrades. Additionally, when conducting an affected system analysis, although some RTOs/ISOs (PJM and SPP, for example) use a modeling standard associated with the same level of service as requested on the host transmission provider's transmission system, the output of proposed generating facilities is always sunk into the host transmission provider's transmission system by reducing the output of other generating facilities on that system. *Id.* P 85.

[285] *See* Order No. 2003, 104 FERC ¶ 61,103 at P 768; Order No. 2003–A, 106 FERC ¶ 61,220 at P 500. Specifically, a transmission provider studying generating facility for NRIS would study the transmission system at peak load, under a variety of severely stressed conditions to determine whether, with the generating facility operating at full output, the aggregate of generation in the local area can be delivered to the aggregate of load, consistent with reliability criteria and procedures.

will likely identify more network upgrades than an ERIS study.

206. When an affected system operator is notified of a possible impact on its system due to an interconnection request on the host transmission provider's system, the host transmission provider must specify whether the interconnection customer requested ERIS or NRIS. Currently, there is no requirement for transmission providers acting as affected system operators to apply either ERIS or NRIS modeling standards to study interconnection requests made on neighboring systems. For example, MISO, as an affected system, studies all interconnection requests from host transmission systems using ERIS modeling standards, even if the interconnection customer requested NRIS on the host system. In contrast, PJM and SPP, as affected systems, study interconnection requests from host transmission systems using the modeling standards associated with the level of service requested by the interconnection customer on the host transmission system (*i.e.,* they study ERIS requests as ERIS and NRIS requests as NRIS).[286]

207. Commenters in Docket No. AD18–8–000 (the affected systems coordination technical conference proceeding)[287] support the MISO approach of using ERIS criteria to study affected system interconnection requests, regardless of the level of service requested by the interconnection customer.[288] Some argued that the Commission should require affected system transmission providers to use the ERIS modeling standard for affected system analysis regardless of whether the interconnection customer requests NRIS or ERIS in the host system.[289] This is due to the fact that the interconnection customer would not get NRIS on the affected system, yet could be required to pay for more extensive network upgrades based on the stricter modeling assumptions.

i. Need for Reform

208. The use of different modeling standards can significantly alter an interconnection customer's network upgrade costs. As explained above, the NRIS modeling standard studies the generating facility's full output such that it would be deliverable at all times. However, on an affected system, the interconnection customer does not seek to deliver power even if it is studied under the NRIS modeling standard.

209. Further, an affected system has no obligation to continually ensure deliverability for a generating facility on a neighboring transmission system that has obtained NRIS on its host transmission provider's system. Specifically, under Order No. 2003, a host transmission provider must maintain its system to: (1) ensure that NRIS-interconnected resources can transmit their output to other electrical areas within the transmission provider's system, even while other generating facilities in the same electrical area are at peak output; and (2) allow the resource to be designated as a network resource for the life of the interconnection agreement.[290] Order No. 2003 places no similar requirements on affected system operators to ensure deliverability for NRIS customers interconnecting to a host transmission provider's system. Thus, the potential exists for an interconnection request to be studied by an affected system as NRIS and for an interconnection customer to construct significant network upgrades on the affected system, but not be fully deliverable on the host system due to curtailment or congestion on the affected system.

210. We preliminarily find that it is unjust and unreasonable for a transmission provider acting as the affected system to study interconnection requests on other transmission systems using NRIS modeling standards. As noted above, unlike the transmission provider with which affected system interconnection customer will directly interconnect, a transmission provider acting as the affected system does not have a continuing obligation to operate its system so that NRIS resources will remain deliverable on the host system. Without such an obligation, an affected system interconnection customer may be required to construct significant network upgrades on the transmission provider's affected system, but not be fully deliverable due to curtailment or congestion on the affected system. We are concerned that this results in unjust and unreasonable rates by increasing the costs for the interconnection customer without a commensurate increase in service.

iii. Proposal

211. We propose in new subsection 9.6 of the *pro forma* LGIP to require the transmission provider acting as the affected system to study interconnection requests using ERIS modeling standards, regardless of the requested level of service on the host transmission provider's transmission system. However, if a transmission provider acting as an affected system believes that it is necessary to study an interconnection request that is requesting NRIS-level service using NRIS modeling standards, such a transmission provider could make a filing under section 205 of the FPA. The Commission will evaluate such case-by-case section 205 filings to determine whether they are just and reasonable, and not unduly discriminatory or preferential.[291] A transmission provider acting as an affected system making this type of filing should provide evidence indicating that using NRIS modeling standards in such a scenario would not treat similarly situated customers differently or afford similar treatment to dissimilar customers. In addition, this section 205 filing could contain, for example, such supporting documentation as a reference to a NERC Reliability Standard violation, an operational concern such as over-duty breakers, fault current violations, impacts on transmission stability, increased loop flows or other concerns that implicate any other critical reliability parameters. We seek comment on how to align the possibility for such case-by-case section 205 filings with the required timeline for the affected system study and other deadlines proposed herein for affected system studies.

212. With respect to the proposal for a transmission provider acting as the affected system to study interconnection requests using ERIS modeling standards, regardless of the requested level of service on the host transmission provider's transmission system, a standard modeling requirement would create consistency in the modeling standards used across all transmission

[286] *EDF* v. *MISO,* 168 FERC ¶ 61,173 at PP 75–76.

[287] Relevant comments are incorporated into the discussion below, and a full summary of comments is available in *Midcontinent Indep. Sys. Operator, Inc.,* 169 FERC ¶ 61,173 at PP 79–85.

[288] *Midcontinent Indep. Sys. Operator, Inc.,* 169 FERC ¶ 61,173 at P 82.

[289] *Id.* P 79.

[290] Order No. 2003 provided that NRIS interconnection entitles a generating facility to be treated in the same manner as the transmission provider's own resources in assessing whether aggregate supply is sufficient to meet aggregate load within the transmission provider's control area. Order No. 2003, 104 FERC ¶ 61,103 at P 768. On rehearing, Order No. 2003–A clarified that: ''NRIS ensures that the generating facility, as well as other generating facilities in the same electrical area, can be operated simultaneously at peak load and that any output produced above peak load requirements can be transmitted to other electrical areas within the transmission provider's transmission system. Thus, NRIS ensures that output of the generating facility will not be 'bottled up' during peak load conditions.'' Order No. 2003–A, 106 FERC ¶ 61,220 at P 531. Order No. 2003–A further clarified that ''[t]he [NRIS] interconnection customer holds, through the life of the interconnection agreement, the right to use the network upgrade capacity that allows the generating facility to be designated as a network resource.'' *Id.* P 560.

[291] 16 U.S.C. section 824d.

provider regions.[292] ERIS modeling standards, in addition, generally reduce the number and cost of network upgrades identified. By using these standards, we believe that interconnection customers would be subject to fewer late-stage cost increases, which would reduce the number of potential re-studies and withdrawals, thereby addressing the concerns we have identified that we preliminarily find are resulting in unjust and unreasonable and unduly discriminatory and preferential Commission-jurisdictional rates. It would also allow interconnection queues to be processed more quickly because affected system network upgrades would be focused on local impacts that will generally implicate fewer other interconnection customers, reducing the amount of interdependence among interconnection customers. Under this reform, fewer interconnection requests will be found to cause impacts to large numbers of projects, which will reduce the number of high-cost network upgrades and potential withdrawals and re-studies.

213. We acknowledge that using a less stringent modeling standard may result in more frequent redispatch or curtailment by not fully capturing all the potential impacts of the interconnecting generating facility(ies) on an affected system.[293] However, we believe that these risks are limited in nature and any significant impact would be captured by an ERIS study, which would ensure that a proposed generating facility can safely connect to the affected system under the expectation it will deliver its electric output using the existing firm or non-firm capacity of the affected system transmission provider's system on an as-available basis. As noted above, MISO has used this approach for many years without any adverse impacts on reliability. Nevertheless, we seek comment on whether the proposed reform will adversely affect reliability for the transmission provider acting as the affected system or the host transmission provider. This could include examples of reliability impacts caused by a transmission provider acting as the affected system conducting an ERIS study on an NRIS interconnection request from a host transmission provider or examples of why an NRIS study is required to ensure reliable interconnection on the transmission provider acting as the affected system's system when the interconnection customer is not seeking to NRIS on the affected system.

214. Additionally, we understand that there is some concern that requiring only ERIS modeling standards may be inconsistent with the Commission's current policy of requiring interconnection customers to be responsible for all network upgrades needed ''but for'' their interconnection.[294] This is because using only ERIS modeling standards would in some cases result in curtailment or redispatch on the affected system that is arguably caused by the interconnection customer's proposed generating facility but that is not paid for by the interconnection customer. For example, the full possibility of loop flow [295] may not be accounted for under an ERIS modeling standard. However, we note that the Commission has previously acknowledged and accepted that some inadvertent or unauthorized power flows are an unavoidable consequence of interconnected public utilities and that public utilities must work closely to ensure their operations do not jeopardize the reliability of each other.[296]

215. We seek comment on the potential impact of requiring transmission providers acting as the affected systems to use ERIS modeling standards when an interconnection customer seeks NRIS in the host transmission provider's system. We seek comment as to whether there are modifications to this proposal that would reduce the likelihood of curtailment or redispatch on the affected system transmission provider's system without requiring the affected system interconnection customer to pay network upgrade costs that are not commensurate with the level of service it receives.

3. Optional Resource Solicitation Study

a. Background

216. Some transmission providers operate in states that take a portfolio approach to resource planning, in which resource planning entities procure an entire portfolio of diverse resources that all need to interconnect to the transmission system on approximately the same timetable. Entities that have these resource planning responsibilities may conduct resource solicitations that involve an assessment of need for additional resources and, if necessary, competitive acquisition processes to procure new resources.[297]

217. To help meet the needs of entities that must develop a resource solicitation plan or conduct a resource solicitation process to meet state-imposed requirements,[298] several transmission providers offer such resource planning entities the option to initiate an interconnection study that studies combinations of the resources that have submitted supply bids through the resource planning entity's resource solicitation process.[299] For example, a resource planning entity, under PSCo's tariff, is defined as any entity required to develop a resource plan or resource solicitation process,[300] which may include LSEs that must meet state-imposed resource procurement obligations.[301] Though PSCo began offering this option more than a decade ago, several other transmission providers have followed suit—Tri-State, the Duke Southeast Utilities (*i.e.*, Duke

[292] We note that, while this proposal would standardize the use of ERIS for affected system studies, individual transmission providers use different specific thresholds for ERIS studies.

[293] *EDF* v. *MISO,* 168 FERC ¶ 61,173 at PP 80–81.

[294] *See* Order No. 2003, 104 FERC ¶ 61,103 at P 677 (''The Commission noted that in a region that uses locational pricing, the RTO or ISO usually assigns to the Interconnection Customer the cost of any new network facilities that would not be in its transmission expansion plan but for the interconnecting Generating Facility.'').

[295] Loop flows refer to physical flows that differ from scheduled flows, which can cause congestion on transmission lines. *N.Y. Indep. Sys. Operator, Inc.,* 132 FERC ¶ 61,031 (2010).

[296] *Am. Elec. Power Serv. Corp.,* 49 FERC ¶ 61,377, at 62,381 (1989), *order on reh'g,* 50 FERC ¶ 61,192 (1990).

[297] *See, e.g.,* 4 Colo. Code Regs. section 723–3:3610 (2019) (Rule 3610: Assessment of Need for Additional Resources); *id.* section 723–3:3611 (Rule 3611: Utility Plan for Meeting the Resource Need) (establishing that ''a competitive acquisition process will normally be used to acquire new utility resources''); *id.* section 723–3:3600 (Rule 3600: Applicability) (explaining which electric utilities are subject to electric resource planning requirements); *id.* section 723–3:3617 (Rule 3617: Commission Review and Approval of Resource Plans) (providing for review and approval of resource plans by the Colorado Commission).

[298] *See PSCo,* 169 FERC ¶ 61,182 at PP 5, 14, 30; *Tri-State,* 174 FERC ¶ 61,021 at P 65; *see also* Tri-State, Open Access Transmission Tariff, attach. N, Standard LGIP (7.0.0) section 1 (defining ''Resource Planning Entity'' as ''any entity required to develop a Resource Plan or conduct a Resource Solicitation Process,'' ''Resource Plan'' as ''any process authorized or required by Applicable Laws and Regulations for, inter alia, the selection of Generating Facilities,'' and ''Resource Solicitation Process'' as ''any process authorized or required by Applicable Laws and Regulations for the acquisition of Network Resources'').

[299] *See PSCo,* 169 FERC ¶ 61,182 at PP 5, 14, 30; *see also Xcel Energy Operating Cos.,* 109 FERC ¶ 61,072 (2004) (accepting modifications to LGIP terms and conditions to accommodate the Colorado-mandated resource solicitation process, subject to certain conditions); PSCo, Transmission and Service Agreements Tariff, attach. N, Standard LGIP (0.8.0) section 4.2.2 (Initiation of a Resource Solicitation Cluster) (describing process).

[300] *E.g.,* PSCo, Transmission and Service Agreements Tariff, attach. N, Standard LGIP (0.8.0) section 1 (defining ''Resource Planning Entity'' to mean ''any entity required to develop a Resource Plan or conduct a Resource Solicitation Process'').

[301] *See Tri-State,* 174 FERC ¶ 61,021 at PP 64–65.

Energy Carolinas, Duke Energy Progress, and Duke Energy Florida), and Dominion offer versions of the resource solicitation study option to resource planning entities.[302]

218. Under PSCo's process, interconnection requests associated with the resource solicitation are studied separately from clusters initiated through a fixed time interval window (*e.g.*, bi-annual cluster windows), respecting the queue position of any ongoing interconnection cluster studies.[303] Like interconnection cluster studies, the interconnection requests that reflect the resources being considered in the resource solicitation combinations are studied as their own cluster and proceed through the same series of interconnection studies as other clusters.[304] Unlike interconnection cluster studies, however, the resource planning entity—*i.e.*, the entity required to develop a resource solicitation plan or conduct a resource solicitation—requests a position in the interconnection queue as the authorized representative for all interconnection requests submitted to the resource solicitation cluster, and that entity may request study of a reasonable number of different combinations of such interconnection requests to meet the resource planning entity's identified needs and assumptions in the resource solicitation process.[305] Further, PSCo provides the study results for the requested combinations to the resource planning entity for use in the resource solicitation process, where interconnection-related costs may be considered as a factor in selection. After the completion of the system impact study for the cluster, the resource planning entity is then expected to select one of the studied combinations prior to the commencement of any interconnection facilities study associated with the resource solicitation process before proceeding to that stage.[306]

b. Need for Reform

219. Although several transmission providers offer versions of the resource solicitation study concept to resource planning entities, transmission providers in general are not required to offer this option in their tariffs, and many do not. Across the country, however, electric resource procurement mandates have led to several state-managed and other required resource solicitations that seek to procure entire portfolios of resources with significant interconnection needs.[307] These resource solicitations may be managed by LSEs or by states. In addition, these resource solicitations may be open to all potential resources or targeted at specific types of resources, depending on the particular resource planning mandate or planning goals guiding the solicitation.[308]

220. In the Commission's recent proceeding in Docket No. AD20–18–000, which explored offshore wind generation and potential issues related to such generation in RTOs/ISOs, several commenters addressed the relationship between state electric resource procurement mandates and the generator interconnection process. Exelon and RWE Renewables Americas, for example, supported the idea that state agencies should be permitted to participate in the generator interconnection process as a means to help account for state resource preferences.[309] How new resource procurement portfolios are studied in the generator interconnection process is also important; for example, Ørsted North America Offshore and the Clean Energy Associations stated that studying new groups of resources in clusters would be more beneficial than studying them serially, because cluster studies may better identify opportunities to realize economies of scale from larger network upgrades that can accommodate multiple projects.[310] Other commenters, however, expressed concerns regarding greater state participation in the generator interconnection process. PJM and Eversource Energy, for example, expressed concern that (potentially sizable) interconnection requests associated with state participation, if withdrawn, could have adverse consequences for other resources in the interconnection queue.[311]

221. We preliminarily find that the failure to provide a study process for entities required to conduct a resource plan or resource solicitation process may result in rates for Commission-jurisdictional service that are unjust and unreasonable. Resource solicitation processes inspire a number of interconnection requests, but in most cases, state agencies and LSEs implementing state mandates do not have the opportunity to request dedicated studies themselves. As a result, interconnection customers seeking to participate in a resource solicitation are interspersed throughout the queue, making it more difficult to compare the interconnection costs of their proposals. Moreover, interconnection customers that submit requests associated with state-mandated or supervised resource solicitation and selection processes have a greater incentive to submit numerous interconnection requests to better compete in the resource solicitation. Yet, the volume of interconnection requests submitted in total increases uncertainty regarding interconnection costs generally and decreases the value of information obtained. These problems in turn make the selection decisions to be made by state agencies and LSEs implementing state mandates more difficult and potentially less efficient. Additionally, the queue delays associated with increased volumes of interconnection requests then may delay states acquiring the resources needed to meet their resource procurement mandates. Delays in meeting such resource procurement mandates can then raise costs to consumers and affect reliability.

222. Furthermore, we believe that the trends in electric resource procurement mandates and in state-managed and

[302] *See* Duke Energy Carolinas, LLC, Transmittal, Docket No. ER21–1579–000, at 31 (filed Apr. 1, 2021) (explaining section 10.2, Initiation of a Resource Solicitation Cluster); *Duke,* 176 FERC ¶ 61,075 at PP 1, 51–52; Dominion Energy S.C., Inc., Transmittal, Docket No. ER22–301–000, at 19 (filed Nov. 1, 2021) (explaining section 10.2, Initiation of a Resource Solicitation Cluster); *Dominion,* Docket No. ER22–301–000 (Dec. 28, 2021) (delegated order).

[303] *See PSCo,* 169 FERC ¶ 61,182 at P 14.

[304] PSCo, Transmission and Service Agreements Tariff, attach. N, (Standard LGIP) (0.8.0) section 4.2.2.

[305] *See id.* Resource planning entities must also submit all interconnection requests arising from the resource solicitation process at the same time to ensure an equal interconnection queue position for all generating facilities included in the resource solicitation study and cooperate with the transmission provider in conducting the studies as well. *See id.*

[306] *See id.* (referring to steps that follow ''[a]fter receipt of the Phase 2 Report''); *see also PSCo,* 169 FERC ¶ 61,182 at P 19 (explaining, in part, that ''Phase 2 completes the traditional system impact study by adding stability and short circuit analysis to the power-flow analysis'').

[307] *See* Fredrich Kahrl, Lawrence Berkeley Nat'l Lab'y, Solar Energy Techs. Office, *All-Source Competitive Solicitations: State and Electric Utility Practices,* at 2–7 (Mar. 2021), *https://emp.lbl.gov/publications/all-source-competitive-solicitations* (describing different types of resource procurements).

[308] *Id.* at vi.

[309] *See* Exelon, Comments, Docket No. AD20–18–000, at 19–21 (filed May 10, 2021); *see also* RWERA, Comments, Docket No. AD20–18–000, at 2 (filed May 10, 2021).

[310] *See* Ørsted North America Offshore, Comments, Docket No. AD20–18–000, at 4–6 (filed May 11, 2021); American Clean Power Association for the Clean Energy Associations, Comments, Docket No. AD20–18–000, at 10–11 (filed May 10, 2021).

[311] *See* PJM, Comments, Docket No. AD20–18–000, at 6–7 (filed May 10, 2021); Eversource, Comments, Docket No. AD20–18–000, at 8–9 (filed May 10, 2021).

other required resource solicitations demonstrate the potential need to provide state agencies and LSEs with the opportunity to efficiently study solicitation requests in light of the reformed cluster study process.[312] While resource solicitation processes are conducted pursuant to state mandates, not federal mandates,[313] we believe that there is substantial interplay between resource solicitation processes and the generator interconnection process that should be accommodated.[314] We thus recognize the need for our *pro forma* LGIP to better accommodate resource solicitation processes.

c. Proposal

223. We propose to revise the *pro forma* LGIP to require transmission providers to allow a resource planning entity [315] to initiate an optional resource solicitation study,[316] as further described in this section. These qualifying solicitations may include all-source procurements, or procurements focused on particular geographic areas, such as offshore wind lease areas or other location-constrained resource procurements.

224. We believe that this proposal will benefit interconnection customers and transmission providers through efficiencies in studying resources vying for selection in a qualifying solicitation process by grouping these resources together for purposes of informational interconnection studies. Under this proposal, a qualifying resource planning entity (including a state agency or LSE implementing state mandates) would play a facilitation role in helping group together and organize interconnection requests associated with the resource planning entity's qualifying resource solicitation process or qualifying resource plan.[317] The resource planning entity would identify the valid interconnection requests associated with its qualifying resource solicitation process or qualifying resource plan and request that the transmission provider study several combinations of those interconnection requests in a resource solicitation study.[318]

225. In other words, the proposed informational study option for these types of interconnection requests would enable the resource planning entity to initiate an optional resource solicitation study evaluating the various combinations of associated interconnection requests studied by the transmission provider. Because this arrangement affords the resource planning entity the flexibility to indicate to the transmission provider which interconnection requests in the optional resource solicitation study to study (and which to discontinue studying), this arrangement can help resource planning entities make decisions about their resource solicitations through increased access to information about the relative costs of different combinations of interconnection requests. This process can also help interconnection customers receive evidence of selection in a resource plan in a more timely manner by providing the resource planning entity with needed information.[319] As the Commission has explained, it has approved similar modifications to the interconnection process as consistent with or superior to the *pro forma* LGIP, reasoning with respect to PSCo's process that this ''innovative approach to queue management'' was ''a reasonable approach to complying with a state-mandated resource solicitation process'' in ''states that have mandated resource planning programs.'' [320]

226. Although prior iterations of this approach may have involved a somewhat novel ''concept of allowing load to reserve a queue position,'' [321] we clarify here that interconnection customers will maintain their queue position obtained through the cluster request window and proceed through the regular interconnection queue alongside all other customers. The resource planning entity under our proposal (which may include a state agency or LSE) will not receive a queue position. The resource planning entity must submit for inclusion in the optional resource solicitation study valid interconnection requests made by interconnection customers, and those interconnection customers remain responsible for meeting all requirements associated with maintaining their individual queue position(s).[322] Thus, while the resource planning entity plays an important organizational and facilitation role regarding the initiation and progress of an optional resource solicitation study, resource planning entities under this proposal are not themselves requesting interconnection service, establishing a separate interconnection queue or queue position, or reserving interconnection capacity or transmission capacity. While this proposal does not lessen interconnection study requirements, this proposal allows the sharing of information to administratively simplify the process of studying a potentially large number of interconnection requests that are all related to the same state-authorized or mandated resource solicitation.

227. We believe that our proposed reforms related to qualifying resource solicitations will lead to greater efficiencies in the interconnection study process for proposed generating facilities participating in such solicitations, as well as for those proposed generating facilities in the interconnection queue that are not participating in those solicitations. Accordingly, we believe that our proposed reforms will remedy Commission-jurisdictional rates that may be unjust and unreasonable and deliver greater benefits for customers in the long run than the status quo.

228. Additionally, we note that this proposal may help resource planning

[312] *See* May Joint Task Force Tr. 54:15–55:9 (Kimberly Duffley) (explaining that aligning the generator interconnection process and the state solicitation process is a challenge).

[313] *See Xcel Energy Operating Cos.,* 109 FERC ¶ 61,072 at P 43.

[314] *See Hughes* v. *Talen Energy Mktg., LLC,* 578 U.S. 150, 167 (2016) (Sotomayor, J., concurring) (recognizing the ''congressionally designed interplay between state and federal regulation'' envisioned by the Federal Power Act (quoting *Nw. Cent. Pipeline Corp.* v. *State Corp. Comm'n of Kan.,* 489 U.S. 493, 518 (1989)).

[315] Proposed *pro forma* LGIP section 1 (defining ''Resource Planning Entity'' as any entity required to develop a Resource Plan or conduct a Resource Solicitation Process, including a relevant state entity or load serving entity). A ''Resource Planning Entity'' could be an LSE, a state entity, a wholesale customer (e.g., an LSE not affiliated with the transmission provider), depending on the incidence of the state mandate(s).

[316] *See infra* notes 324–326 (defining key terms).

[317] *See* proposed *pro forma* LGIP section 4.2.2 (providing, in part, that a ''Resource Planning Entity must . . . act as the point of contact for purposes of the Optional Resource Solicitation Study for all Interconnection Requests submitted to the Optional Resource Solicitation Study'').

[318] *See* proposed *pro forma* LGIP section 4.2.2 (''Transmission Provider shall conduct the Optional Resource Solicitation Study separate from the Cluster Study Process.'').

[319] *See Xcel Energy Operating Cos.,* 109 FERC ¶ 61,072 at PP 38–39 (explaining that studies conducted under this concept may be ''based on an assumption that not all solicitation bids will prevail as to that queue position,'' and may also ''avoid the need for extensive iterative studies'' and ''minimize the number of re-studies that will be necessary''); *see also id.* P 39 (''This increased efficiency will benefit both generators participating in the solicitation and any lower queued generators that will not participate in the solicitation.'').

[320] *See id.* PP 22–25.

[321] *See id.* P 24.

[322] *See* proposed *pro forma* LGIP section 4.2.2 (providing, in part, that the optional resource solicitation study process is initiated by a request to perform an Optional Resource Solicitation Study that includes '' ''a list of Interconnection Requests, which have already been submitted to Transmission Provider in the current Cluster Request Window, that the Resource Planning Entity would like evaluated in the Optional Resource Solicitation Study'' and also that it is the ''Interconnection Customer [that] must meet all requirements associated with maintaining its Queue Position'').

entities procure resources more efficiently and effectively. By giving resource planning entities the ability to initiate an optional resource solicitation study, these reforms may also enable qualifying state agencies and LSEs to obtain better information about the interconnection requirements and potential network upgrade costs of various configurations of interconnection requests associated with bids submitted into their solicitations. With that information, state agencies and LSEs may then be able to make more informed choices in their qualifying solicitation processes.

229. As mentioned above, we propose to revise the *pro forma* LGIP to require transmission providers to allow resource planning entities, i.e., any entity required to develop a resource plan [323] or conduct a resource solicitation process,[324] including a state entity or LSE, to initiate an optional resource solicitation study,[325] as further described in this section. Specifically, we propose to require transmission providers to adopt new subsection 4.2.2 of the *pro forma* LGIP, which outlines the optional resource solicitation study and the roles of interconnection customers and the resource planning entity in that process.

230. To limit opportunities for undue discrimination by transmission providers and reduce incentives for transmission providers or LSEs to obtain information through the optional resource solicitation study that could be used to favor or advance the interests of affiliated generation resources, we propose to require that a resource plan or resource solicitation process as defined in the *pro forma* LGIP either use competitive procurement techniques, or be substantively reviewed and approved or directly managed by a relevant state agency. Regarding competitive procurement techniques, while we do not propose to adopt a singular definition of that term, in general, we believe that competitive solicitation processes tend to be those that are open, fair, and employ the services of an independent third party that applies standardized evaluation criteria to choose amongst various options. Regarding state agency involvement or oversight, substantive review and approval of a resource plan or resource solicitation process could only be demonstrated by showing that the resource plan or resource solicitation process uses a process that results in or involves a state commission order or state agency decision that approves or ratifies a procurement plan or procurement results. Substantive review and approval of a resource plan or resource solicitation process would not be demonstrated by a purely informational planning process that does not require state commission or state agency approval or ratification of a procurement plan or procurement results.[326] Thus, only resource planning entities whose resource plan or resource solicitation process either uses competitive procurement techniques, or is substantively reviewed and approved or directly managed by a relevant state agency, could qualify to request that a transmission provider initiate an optional resource solicitation study. We believe that these safeguards will help ensure that interconnection studies are not unfairly used to favor the resource planning entity's own economic self-interests.[327]

231. The resource planning entity would be responsible for identifying the interconnection requests it is submitting for inclusion in the optional resource solicitation study (and for which the resource planning entity would serve as point of contact regarding the study). The resource planning entity would also be required to submit no more than five different combinations of such interconnection requests to meet the resource planning entity's identified needs and assumptions in its solicitation, which are considered as part of the study. The resource planning entity would not be responsible for the costs of this optional study; rather the interconnection customer would be responsible for actual study costs. While an additional deposit would not be required to perform this study, the costs would be included in the true-up based on actual costs of performing the studies.[328] We also propose to amend the definition of Interconnection Study in the *pro forma* LGIP to clarify that the costs of an optional resource solicitation study would be the responsibility of participating interconnection customers.[329]

233. The resource planning entity and the transmission provider would determine a mutually agreeable scope of study for the optional resource solicitation study. We propose that the transmission provider must evaluate each combination of interconnection requests submitted by the resource planning entity as a group, in the same manner it will perform cluster studies under the proposed *pro forma* LGIP. The resource planning entity must act as the point of contact for purposes of the optional resource solicitation study for all interconnection requests submitted to the optional resource solicitation study. To allow the resource planning entity sufficient time to select interconnection customers in the solicitation, we propose a 135-day time limit on the optional resource solicitation study (compared to 150-days of the cluster study) to avoid over-burdening the transmission provider.[330] We also propose revisions to the *pro forma* LGIP to prohibit transmission providers from delaying other

[323] We propose to define ''Resource Plan'' as ''any process for, *inter alia,* the selection of Generating Facilities that is competitive, substantively state agency-reviewed and approved, or state agency-managed, and authorized or required by Applicable Laws and Regulations.'' Proposed *pro forma* LGIP section 1.

[324] We propose to define ''Resource Solicitation Process'' as ''any process for the acquisition of Network Resources that is competitive, substantively state agency-reviewed and approved, or state agency-managed, and authorized or required by Applicable Laws and Regulations.'' *Id.*

[325] We propose to define an ''Optional Resource Solicitation Study'' as ''the informational evaluation of one or more Interconnection Requests for a Resource Planning Entity as described in more detail in Section 4.2.2 of this LGIP.'' *Id.*

[326] We note that, while some state commissions must substantively review and approve the contents of utility resource plans, others simply provide interested stakeholders and the public with transparency regarding a utility's intended resource procurements. *Compare* Cal. Pub. Util. Code section 454.5(c) (2021) (providing that the California Commission ''shall review and accept, modify, or reject each electrical corporation's procurement plan and any amendments or updates to the plan'') *with* Ind. Code section 8–1–8.5–3(e)(2) (2022) (requiring electric utilities to submit to the Indiana Commission an integrated resource plan); 170 Ind. Admin. Code 4–7–2.2(g)(3) (2022) (providing that the Indiana Commission's staff report on such submissions will ''not comment on . . . the desirability of the utility's preferred resource portfolio'' or on ''a proposed resource action in the'' integrated resource plan); 170 Ind. Admin. Code 4–7–2.5(b) (2022) (allowing utility resource actions to deviate from the utility's most recent integrated resource plan if ''fully explained and justified with supporting evidence, including an updated [integrated resource plan] analysis'').

[327] *See, e.g., Carolina Solar Power, LLC,* 164 FERC ¶ 61,058, at PP 14–16 (2018) (explaining that the use of ''a competitive procurement'' model and an ''RFP process . . . designed to be a rigorous, fair, and open process that is administered by an independent evaluator and overseen by the North Carolina Commission'' helped ''ensure just and reasonable rates'' and ''safeguard against the exercise of market power''). Substantive review and approval—or direct management—of a resource plan or resource solicitation process also helps indicate the commercial readiness of the resources selected by such a process.

[328] *Pro forma* LGIP § 13.3 (noting that the interconnection customer is responsible for the actual costs of interconnection studies and any necessary restudies).

[329] *See id.* (providing, in part, that ''Transmission Provider shall charge and Interconnection Customer shall pay the actual costs of the Interconnection Studies''); proposed *pro forma* LGIP § 1 (adding ''Optional Resource Solicitation Study'' to the definition of ''Interconnection Study'').

[330] *See* proposed *pro forma* LGIP section 4.2.2.

interconnection requests not involved in the qualifying resource solicitation.[331]

234. After the transmission provider completes the optional resource solicitation study for the identified interconnection requests, it will provide the results to the resource planning entity for use in the selection process in the form of a resource solicitation study report. The results will also be posted on the transmission provider's OASIS consistent with the posting of other study results. Interconnection requests may proceed in the remainder of the transmission provider's interconnection study process regardless of whether they are selected by the resource planning entity for inclusion in the resource plan. Interconnection requests that are selected by the resource planning entity for inclusion in the resource plan may choose to submit evidence of selection as part of the new requirement to demonstrate commercial readiness. Interconnection requests that are not selected by the resource planning entity for inclusion in the resource plan may remain in the interconnection queue by submitting other forms of commercial readiness or providing a commercial readiness deposit.

235. Regarding withdrawal penalties, we propose that inclusion in an optional resource solicitation study does not exempt interconnection customers from withdrawal penalties under section 3.7.1 of the *pro forma* LGIP. Unlike the exemptions approved in *Tri-State,* the withdrawal penalty here applies equally to those interconnection customers participating in the optional resource solicitation study if their withdrawal meets the criteria for imposing withdrawal penalties proposed above.[332]

236. We seek comment regarding our proposal to explicitly include state agencies that are required to develop a resource plan or conduct a resource solicitation process in the definition of a resource planning entity.[333] We also seek comment regarding whether other entities should qualify as resource planning entities and therefore be able to request initiation of an optional resource solicitation study, and, if so, what impact, if any, their inclusion would have on the efficiency of the generator interconnection process and whether their inclusion would raise concerns of undue discrimination or preference.[334]

We also seek comment on whether the proposed optional resource solicitation study raises any confidentiality concerns, including whether the optional resource solicitation study report could be posted on the transmission provider's OASIS before the qualifying solicitation process has concluded.

237. We recognize that transmission providers operating across multiple states may need flexibility in implementing this optional resource solicitation study proposal. Thus, we seek comment on what, if any, challenges multistate transmission providers—in particular, those RTOs/ISOs that serve large, multi-state areas—may face regarding study timing, multiple concurrent studies, or other issues in offering an optional resource solicitation study option, and any proposals to mitigate such challenges.

C. Reforms To Incorporate Technological Advancements Into the Interconnection Process

1. Increasing Flexibility in the Generator Interconnection Process

a. Co-Located Generation Sites Behind One Point of Interconnection With Shared Interconnection Requests

i. Background

238. Historically, interconnection requests have been limited to a single generating facility seeking to interconnect to the transmission system. When the Commission adopted the *pro forma* LGIP in Order No. 2003, hybrid resources (which are co-located, share a point of interconnection, and proceed through the generator interconnection process with a single interconnection request) were not widely contemplated and therefore their needs were not considered when developing the requirements. However, recent studies demonstrate that large numbers of generating facilities currently in interconnection queues are seeking to co-locate on a shared site behind one point of interconnection and share an interconnection request.[335] There are now a number of different types of generating facilities that may prove complementary, such as solar combined with electric storage, wind combined with solar, or natural gas combined with wind and electric storage,[336] and that may seek to co-locate for various efficiency reasons.

ii. Need for Reform

239. In Order No. 2003, the Commission noted that interconnection is a critical component of open access transmission service, and that case-by-case approaches to solving interconnection issues is inadequate and inefficient.[337] However, the current *pro forma* LGIP does not address interconnection requests made up of multiple generating facilities seeking to co-locate and to share a single point of interconnection.[338] The lack of procedures in the *pro forma* LGIP for generating facilities seeking to co-locate behind a single point of interconnection and share an interconnection request may necessitate a case-by-case approach that the Commission cautioned against in Order No. 2003 and may serve as a barrier to entry for these types of configurations. The benefits of such configurations may include efficiency in

[331] *See id.; Xcel Energy Operating Cos.,* 109 FERC ¶ 61,072 at P 26 (making clear that ''XES must not disadvantage or delay other Interconnection Requests not involved in the solicitation'').

[332] *Tri-State,* 174 FERC ¶ 61,021 at P 12.

[333] *See* proposed *pro forma* LGIP section 1.

[334] Although the Commission has indicated that the ''flexibility'' afforded by a resource solicitation cluster should be open to ''any entity . . . conducting a solicitation for a Commission-jurisdictional interconnection,'' *see Xcel Energy Operating Cos.,* 109 FERC ¶ 61,072 at P 35, we note that we propose to limit the definition of Resource Planning Entity to entities ''*required* to develop a Resource Plan or conduct a Resource Solicitation Process,'' *see* proposed *pro forma* LGIP section 1 (emphasis added); PSCo, Transmission and Service Agreements Tariff, attach. N, Standard LGIP (0.8.0) section 1 (same). Our proposed definition would include an LSE or ''utility that develops a resource plan as authorized by its appropriate governing authority,'' or ''a local distribution cooperative that creates a resource plan under its governing body.'' *See Tri-State,* 174 FERC ¶ 61,021 at P 65; *see also id.* P 64 (explaining that it was ''Tri-State's intent that the Resource Solicitation Cluster process be open to any load serving entity (or other load) that requires its use to comply with its resource procurement obligations''). But as is the case under the PSCo and Tri-State LGIPs today, our proposed definition may not include every entity conducting a resource solicitation.

[335] Currently, 42% (285 GW) of solar and eight percent (17 GW) of wind projects in the queue are proposed as hybrid resources that would include electric storage. *Queued Up* at 18.

[336] *See, e.g.,* Eric Hittinger et al., *Compensating for Wind Variability Using Co-Located Natural Gas Generation and Energy Storage* (Carnegie Mellon Elec. Indus. Ctr, Working Paper CEIC–10–01, 2010), *https://www.cmu.edu/ceic/assets/docs/publications/working-papers/ceic-10-01.pdf.*

[337] Order No. 2003, 104 FERC ¶ 61,103 at PP 9–10.

[338] All RTOs/ISOs currently allow at least two resources to co-locate on a shared site behind the same point of interconnection and share a single interconnection request. CAISO, Post-Technical Conference Comments, Docket No. AD20–9–000, at 5 (filed Sept. 24, 2020); ISO–NE, Post-Technical Conference Comments, Docket No. AD20–9–000, at 4 (filed Sept. 24, 2020); MISO, Post-Technical Conference Comments, Docket No. AD20–9–000, at 5 (filed Sept. 24, 2020); NYISO, Post-Technical Conference Comments, Docket No. AD20–9–000, at 3–4 (filed Sept. 24, 2020); *see also* NYISO, Informational Report, AD20–9–000, at 5–6 (filed July 19, 2021); PJM, Post-Technical Conference Comments, Docket No. AD20–9–000, at 5 (filed Oct. 1, 2020); SPP, Report on Hybrid Resources, Docket No. AD20–9–000, at 4–5 (filed July 19, 2021) (note SPP allows co-location but separately models the resources); AWEA, Post-Technical Conference Comments, Docket No, AD20–9–000, at 15–16 (filed Sept. 24, 2020).

managing the interconnection queue and increased reliability of the transmission system. For example, allowing electric storage resources to be combined with variable energy resources (such as wind and solar resources) can reduce their intermittency and prevent sudden changes in output. In addition, wind and solar resources can complement one another because they generally reach peak generation at different times throughout the day (wind in the early morning and late-night hours and solar in the afternoon).

240. Therefore, we preliminarily find that that the lack of a process limits the interconnection of generating facilities, hindering competition and rendering the Commission's existing *pro forma* LGIP unjust and unreasonable or unduly discriminatory or preferential.

241. Because the *pro forma* LGIP does not specify how to approach such proposals, requests to co-locate at a single point of interconnection and share an interconnection request may be subject to differing generator interconnection processes depending on the transmission provider to which the resource is seeking to interconnect or may not be allowed at all in certain regions.[339] We are concerned that this disparate treatment may be unjust and unreasonable or unduly discriminatory or preferential because multiple generating facilities seeking to co-locate behind a single point of interconnection and share an interconnection request are similarly situated no matter the region in which they propose to interconnect.

iii. Proposal

242. We propose to revise the *pro forma* LGIP and *pro forma* LGIA to require transmission providers to allow more than one resource to co-locate on a shared site behind a single point of interconnection and share a single interconnection request. This proposed reform would create a minimum standard that would remove barriers for co-located resources by creating a standardized procedure for these types of configurations to enable them to access the transmission system.

243. We propose to revise the *pro forma* LGIP to: (1) define ''Co-Located Resources'' as more than one resource located behind the same point of interconnection; (2) state that co-located resources can share an interconnection request; and (3) modify the definition of site control such that it allows interconnection customers to demonstrate shared land-use for generating facilities that include more than one resource.

244. We believe that requiring transmission providers to permit interconnection requests that represent more than one resource behind a single point of interconnection is required to ensure just and reasonable rates. We also believe that this requirement, by allowing a single interconnection request to represent a generating facility with more than one resource, would improve efficiency for transmission providers in the study process and may reduce study costs for developers because they would only submit a single set of deposits. Finally, this reform allows the assignment of more accurate queue positions, such that these types of generating facilities' component resources are tied together in the generator interconnection process and not studied separately, which facilitates a more accurate study of the planned generating facilities' actual electrical impact when connected to the transmission system.

245. The *pro forma* LGIP requires that the transmission provider treat an interconnection request at one site with two different voltage levels as two interconnection requests. We recognize that this situation may occur with co-located generating facilities under this proposal. Therefore, we also propose revisions to the *pro forma* LGIP to require generating facilities that are co-locating to have technology to address differences in terminal voltage between the co-located generating facilities to ensure that these generating facilities have the same voltage levels. This requirement will ensure that co-located resources with voltage differences are on notice of the need to address attendant challenges.

b. Revisions to the Material Modification Process To Require Consideration of Generating Facility Additions

i. Background

246. It has become increasingly common for generating facilities already in the interconnection queue to seek to change their interconnection requests to add electric storage or other types of generating facilities without changing the interconnection service level and/or MW total in the interconnection request. Contributing factors to this increasingly common occurrence include reduction of costs for technologies such as electric storage and the long time that interconnection customers remain in the queue, which may result in technology changes while the generating facility is still in the interconnection queue.

247. Under section 4.4 of the *pro forma* LGIP, an interconnection customer can modify its interconnection request and still retain its queue position if the modifications are either explicitly allowed under the *pro forma* LGIP or if the transmission provider determines that the modifications are not material. The *pro forma* LGIP and *pro forma* LGIA, as modified by the cluster reform above, will define material modifications to be ''modifications that have a material impact on the cost or timing of any Interconnection Request with a later or equal Queue Position.''

248. If the transmission provider determines that a proposed modification is material, the interconnection customer can choose either to (1) abandon the proposed modification or (2) proceed but forfeit its queue position and reenter the interconnection queue. The requirements of such a review vary by transmission provider and the modifications requested are often not included in the tariff; rather, many such requirements are typically in the transmission provider's business practice manuals.[340] In some transmission provider tariffs or business practice manuals, the addition of a generating facility[341] to an existing interconnection request is automatically considered to be a material modification, even if that addition does not change the requested level of interconnection service.[342]

ii. Comments in Hybrid Resource Proceeding

249. Commenters in the hybrid resources proceeding in Docket No. AD20–9–000 noted the nationwide growth of hybrid resources that are made up of at least one electric storage resource.[343] Some commenters called

[339] *See* Lawrence Berkeley Nat'l Lab'y, *Generation, Storage, and Hybrid Capacity in Interconnection Queues,* May 2021, *https://emp.lbl.gov/generation-storage-and-hybrid-capacity.*

[340] *See, e.g.,* SPP Manual 7250 (Generator Interconnection Service); NYISO Manual 23 (Transmission Expansion and Interconnection), section 3 (Interconnection Process); CAISO BPM, Generator Interconnection Procedure, section 9.2 (Types of Modification); PJM Manual 14G (Generation Interconnection Requests), section 4 (Generator Interconnection Requirements, Rights and Obligations).

[341] ''Generating Facility'' shall mean ''Interconnection Customer's device for the production and/or storage for later injection of electricity identified in the Interconnection Request, but shall not include the Interconnection Customer's Interconnection Facilities'' as defined in the *pro forma* LGIA.

[342] PJM Manual 14G (Generation Interconnection Requests).

[343] Edison Electric Institute Comments, Docket No. AD20–9–000, at 2 (filed Sept. 20, 2021); Hybrid Resources Coalition Comments, Docket No. AD20–9–000, at 1 (filed Sept. 20, 2021); Clean Grid

for uniformity in transmission providers' material modification determinations when evaluating an addition to an interconnection request of a generating facility, such as electric storage, that does not change the interconnection service level of the existing interconnection request.[344] They noted that developers may be hesitant to request that the transmission provider consider the addition of an electric storage resource or other generating facility that does not change the interconnection service level in an existing interconnection request where such addition could cause the loss of a queue position if the developer is unwilling to forgo the change.[345] In PJM, for example, the addition of electric storage is automatically deemed to be a material modification even in instances where the addition does not increase the requested interconnection service level, regardless of both (1) the use case for the proposed generating facility and (2) the operational controls that could be applied to the generating facility's output to limit fluctuation from the original injection limit at the point of interconnection.[346]

250. By contrast, in its informational report submitted as part of the hybrid resources proceeding, CAISO stated that it takes a more flexible approach to the material modification process that causes fewer interconnection customers to automatically lose their queue positions.[347] Interconnection customers in CAISO may add an electric storage resource to an existing interconnection request or to a generating facility already in operation using the same process as all other modifications.[348] Following the request, CAISO and the participating transmission owner study the modification to ensure there is no material change in electrical characteristics and that the proposed modification would not adversely affect the cost or timing of other interconnection requests. Even when an adverse impact is expected, however, CAISO allows the interconnection customer to mitigate the impact and revise the modification request. If the addition does not change the requested interconnection service level injection limit or the electrical characteristics, it is not considered a material modification and there is no loss in queue position. Under this approach, CAISO's overall process allows for fewer resource additions to be determined a material modification, especially if it does not change the requested interconnection service level.

251. In the absence of a flexible approach, commenters suggested that transmission providers should be required to provide a specific list of the criteria that would cause a requested modification to a generating facility to be considered material. Several commenters additionally suggested that interconnection customers should be permitted to propose to add electric storage to an interconnection request without automatically triggering a material modification, as long as the addition of electric storage does not alter the requested interconnection service level and there are no other reliability concerns.[349] Commenters suggested that interconnection customers should also be permitted to propose to install and use pre-approved controls that limit the resource's output to the requested interconnection service limit to prevent the addition of an electric storage resource being classified as a material modification by the transmission provider.[350]

iii. Need for Reform

252. For the reasons explained below, we are concerned that, because certain requested modifications are often deemed material without an evaluation, the material modification process may result in unjust and unreasonable or unduly discriminatory or preferential outcomes. As explained in Order No. 2003, it is inadequate and inefficient to solve interconnection issues on a case-by-case basis.[351] In the case of material modification, without a standard set of procedures, transmission providers have adopted variable strategies for processing requests to add electric storage, or other generating facilities that do not change the requested interconnection service limit, to existing interconnection requests. This lack of uniformity leads to disparate outcomes across the country and leaves open the potential for undue discrimination.

253. As explained above, the material modification provisions in the *pro forma* LGIP do not specify whether an interconnection customer can modify its interconnection request to add another generating facility at the same point of interconnection without increasing the requested interconnection service level. While in some regions, such as SPP, electric storage can be added to an interconnection request if it does not change the interconnection service limit,[352] many transmission providers treat such a request automatically as a material modification because the *pro forma* LGIP does not clearly state whether transmission providers are obligated to evaluate such modification requests under section 4.4 of the *pro forma* LGIP. As such, the interconnection customer that wishes to make this type of change faces a loss of queue position regardless of the actual effect the addition of a generating facility to an interconnection request may have on the system. Yet, the addition of electric storage or other generating facilities—particularly for variable energy resources—will often have either a neutral or a net-positive impact on the reliability of the transmission system without changing the total interconnection service level requested. For example, the addition of electric storage can ensure that the output of variable energy resources becomes more predictable or provide other reliability support services to the transmission system.[353]

254. Because the *pro forma* LGIP material modification process does not evaluate the addition of an electric storage resource or other generating facility that does not change the interconnection service limit before deeming it a material modification, it is a significant barrier to interconnection customers that wish to make this type of change. We preliminarily find that such a barrier hinders access to the transmission system and may render the existing generator interconnection

Alliance Comments, Docket No. AD20–9–000, at 2 (filed Sept. 20, 2021).

[344] *See* Savion, Post-Technical Conference Comments, Docket No. AD20–9–000 (filed Sept. 24, 2020).

[345] SEIA, Comments, Docket No. AD20–9–000, at 6 (filed Sept. 20, 2021).

[346] Pine Gate, Comments, Docket No. AD20–9–000, at 4 (filed Sept. 20, 2021); *see* PJM Manual 14G (Generation Interconnection Requests), section 4 (Generator Interconnection Requirements, Rights and Obligations).

[347] This flexible approach is possible, in part, because CAISO uses congestion management to mitigate the charging of an electric storage resource. *See Hybrid Resources,* Technical Conference Transcript, Docket No. AD20–9–000, at Tr. 66 (July 23, 2020) (Deb Levine, California Indep. Sys. Op.) (filed Dec. 8, 2020) (''Adding energy storage [to an existing interconnection request] is typically non-material because we use congestion management to mitigate any overloads caused by charging the energy storage.'').

[348] CAISO, Informational Report, Docket No. AD20–9–000, at 8–9 (filed July 19, 2021).

[349] *See, e.g.,* Hybrid Resources Coalition, Comments, Docket No. AD20–9–000, at 14–16 (filed Sept. 20, 2021).

[350] *See, e.g.,* Pine Gate, Comments, Docket No. AD20–9–000, at 4 (filed Sept. 20, 2021).

[351] Order No. 2003, 104 FERC ¶ 61,103 at PP 9–10.

[352] SPP Hybrid Report, Docket No. AD20–9–000, at 4 (filed July 19, 2021); CAISO, CAISO eTariff, app. A, Definitions, Congestion (2.0.0), Congestion Management (0.0.0). Note that SPP and CAISO have similar approaches that utilize congestion management as a way to address concerns with any overloads caused by charging energy storage.

[353] Gorman et al., *Motivations & Options for Deploying Hybrid Generator-Plus-Battery Projects within the Bulk Power System,* Electricity J., at 2 (June 2020).

processes unjust and unreasonable and unduly discriminatory or preferential.

iv. Proposal

255. We propose to revise the *pro forma* LGIP to require transmission providers to evaluate the proposed addition of a generating facility to an interconnection request as long as the interconnection customer does not request a change to the originally requested interconnection service level. The transmission provider cannot automatically consider such a request to be a material modification. Specifically, we propose to require that: (1) transmission providers evaluate the proposed addition of a generating facility to an interconnection request within 60 calendar days of receiving the request for modification if such addition does not change the requested interconnection service level; (2) the change cannot be considered an automatic material modification and an evaluation (including studying the configuration and necessary modeling) must occur prior to determining whether the proposed change constitutes a material modification of the interconnection request; and (3) if the proposed change does not have a material impact on the cost or timing of any interconnection request that is lower or equally queued, and does not cause any other reliability concerns, the addition will not be considered a material modification. The reliability concerns could include, for example, a material impact on the transmission system with regard to short circuit capability limits, steady-state thermal and voltage limits, or dynamic system stability and response.

256. We seek comment on whether the addition of a generating facility that does not alter an interconnection customer's interconnection service limit could nonetheless require a full interconnection service study. We also seek comment on how transmission providers should perform studies required to confirm that there is no adverse impact because of the addition of a generating facility to an interconnection request, such as confirmation that the electrical characteristics of the interconnection customer remain the same.

257. In addition, we seek comment on whether and how interconnection customers in a later cluster, or interconnection customers that are in the same cluster, could be adversely impacted by such changes. We further seek comment on whether the addition of electric storage when in charging mode (in terms of resistance, inductance, and capacitance) may change the electrical characteristics of an interconnection request, and whether those changes may affect the reliable operation of the generating facility related to that interconnection request. We also seek comment on whether further specification is needed for the assessment of the electrical characteristics due to the addition of a complex load.

c. Availability of Surplus Interconnection Service

i. Background

258. In Order No. 845, the Commission implemented a reform that established a surplus interconnection service. The requirement mandated that transmission providers provide an expedited process for interconnection customers to utilize or transfer surplus interconnection service at existing generating facilities.[354] The Commission defined surplus interconnection service as ''any unused portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if Surplus Interconnection Service is utilized the Interconnection Service limit at the Point of Interconnection would remain the same.'' [355] The Commission explained that the ''surplus interconnection service is created because generating facilities may not operate at full capacity at all times. Consistent with the requirements of Order No. 2003, transmission providers assume that each interconnection customer is fully utilizing its interconnection service when studying other requests for new interconnections.'' [356] The surplus interconnection service process does not require an assessment from the transmission provider, nor does it require the approval of the transmission provider.

259. The surplus interconnection service reform contemplated that the existing facilities would be in commercial operation at the time of the request to use the surplus interconnection service. However, the Commission has recognized that, once an interconnection customer is fully studied and has an executed LGIA or filed an unexecuted LGIA, it could be considered an existing facility for purposes of the surplus interconnection service process.[357]

260. MISO, in particular, has recently implemented changes that would allow interconnection customers to utilize the surplus interconnection service process prior to obtaining an executed LGIA or requesting the filing of an unexecuted LGIA.[358] Previously, MISO allowed interconnection customers to request, and MISO to begin processing, interconnection requests for surplus interconnection service after an interconnection customer obtained an ''effective [GIA]'' [359] for a generating facility. MISO now allows interconnection customers to request surplus interconnection service much earlier in the interconnection study process for a generating facility with a valid interconnection request from which such service will be obtained upon request. Specifically, such requests are now allowed after the completion of Decision Point II, which occurs after an interconnection customer receives certain study results for an interconnection request and which, according to MISO, is the point that interconnection requests remaining in the interconnection queue become more likely to successfully proceed to a GIA. MISO will begin processing and studying the surplus interconnection request, but no GIA will be tendered for the surplus interconnection service before the generating facility from which such service will come has an ''effective GIA.''

ii. Comments

261. In the hybrid resources proceeding in Docket No. AD20–9–000, the Hybrid Resources Coalition argued that MISO's process should serve as the model for how transmission providers process requests to add an electric storage resource to an existing generating facility because it allows the surplus interconnection service process to be used earlier, as noted above. The Hybrid Resources Coalition further argued that owners of existing generating facilities should be able to add electric storage through the surplus interconnection service process or some other process.[360]

iii. Need for Reform

262. As described above, Order No. 845 established a surplus interconnection service process to enable a new interconnection customer to utilize the unused portion of an existing interconnection customer's approved interconnection service through the inclusion of an additional

[354] Order No. 845, 163 FERC ¶ 61,043 at P 453.

[355] *Id.* P 459.

[356] *Id.* P 468.

[357] *Midcontinent Indep. Sys. Operator, Inc.,* 177 FERC ¶ 61,234, at P 13 (2021).

[358] *See id.*

[359] MISO, FERC Electric Tariff, attach. X, Generator Interconnection Procedures (GIP) (155.0.0), section 3.3.1.1.3.a.

[360] Hybrid Resources Coalition, Comments, Docket No. AD20–9–000 (filed Sept. 20, 2021).

generating facility behind a single point of interconnection. Most transmission providers subsequently implemented additional requirements limiting requests for surplus interconnection service until after a facility reaches commercial operation. Even though the addition of a generating facility could be pursued as a material modification prior to the commercial operation date, that process is more burdensome because it requires an evaluation by the transmission provider and is subject to transmission provider approval.

263. While the surplus interconnection service process was created for existing generating facilities, Order No. 845 does not specify when a generating facility is considered to be ''existing'' for the purpose of Order No. 845. Limiting the use of surplus interconnection service to only those interconnection customers that have achieved commercial operation may unduly restrict access to potentially available surplus interconnection capacity. We find that this restriction may therefore be unjust and unreasonable and unduly discriminatory or preferential because it limits the applicability of surplus interconnection service.

iv. Proposal

264. We propose to revise the *pro forma* LGIP to require transmission providers to allow interconnection customers to access the surplus interconnection service process once the original interconnection customer has an executed LGIA or requests the filing of an unexecuted LGIA. Allowing an interconnection customer to request surplus interconnection service after the original interconnection customer executes an LGIA or requests the filing of an unexecuted LGIA would enable interconnection customers with unused interconnection capacity to let other generating facilities use that capacity earlier than is currently allowed. We believe that doing so would increase the overall efficiency of the interconnection queue and ensure the efficient use of available interconnection capacity that has already been studied and granted to an interconnection customer. This is consistent with Order 845, in which we state:

> We affirm that requiring transmission providers to establish an expedited process, separate from the interconnection queue, for the use of surplus interconnection service could reduce costs for interconnection customers by increasing the utilization of existing interconnection facilities and network upgrades rather than requiring new ones, improve wholesale market competition by enabling more entities to compete through the more efficient use of surplus existing interconnection capacity, and remove economic barriers to the development of complementary technologies such as electric storage resources that may be able to easily tailor their use of interconnection service to adhere to the limitations of the surplus interconnection service that may exist. Further, we find that facilitating the use of surplus interconnection service could improve capabilities at existing generating facilities, prevent stranded costs, and improve access to the transmission system.[361]

d. Operating Assumptions for Interconnection Studies

i. Background

265. The *pro forma* LGIP includes only general requirements regarding the operating assumptions for generating facilities in interconnection studies.[362] In particular, current operating assumptions for interconnection studies were developed prior to the large-scale adoption of variable energy resources, the advent of electric storage, and the adoption of co-located resources, including hybrid resources. In many instances, these operating assumptions may not reflect the real-world operation of electric storage resources,[363] and co-located resources containing electric storage resources (including hybrid resources [364]), among others, because they assume patterns of operation similar to traditional resources and firm end-use customer load. For example, some transmission providers assume that all generating facilities in a constrained area will seek to generate simultaneously during light load conditions or that all electric storage resources will seek to charge during peak load conditions. Similarly, some transmission providers may assume that resources will operate in a manner in which they are physically incapable of operating, such as assuming that solar resources will produce electricity after the sun sets, for example, or that wind will produce maximum output in a less windy season. In addition, other examples could include natural gas facilities that need adjusted operating assumptions based on the inability to procure fuel at certain times, or a pumped hydro plant that is limited in its ability to pump at night given voltage constraints.

266. Further, for generating facilities that intend to inject energy onto the transmission system as well as withdraw energy from the transmission system, such as electric storage resources and co-located resources containing electric storage resources (including hybrid resources), transmission providers have expanded the traditional scope of interconnection studies to include the impact of energy withdrawals by the generating facility during the generator interconnection process to determine whether network upgrades are needed. Many transmission providers assume in their interconnection studies that these generating facilities withdraw the maximum amount of energy during peak load conditions, which is comparable to assuming that these generating facilities behave like firm end-use customer load that is unresponsive to transmission system conditions. However, during real-time operations, the controlled withdrawals of an electric storage resource or co-located resources containing an electric storage resource (including hybrid resources) for charging differ significantly from the behavior of largely uncontrollable end-use customer loads. Unlike most firm load, an electric storage resource, or co-located resource containing an electric storage resource (including hybrid resources), can choose when to withdraw energy based on real-time information from the transmission provider, and some electric storage resources or co-located resources containing an electric storage resource (including hybrid resources) can respond to signals from the transmission provider to reduce or stop charging (withdrawing energy from the transmission system) within seconds.[365]

267. By contrast, other transmission providers have used operating assumptions for interconnection studies

[361] Order No. 845, 163 FERC ¶ 61,043 at P 467.

[362] *See, e.g., pro forma* LGIP section 3.2.1.2 (describing the study requirements for ERIS); *id.* section 3.2.2.2 (describing the study requirements for NRIS).

[363] An electric storage resource is defined as a resource capable of receiving electric energy from the grid and storing it for later injection of electric energy back to the grid. *See Electric Storage Participation in Markets Operated by Regional Transmission Organizations and Independent System Operators,* Order No. 841, 162 FERC ¶ 61,127 at n.1 (2018), *order on reh'g,* Order No. 841–A, 167 FERC ¶ 61,154 (2019). Because the *pro forma* LGIP and *pro forma* LGIA address interconnection to the transmission system (*See Pro Forma* LGIP Section 1), we use the term electric storage resource in this NOPR in that context.

[364] *Hybrid Resources,* Order Directing Reports, 174 FERC ¶ 61,034 (Jan. 2021). Hybrid Resources White Paper: A Staff Paper: Federal Energy Regulatory Commission. Docket No. AD20–9–000 (May 2021).

[365] *See, e.g.,* Pac. Nw. Nat'l Lab'y, *Energy Storage Technology and Cost Characterization Report,* at 3.6 (July 2019), *https://www.energy.gov/sites/prod/files/2019/07/f65/Storage%20Cost%20and%20Performance%20Characterization%20Report_Final.pdf*; NERC, *Energy Storage: Impacts of Electrochemical Utility-Scale Battery Energy Storage Systems on the Bulk Power System,* at 15 (Feb. 2021), *https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/Master_ESAT_Report.pdf.*

that more closely match the expected operation of the generating facility seeking to interconnect. For instance, CAISO's approach, in which electric storage resources are subject to CAISO's congestion management practices,[366] has helped to avoid some of the issues above. This difference allows CAISO to curtail an electric storage resource's charging, if necessary, during a peak load period and remain confident that such curtailment will not adversely affect its system.

ii. Comments

268. Several commenters in the hybrid resources proceeding raised concerns with the operating assumptions for interconnection studies that transmission providers generally use to study co-located resources and hybrid resources, as well as for stand-alone electric storage resources. For instance, several commenters stated that multiple RTOs/ISOs rely on worst-case operating assumptions for interconnection studies, for example that the electric storage resources will charge during peak load periods and discharge when load is light.[367] Commenters argued that such operating assumptions for interconnection studies can lead to projects being assigned unnecessary and expensive network upgrade costs that make projects uneconomic.[368]

269. In addition, commenters noted that interconnection studies often include inappropriate assumptions for electric storage resources regarding when the resource will charge to capture energy that would have been lost during curtailment.[369] This can also include studying electric storage resources as if it were consistently using full charge and discharge cycles, even though that is often not how the resource would operate—in many cases the electric storage may be partially charging or discharging in response to market signals, such as responding to locational marginal prices in the RTO/ISO context, or responding to dispatch instructions more generally.

270. Some commenters argued that the increased network upgrade costs caused by unnecessary or redundant network upgrades for generating facilities can be avoided if the interconnection studies assume that the planned resource will respond to market signals,[370] or assume a particular ''use case,'' such as avoiding charging during peak periods, scarcity periods, or other designated periods. Pine Gates states that operating assumptions for interconnection studies could also be based on the generating facility's specific configuration and known operational constructs for electric storage projects.[371] Pine Gates further states that this could also be applied to other generating facility types, such as solar, that currently may have erroneous assumptions made about their ability to operate at night, for instance.

271. Resource developers advocated for a process under which transmission providers would specify, per the requirements of identified use cases, pre-determined conditions under which an electric storage resource would be permitted to operate as load or as a generating facility: for instance, that electric storage resources could only charge outside of peak load conditions.[372] One commenter noted that this approach would enable the transmission provider to realistically study the electric storage resource, as opposed to studying it under scenarios where the resource acts as load and as a generating facility simultaneously.[373]

272. In addition, in response to the Commission's recent ANOPR on transmission and interconnection reform, the National Association of Regulatory Utility Commissioners (NARUC) agreed that interconnection studies used to evaluate Electric Storage Resources should reflect reasonable operating assumptions, such as charging during off-peak hours.[374] The American Clean Power Association and U.S. Energy Storage Association (ACPA/ESA) noted that the unrealistic assumption that storage will charge at full capacity during peak load incentivizes developers to site storage far from binding transmission elements to avoid costly network upgrades.[375] ACPA/ESA argued that siting this way is inefficient because the expected dispatch of storage near a binding transmission element in response to wholesale market prices would most likely *relieve* the binding transmission element rather than exacerbate it. The Union of Concerned Scientists agreed that assuming electric storage resources will charge during peak load periods and exacerbate transmission constraints is unrealistic because electric storage resources are typically deployed with a specific operating strategy in mind to reduce or eliminate a transmission constraint.[376] ACPA/ESA further argued that current operating assumptions in interconnection studies disregard the ability of storage to install software and hardware controls to prevent dispatch in response to predefined line loading criteria and/or predetermined time periods.

273. Other commenters noted that the issue concerning inaccurate operating assumptions applies beyond the electric storage resource and co-located resource or hybrid resource context and argued that the requirement for accurate operating assumptions should apply to all generating facility types. Using the framework of fuel-based dispatch as a reference to accurate operating assumptions, Enel explains, ''[t]he Commission should direct all Transmission Providers to implement fuel-based dispatch assumptions in studies to further reduce interdependency between interconnection requests.'' [377] Enel further states,

> by studying new generators only in seasons and load profiles that match the likely generation profile of the fuel source, interconnection requests become less dependent on the results of interconnection studies for generators of different fuel types. For instance, a solar project may produce more during the summer, and a wind project may produce more during the winter. Studying the two projects as if they will achieve maximum output at the same time for several hours of the year could create the false impression that upgrades are necessary to integrate the two projects on the grid. This would create interdependence, such that one project dropping out would trigger a restudy for the other project and queue delays. With fuel-based dispatch [assumptions,] the two projects will not achieve maximum output at the same time for many hours of the year and

[366] *See* CAISO, *Energy Storage Interconnection: Draft Final Proposal,* at 15–17 (2014), *http://www.caiso.com/Documents/DraftFinalProposal_EnergyStorageInterconnection.pdf.*

[367] Hybrid Resource Coalition, Comments, Docket No. AD20–9–000, at 11–12 (filed Sept. 20, 2021); City of New York, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Clean Grid Alliance, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Savion, Post-Technical Conference Comments, Docket No. AD20–9–000, at 7 (filed Sept. 24, 2020); Enel, Post-Technical Conference Comments, Docket No. AD20–9–000, at 2–3 (filed Sept. 24, 2020).

[368] City of New York, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021).

[369] Savion, Post-Technical Conference Comments, Docket No. AD20–9–000, at 4–5 (filed Sept. 24, 2020).

[370] City of New York, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Clean Grid Alliance, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021); Hybrid Resources Coalition, Comments, Docket No. AD20–9–000, at 11–12, 16 (filed Sept. 20, 2021).

[371] Pine Gate, Comments, Docket No. AD20–9–000, at 5–6 (filed Sept. 20, 2021).

[372] *Id.*

[373] *Id.*

[374] NARUC, Comments, Docket No. RM21–17–000, at 9 (filed Oct. 12, 2021).

[375] ACPA/ESA, Comments, Docket No. RM21–17–000, at 41–42 (filed Oct. 12, 2021).

[376] Union of Concerned Scientists, Comments, Docket No. RM21–17–000, at 63–64 (filed Oct. 12, 2021).

[377] Enel, Comments, Docket No. RM21–17–000, at 16 (filed Oct. 12, 2021).

avoid the interdependence and need to restudy.[378]

Enel also noted that MISO and PJM already employ such an approach.

274. Commenters in the hybrid resources proceeding also noted that modern control technology can limit an entire hybrid facility's impact at the point of interconnection.[379] This ability would apply to variable energy resources and stand-alone electric storage resources, as well as co-located resources containing electric storage resource (including hybrid resources).

275. Commenters also suggested that transmission providers should provide guidance regarding required control equipment, such that developers can better plan for any additional costs of this equipment, because this may influence how a developer configures its project.[380] Commenters further recommended that the Commission require transmission providers to use operating assumptions for interconnection studies that are based on a hybrid resource's specific configuration.[381] In one example, Clean Grid Alliance asserted that the MISO generator interconnection process does not account for all applications of electric storage resources because it studies storage at 100% dispatch in all planning scenarios.[382] Clean Grid Alliance noted that this problem is particularly pronounced for hybrid resources, where each component is separately submitted to the MISO queue, because the electric storage component is assessed for impacts to the transmission system in operating scenarios that will never exist.

276. Providing another perspective, EEI stated that transmission providers may need to gain more experience with the operation of hybrid resources before determining whether new study approaches are necessary. EEI contended that this could allow transmission providers the time needed to gain more experience with hybrid resources in order to inform the need for new study approaches in the future.[383]

277. In addition, commenters such as NYISO raised concerns that requiring transmission providers to change operating assumptions for interconnection studies could pose reliability and market concerns.[384] NYISO argued that it needs to study the actual minimum and maximum capabilities of a proposed resource to consider potential market impacts of that resource. NYISO asserted that studying a proposed resource based on its planned operational parameters would limit the resources available to system operators to address system needs during real-time operation and could result in directing the operation or curtailment of other generating facilities out of economic merit order because the transmission system is not sufficiently robust.[385]

278. Some participants in and commenters to the Commission's 2016 technical conference on generator interconnection agreements identified CAISO's approach as a best practice for modeling electric storage resources in interconnection studies during the conference and in post-technical conference comments.[386]

iii. Need for Reform

279. We expect that, in many cases, the operating assumptions used for interconnection studies will be sufficient to accurately identify the network upgrades needed to reliably interconnect many generating facilities. However, as newer technologies with operating parameters that differ from traditional generation seek to interconnect, we preliminarily find that it is necessary for transmission providers to use assumptions that accurately reflect the operating parameters of electric storage resources and co-located resources containing electric storage resources (including hybrid resources), so that the unique operating characteristics of such resources are taken into account during the generator interconnection process. If the operating assumptions for interconnection studies do not reflect the operational pattern of the interconnecting generating facilities, it is possible that interconnection studies will overestimate the proposed generating facilities' impact on the transmission system, thereby assigning network upgrades to the interconnection customer that would be unnecessary under planned operations. Because the *pro forma* LGIP includes only general requirements regarding the operating assumptions for generating facilities in interconnection studies, we are concerned that electric storage resources, and co-located resources containing electric storage resources (including hybrid resources), may be studied under inappropriate operating assumptions that result in assigning unnecessary network upgrades and increased costs to interconnection customers. We therefore preliminarily find that the lack of realistic operating assumptions used in interconnection studies for electric storage resources and co-located resources containing electric storage resources (including hybrid resources) can result in excessive and unnecessary network upgrades and may hinder the timely development of new generation, thereby stifling competition in the wholesale markets, and resulting in rates, terms, and conditions that are unjust and unreasonable. Further, we preliminarily find that the lack of appropriate operating assumptions used in interconnection studies may present an unduly discriminatory or preferential barrier to the interconnection of electric storage resources and co-located resources containing electric storage resources (including hybrid resources).

iv. Proposal

280. We propose to revise the *pro forma* LGIP to require transmission providers, at the request of the interconnection customer, to use operating assumptions for interconnection studies that reflect the proposed operation of an electric storage resource or co-located resource containing an electric storage resource (including hybrid resources)—*i.e.,* whether the interconnecting resource will or will not charge during peak load conditions, unless good utility practice, including applicable reliability standards, otherwise require the use of different operating assumptions. Such operating assumptions shall be proposed by the interconnection customer as part of its initial interconnection request. We believe this will ensure that the flexibility provided by this reform does not delay the cluster study process as proposed earlier in this NOPR, and does not delay interconnection studies, or otherwise harm other interconnection customers in the cluster because all operating assumptions for interconnection studies would be clarified prior to entering a cluster study process. Such operating assumptions must be reasonably representative of the likely behavior of an electric storage resource or co-located resource containing an electric storage resource (including hybrid resources) and, in cases where available, consistent

[378] *Id.*

[379] Pine Gate, Comments, Docket No. AD20–9–000, at 4 (filed Sept. 20, 2021).

[380] Hybrid Resources Coalition, Comments, Docket No. AD20–9–000, at 12 (filed Sept. 20, 2021).

[381] *Id.* at 10–11; Pine Gate, Comments, Docket No. AD20–9–000, at 6 (filed Sept. 20, 2021).

[382] Clean Grid Alliance, Comments, Docket No. AD20–9–000, at 3 (filed Sept. 20, 2021).

[383] Edison Electric Institute, Comments, Docket No. AD20–9–000, at 6 (filed Sept. 20, 2021).

[384] NYISO, Reply Comments, Docket No. AD20–9–000, at 8 (filed Oct. 20, 2021).

[385] *Id.* at 8–9.

[386] *Review of Generator Interconnection Agreements and Procedures,* Technical Conference Transcript, Docket No. RM16–12–000, at Tr. 239–240 (May 13, 2016); RES Americas, Comments, Docket No. RM16–12–000, at 3 (filed June 30, 2016).

with the historical performance of such resources in the relevant geographic area. Further, to help facilitate alignment between as-studied and real-world conditions, we propose to allow transmission providers to hold interconnection customers to the intended operation of their electric storage resource or co-located resource containing an electric storage resource (including hybrid resources) by: (1) memorializing these operating restrictions in the interconnection customer's LGIA; (2) requiring control technologies (software and/or hardware) in cases where appropriate, such as for electric storage that wishes to limit its operations, with such protection devices included in Appendix C of the LGIA. If the interconnection customer fails to operate its electric storage resource or co-located resource containing an electric storage resource (including hybrid resources) in accordance with these conditions as memorialized in the LGIA, the interconnection customer may be considered in breach and the transmission provider may pursue termination pursuant to article 17 of the LGIA.

Additionally, we propose to require that any transmission provider that requires electric storage resources or co-located resources containing an electric storage resource (including hybrid resources) to install control technologies to publicly post a list of acceptable control technologies. Furthermore, we propose revisions to the description of the ERIS and NRIS studies in sections 3.2.1.2. and 3.2.2.2 of the *pro forma* LGIP to accommodate this proposed reform.

281. We propose to require that interconnection customers clearly communicate to the transmission provider the expected operating patterns of the electric storage resource, or co-located resource containing an electric storage resource (including hybrid resources). In addition, for the electric storage resource or co-located resource containing an electric storage resource (including hybrid resources) to be studied, the interconnection customer must specify, as part of its initial interconnection request, the ancillary services that it would or would not provide so that the proper operating assumptions may be made in interconnection studies. Regardless of any changes to operating assumptions, all electric storage resources, or co-located resources containing an electric storage resource (including hybrid resources) must continue to meet all requirements in the *pro forma* LGIP and *pro forma* LGIA, as well as all applicable reliability standards.

282. Under this proposed reform, studies based on operational use cases would reflect the planned operation of the electric storage resource, or co-located resource containing electric storage resource (including hybrid resources). Order No. 845 provides precedent for the Commission to require transmission providers to revise their interconnection study assumptions to ensure just and reasonable rates. In Order No. 845, the Commission revised the *pro forma* LGIP to require transmission providers to allow interconnection customers' requests to be studied and modeled below their full generating capacity.[387] Under this proposed reform, each transmission provider's operating assumptions used in their interconnection studies would be required to take into consideration the services that the generating facility would provide and the timing of such services, as applicable.[388] This could be done in a variety of ways, and the transmission provider would have flexibility to consider services as best fits its transmission system.

283. We acknowledge the concern held by some entities that transmission providers should not be required to study electric storage resources, or co-located resources containing an electric storage resource (including hybrid resources) according to their intended operation because it is not possible to guarantee that those resources will not deviate from the intended operating assumptions.[389] However, we preliminarily find that this concern can be addressed by requiring interconnection customers to utilize control technologies inherent to electric storage resources [390] to ensure that the operation does not deviate from the proposed operational pattern, consistent with the Commission's requirements for requesting interconnection service below full generating capacity. We seek comment on the extent of the potential burden on transmission providers in tracking the usage of such operating limitations.

284. As noted previously, when studying the charging of an electric storage resource or co-located resources containing an electric storage resource (including hybrid resources), assuming for purposes of operating assumptions in interconnection studies that all such resources will behave like firm load and add to peak demand without the ability to respond to signals from the transmission provider to curtail charging, is inaccurate and can lead to expensive and unnecessary network upgrades.

285. For that reason, we propose to clarify that the proposed reform described in this section to study electric storage resources, or co-located resources containing an electric storage resource (including hybrid resources) according to their planned operating assumptions at the request of the interconnection customer as part of its initial interconnection request is intended to mean the operating assumptions for withdrawals of energy (e.g., the charging of an energy storage resource) in interconnection studies. In line with the proposed reform as described above, we propose to require that the interconnection customer include in its initial interconnection request any operating assumptions for withdrawals of energy to be used by the transmission provider in interconnection studies.

286. We seek comment on whether the Commission should expand this reform to address operating assumptions for additional generating facility technologies that may currently be inaccurately modeled, such as variable energy resources. For example, we seek comment on whether the Commission should expand this proposal to specify only that, at the interconnection customer's request, a transmission provider must not study generating facilities in ways that are not physically possible, for example studying a solar resource as producing energy at night, or a wind resource as producing maximum energy during low wind seasons, or other circumstances wherein any resource is studied in ways that are not physically possible, subject to the same proposed requirement that the generating facility be equipped with sufficient control technology, such as special protection systems, and/or subject to penalties for deviating from dispatch. We seek comment on whether other operating assumptions, in addition to the assumption that electric storage resources withdraw energy during peak load periods, should be considered as part of this proposed reform.

287. We seek comment on how the Commission should define the study parameters (*e.g.,* should the Commission

[387] Order No. 845, 163 FERC ¶ 61,043 at P 343.

[388] This could include potential ancillary services any generating facility, including hybrid resources, could provide, such as contingency reserves, ramping or other operating reserves, which when dispatched or called upon, causes the electric storage device to be recharged in the peak period to meet its obligations later in the day.

[389] NYISO, Reply Comments, Docket No. AD20–9–000, at 8 (filed Oct. 20, 2021).

[390] *See, e.g.,* AES Companies, Comments, Docket No. RM16–12–000, at 14–15 (filed June 21, 2016); Energy Storage Association, Comments, Docket No. RM16–12–000, at 2–3, 7–8 (filed June 30, 2016); Hybrid Resources Coalition, Comments, Docket No. AD20–9–000, at 16 (filed Sept. 20, 2021).

define the ''peak load period'' and/or ''net peak load'' during which transmission providers must not study a generating facility as withdrawing energy, and if so how).

288. In addition to this proposed reform, we seek comment on whether, and if so how, the Commission should define firm and non-firm charging for electric storage resources and require transmission providers to define study criteria and possible ways to interconnect related to both firm and non-firm charging. We seek comment on whether providing such options would improve the effectiveness of this proposed reform and whether there would be other consequences of implementing such an approach. With respect to the definition of firm and non-firm charging, we seek comment on whether the Commission should, for example, (1) define firm charging service as interconnection service that allows the interconnection customer to be eligible to receive electric energy in a manner comparable to a transmission provider's load, and (2) define non-firm charging service as interconnection service that allows the interconnection customer to be eligible to receive electric energy using the existing firm or non-firm capacity of the transmission system on an ''as available'' basis, noting that in an RTO/ISO with market-based congestion management, a generating facility with non-firm charging service must respond to the RTO's/ISO's dispatch instructions, including curtailment to manage congestion.

2. Incorporating Alternative Transmission Technologies Into the Generator Interconnection Process

a. Background

289. Under the *pro forma* LGIP and *pro forma* SGIP, transmission providers often do not consider newer technologies—such as dynamic line ratings or advanced power flow control devices—as they identify network upgrades, and instead tend toward solutions they have more experience with, such as reconductoring a line or upgrading a transformer at a transmission substation.[391] For example, reconductoring a transmission line provides a certain MW capacity increase, while dynamic line ratings or advanced power flow control devices may increase capacity dependent on ambient or transmission system conditions.

290. To date, the Commission has provided few requirements regarding how to consider dynamic line ratings and advanced power flow control devices in generator interconnection processes, and only a small number of such technologies have been deployed to address impacts that result from the potential addition of a generating facility.[392] In the Commission's transmission incentives proceedings, the Commission is considering reforms to encourage the deployment of ''transmission technologies that, as deployed in certain circumstances, enhance reliability, efficiency, and capacity, and improve the operation of new or existing transmission facilities,'' [393] which includes the transmission technologies we discuss in this NOPR. In the ANOPR, the Commission sought comment on whether there is the potential for grid-enhancing technologies (GETs) [394]—which also include the transmission technologies we discuss in this NOPR—not only to increase the capacity, efficiency, and reliability of transmission facilities, but in so doing, also to reduce the cost of interconnection-related network upgrades.[395]

291. In comments responding to the ANOPR, several commenters [396] support the consideration of GETs during the generator interconnection process, with some advocating for a requirement that GETs be considered in all interconnection studies.[397] Several commenters note that GETs can reduce the cost of network upgrades [398] and the duration of time spent in interconnection queues.[399] Commenters state that GETs are not currently considered in generator interconnection processes.[400]

292. Environmental Advocates state that the Commission should not simply allow transmission providers to independently decide on the viability of an alternative transmission technology; rather, the Commission should ensure that consideration of alternatives is open and transparent, and that interconnection customers should be able to determine if the analysis is sufficiently comprehensive.[401] Similarly, EDF Renewables and ACPA/ESA argue that interconnection customers should have the opportunity to request GETs as an alternative solution to a network upgrade.[402] ACPA/ESA state that electric storage could be considered a GET for interconnection purposes and submit that electric storage (and potentially other GETs) should qualify as a standalone network upgrade and be included under the option to build.[403]

[391] *See supra* note 90.

[392] *See, e.g.,* Advanced Energy Economy, Comments, Docket No. RM21–17–000, at 21 (filed Oct. 12, 2021); EDF Renewables, Comments, Docket No. RM21–17–000, at 17–18 (filed Oct. 12, 2021).

[393] *See Elec. Transmission Incentives Pol'y Under Section 219 of the Fed. Power Act,* Notice of Proposed Rulemaking, 85 FR 18784 (Apr. 2, 2020), 170 FERC ¶ 61,204, at P 9, *errata notice,* 171 FERC ¶ 61,072 (2020).

[394] We do not use or define the term GETs for purposes of these reforms. However, for accuracy, we use the term GETs to summarize comments from the ANOPR because many of the technologies contemplated here are often considered GETs. In the ANOPR, the Commission referred to GETs as technologies that ''increase the capacity, efficiency, or reliability of transmission facilities,'' including ''(1) power flow control and transmission switching equipment; (2) storage technologies, and (3) advanced line rating management technologies.'' ANOPR, 176 FERC ¶ 61,024 at n.68. *See also,* Transmission Planning and Cost Allocation NOPR, 179 FERC ¶ 61,028 at P 270 (''Advanced power flow control devices serve a transmission function. These devices can help the system operator control power flows over a given path and can include phase shifting transformers (also known as phase angle regulators) and devices or systems necessary for implementing optimal transmission switching. Advanced power flow control devices allow power to be pushed and pulled to alternate lines with spare capacity leading to maximum utilization of existing transmission capacity.'')

[395] ANOPR, 176 FERC ¶ 61,024 at P 158.

[396] American Clean Power Association and Energy Storage Association (ACPA/ESA), Comments, Docket No. RM21–17–000, at 49 (filed Nov. 30, 2021); CAISO, Comments, Docket No. RM21–17–000, at 113–114 (filed Nov. 30, 2021); Clean Energy Coalition, Supplemental Comments, Docket No. RM21–17–000, at 7 (filed Nov. 30, 2021); EDF Renewables, Comments, Docket No. RM21–17–000, at 16–17 (filed Nov. 30, 2021); Environmental Advocates, Comments, Docket No. RM21–17–000, at 23–25 (filed Nov. 30, 2021); Industrial Customers, Comments, Docket No. RM21–17–000, at 37 (filed Nov. 30, 2021); Potomac Economics, Comments, Docket No. RM21–17–000, at 8–9 (filed Nov. 30, 2021); United States Department of Energy, Comments, Docket No. RM21–17–000, at 48 (filed Nov. 30, 2021).

[397] Environmental Advocates, Comments, Docket No. RM21–17–000, at 23–25 (filed Nov. 30, 2021); Industrial Customers, Comments, Docket No. RM21–17–000, at 37 (filed Nov. 30, 2021).

[398] ACPA/ESA, Comments, Docket No. RM21–17–000, at 49 (filed Nov. 30, 2021); Environmental Advocates, Comments, Docket No. RM21–17–000, at 23–25 (filed Nov. 30, 2021); Industrial Customers, Comments, Docket No. RM21–17–000, at 36–37 (filed Nov. 30, 2021); Potomac Economics, Comments, Docket No. RM21–17–000, at 8–9 (filed Nov. 30, 2021).

[399] ACPA/ESA, Comments, Docket No. RM21–17–000, at 64–65 (filed Nov. 30, 2021); Environmental Advocates, Comments, Docket No. RM21–17–000, at 23–25 (filed Nov. 30, 2021).

[400] EDF Renewables, Comments, Docket No. RM21–17–000, at 16–17 (filed Nov. 30, 2021).

[401] Environmental Advocates, Comments, Docket No. RM21–17–000, at 23–25 (filed Nov. 30, 2021).

[402] ACPA/ESA, Comments, Docket No. RM21–17–000, at 64–65 (filed Nov. 30, 2021); EDF Renewables, Comments, Docket No. RM21–17–000, at 16–17 (filed Nov. 30, 2021).

[403] ACPA/ESA, Comments, Docket No. RM21–17–000, at 64–65 (filed Nov. 30, 2021) (citing Order 845–A, 166 FERC ¶ 61,137 at P 2 n.5 (''Stand alone network upgrades: shall mean Network Upgrades that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the

Continued

293. On the other hand, EEI states that there are significant risks involved with the deployment of new technologies, such as uncertainties regarding long-term effectiveness, rapidly evolving technology rendering formerly installed technology obsolete, and concerns regarding cost recovery for these new investments. Thus, EEI advocates flexibility, but not a requirement, to evaluate them in the generator interconnection process.[404]

b. Need for Reform

294. Alternative transmission technologies[405] can provide substantial benefits to optimize the transmission system in specific scenarios. Namely, the below identified transmission technologies often can be deployed both more quickly and at lower costs than other network upgrades.[406] As a result, selecting alternative transmission technologies as a network upgrade or in-lieu of a network upgrade may reduce interconnection costs by providing lower cost transmission solutions to interconnect new generating facilities. These technologies also have the potential to be used as temporary solutions while new network upgrades are constructed or used in combination with other network upgrades in generator interconnection processes.[407]

295. Specific opportunities to use alternative transmission technologies include resolving thermal overloads and/or redirecting flows following contingencies so that the transmission system will be operated within system operating limits. This could be achieved with advanced power flow control or by switching transmission system or generation elements. Transmission switching can reduce local congestion and increase transfer capacity. Dynamic line ratings, along with other alternative transmission technologies, can be used to enable dynamic injection limits at the point of interconnection and accommodate additional energy or ancillary services from generating facilities behind the point of interconnection. Devices such as static synchronous compensators and static VAR compensators can support or maintain voltages to avoid voltage collapse situations by increasing load and generation transfer capability.

296. Despite these potential benefits, alternative transmission technologies often do not receive the same consideration during generator interconnection processes as other network upgrades and have only been deployed in a small number of instances.[408] Furthermore, the current LGIP does not require transmission providers to consider such technologies. Therefore, reforms to require their consideration may be necessary to achieve their benefits in generator interconnection processes. We preliminarily find that failing to consider alternative transmission technologies that can be deployed both more quickly and at lower costs than network upgrades may render Commission-jurisdictional rates unjust and unreasonable.

c. Proposals

i. Consideration of Alternative Transmission Technologies in Interconnection Studies Upon Request of the Interconnection Customer

297. In order to ensure just and reasonable Commission-jurisdictional rates, we propose to revise the *pro forma* LGIP and *pro forma* SGIP to require transmission providers, upon request of the interconnection customer, to evaluate the requested alternative transmission solution(s) during the LGIP cluster study and the SGIP system impact study and facilities study within the generator interconnection process.

298. Here, to provide more certainty for evaluation purposes, and focus on technologies that serve a transmission function and thus are subject to Commission jurisdiction, we propose to specify the technologies that the interconnection customer may request to be evaluated. Specifically, we propose revisions to the LGIP and SGIP to require transmission providers to consider the following technologies within the cluster study of the LGIP and within the system impact study and facilities study of the SGIP upon request of the interconnection customer: advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and static VAR compensators. Advanced power flow control devices serve a transmission function. These devices can help the system operator control power flows over a given path and can include phase shifting transformers (also known as phase angle regulators) and devices or systems necessary for implementing optimal transmission switching. Advanced power flow control devices allow power to be pushed and pulled to alternate lines with spare capacity leading to maximum utilization of existing transmission capacity.[409] Transmission switching, an application of transmission topology control, consists of strategically removing or inserting transmission elements into the transmission topology. Transmission switching can be used to route energy around areas with high congestion.[410] A dynamic line rating is a transmission line rating that applies to a time period of not greater than one hour and reflects up-to-date forecasts of inputs such as (but not limited to) ambient air temperature, wind, solar heating, transmission line tension, or transmission line sag.[411] Static synchronous compensators are voltage source converter[412] devices that consists of a direct current (DC) voltage source behind a power electronic interface connected to the alternating current (AC) transmission system through a transformer. This results in a controllable voltage source and hence reactive power output.[413] Static VAR compensators are flexible alternating current transmission system (FACTS) devices that consist of thyristor-controlled reactors (TCR), thyristor-switched capacitors (TSC), and fixed capacitors acting as a harmonic filter.

Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement.''))).

[404] EEI, Comments, Docket No. RM21–17–000, at 39 (filed Nov. 30, 2021).

[405] For purposes of these reforms, alternative transmission technologies are: advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators.

[406] *See, e.g.,* State Agencies, Comments, Docket No. RM21–27–000, at 30–33 (filed Nov. 30, 2021).

[407] *See, e.g.,* TAPS, Comments, Docket No. RM21–27–000, at 21–22 (filed Nov. 30, 2021).

[408] *See, e.g.,* Department of Energy, *Advanced Transmission Technologies,* at 28–30 (Feb. 12, 2020), *https://www.energy.gov/oe/downloads/advanced-transmission-technologies-report*; Environmental Advocates, Comments, Docket No. RM21–17–000, at 20 (filed Oct. 12, 2021); R Street Institute, Comments, Docket No. RM21–17–000, at 3–4 (filed Oct. 12, 2021).

[409] Transmission Planning and Cost Allocation NOPR, 179 FERC ¶ 61,028, at P 261 (citing T. Bruce Tsuchida et al., Brattle *Unlocking the Queue with Grid-Enhancing Technologies,* at 19–20 (Feb. 1, 2021), *https://watt-transmission.org/wp-content/uploads/2021/02/Brattle__Unlocking-the-Queue-with-Grid-Enhancing-Technologies__Final-Report_Public-Version.pdf90.pdf*).

[410] T. Bruce Tscuchida & Rob Gramlich, *Improving Transmission Operation with Advanced Technologies: A Review of Deployment Experience and Analysis of Incentives* 12 (Sustainable FERC Project, WATT Coalition, White Paper, June 2019), *https://www.brattle.com/wp-content/uploads/2021/05/16634_improving_transmission_operating_with_advanced_technologies.pdf.*

[411] *Managing Transmission Line Ratings,* Order No. 881, 87 FR 2244 (Jan. 13, 2022), 177 FERC ¶ 61,179, at PP 235, 238 (2021).

[412] A voltage source converter is a self-commutated device that synthesizes a voltage waveform with variable magnitude with respect to the system voltage to control the reactive power production and consumption of the device.

[413] NERC, Reliability Guideline: Reactive Power Planning, at 6 (Dec. 2016) *https://www.nerc.com/comm/PC_Reliability_Guidelines_DL/Reliability%20Guideline%20-%20Reactive%20Power%20Planning.pdf.*

The TCR consists of reactors in series with thyristor valves that continuously control the reactive power output by varying the current flow through the reactor. A TSC consists of capacitors, reactors, and thyristor valves that simply switch the capacitor in and out of service. The fixed capacitor is part of the filter that absorbs the harmonics generated by the thyristor switching, supplying a fixed reactive power to the transmission system.[414] We believe that the deployment of these transmission technologies may reduce interconnection costs by providing lower cost network upgrades to interconnect new generating facilities.

299. Under this proposal, the interconnection customer may request, at the relevant scoping meeting, that the transmission provider consider a single, multiple, or all technologies on this list. The transmission provider would be required to evaluate the transmission technologies identified above for feasibility, cost, and time savings within the cluster study for the LGIP and the system impact study and facilities study for the SGIP, upon request of the interconnection customer. The transmission provider, upon this request, must evaluate the identified transmission technology and, if feasible, determine whether it should be used, consistent with good utility practice and other applicable regulatory standards. Transmission providers continue to retain discretion regarding whether to use the transmission technology. Potential applications of these transmission technologies include deployments either as an alternative to a network upgrade or to go into service on a temporary basis to enable provisional interconnection service[415] pending the completion of a network upgrade. The transmission provider must include evaluation of the requested transmissions technology or technologies in the cluster study report and interconnection facilities study report for the LGIP or the relevant feasibility study, system impact study and/or facilities study reports for the SGIP.

300. We seek comment on whether the list of alternative transmission technologies is sufficient. In particular, we seek comment on whether storage that performs a transmission function, synchronous condensers, and voltage source converters should be included in the list of alternative transmission technologies.

301. We seek comment on whether there are software, operational, or other barriers to the use of these transmission technologies as proposed herein. Additionally, we seek comment on whether the use of alternative transmission technologies as supplements for, in the place of, traditional network upgrades is sufficient to guarantee a level of service to accommodate an interconnection customer seeking NRIS, or whether such a network upgrade can only relate to ERIS. We seek comment on whether the existing study processes and models in the generator interconnection process remain suitable for considering alternative transmission technologies, whether additional processes or models are needed, and if so, which entity should be responsible for developing them. We seek comment on how costs incurred for evaluating alternative transmission technology study requests would be allocated among interconnection customers in the cluster. We also seek comment on what reasonable number of transmission technology study requests from each interconnection customer would be workable, the burden (in terms of both time and resources) on transmission providers required to evaluate such requests, and whether interconnection study deadlines may need to be extended to account for time needed to evaluate the alternative transmission technology study requests. Lastly, we seek comment on whether provisional interconnection service consideration for transmission technologies should be mandatory.

ii. Annual Informational Report

302. In order to add transparency to the evaluation process and deployment of alternative transmission technologies in generator interconnection processes, we propose to revise the *pro forma* LGIP and *pro forma* SGIP to require transmission providers to submit an annual informational report to the Commission that details whether, and if so how, advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and static VAR compensators were considered in interconnection requests over the last year. We propose to create a new docket to collect all annual informational report filings. Any informational reports that transmission providers file at the Commission would be for informational purposes and would neither be formally noticed nor require additional action by the Commission.[416] In addition, we note that future interconnection customers, as well as transmission providers, may benefit from information as to why an alternative transmission technology that was considered was not deployed. Because identifying common obstacles to the use of these alternative transmission technologies would allow potential interconnection customers to submit more meaningful requests, we seek comment as to whether to require transmission providers to include such explanations in their annual reports. Additionally, we seek comment on the scope of the annual informational report, and whether additional information should be included.

3. Modeling and Performance Requirements for Non-Synchronous Generating Facilities

a. Background

303. The transmission system is experiencing change driven by the differing characteristics of generating facilities seeking to interconnect and the increased penetration of non-synchronous generating facilities.[417] We are concerned that the *pro forma* LGIP and *pro forma* SGIP may be inadequate to address certain challenges associated with these changes, which is rendering Commission-jurisdictional rates unjust and unreasonable and unduly discriminatory or preferential through less specific or less strict modeling and performance requirements compared to synchronous generating facilities. We begin with background on: (1) prior Commission action relating to modeling and performance requirements for all interconnection customers; (2) the unique attributes of non-synchronous generating facilities; (3) NERC-documented non-synchronous generation disturbance events; (4) NERC actions to address the impact of non-synchronous generating facilities on the bulk-power system; and (5) initiatives by individual transmission providers to address the reliability challenges associated with non-synchronous

[414] *Id.* at 7.

[415] Provisional interconnection service is ''Interconnection Service provided by a Transmission Provider associated with interconnecting the Interconnection Customer's Generating Facility to Transmission Provider's Transmission System and enabling that Transmission System to receive electric energy and capacity from the Generating Facility at the Point of Interconnection, pursuant to the terms of the Provisional Large Generator Interconnection Agreement and, if applicable, the Tariff.'' *Pro forma* LGIP section 1, *pro forma* LGIA art. 1; *see* Order No. 845, 163 FERC ¶ 61,043 at P 438.

[416] Order No. 845, 163 FERC ¶ 61,043 at P 305 (citing *Grid Assurance LLC,* 154 FERC ¶ 61,244, at n.106, *order on clarification,* 156 FERC ¶ 61,027 (2016)).

[417] *See, e.g.,* U.S. Energy Info. Admin., *Monthly Energy Review* at section 10.1 (Mar. 2022), *https://www.eia.gov/totalenergy/data/monthly/pdf/mer.pdf* (EIA March Review).

generating facilities during the generator interconnection process.

i. Commission Precedent

304. To ensure that transmission providers can model an interconnecting generating facility's impact on the transmission system, Order Nos. 2003 and 2006 established that interconnection customers must submit technical data specified in Attachment A to Appendix 1 of the *pro forma* LGIP or Attachment 2 of the *pro forma* SGIP along with their interconnection request. Order Nos. 2003 and 2006 also established section 4.4 (Modification) of the *pro forma* LGIP and section 1.4 (Modification of the Interconnection Request) of the *pro forma* SGIP, which detail the process for any type of interconnection customer seeking to modify its interconnection request.

305. Additionally, the Commission has imposed certain performance requirements on generating facilities through the generator interconnection process. Order No. 2003 required large generating facilities to ensure that they can ''ride through'' abnormal over-frequency and under-frequency deviations.[418] Specifically, article 9.7.3 of the *pro forma* LGIP requires an interconnection customer to implement under-frequency and over-frequency relay set points for a large generating facility as required by the applicable reliability council[419] to ensure ''ride through'' capability of the transmission system. Article 9.7.3 of the *pro forma* LGIP defines ''ride through'' as the ability of the large generating facility to stay connected to and synchronized with the transmission system during system disturbances within a range of under-frequency and over-frequency conditions. The *pro forma* LGIA does not define specific voltage ride through capability; rather, article 9.1 of the *pro forma* LGIP requires the interconnection customer to comply with the applicable reliability council requirements.

306. The Commission later extended ride-through requirements in other contexts. In Order Nos. 661 and 661–A, the Commission established uniform standards in Appendix G of the *pro forma* LGIA that require large wind generating facilities to demonstrate low voltage ride through capability.[420] In Order No. 828, the Commission required small generating facilities interconnecting pursuant to the *pro forma* SGIP to have ride through capability in a manner comparable to large generating facilities.[421] In that order, the Commission added subsection 1.5.7 to the *pro forma* SGIA, which requires newly interconnecting small generating facilities to have and enable ride through capability so that they shall not disconnect during abnormal frequency and voltage events.[422] The Commission did not establish generic ride through requirements, but required (1) each transmission provider to coordinate the protective equipment settings of small generating facilities with any automatic load shedding programs and (2) that the specific ride through settings be consistent with good utility practice and any standards and guidelines applied by the transmission provider to other generating facilities on a comparable basis.[423]

307. Relatedly, in Order No. 842, the Commission required newly interconnecting large and small generating facilities, both synchronous and non-synchronous, to install, maintain, and operate equipment capable of providing primary frequency response as a condition of interconnection.[424]

ii. Non-Synchronous Generating Facilities

308. While synchronous generating facilities convert rotating mechanical energy into electrical energy, non-synchronous generating facilities convert energy using solid-state switches.[425] Examples of non-synchronous generating facilities include but are not limited to solar photovoltaics (PV), wind, fuel cell, and battery storage.

309. Present day non-synchronous generating facilities predominantly use grid-following inverters.[426] This means that they rely on sensed information from the transmission system (e.g., voltage waveform) to achieve the desired AC active and reactive power output. For grid-following inverters, the transmission system state parameters (e.g., voltage angle) are tracked on the order of milliseconds, meaning that the inverters can react almost instantaneously to transmission system conditions. Consequently, non-synchronous generating facilities are sensitive to even the smallest voltage and frequency changes. If non-synchronous generating facilities are not properly configured or programmed to respond to transmission system frequency and voltage fluctuations, they may fail to ride through a system disturbance (e.g., a normally cleared transmission fault) by tripping or entering momentary cessation mode, as observed in several disturbances described below. Because non-synchronous generating facilities often employ similar logic with respect to their response to transmission system disturbances and non-synchronous generating facility operators often do not set and coordinate their inverters and plant controllers[427] to ride through variations in system voltages during fault conditions, they are at greater risk of being lost *en masse* in response to a single fault on transmission or sub-transmission systems.[428] In areas of the transmission system where there is a high saturation of non-synchronous generating facilities, the *en masse* response could have an impact greater than the most severe single contingency identified by transmission providers.

iii. Documented Non-Synchronous Generation Disturbance Events

310. As described below, disturbances both on the bulk power system and on distribution systems have resulted in unexpected loss of solar PV non-synchronous generating facilities

[418] Order No. 2003, 104 FERC ¶ 61,103 at PP 562, 566.

[419] As discussed below, we also propose in this NOPR to update the term ''Applicable Reliability Council'' to ''Electric Reliability Organization'' to reflect current terminology.

[420] *Interconnection for Wind Energy,* Order No. 661, 70 FR 34993 (June 16, 2005), 111 FERC ¶ 61,353, *order on reh'g,* Order No. 661–A, 70 FR 75005 (Dec. 19, 2005), 113 FERC ¶ 61,254 (2005).

[421] *Requirements for Frequency & Voltage Ride Through Capability of Small Generating Facilities,* Order No. 828, 81 FR 50290 (Aug. 1, 2016), 156 FERC ¶ 61,062 (2016).

[422] *Id.* P 25.

[423] *Id.* P 2.

[424] *Essential Reliability Servs. & the Evolving Bulk-Power Sys.—Primary Frequency Response,* Order No. 842, 83 FR 9639 (Mar. 6, 2018), 162 FERC ¶ 61,128, *order on clarification and reh'g,* 164 FERC ¶ 61,135 (2018).

[425] *See e.g.,* Paul Evans, Engineering Mindset, *Power Inverters Explained* (Apr. 25, 2020), *https://theengineeringmindset.com/power-inverters-explained/.*

[426] Dinesh Pattabiraman et al., *Comparison of Grid Following and Grid Forming Control for a High Inverter Penetration Power System,* 2018 IEEE Power & Energy Society General Meeting (PESGM), at 1, PESGM 8586162 (citing Thomas Ackermann et al., *Paving the Way: A Future Without Inertia Is Closer Than You Think,* IEEE Power & Energy Mag., November/December 2017, at 61).

[427] The controller governs the plant's performance to achieve the desired aggregate real and reactive power production and performance characteristics. *See* Mills-Price, M., and Hao, K., *The Importance of Coordinated Control Systems in Solar Generation Plants* (May 2018), *https://cms-cdn.selinc.com/assets/Literature/Publications/Technical%20Papers/6658_ImportanceCoordinated_KH_20140729_Web3.pdf?v=20190325-150209.*

[428] *See, e.g.,* NERC, *San Fernando Disturbance,* at vi (Nov. 2020), *https://www.nerc.com/pa/rrm/ea/Documents/San_Fernando_Disturbance_Report.pdf* (San Fernando Disturbance Report) (''This event, as with past events, involved a significant number of solar PV reducing power output (either due to momentary cessation or inverter tripping) as a result of normally-cleared [bulk-power system] faults. The widespread nature of power reduction across many facilities poses risks to [bulk-power system] performance and reliability.'').

following normally cleared transmission line faults. NERC and other relevant entities have analyzed these disturbance events to determine the causes.

311. The first documented large-scale reliability event occurred in August 2016 during the Blue Cut Fire Event in California. Until this event, the likelihood for non-synchronous generating facilities to trip or momentarily cease during faults on the bulk-power system was unclear.[429] A NERC/Western Electricity Coordinating Council (WECC) joint task force examined the event and determined that a single 500 kV line-to-line fault, which was cleared normally by relay protection, caused a wide area loss of 1,200 MW of solar PV non-synchronous generating facilities.[430] The task force report explained that the loss of solar PV generation during the event was primarily due to inverter settings susceptible to unexpected tripping and unanticipated momentary cessation of the non-synchronous generating facilities.[431] The report indicated that planning studies did not predict that the generating facilities would not ride through the disturbance and would fail to provide power during the event. Once aware of the potential for non-synchronous generating facilities to trip or enter momentary cessation in response to faults, Southern California Edison Company and CAISO reviewed the Supervisory Control and Data Acquisition (SCADA) data and discovered that this was not an isolated incident.[432]

312. Subsequently, there have been other documented instances of momentary cessation of non-synchronous generating facilities: the Canyon 2 Fire Event in 2017;[433] the Angeles Forest and Palmdale Roost Events in 2018;[434] the San Fernando Disturbance in 2020;[435] and multiple events in both ERCOT and CAISO during 2021.[436] Because present-day SCADA systems are not able to capture the full extent of all disturbance events, some smaller-scale events are likely to remain undetected.[437]

iv. NERC Actions To Address Non-Synchronous Generating Facility Impacts on the Bulk-Power System

313. Since the large-scale reliability issues related to non-synchronous generating facilities during the Blue Cut Fire Event, NERC has: (1) published multiple disturbance reports documenting the events described above;[438] (2) issued two NERC Alerts;[439] (3) issued two technical reports;[440] (4) issued two reliability guidelines regarding non-synchronous generating facility data collection and performance;[441] and (5) published two white papers about the need to modify Reliability Standards to address this risk.[442] Together, these documents indicate that transmission system planning and operations entities do not have adequate or accurate information about the actual behavior of non-synchronous generating facilities within their areas under all operating conditions, and further that these same entities continue to experience issues that NERC-issued alerts were intended to address.[443]

314. NERC also formed the Inverter-Based Resources Performance Task Force (IRPTF)[444] in response to the findings and recommendations of the Blue Cut Fire Event Report, to explore the performance characteristics of bulk-power system connected non-synchronous generating facilities. Among other activities, the IRPTF has published a variety of whitepapers and reliability guidelines.[445]

315. In September 2019, NERC issued a Reliability Guideline that recommends improvements to interconnection requirements for non-synchronous generating facilities connected to the bulk-power system.[446] In that Guideline, NERC recommends that transmission owners improve their interconnection requirements for non-synchronous generating facilities that are connected to the bulk-power system. Specifically, NERC recommends that transmission owners ''require that newly interconnecting [non-synchronous generating facilities] continuously inject

[429] *See, e.g.,* NERC, *Potential Bulk System Reliability Impacts of Distributed Resources,* at 24 (Aug. 2011), *https://www.nerc.com/files/IVGTF_TF-1-8_Reliability-Impact-Distributed-Resources_Final-Draft_2011%20(2).pdf* (noting NERC's awareness of the practice of utilities in North America to set up distributed generation to trip during off-normal frequency and voltage conditions).

[430] NERC, *1,200 MW Fault Induced Solar Photovoltaic Resource Interruption Disturbance Report,* at 1 (June 2017), *https://www.nerc.com/pa/rrm/ea/1200_MW_Fault_Induced_Solar_Photovoltaic_Resource_/1200_MW_Fault_Induced_Solar_Photovoltaic_Resource_Interruption_Final.pdf* (Blue Cut Fire Event Report).

[431] *Id.* at 15–17. Momentary cessation occurs when inverters stop injecting current into the transmission system during high or low voltage/frequency conditions that are outside the continuous operating range. Inverters stop producing power and stop supporting voltage and frequency, effectively shutting themselves down temporarily (typically for up to five minutes). *See* NERC, *BPS-Connected Inverter-Based Resource Performance,* at 11–16 (Sept. 2018), *https://www.nerc.com/comm/PC_Reliability_Guidelines_DL/Inverter-Based_Resource_Performance_Guideline.pdf* (NERC IBR Performance Guideline).

[432] Southern California Edison Company and CAISO identified seven other instances of solar inverter-based resources either tripping or entering momentary cessation. *See* Blue Cut Fire Event Report at 3.

[433] NERC, *900 MW Fault Induced Solar Photovoltaic Resource Interruption Disturbance Report,* at 1 (Feb. 2018) (Canyon 2 Fire Event Report).

[434] NERC, *April and May 2018 Fault Induced Solar Photovoltaic Resource Interruption Disturbances Report* (Jan. 2019) (Angeles Forest and Palmdale Roost Events Report).

[435] San Fernando Disturbance Report at vi.

[436] *See* NERC, *Odessa Disturbance* (Sept. 2021) *https://www.nerc.com/pa/rrm/ea/Documents/Odessa_Disturbance_Report.pdf* (Odessa Disturbance Report); *see also* NERC and CAISO, *Multiple Solar PV Disturbances in CAISO* (Apr. 2022), *https://www.nerc.com/pa/rrm/ea/Documents/NERC_2021_California_Solar_PV_Disturbances_Report.pdf* (NERC/CAISO Joint Report).

[437] The present-day SCADA recording resolution is unable to capture events that occur at less than the scan rate of one to four seconds. *See* NERC, *Reliability Guideline: Improvements to Interconnection Requirements for BPS-Connected Inverter-Based Resources,* at 56 (Sept. 2019), *https://www.nerc.com/comm/PC_Reliability_Guidelines_DL/Reliability_Guideline_IBR_Interconnection_Requirements_Improvements.pdf* (NERC IBR Interconnection Requirements Guideline).

[438] *See generally* Blue Cut Fire Event Report; Canyon 2 Fire Event Report; Angeles Forest and Palmdale Roost Events Report; San Fernando Disturbance Report; Odessa Disturbance Report; and NERC/CAISO Joint Report.

[439] NERC, *Industry Recommendation Loss of Solar Resources during Transmission Disturbances due to Inverter Settings* (June 2017) (June 2017 NERC Alert); NERC, *Industry Recommendation Loss of Solar Resources During Transmission Disturbances due to Inverter Settings—II* (May 2018) (May 2018 NERC Alert).

[440] NERC, *Technical Report* (May 2020) (IRPTF Modeling Report); NERC, *WECC Base Case Review: Inverter-Based Resources* (Aug. 2020).

[441] *See* NERC IBR Performance Guideline; NERC IBR Interconnection Requirements Guideline.

[442] NERC, *IRPTF Review of NERC Reliability Standards* (Mar. 2020)*https://www.nerc.com/comm/PC/InverterBased%20Resource%20Performance%20Task%20Force%20IRPT/Review_of_NERC_Reliability_Standards_White_Paper.pdf;* NERC, *Odessa Disturbance Follow-Up* (Oct. 2021), *https://www.nerc.com/comm/RSTC_Reliability_Guidelines/White_Paper_Odessa_Disturbance_Follow-Up.pdf.*

[443] *See, e.g.,* San Fernando Disturbance Report at vi (''Many of the issues identified in this disturbance appear systemic and are not being widely addressed by the solar PV fleet.''); NERC/CAISO Joint Report at 30 (''BPS reliability is a critical factor during the interconnection process and presently plants are being interconnected in an unreliable manner based on studies that inadequately identify possible reliability issues prior to commercial operation''); Odessa Disturbance Report at 29 (''While the IRPWG reliability guidelines are some of the most downloaded guidelines produced and most widely used across the industry, it is clear that industry is not adopting the recommendations contained within NERC reliability guidelines.'').

[444] The IRPTF became the IBR Performance Working Group in October 2020 and then the IBR Performance Subcommittee in March 2022.

[445] NERC, *IRPTF White Papers, Technical Reports, and Assessments, https://www.nerc.com/comm/PC/Pages/Inverter-Based-Resource-Performance-Task-Force.aspx* (providing links to all IRPTF resources).

[446] NERC IBR Interconnection Requirements Guideline at 1.

current within the '[n]o [t]rip [z]one' of the currently effective version of Reliability Standard PRC–024'' to address issues with momentary cessation.[447] NERC states that non-synchronous generating facilities should be designed and configured to only use momentary cessation outside the ''no trip zone'' and only to ''mitigate potential tripping conditions based on interconnection studies.''[448]

v. Individual Transmission Providers' Filings

316. MISO and CAISO recently revised their *pro forma* generator interconnection agreements to account for momentary cessation of non-synchronous generating facilities. The revisions proposed by CAISO (and accepted by the Commission) clarify that momentary cessation of inverters during transient transmission line faults violates the existing requirement in CAISO's *pro forma* generator interconnection agreement to remain online unless transient high voltage conditions rise to 1.20 per unit or more.[449] The CAISO revisions also clarify that asynchronous[450] generating facility inverters may not trip or cease to inject current for momentary loss of synchrony within the ''no trip zone'' specified in Reliability Standard PRC–024–2.[451] Finally, the revisions require that when generating facilities trip or cease to inject current, they attempt to resynchronize promptly and consistently, going from no output to full output in one second or less.[452]

317. On October 5, 2020, the Commission accepted MISO's proposed revisions to its *pro forma* generator interconnection agreement to adopt recommendations from the NERC Guideline with regard to momentary cessation, phase jump immunity, monitoring, and protection settings.[453] As relevant here, MISO added a new subsection to Appendix G to its *pro forma* LGIA that states ''[m]omentary cessation (ceasing to inject current into the transmission system during a fault without mechanical isolation) is prohibited in [NERC] reliability standard PRC–024 no trip zone.''[454]

b. Need for Reform

i. Modeling Requirements

318. We preliminarily find that the *pro forma* LGIP and *pro forma* SGIP may be unduly discriminatory or preferential to the extent that they do not require non-synchronous generating facilities to provide accurate and validated models to transmission providers during the generator interconnection process. Specifically, while Attachment A to Appendix 1 of the *pro forma* LGIP and Attachment 2 to the *pro forma* SGIP require all generating facilities to submit certain types of information, the information required is only sufficient to accurately model the behavior of synchronous generating facilities. In contrast, given the electrical characteristics of the inverters used by non-synchronous generating facilities, additional information is required to achieve a comparable level of model fidelity.

319. Additionally, we are concerned that, without a reform to require interconnection customers developing non-synchronous generating facilities to provide sufficiently accurate and validated models, interconnection studies may not identify the appropriate interconnection facilities and network upgrades needed for that interconnection request. If the interconnection studies are not able to identify the appropriate interconnection facilities and network upgrades, then the interconnection costs assigned to that interconnection customer may be skewed, resulting in unjust and unreasonable rates for interconnection service.

ii. Ride-Through Requirements

320. We preliminarily find that the *pro forma* LGIA and *pro forma* SGIA ride-through provisions may result in undue discrimination and preferential treatment. While synchronous and non-synchronous generating facilities are different in many respects, both types of facilities are able to ''ride through'' system events and remain online and continue to provide real and reactive power following a disturbance.[455] Moreover, given the increasing prevalence of non-synchronous generating facilities, it is also clear that the loss of real and reactive power from such generating facilities following a system disturbance can have significant reliability impacts just like the loss of synchronous generating facilities.[456] Therefore, with respect to the issue of ride-through, both synchronous and non-synchronous generating facilities can be considered similarly situated.

321. Nevertheless, the existing *pro forma* LGIA and *pro forma* SGIA currently impose differing ride-through requirements because these provisions fail to account for a non-synchronous generating facilities' ability to engage in momentary cessation. As discussed above, the Blue Cut Fire and other disturbance events revealed that some non-synchronous generating facilities remained physically connected to the transmission system but, as designed or programmed, stopped or reduced their injection of real or reactive power onto the transmission system and entered into momentary cessation. Such performance by a non-synchronous generating facility can have the same impact on system reliability as would a similarly sized, synchronous generating facility prematurely tripping offline in response to a disturbance; however, this practice of momentary cessation is not expressly prohibited by the existing ride-through requirements because the generating facility still remains ''connected to and synchronized with the Transmission System'' as required by the *pro forma* LGIA and SGIA.[457]

322. In establishing the current *pro forma* LGIA and *pro forma* SGIA, the Commission did not specifically consider the issue of momentary cessation. When Order No. 2003 was promulgated, non-synchronous generating facilities represented a small proportion of the nation's installed generating capacity.[458] As a result, the momentary cessation of non-synchronous generating facilities was not a mode of operation that the Commission expressly addressed when it added article 9.7.3 to the *pro forma* LGIA and adopted the definition of ride-through in Order No. 2003.[459]

323. While the Commission subsequently implemented separate low-voltage ride-through requirements for wind generating facilities in Order Nos. 661 and 661–A, that requirement also did not address the possibility of momentary cessation. In Order No. 661, the Commission adopted a low voltage

[447] *Id.* The currently effective version of Reliability Standard PRC–24 establishes the ''no trip zone'' for frequency and voltage ride-through curves.

[448] *Id.* at 9.

[449] *Cal. Indep. Sys. Operator Corp.,* 168 FERC ¶ 61,003, at P 5 (2019).

[450] While inverter-based resources are often technically ''non'' synchronous, CAISO uses the term ''asynchronous'' generally to apply to any resource that does not generate at 60 Hz.

[451] *Cal. Indep. Sys. Operator Corp.,* 168 FERC ¶ 61,003 at P 6.

[452] *Id.* P 7, n.11 (citing CAISO, CAISO Tariff, app. EE, app. H (3.0.0), proposed section A(vi).

[453] *Midcontinent Indep. Sys. Operator, Inc.,* 173 FERC ¶ 61,014 (2020).

[454] *Id.* P 4.

[455] *See* NERC/CAISO Joint Report at 9 (''Multiple solar PV resources that exhibited momentary cessation . . . [have inverters that are no longer in production] . . . [N]ew inverters are able to provide current injection during low voltage ride-through events.'').

[456] *See supra* PP 309–312.

[457] *Pro forma* LGIA art. 9.7.3; *pro forma* SGIA art. 1.5.7.

[458] *See, e.g.,* EIA March Review at 176–177.

[459] Order No. 2003, 104 FERC ¶ 61,103 at PP 562, 566.

ride-through standard for wind generating facilities but explained that wind generating facilities would only be required to satisfy that ride-through requirement if the system impact study demonstrates that such capability is required to ensure safety or reliability.[460] However, in Order No. 661–A, the Commission granted rehearing and required all wind generating facilities to comply with the low-voltage ride-through provision without the case-by-case analysis.[461] Therefore, pursuant to Order No. 661–A, all wind generating facilities ''shall be able to remain online'' during voltage disturbances up to certain time periods and associated voltage levels.[462] This requirement to ''remain online'' does not appear to contemplate the possibility that a facility could remain physically connected to the transmission system but stop injecting real or reactive power.

324. More recently, in Order No. 828, the Commission added article 1.5.7 to the *pro forma* SGIA to require small generating facilities to ensure the capability to ride through system disturbances comparable to large generating facilities.[463] However, the Commission again did not specifically consider the issue of momentary cessation. As a result, neither article 9.7.3 of the *pro forma* LGIA nor article 1.5.7 of the *pro forma* SGIA expressly address whether the momentary cessation of non-synchronous generating facilities is permitted during system disturbances.

325. Given advances in inverter technology, we are concerned that the lack of performance requirements regarding the use of momentary cessation by non-synchronous generating facilities may not be supportable on either a technical basis (as this is largely a control settings issue) or on a cost basis (as implementing the appropriate inverter settings may not be costly).[464] Accordingly, we preliminarily find that the *pro forma* LGIA and *pro forma* SGIA ride-through provisions may be unduly discriminatory or preferential.

iii. Applicability of Ride-Through Requirements

326. We preliminarily find that the *pro forma* LGIA may also result in undue discrimination or preferential treatment due to a gap in the applicability of ride-through requirements to different generating facilities. While article 1.5.7 of the *pro forma* SGIA requires newly interconnecting small generating facilities to ride through abnormal frequency and voltage events and not disconnect during such events, the comparable article 9.7.3 of the *pro forma* LGIA does not explicitly require newly interconnecting large generating facilities to ride through such disturbance events, instead referring to requirements of ''the Applicable Reliability Council'' to ensure ride-through capability. By referencing the requirements of the ''Applicable Reliability Council'' rather than explicitly stating the ride-through requirements (as in article 1.5.7 of the *pro forma* SGIA), article 9.7.3 of the *pro forma* LGIA may create a gap in applicability because it would only apply to those generating facilities that are subject to the reliability standards, i.e., entities with facilities that meet the definition of ''bulk electric system'' facilities and are registered with NERC.[465] While most generating facilities seeking to interconnect to the transmission system are subject to the *pro forma* LGIP and *pro forma* LGIA (i.e, generating facilities above 20 MW) are already subject to the reliability standards, some are not. Specifically, generating facilities are not required to comply with reliability standards unless they have a gross individual nameplate rating greater than 20 MVA or gross plant/facility aggregate nameplate rating of greater than 75 MVA.[466] As a result, we are concerned that there does not appear to be any provision of the *pro forma* LGIA that explicitly requires generating facilities with a capacity above 20 MW but with a gross plant/facility aggregate nameplate rating of 75 MVA or less to ride through frequency or voltage disturbances. Similarly, generating facilities that do not explicitly possess an automatic voltage regulator, such as many non-synchronous generating facilities, are not subject to the provisions of article 9.6.2.1 of the *pro forma* LGIA, which are applicable only to generating facilities with speed governors and voltage regulators.

327. There does not appear to be any clear basis for these distinctions, nor has the Commission previously addressed this potential gap. As discussed above, all generating facilities newly interconnecting under the *pro forma* LGIA are technically capable of riding through such disturbances.[467] Given these facts, there does not appear to be any reason that generating facilities connecting under the *pro forma* LGIA that are subject to the reliability standards should be required to provide a higher level of performance than those that are not. Accordingly, we preliminarily find that the *pro forma* LGIA ride-through provisions may be unduly discriminatory or preferential.

c. Proposal

i. Modeling Requirements

328. We propose to revise the *pro forma* LGIP and *pro forma* SGIP to ensure that all interconnection customers requesting to interconnect a non-synchronous generating facility must provide the transmission provider with the models needed for accurate interconnection studies, as discussed below. This reform is intended to promote a consistent approach among all generating facilities to reliability, such that all interconnection customers are required to submit information sufficient to accurately model the behavior of their proposed generating facility. Pursuant to this proposal, interconnection customers requesting to interconnect a non-synchronous generating facility would be required to provide models that contain the details necessary to accurately model the performance of the generating facility in response to system disturbances in accordance with the control system settings that would be used by the interconnection customer during the commissioning and operation of the generating facility.

329. Specifically, we propose to revise Attachment A to Appendix 1 of the *pro forma* LGIP, and Attachment 2 of the

[460] Order No. 661, 111 FERC ¶ 61,353 at P 26.

[461] Order No. 661–A, 113 FERC ¶ 61,254 at P 31.

[462] *Id.* at app. B (''A wind generating plant shall be able to remain online during voltage disturbances up to the time periods and associated voltage levels set forth in the standard below.'').

[463] Order No. 828, 156 FERC ¶ 61,062 at P 11.

[464] *See, e.g.,* Ran Fu, et al., Nat'l Renewable Energy Lab'y, *U.S. Solar Photovoltaic System Cost Benchmark: Q1 2018,* at viii (Nov. 2018), *https://www.nrel.gov/docs/fy19osti/72399.pdf. See also Cal. Indep. Sys. Operator Corp.,* 168 FERC ¶ 61,003, at P 17.

[465] NERC's Commission-approved bulk electric system definition defines the scope of the Reliability Standards and the entities subject to NERC compliance. *Revisions to Electric Reliability Organization Definition of Bulk Electric System and Rules of Procedure,* Order No. 773, 78 FR 804 (Jan. 4, 2013), 141 FERC ¶ 61,236 (2012). NERC's bulk electric system definition includes transmission elements operated at 100 kV and above but does not include facilities used in the local distribution of electric energy. The bulk electric system definition also includes dispersed power producing resources (i.e., non-synchronous generation) that aggregate to a total capacity greater than 75 MVA. NERC, *Glossary of Terms Used in NERC Reliability Standards* (Oct. 8, 2020), *https://www.nerc.com/pa/Stand/Glossary%20of%20Terms/Glossary_of_Terms.pdf.*

[466] *See* Order No. 773, 141 FERC ¶ 61,236 at PP 12, 38; *see also* NERC Registry Criteria, section I, at 4.

[467] *See supra* note 464.

pro forma SGIP to require each interconnection customer requesting to interconnect a non-synchronous generating facility to submit to the transmission provider: (1) a validated user-defined root mean square (RMS) positive sequence dynamics model; (2) an appropriately parameterized, generic library RMS positive sequence dynamics model, including a model block diagram of the inverter control system and plant control system, that corresponds to a model listed in a new table of acceptable models or a model otherwise approved by WECC; and (3) a validated EMT model, if the transmission provider performs an EMT study as part of the interconnection study process.

330. First, regarding the validated user-defined model, we propose to define a ''user-defined model'' as any set of programming code created by equipment manufacturers or developers that captures the latest features of controllers that are mainly software based and represents the entities' control strategies but does not necessarily correspond to any particular generic library model. In order for this model to be ''validated,'' it must be confirmed that the equipment behavior is consistent with the model behavior. This can involve, for example, an attestation from the interconnection customer that the model accurately represents the entire generating facility, attestations from each equipment manufacturer that the user defined model accurately represents the component of the generating facilities, or test data.

331. Second, regarding the table of acceptable generic library models, this table is based on the current WECC list of approved dynamic models for renewable energy generating facilities.[468] WECC's list of approved dynamic models has also been integrated into NERC Guidelines.[469] These models represent the current state of the art with regard to dynamic modeling requirements for non-synchronous generating facilities.

332. We believe that these models represent the full spectrum of modeling data that transmission providers need to perform accurate interconnection studies for non-synchronous generating facilities. We recognize that the modeling data we propose to require from non-synchronous generating facilities may be more voluminous than that required of synchronous generating facilities; however, this data submission requirement is intended to result in a comparable level of modeling accuracy among all generating facilities.

333. An interconnection customer's failure to provide the above information within the deadlines established in the *pro forma* LGIP and *pro forma* SGIP would make the interconnection request incomplete and will be considered invalid in accordance with section 3.4.3 of the *pro forma* LGIP and section 1.3 of the *pro forma* SGIP. Pursuant to those provisions, if the interconnection customer does not cure the deficiency within the 10-day cure period, the interconnection request will be considered withdrawn pursuant to section 3.7 of the *pro forma* LGIP and section 1.3 of the *pro forma* SGIP.

334. We also propose to modify subsection 4.4.4 of the *pro forma* LGIP and section 1.4 of the *pro forma* SGIP to require that any proposed modification of the interconnection request be accompanied by updated models of the proposed generating facility. This will ensure that the transmission provider will be able to accurately model the impact of the interconnection request throughout the interconnection process.

335. We seek comment on whether these proposed reforms are necessary and/or sufficient to ensure that interconnection customers proposing non-synchronous generating facilities submit models during the generator interconnection process that accurately reflect the behavior of their proposed generating facility. Further, we seek comment on whether the inclusion of the table based on NERC Guidelines that cite WECC-approved models is appropriate. If not, we seek comment on how the Commission could require interconnection customers to submit models that are widely known in industry to be accurate without listing specific models.

ii. Ride-Through Requirements

336. We propose to require newly interconnecting non-synchronous generating facilities to continue current injection inside the ''no trip zone'' of the frequency and voltage ride-through curves of Reliability Standard PRC–024–3 or its successor standards, in accordance with NERC's recommendation in the NERC IBR Guideline.[470] Specifically, we propose to revise existing article 9.7.3 of the *pro forma* LGIA to require all newly interconnecting large generating facilities to ride through abnormal frequency and voltage conditions. The term ''ride-through'' is defined in article 9.7.3 of the *pro forma* LGIA as the ability of the large generating facility to stay connected to and synchronized with the transmission system during system disturbances within a range of under-frequency and over-frequency conditions. We propose to expand the ride-through definition to include the ability of the large generating facility to stay connected to and synchronized with the transmission system during system disturbances within under-voltage and over-voltage conditions as well.

337. In addition, we propose to revise article 9.7.3 of the *pro forma* LGIA and article 1.5.7 of the *pro forma* SGIA to require that any newly interconnecting non-synchronous generating facility must have the ability, during abnormal frequency conditions and voltage conditions within the ''no trip zone'' defined by Reliability Standard PRC–024–3 or its successor standards, to maintain power production at pre-disturbance levels unless providing primary frequency response or fast frequency response, and must have the ability to provide dynamic reactive power to maintain system voltage in accordance with the generating facility's voltage schedule. We find such a limited exception to be appropriate given Order No. 842, which requires all newly interconnecting generating facilities to provide primary frequency response during frequency deviations outside of the dead band parameter, pursuant to article 9.6.4 of the *pro forma* LGIA and article 1.8.4 of the *pro forma* SGIA.

338. We seek comment on whether adherence to these proposed requirements would be readily achievable through changes to control settings and whether such changes to control settings could be made at a relatively minor cost.

[468] *See* WECC, WECC Approved Dynamic Model Library (effective Jan. 28, 2022), *https://www.wecc.org/Reliability/Approved%20Dynamic%20Models%20January%202022.pdf.*

[469] NERC IBR Interconnection Requirements Guideline at 27 (''[T]he [transmission owner] should be clear in the types of models that are expected to be provided for the interconnection process. These models should, at a minimum, align with the list of acceptable models used for interconnection-wide modeling developed by NERC and the MOD–032 Designees.'') (citing WECC Approved Dynamic Model Library).

[470] NERC IBR Interconnection Requirements Guideline at 9.

iii. Applicability of Ride-Through Requirements

339. We believe that adding clarity to the expectations for all generating facilities to provide ride-through capability through modifications to the *pro forma* LGIA would ensure that all future interconnection customers are subject to clear and consistent frequency and voltage ride-through requirements. At present, the absence of a clear requirement for all generating facilities to maintain ride-through capability may unfairly place the responsibility for maintaining system reliability on the subset of generating facilities that ride through the disturbance. Furthermore, we have identified no technical or economic basis to require small and large generating facilities to follow different voltage and frequency ride-through requirements.[471]

340. Accordingly, we propose to revise article 9.7.3 of the *pro forma* LGIA to require that all newly interconnecting large generating facilities must provide ride-through capability consistent with any standards and guidelines that are applied to other generating facilities in the balancing authority area on a comparable basis. This proposed reform is intended to address the existing gap in the applicability of ride-through requirements for large generating facilities with a capacity above 20 MW and with a gross plant/facility aggregate nameplate rating 75 MVA or less. In addition, the proposed reform is consistent with existing language in article 1.5.7 of the *pro forma* SGIA that requires newly interconnecting small generating facilities to ride through abnormal frequency and voltage events and not disconnect during such events.

341. In addition to the substantive changes discussed above, we propose to replace the term ''Applicable Reliability Council'' with ''Electric Reliability Organization,'' and replace the term ''control area'' with ''Balancing Authority Area'' throughout the *pro forma* LGIP and *pro forma* LGIA. These proposed replacements reflect updated terminology.[472]

III. Proposed Compliance Procedures

342. We propose to require each transmission provider to submit a compliance filing within 180 days of the effective date of the final rule in this proceeding revising its LGIP, LGIA, SGIP, and SGIA, as necessary, to demonstrate that it meets the requirements set forth in any final rule issued in this proceeding. The Commission also proposes to permit appropriate entities to seek ''regional reliability variation'' or ''independent entity variations'' from the proposed revisions to the *pro forma*.[473] Some transmission providers may have provisions in their existing LGIPs, LGIAs, SGIPs, and SGIAs subject to the Commission's jurisdiction that the Commission has previously deemed to be consistent with or superior to the *pro forma* LGIP, *pro forma* LGIA, *pro forma* SGIP, and/or *pro forma* SGIA or permissible under the independent entity variation standard or regional reliability standard. Where these provisions would be modified by the final rule, transmission providers must either comply with the final rule or demonstrate that these previously-approved variations continue to be consistent with or superior to the *pro forma* as modified by the final rule or continue to be permissible under the independent entity variation standard or regional reliability standard.[474]

343. The Commission will assess whether each compliance filing satisfies the proposed requirements stated above and issue additional orders as necessary to ensure that each public utility transmission provider meets the requirements of the subsequent final rule.

344. We propose that transmission providers that are not public utilities will have to adopt the requirements of this Proposed Rule as a condition of maintaining the status of their safe harbor tariff or otherwise satisfying the reciprocity requirement of Order No. 888.[475]

IV. Information Collection Statement

345. The information collection requirements contained in this NOPR are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995.[476] OMB's regulations require approval of certain information collection requirements imposed by agency rules.[477] Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

346. The reforms proposed in this NOPR would revise the Commission's standard interconnection procedures and agreement (*i.e.*, the *pro forma* LGIP and *pro forma* LGIA) and the standard small generator interconnection procedures and agreement (*i.e.*, the *pro forma* SGIP and *pro forma* SGIA) that every public utility transmission provider is required to include in their non-discriminatory open access transmission tariff under § 35.28 of the Commission's regulations.[478] This NOPR proposes to require each transmission provider to amend the standard interconnection procedures and agreement and the standard small generator interconnection procedures and agreement in its open access transmission tariff to implement the reforms proposed in this NOPR, which are intended to ensure that the generator interconnection process is just and reasonable and not unduly discriminatory or preferential. We will submit the proposed reporting requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act.[479] The proposed revisions included in this NOPR would affect the following collections of information: FERC–516, Electric Rate Schedules and Tariff Filings, and FERC–516A, Standardization of Small Generator Interconnection Agreements and Procedures.

347. Interested persons may obtain information on the reporting

[471] Order No. 828, 156 FERC ¶ 61,062 at P 21.

[472] *See* NERC, *Glossary of Terms Used in NERC Reliability Standards* (Oct. 8, 2020), *https://www.nerc.com/pa/Stand/Glossary%20of%20Terms/Glossary_of_Terms.pdf.*

[473] *See, e.g.,* Order No. 2003, 104 FERC ¶ 61,103 at PP 822–827; Order No. 2006, 111 FERC ¶ 61,220 at PP 546–550; *see also* May Joint Task Force Tr. 41:3–7, 42:23–43:2 (Gladys Brown Dutrieuille) (expressing support for regional flexibility but also for FERC ''encourag[ing] interconnection efficiencies throughout the country by promoting best-in-class processes, such as variations in ways to cluster projects'').

[474] *See* May Joint Task Force Tr. 175:13–17 (Jason Stanek) (''I think we heard here today that regional flexibility remains important, but so does having some at least minimal national baseline because many of these generators are not just building in PJM or ISO-New England, but across the country.''); *id.* 22:22–25 (Riley Allen). (''[U]ltimately, there needs to be some room for flexibility among the regions, but I think there's some opportunities for more foundational aspects of reform to be common across regions as well.'').

[475] *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission on Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.,* Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036, at 31,760–763 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh'g,* Order No. 888–A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[476] 44 U.S.C. 3507(d).

[477] 5 CFR 1320.11 (2021).

[478] 18 CFR 35.28(f)(1) (2021).

[479] 44 U.S.C. 3507(d).

requirements by contacting Ellen Brown, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, via email (*DataClearance@ferc.gov*) or telephone (202) 502–8663.

348. We solicit comments on the Commission's need for this information; whether the information will have practical utility; the accuracy of the burden and cost estimates; ways to enhance the quality, utility, and clarity of the information to be collected or retained; and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

349. Please send comments concerning the collections of information and the associated burden estimates to the Office of Information and Regulatory Affairs, Office of Management and Budget, through *www.reginfo.gov/public/do/PRAMain.* Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Numbers 1902–0096 (FERC–516) and 1902–0203 (FERC–516A) in the subject line of your comments. Comments should be sent within 60 days of publication of this notice in the **Federal Register**.

350. Please submit a copy of your comments on the information collections to the Commission via the eFiling link on the Commission's website at *http://www.ferc.gov.* Comments on the information collection that are sent to FERC should refer to Docket No. RM22–14–000.

351. *Title:* Electric Rate Schedules and Tariff Filings (FERC–516) and Standardization of Small Generator Interconnection Agreements and Procedures (FERC–516A).

352. *Action:* Proposed revisions of collections of information.

353. *OMB Control Nos.:* 1902–0096 (FERC–516) and 1902–0203 (FERC–516A).

354. *Respondents:* Public utility transmission providers, including RTOs/ISOs.

355. *Frequency of Information Collection:* One time during Year 1. Multiple times during subsequent years.

356. *Necessity of Information:* We propose the reforms in this NOPR to address interconnection queue backlogs, improve certainty, prevent undue discrimination for new technologies, and ensure that the costs of network upgrades are allocated in a manner that is roughly commensurate with benefits. The reforms are intended to ensure that the generator interconnection process is just and reasonable and not unduly discriminatory or preferential.

357. *Internal Review:* We have reviewed the proposed reforms that impose information collection burdens and have determined that such reforms are necessary. These proposed reforms conform to the Commission's need for efficient information collection, communication, and management within the energy industry. We have specific, objective support for the burden estimates associated with the proposed information collection requirements.

358. *Public Reporting Burden:* Our estimates are based on the number of transmission providers that submitted compliance filings in response to Order No. 845, which is the Commission's most recent interconnection rulemaking that required transmission providers to revise their interconnection procedures and agreements. As such, we estimate that 45 transmission providers, including the RTOs/ISOs, will be subject to this rulemaking. The burden [480] and cost estimates below are based on (1) the initial need for transmission providers to file revised versions of the standard interconnection procedures and agreements in Year 1, and (2) ongoing information collection activities in connection with reporting and disclosure requirements in subsequent years. With regards to ongoing information collection activities, the NOPR proposes to add annual and quarterly information collection activities regarding the provision of public interconnection information, compilation and posting of metrics related to completion of cluster studies, compilation and posting of metrics related to penalties for late interconnection studies following the elimination of the reasonable efforts standard, and reporting related to the consideration of alternative technologies in interconnection requests. The NOPR also proposes an information collection requirement in which transmission providers will provide affected system operators with data monthly, or more frequently as needed, during the affected system study process. For other proposed reforms, we estimate no ongoing information collection burden because there is either no information collection aspect of the reform or the proposed requirements would merely supplant existing ones. We estimate that the reforms proposed in this NOPR would affect the burden and cost of FERC–516 and FERC–516A as follows.

PROPOSED CHANGES DUE TO NOPR IN DOCKET NO. RM22–14–000

Proposed requirements	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (rounded) (1) * (2) = (3)	Average burden (hr.) & cost ($) per response [481] (4)	Total annual burden hours & total annual cost ($) (rounded) (3) * (4) = (5)
FERC–516:					
Informational Interconnection Study.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Public Interconnection Information.	45 (TPs)	Year 1: 1 Ongoing: 2	Year 1: 45 Ongoing: 90	Year 1: 4 hr; $348 Ongoing: 4 hr; $348.	Year 1: 180 hr; $15,660 Ongoing: 360 hr; $31,320.
Cluster Study	45 (TPs)	Year 1: 1 Ongoing: 4	Year 1: 45 Ongoing: 180	Year 1: 80 hr; $6,960 Ongoing: 4 hr; $348.	Year 1: 3600 hr; $313,200 Ongoing: 720 hr; $62,640.
Allocation of Cluster Study Costs.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Allocation of Cluster Network Upgrades.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.

[480] "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[481] Commission staff estimates that respondents' hourly wages plus benefits are comparable to those of FERC employees. Therefore, the hourly cost used in this analysis is $87.00 ($180,703 per year).

[482] The ongoing burden estimated here reflects the estimated yearly average of the requirement to provide affected system operators with data monthly during the affected system study process.

PROPOSED CHANGES DUE TO NOPR IN DOCKET NO. RM22–14–000—Continued

Proposed requirements	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (rounded) (1) * (2) = (3)	Average burden (hr.) & cost ($) per response [481] (4)	Total annual burden hours & total annual cost ($) (rounded) (3) * (4) = (5)
Shared Network Upgrades	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Increased Study Deposits and LGIA Deposit.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Demonstration of Site Control.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Commercial Readiness	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Withdrawal Penalties	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Transition Process	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Elimination of Reasonable Efforts Standard.	45 (TPs)	Year 1: 1 Ongoing: 4	Year 1: 45 Ongoing: 180	Year 1: 80 hr; $6,960 Ongoing: 4 hr; $348.	Year 1: 3600 hr; $313,200 Ongoing: 720 hr; $62,640.
Affected Systems Study Process.	45 (TPs)	Year 1: 5 Ongoing: 5 [482]	Year 1: 225 Ongoing: 225	Year 1: 80 hr; $6,960 Ongoing: 80 hr; $6960.	Year 1: 18,000 hr; $1,566,000 Ongoing: 18,000 hr; $1,566,000.
Affected Systems Pro Forma Agreements.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Affected Systems Modeling and Study Assumptions.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Optional Resource Solicitation Study.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Co-Located Generation Sites Behind One Point of Interconnection with Shared Interconnection Requests.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Revisions to Material Modification to Require Consideration of Generating Facility Additions.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Availability of Surplus Interconnection Service.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Operating Assumptions for Interconnection Studies.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Consideration of Alternative Transmission Technologies in Interconnection Studies Upon Request of Interconnection Customer.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Annual Informational Report	45 (TPs)	Year 1: 1 Ongoing: 1	Year 1: 45 Ongoing: 45	Year 1: 4 hr; $348 Ongoing: 4 hr; $348.	Year 1: 180 hr; $15,660 Ongoing: 180 hr; $15,660.
Modeling Requirements	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Ride Through	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Applicability of Ride Through.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Total for FERC–516	Year 1: 1305 Ongoing: 720			Year 1: 49,680 hr; $4,322,160 Ongoing: 19,980 hr; $1,738,260.	
FERC–516A:					
Consideration of Alternative Transmission Technologies in Interconnection Studies Upon Request of Interconnection Customer.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 80 hr; $6,960 Ongoing: 0.	Year 1: 3600 hr; $313,200 Ongoing: 0.
Modeling Requirements: Transmission Providers.	45 (TPs)	Year 1: 1 Ongoing: 0	Year 1: 45 Ongoing: 0	Year 1: 4 hr; $348 Ongoing: 0.	Year 1: 180 hr; $15,660 Ongoing: 0.
Total for FERC–516A	Year 1: 90 Ongoing: 0			Year 1: 3780 hr; $328,860 Ongoing: 0	
Grand Total (FERC–516 plus FERC–516A, including all respondents).	Year 1: 1395 Ongoing: 0			Year 1: 53,460 hr; $4,651,020 Ongoing: 19,980 hr; $1,738,260.	

PROPOSED CHANGES DUE TO NOPR IN DOCKET NO. RM22–14–000—Continued

Proposed requirements	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (rounded) (1) * (2) = (3)	Average burden (hr.) & cost ($) per response [481] (4)	Total annual burden hours & total annual cost ($) (rounded) (3) * (4) = (5)
Grand Total Average Per Entity Cost (45 TPs).				Year 1: $103,356 Ongoing: $38,628.	

V. Environmental Analysis

359. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[483] We conclude that neither an Environmental Assessment nor an Environmental Impact Statement is required for this NOPR under § 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission's jurisdiction, plus the classification, practices, contracts, and regulations that affect rates, charges, classification, and services.[484]

VI. Regulatory Flexibility Act

360. The Regulatory Flexibility Act of 1980 [485] generally requires a description and analysis of proposed and final rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) sets the threshold for what constitutes a small business. Under SBA's size standards,[486] the RTOs/ISOs all fall under the category of Electric Bulk Power Transmission and Control (NAICS code 221121), with a size threshold of 500 employees (including the entity and its associates).[487] The six RTOs/ISOs (SPP, MISO, PJM, ISO–NE, NYISO, and CAISO) each employ more than 500 employees and are not considered small.

361. We estimate that 39 additional transmission providers (after removing RTO/ISOs) are affected by the reforms proposed in this NOPR. We estimate that 12 of the 39 transmission providers, approximately 31%, are small entities.

362. We estimate that one-time costs (in Year 1) associated with the reforms proposed in this NOPR for one transmission provider (as shown in the table above) would be $103,356. Following Year 1, we estimate that the annual ongoing costs for one transmission provider would be $38,628.

363. According to SBA guidance, the determination of significance of impact ''should be seen as relative to the size of the business, the size of the competitor's business, and the impact the regulation has on larger competitors.'' [488] We do not consider the estimated cost to be a significant economic impact. As a result, we certify that the reforms proposed in this NOPR would not have a significant economic impact on a substantial number of small entities.

VII. Comment Procedures

364. We invite interested persons to submit comments on the matters and issues proposed in this NOPR to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due October 13, 2022. Also, reply comments are due November 14, 2022. Comments must refer to Docket No. RM22–14–000, and must include the commenter's name, the organization they represent, if applicable, and their address.

365. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

366. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

367. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this NOPR are not required to serve copies of their comments on other commenters.

VIII. Document Availability

368. 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*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

369. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

[483] *Reguls. Implementing Nat'l Envt'l Pol'y Act of 1969,* Order No. 486, 52 FR 47,897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[484] 18 CFR 380.4(a)(15) (2021).

[485] 5 U.S.C. 601–612.

[486] 13 CFR 121.201.

[487] The RFA definition of ''small entity'' refers to the definition provided in the Small Business Act, which defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. The Small Business Administrations' regulations at 13 CFR 121.201 define the threshold for a small Electric Bulk Power Transmission and Control entity (NAICS code 221121) to be 500 employees. *See* 5 U.S.C. 601(3) (citing to Section 3 of the Small Business Act, 15 U.S.C. 632).

[488] U.S. Small Business Administration, *A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act,* at 18 (Aug 2017), *https://cdn.advocacy.sba.gov/wp-content/uploads/2019/06/21110349/How-to-Comply-with-the-RFA.pdf.*

370. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. E-mail the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Commissioner Danly is concurring with a separate statement attached.

Commissioner Christie is concurring with a separate statement attached.

Issued: June 16, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

Note: The following appendices will not be published in the Code of Federal Regulations.

Appendix A: Interconnection Study Metrics

TABLE 1—RTOS/ISOS INTERCONNECTION STUDY METRICS 2021 [489]

Transmission provider	Link	Completed studies	Studies completed past deadline	Current delayed studies	Withdrawals
CAISO	*http://oasis.caiso.com/mrioasis/logon.do*	179	116	0	88
ISO–NE	*https://www.oasis.oati.com/isne/*	44	31	19	25
MISO	*https://cdn.misoenergy.org/MISO %20Generator%20Interconnection% %20Metrics444684.pdf.*	778	754	385	204
NYISO	*https://www.nyiso.com/interconnections*	16	13	48	46
PJM	*https://www.pjm.com/-/media/planning/services-requests/interconnection-study-statistics.ashx.*	1,213	149	1,281	297

TABLE 2—NON-RTOS/ISOS INTERCONNECTION STUDY METRICS 2021 [490]

Transmission provider	Link	Completed studies	Completed past deadline	Current delayed studies	Withdrawals
Alabama Power Company (Southern Company).	*https://www.oasis.oati.com/SOCO/index.html.*	157			61
Arizona Public Service	*https://www.oasis.oati.com/azps/*	22	20	198	18
Avista Corp.	*https://www.oasis.oati.com/avat/*	20	19	35	3
Black Hills Colorado	*https://www.blackhillscorp.com/utilities-businesses/transmission/electric-transmission-services.*	3		2	2
Black Hills Power	*https://www.blackhillscorp.com/utilities-businesses/transmission/electric-transmission-services.*	1			
Dominion Energy South Carolina	*https://www.oasis.oati.com/SCEG/*	3	3	70	4
Duke Energy Carolinas	*http://www.oasis.oati.com/duk/index.html*	6	6	16	12
El Paso Electric Co	*https://www.oasis.oati.com/epe/index.html.*	1			2
Florida Power & Light	*https://www.oasis.oati.com/FPL/index.html.*	71	42	140	4
Gulf Power Company	*https://www.oasis.oati.com/gulf/index.html.*	24	15	37	
Idaho Power	*https://www.oasis.oati.com/ipco/*	42	2	45	9
Louisville Gas and Electric	*https://www.oasis.oati.com/LGEE/index.html.*	21	13	39	12
Nevada Power	*http://www.oasis.oati.com/NEVP/*	14		7	5
Northwestern Corp (Montana)	*http://www.oatioasis.com/NWMT/*	35	19	8	10
PacifiCorp	*https://www.oasis.oati.com/PPW/*	73	4	4	19
Portland General Electric Company.	*https://www.oasis.oati.com/PGE/*	5	3	10	4
Public Service Company of Colorado.	*https://www.oasis.oati.com/psco/index.html.*	28	7	7	1
Public Service Company of New Mexico.	*https://www.oasis.oati.com/PNM/*	23	23	78	5
Puget Sound Energy	*https://www.oasis.oati.com/psei/index.html.*	27	20	11	11
Tampa Electric Company	*https://www.oasis.oati.com/TEC/*	34	28	28	5
Tri-State Generation and Transmission.	*https://www.oasis.oati.com/tsgt/index.html.*	12			36
Tucson Electric Power Co.	*https://www.oasis.oati.com/tepc/*	24	18	6	2

[489] We do not include data from SPP in the table. SPP's normal interconnection queue processing has been modified to address its large queue backlog and transition to a new interconnection study process, thus its data is not clearly comparable to the other regions.

Appendix B: Compilation of proposed changes to the *pro forma* LGIP

Note: Proposed deletions are in brackets and proposed additions are in italics.

Section 1. Definitions

* * *

Affected System Facilities Construction Agreement *shall mean the form of agreement contained in Appendix 16 of this LGIP for facilitating the construction of necessary Affected System Network Upgrades on Transmission Provider's Transmission System.*

Affected System Interconnection Customer *shall mean any entity that proposes interconnection of a device for the production and/or storage for later injection of electricity to a transmission system other than Transmission Provider's Transmission System.*

Affected System Network Upgrades *shall mean the additions, modifications, and upgrades to Transmission Provider's Transmission System required to accommodate Affected System Interconnection Customer's proposed interconnection to a transmission system other than Transmission Provider's Transmission System.*

* * *

Affected System Scoping Meeting *shall mean a meeting between representatives of Affected System Interconnection Customer and Transmission Provider for the purpose of discussing the potential impacts on Transmission Provider's Transmission System and how they may be mitigated.*

Affected System Study *shall mean the evaluation of Affected System Interconnection Customers' proposed interconnection(s) to a transmission system other than Transmission Provider's Transmission System that have an impact on Transmission Provider's Transmission System, as described in more detail in Section 9 of this LGIP.*

Affected System Study Agreement *shall mean the agreement contained in Appendix 15 to this LGIP that is made between Transmission Provider and Affected System Interconnection Customer to conduct an Affected System Study pursuant to Section 9 of this LGIP.*

Affected System Study Report *shall mean the report issued following completion of an Affected System Study pursuant to Section 9.6 of this LGIP.*

* * *

[**Applicable Reliability Council** shall mean the reliability council applicable to the Transmission System to which the Generating Facility is directly interconnected.]

Applicable Reliability Standards shall mean the requirements and guidelines of [NERC,]the [Applicable Reliability Council]*Electric Reliability Organization* and the [Control Area]*Balancing Authority Area* of the Transmission System to which the Generating Facility is directly interconnected.

Balancing Authority *shall mean an entity that integrates resource plans ahead of time, maintains load interchange-generation balance within a Balancing Authority Area, and supports interconnection frequency in real time.*

Balancing Authority Area *shall mean the collection of generation, transmission, and loads within the metered boundaries of the Balancing Authority. The Balancing Authority maintains load-resource balance within this area.*

* * *

Cluster *shall mean a group of one or more Interconnection Requests that are studied together for the purpose of conducting the Cluster Study or Optional Resource Solicitation Study.*

Cluster Request Window *shall mean the time period set forth in Section 3.4.1 of this LGIP.*

Cluster Re-Study *shall mean a re-study of a Cluster Study conducted pursuant to Section 7.5 of this LGIP.*

Cluster Re-Study Meeting *shall mean the meeting held to discuss the results of a Cluster Re-Study pursuant to Section 7.5 of this LGIP.*

Cluster Re-Study Report *shall mean the report issued following completion of a Cluster Re-Study pursuant to Section 7.5 of this LGIP.*

Cluster Study *shall mean the evaluation of one or more Interconnection Requests within a Cluster as described in more detail in Section 7 of this LGIP.*

Cluster Study Agreement *shall mean the form of agreement contained in Appendix 3 to this LGIP for conducting the Cluster Study.*

Cluster Study Process *shall mean the following processes, conducted in sequence: the Cluster Request Window; the Customer Engagement Window and Scoping Meetings therein; the Cluster Study; any needed Cluster Re-Studies; and the Interconnection Facilities Study.*

Cluster Study Report *shall mean the report issued following completion of a Cluster Study pursuant to Section 7 of this LGIP.*

Cluster Study Report Meeting *shall mean the meeting held to discuss the results of a Cluster Study pursuant to Section 7 of this LGIP.*

Clustering shall mean the process whereby *one or more* [a group of]Interconnection Requests [is]are studied together, instead of serially, [for the purpose of conducting the Interconnection System Impact Study]*as described in more detail in Section 7 of this LGIP.*

Co-Located Resource *shall mean multiple Generating Facilities located on the same site.*

* * *

Commercial Readiness Demonstration *shall have the meaning set forth in Sections 3.4.2, 7.5, and 8.1 of this LGIP.*

Commercial Readiness Deposit *shall mean a deposit paid in lieu of submitting a Commercial Readiness Demonstration, as set forth in Sections 3.4.2, 7.5, and 8.1 of this LGIP.*

* * *

[**Control Area** shall mean an electrical system or systems bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the interconnection. A Control Area must be certified by an Applicable Reliability Council.]

Customer Engagement Window *shall mean the time period set forth in Section 3.4.5 of this LGIP.*

* * *

Electric Reliability Organization *shall mean NERC.*

Electric Storage Resource *shall mean a resource capable of receiving electric energy from the grid and storing it for later injection of electric energy back to the grid.*

* * *

Generating Facility shall mean Interconnection Customer's device for the production and/or storage for later injection of electricity identified in the Interconnection Request, but shall not include [the]Interconnection Customer's Interconnection Facilities.

* * *

Informational Interconnection Study *shall mean a sensitivity analysis based on assumptions specified by the prospective Interconnection Customer in the Informational Interconnection Study Agreement and conducted pursuant to Section 6.1–6.3 of this LGIP.*

Informational Interconnection Study Agreement *shall mean the form of agreement contained in Attachment A to Appendix 2 of this LGIP for conducting the Informational Interconnection Study.*

Informational Interconnection Study Request *shall mean a prospective Interconnection Customer's request in the form of Appendix 2 to this LGIP.*

* * *

Interconnection Facilities shall mean [the]Transmission Provider's Interconnection Facilities and [the]Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Interconnection, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to [the]Transmission Provider's Transmission System. Interconnection Facilities are sole use facilities *by Interconnection Customer* and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades. *Multiple Generating Facilities located on the same site of Interconnection Customer may use Interconnection Facilities.*

Interconnection Facilities Study shall mean a study conducted by [the]Transmission Provider or a third party consultant for [the]Interconnection Customer to determine a list of facilities (including Transmission Provider's Interconnection Facilities and Network Upgrades as identified in the [Interconnection System Impact]*Cluster Study*), the cost of those

[490] This table excludes the following non-RTO/ISO transmission providers that have not reported interconnection study information for 2021: Basin Electric Power Coop., Cheyenne Light, Fuel, and Power Co., Cube Yadkin Transmission, LLC, Deseret Generation and Transmission Coop., Golden Spread Coop, MATL LLP, UNS Electric, Inc., and Versant Power.

facilities, and the time required to interconnect the Generating Facility with[the] Transmission Provider's Transmission System. The scope of the study is defined in Section 8 of *this LGIP*[the Standard Large Generator Interconnection Procedures].

* * *

[**Interconnection Feasibility Study** shall mean a preliminary evaluation of the system impact and cost of interconnecting the Generating Facility to Transmission Provider's Transmission System, the scope of which is described in Section 6 of the Standard Large Generator Interconnection Procedures.]

[**Interconnection Feasibility Study Agreement** shall mean the form of agreement contained in Appendix 2 of the Standard Large Generator Interconnection Procedures for conducting the Interconnection Feasibility Study.]

* * *

Interconnection Study shall mean any of the following studies: the *Informational* Interconnection [Feasibility]Study, *the Cluster Study,* [the Interconnection System Impact Study,] *the Optional Resource Solicitation Study, the Surplus Interconnection Service System Impact Study*, and the Interconnection Facilities Study, described in this LGIP.

[**Interconnection System Impact Study** shall mean an engineering study that evaluates the impact of the proposed interconnection on the safety and reliability of Transmission Provider's Transmission System and, if applicable, an Affected System. The study shall identify and detail the system impacts that would result if the Generating Facility were interconnected without project modifications or system modifications, focusing on the Adverse System Impacts identified in the Interconnection Feasibility Study, or to study potential impacts, including but not limited to those identified in the Scoping Meeting as described in the Standard Large Generator Interconnection Procedures.]

[**Interconnection System Impact Study Agreement** shall mean the form of agreement contained in Appendix 3 of the Standard Large Generator Interconnection Procedures for conducting the Interconnection System Impact Study.]

* * *

Material Modification shall mean those modifications that have a material impact on the cost or timing of any Interconnection Request with a later *or equal Queue Position*[queue priority date].

* * *

Optional Resource Solicitation Study *shall mean the informational evaluation of one or more Interconnection Requests for a Resource Planning Entity as described in more detail in Section 4.2.2 of this LGIP.*

* * *

Proportional Impact Method *shall mean a technical analysis conducted by the transmission provider to determine the degree to which each generating facility in the cluster contributes to the need for a specific network upgrade.*

* * *

Queue Position shall mean the order of a valid Interconnection Request, relative to all other pending valid Interconnection Requests, that is established based upon the date and time [of receipt of the valid]*that* Interconnection[Request by the Transmission Provider] *Customer satisfies all of the requirements of Section 3.4.2 of this LGIP to enter the Cluster Study. All Interconnection Requests within a Cluster are considered equally queued.*

* * *

Resource Plan *shall mean any process for, inter alia, the selection of Generating Facilities that is competitive, substantively state agency-reviewed and approved, or state agency-managed, and authorized or required by Applicable Laws and Regulations.*

Resource Planning Entity *shall mean any entity required to develop a Resource Plan or conduct a Resource Solicitation Process, including a state entity or load serving entity.*

Resource Solicitation Process *shall mean any process for the acquisition of Network Resources that is competitive, substantively state agency-reviewed and approved, or state agency-managed, and authorized or required by Applicable Laws and Regulations.*

Scoping Meeting shall mean the meeting between representatives of [the]Interconnection Customer*(s)* and Transmission Provider conducted for the purpose of discussing *the proposed interconnection request and any* alternative interconnection options, [to]exchang[e]*ing* information including any transmission data and earlier study evaluations that would be reasonably expected to [impact]*affect* such interconnection options, [to]analyz[e]*ing* such information, and [to]determin[e]*ing* the potential feasible Points of Interconnection.

Shared Network Upgrade *shall mean a Network Upgrade that has been assigned to an Interconnection Customer(s) and is subsequently identified as necessary to accommodate the interconnection of the Large Generating Facility of an Interconnection Customer(s) in a later Cluster and meets the requirements pursuant to the process outlined in Section 3.10 of this LGIP.*

Site Control shall mean [documentation reasonably demonstrating]*the exclusive land right to develop, construct, operate, and maintain the Generating Facility over the term of expected operation of the Generating Facility. Site Control may be demonstrated by documentation establishing:* (1) ownership of, a leasehold interest in, or a right to develop a site [for the purpose of constructing]*of sufficient size to construct and operate* the Generating Facility *or multiple Generating Facilities on a shared site behind one Point of Interconnection;* (2) an option to purchase or acquire a leasehold site for such purpose; [or](3) [an exclusivity or other business relationship between]*site of sufficient size to construct and operate the Generating Facility; or (4) any other documentation that clearly demonstrates the right of Interconnection Customer*[and the entity having the right to sell, lease or grant Interconnection Customer the right to possess or]to exclusively occupy a site [for such purpose.]*of sufficient size to construct and operate the Generating Facility. Site Control for any Co-Located Resource is demonstrated by a contract or other agreement demonstrating shared land use for all Co-Located Resources that meet the aforementioned provisions of this Site Control definition.*

* * *

Stand Alone Network Upgrades shall mean Network Upgrades that are not part of an Affected System that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction *and, as indicated under proportional impact analysis, are only required for a single Interconnection Request.* Both [the]Transmission Provider and [the]Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement. If [the]Transmission Provider and Interconnection Customer disagree about whether a particular Network Upgrade is a Stand Alone Network Upgrade, [the]Transmission Provider must provide [the]Interconnection Customer a written technical explanation outlining why [the]Transmission Provider does not consider the Network Upgrade to be a Stand Alone Network Upgrade within 15 days of its determination.

* * *

Transitional Cluster Study *shall mean an Interconnection Study evaluating a Cluster of Interconnection Requests during the transition to the Cluster Study Process, as set forth in Section 5.1.1.2 of this LGIP.*

Transitional Cluster Study Report *shall mean the report issued following completion of a Transitional Cluster Study pursuant to Section 5.1.1.2 of this LGIP.*

Transitional Serial Interconnection Facilities Study *shall mean an Interconnection Facilities Study evaluating an Interconnection Request on a serial basis during the transition to the Cluster Study Process, as set forth in Section 5.1.1.1 of this LGIP.*

* * *

Transmission Provider's Interconnection Facilities shall mean all facilities and equipment owned, controlled, or operated by [the]Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades. *Transmission Provider's Interconnection Facilities may be shared by more than one Generating Facility in a given Cluster Study or by Generating Facilities that are part of a Co-Located resource.*

* * *

Withdrawal Penalty *shall mean the penalty assessed by Transmission Provider to an Interconnection Customer that chooses to withdraw from the queue or does not otherwise reach Commercial Operation. The calculation of the Withdrawal Penalty is set forth in Section 3.7.1 of this LGIP.*

* * *

Section 2. Scope and Application

* * *

2.2 Comparability

Transmission Provider shall receive, process and analyze all Interconnection Requests in a timely manner as set forth in this LGIP. Transmission Provider [will use the same Reasonable Efforts]*shall* process[ing] and analyze[ing] Interconnection Requests from all Interconnection Customers comparably, *regardless of* whether the Generating Facilities are owned by Transmission Provider, its subsidiaries or Affiliates or others.

* * *

Section 3. Interconnection Requests

3.1 [General.] *Interconnection Requests*

3.1.1 Study Deposits

3.1.1.1 Initial Study Deposit

An Interconnection Customer shall submit to Transmission Provider, *during a Cluster Request Window,* an Interconnection Request in the form of Appendix 1 to this LGIP, *an application fee of $5,000,* and a refundable *study* deposit of[$10,000]:

a. *$35,000 plus $1,000 per MW for requests ≥ 20 MW < 80 MW, or*;

b. $150,000 for requests ≥ 80 MW < 200 MW; or

c. $250,000 for requests ≥ 200 MW.

Transmission Provider shall apply the *initial study* deposit toward the cost of *the Cluster* [an Interconnection Feasibility]Study Process.

3.1.1.2 Additional Study Deposits

Interconnection Customer is required to submit a study deposit of the same amount required in Section 3.1.1.1 of this LGIP at the following points in the interconnection study process:

a. Within 20 calendar days after the Cluster Study Report Meeting, which Transmission Provider will use towards Cluster Re-Studies, if needed; and

b. Simultaneously with the submission of an executed Interconnection Facilities Study Agreement, or with a request to Transmission Provider to file the LGIA unexecuted, which Transmission Provider will use towards the Interconnection Facilities Study.

3.1.1.3 LGIA Deposit

As also discussed in Section 11.3 of this LGIP, when returning the executed, or requested to be filed unexecuted, LGIA to Transmission Provider, Interconnection Customer is required to submit a deposit equal to nine times the amount required in Section 3.1.1.1 of this LGIP.

An Interconnection Customer that does not provide the study deposit when returning the executed, or requested to be filed unexecuted, LGIA shall be deemed withdrawn from the interconnection queue pursuant to Section 3.7 of this LGIP.

3.1.2 Submission

Interconnection Customer shall submit a separate Interconnection Request for each site and may submit multiple Interconnection Requests for a single site. Interconnection Customer must submit a deposit with each Interconnection Request even when more than one request is submitted for a single site. *If there are Co-Located Resources on the same site, Interconnection Customer may submit separate Interconnection Requests or a single Interconnection Request.* An Interconnection Request to evaluate one site at two different voltage levels shall be treated as two Interconnection Requests *unless the Generating Facility, as it proposes to interconnect, includes technology that Transmission Provider deems acceptable to ensure there is no voltage difference. Interconnection Customers evaluating different options (such as different sizes, sites, or voltages) are encouraged but not required to use the Informational Interconnection Study (Section 6.1 of this LGIP) before entering the Cluster Study.*

At Interconnection Customer's option, Transmission Provider and Interconnection Customer will identify alternative Point(s) of Interconnection and configurations at [the]*a* Scoping Meeting *within the Customer Engagement Window* to evaluate in this process and attempt to eliminate alternatives in a reasonable fashion given resources and information available. Interconnection Customer will select the definitive Point[(s)] of Interconnection to be studied no later than the execution of the [Interconnection Feasibility Study Agreement.]*Cluster Study Agreement. For purposes of clustering Interconnection Requests, Transmission Provider may make reasonable changes to the requested Point of Interconnection to facilitate efficient interconnection of Interconnection Customers at common Point(s) of Interconnection. Transmission Provider shall notify Interconnection Customers in writing of any intended changes to the requested Point of Interconnection and the Point of Interconnection shall only change upon mutual agreement.*

Transmission Provider shall have a process in place to consider requests for Interconnection Service below the Generating Facility Capacity. These requests for Interconnection Service shall be studied at the level of Interconnection Service requested for purposes of Interconnection Facilities, Network Upgrades, and associated costs, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability of the system, with the study costs borne by [the]Interconnection Customer. If after the additional studies are complete, Transmission Provider determines that additional Network Upgrades are necessary, then Transmission Provider must: (1) specify which additional Network Upgrade costs are based on which studies; and (2) provide a detailed explanation of why the additional Network Upgrades are necessary. Any Interconnection Facility and/or Network Upgrade costs required for safety and reliability also would be borne by [the]Interconnection Customer. Interconnection Customers may be subject to additional control technologies as well as testing and validation of those technologies consistent with Article 6 of the LGIA. The necessary control technologies and protection systems shall be established in Appendix C of that executed, or requested to be filed unexecuted, LGIA.

Transmission Provider shall have a process in place to study Electric Storage Resources and Co-Located Resources containing Electric Storage Resources (including hybrid resources) using operating assumptions, including charge and discharge parameters, that reflect the proposed operation of the Generating Facility as requested by Interconnection Customer, unless Good Utility Practice, including applicable reliability standards, otherwise requires use of different operating assumptions. These requests for Interconnection Service shall be studied using the requested operating assumptions for purposes of Interconnection Facilities, Network Upgrades, and associated costs, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability of the system, with the study costs borne by Interconnection Customer. Interconnection Customers may be subject to additional control technologies as well as testing and validation of those technologies consistent with Article 6 of the LGIA. The necessary control technologies and protection systems shall be established in Appendix C of that executed, or requested to be filed unexecuted, LGIA.

* * *

3.2.1 Energy Resource Interconnection Service

* * *

3.2.1.2 The Study. The study consists of short circuit/fault duty, steady state (thermal and voltage) and stability analyses. The short circuit/fault duty analysis would identify direct Interconnection Facilities required and the Network Upgrades necessary to address short circuit issues associated with the Interconnection Facilities. The stability and steady state studies would identify necessary upgrades to allow full output of the proposed Large Generating Facility, *except for Electric Storage Resources and Co-Located Resources containing Electric Storage Resources (including hybrid resources) that request to use operating assumptions pursuant to section 3.1.2,* and would also identify the maximum allowed output, at the time the study is performed, of the interconnecting Large Generating Facility without requiring additional Network Upgrades.* * *

3.2.2 Network Resource Interconnection Service

* * *

3.2.2.2 The Study. The Interconnection Study for Network Resource Interconnection Service shall assure that Interconnection Customer's Large Generating Facility meets the requirements for Network Resource Interconnection Service and as a general matter, that such Large Generating Facility's interconnection is also studied with Transmission Provider's Transmission System at peak load, under a variety of severely stressed conditions, to determine whether, with the Large Generating Facility at full output, *except for Electric Storage Resources and Co-Located Resources*

containing Electric Storage Resources (including hybrid resources) that request to use operating assumptions pursuant to section 3.1.2, the aggregate of generation in the local area can be delivered to the aggregate of load on Transmission Provider's Transmission System, consistent with Transmission Provider's reliability criteria and procedures. This approach assumes that some portion of existing Network Resources are displaced by the output of Interconnection Customer's Large Generating Facility. Network Resource Interconnection Service in and of itself does not convey any right to deliver electricity to any specific customer or Point of Delivery. The Transmission Provider may also study the Transmission System under non-peak load conditions. However, upon request by the Interconnection Customer, the Transmission Provider must explain in writing to the Interconnection Customer why the study of non-peak load conditions is required for reliability purposes.

* * *

3.3 Utilization of Surplus Interconnection Service

3.3.1 Surplus Interconnection Service Request

Surplus Interconnection Service requests may be made by the existing Interconnection Customer [whose Generating Facility is already interconnected]or one of its affiliates or may *be submitted once Interconnection Customer has executed the LGIA or requested that the LGIA be filed unexecuted, even prior to Commercial Operation.* Surplus Interconnection Service requests also may be made by another Interconnection Customer. Transmission Provider shall provide a process for evaluating Interconnection Requests for Surplus Interconnection Service. Studies for Surplus Interconnection Service shall consist of reactive power, short circuit/fault duty, stability analyses, and any other appropriate studies. Steady-state (thermal/voltage) analyses may be performed as necessary to ensure that all required reliability conditions are studied. If the Surplus Interconnection Service was not studied under off-peak conditions, off-peak steady state analyses shall be performed to the required level necessary to demonstrate reliable operation of the Surplus Interconnection Service. If the original System Impact Study *report or Cluster Study Report* is not available for the Surplus Interconnection Service, both off-peak and peak analysis may need to be performed for the existing Generating Facility associated with the request for Surplus Interconnection Service. The reactive power, short circuit/fault duty, stability, and steady-state analyses for Surplus Interconnection Service will identify any additional Interconnection Facilities and/or Network Upgrades necessary.

3.4 Valid Interconnection Request

3.4.1 Cluster Request Window

Transmission Provider shall accept Interconnection Requests during a forty-five (45) Calendar Day period (the Cluster Request Window). The initial Cluster Request Window shall open for Interconnection Requests beginning {Transmission Provider to provide Month and Day (e.g., January 1)} following commencement of the transition process set out in Section 5.1 of this LGIP and successive Cluster Request Windows shall open annually every {Transmission Provider to provide Month and Day (e.g., January 1)} thereafter.

3.4.[1]*2* Initiating an Interconnection Request

An Interconnection Customer seeking to join a Cluster shall submit its Interconnection Request to Transmission Provider within, and no later than the close of, the Cluster Request Window. To initiate an Interconnection Request, Interconnection Customer must submit all of the following *for its proposed Generating Facility*:

(i) [a $10,000 deposit,]*applicable deposit amount, pursuant to Section 3.1.1.1 of this LGIP,*

(ii) a completed application in the form of Appendix 1 *(including applicable technical information),* [and]

(iii) demonstration of Site Control [or a posting of an additional deposit of $10,000.]{*Transmission Provider to insert acreage requirements for each Generating Facility technology type*}.

In the event that regulatory limitations prohibit Interconnection Customer from obtaining Site Control, Interconnection Customer may submit an initial deposit in lieu of Site Control of $10,000 per MW, subject to a floor of $500,000 and a ceiling of $2,000,000. Such deposits shall be applied toward any Interconnection Studies *or Withdrawal Penalty, if applicable,* pursuant to the Interconnection Request. If Interconnection Customer demonstrates Site Control within the cure period specified in Section [3.4.3]*3.4.4 of this LGIP* after submitting its Interconnection Request, the additional deposit shall be refundable; otherwise, all such deposit(s), additional and initial, become non-refundable.

In order to demonstrate regulatory limitations, Interconnection Customer must provide: (1) a signed affidavit from an officer of the company indicating that Site Control is unobtainable due to regulatory requirements; and (2) documentation sufficiently describing and explaining the source and effects of such regulatory restrictions, including a description of any conditions that must be met to satisfy the regulatory restrictions and the anticipated time by which Interconnection Customer expects to satisfy the regulatory restrictions.

An Interconnection Customer that submits a deposit in lieu of site control due to demonstrated regulatory limitations must demonstrate 100% Site Control for its Generating Facility prior to Transmission Provider commencing the Interconnection Facilities Study. If Interconnection Customer does not demonstrate 100% Site Control for its Generating Facility prior to Transmission Provider commencing the Interconnection Facilities Study, its Interconnection Request will be deemed withdrawn, pursuant to Section 3.7 of this LGIP.

(iv) Generating Facility size (MW) (and requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity);

(v) If applicable, (1) the requested operating assumptions, such as charge and discharge parameters, to be used by Transmission Provider that reflect the proposed operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource), and (2) a description of any control technologies (software and/or hardware) that will limit the operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource) to its intended operation.

(vi) One of the following Commercial Readiness Demonstration options totaling the entire Generating Facility Capacity (or requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity), or in the alternative, a Commercial Readiness Deposit equal to two times the study deposit described in Section 3.1.1.1 of this LGIP in the form of an irrevocable letter of credit or cash in lieu of the Commercial Readiness Demonstration. The security is refunded to Interconnection Customer according to Section 3.7 of this LGIP.

(a) Executed term sheet (or comparable evidence) related to a contract for sale of (1) the constructed Generating Facility to a load-serving entity or to a commercial, industrial, or other large end-use customer, (2) the Generating Facility's energy or capacity where the term of sale is not less than five (5) years, or (3) the Generating Facility's ancillary services where the term of sale is not less than five (5) years;

(b) Reasonable evidence that the Generating Facility has been selected in a Resource Plan or Resource Solicitation Process by or for a load-serving entity, is being developed by a load-serving entity, or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer;

(c) A Provisional LGIA that has been filed at the Commission executed, or requested to be filed unexecuted, which is not in suspension pursuant to Article 5.16 of the LGIA, and includes a commitment to construct the Generating Facility; or

(vii) A Point of Interconnection; and

(viii) Whether the Interconnection Request shall be studied as a Network Resource Interconnection Service or an Energy Resource Interconnection Service, consistent with Section 3.2 of this LGIP.

Interconnection Customer shall promptly inform Transmission Provider of any material change to Interconnection Customer's demonstration of Site Control under Section 3.4.2(iii) of this LGIP or its satisfaction of a Commercial Readiness Demonstration as selected under Section 3.4.2(vi)(a)–(c) of this LGIP. If Transmission Provider determines, based on Interconnection Customer's information, that Interconnection Customer no longer satisfies Site Control or a Commercial Readiness Demonstration, Transmission Provider shall give Interconnection Customer ten (10) Business Days to demonstrate the applicable requirement to Transmission Provider's

satisfaction. If the material change is related to Interconnection Customer's Commercial Readiness Demonstration, Interconnection Customer has the option to submit a Commercial Readiness Deposit pursuant to Section 3.4.2(vi)(d) of this LGIP before the end of the ten (10) Business Day cure period. Absent such, Transmission Provider will deem the subject Interconnection Request withdrawn pursuant to Section 3.7 of this LGIP.

3.4.[2]*3* Acknowledgment of Interconnection Request

* * *

3.4.[3]*4* Deficiencies in Interconnection Request

An Interconnection Request will not be considered to be a valid request until all items in Section [3.4.1]*3.4.2 of this LGIP* have been received by Transmission Provider. If an Interconnection Request fails to meet the requirements set forth in Section [3.4.1]*3.4.2 of this LGIP,* Transmission Provider shall notify Interconnection Customer within five (5) Business Days of receipt of the initial Interconnection Request of the reasons for such failure and that the Interconnection Request does not constitute a valid request. Interconnection Customer shall provide Transmission Provider the additional requested information needed to constitute a valid request within ten (10) Business Days after receipt of such notice *but no later than the close of the Cluster Request Window. At any time, if Transmission Provider identifies that the technical data provided by Interconnection Customer is incomplete or contains errors, Interconnection Customer and Transmission Provider shall work expeditiously and in good faith to remedy such issues.* Failure by Interconnection Customer to comply with this Section 3.4.[3]*4 of this LGIP* shall be treated in accordance with Section 3.7 *of this LGIP.*

3.4.5 Customer Engagement Window

Upon the close of each Cluster Request Window, Transmission Provider will open a thirty (30) Calendar Day period (Customer Engagement Window). During the Customer Engagement Window, Transmission Provider shall hold a Scoping Meeting with all interested Interconnection Customers. Notwithstanding the preceding requirements and upon written consent of all Interconnection Customers within a specific Cluster, Transmission Provider may shorten the Customer Engagement Window and begin the Cluster Study. Within the first ten (10) Business Days following the close of the Cluster Request Window, Transmission Provider shall post on its OASIS site a list of Interconnection Requests for that Cluster. The list shall identify, for each Interconnection Request: (1) the requested amount of Interconnection Service; (2) the location by county and state; (3) the station or transmission line or lines where the interconnection will be made; (4) the projected In-Service Date; (5) the type of Interconnection Service requested; and (6) the type of Generating Facility or Facilities to be constructed, including fuel types, such as wind, natural gas, coal, or solar. During the Customer Engagement Window, Transmission Provider will provide to Interconnection Customer a non-binding updated good faith estimate of the cost and timeframe for completing the Cluster Study and a Cluster Study Agreement to be executed prior to the close of the Customer Engagement Window.

At the end of the Customer Engagement Window, all Interconnection Requests deemed valid that have executed a Cluster Study Agreement in the form of Appendix 3 shall be included in that Cluster Study. Any Interconnection Requests not deemed valid at the close of the Customer Engagement Window shall not be included in that Cluster. Immediately following the Customer Engagement Window, Transmission Provider shall initiate the Cluster Study described in more detail in Section 7 of this LGIP.

3.4.[4]*6* *Cluster Study* Scoping Meetings

[Within ten (10) Business Days after receipt of a valid Interconnection Request]*During the Customer Engagement Window,* Transmission Provider shall [establish a date agreeable to]*hold a Scoping Meeting with all Interconnection Customers whose valid Interconnection Requests were received in that Cluster Request Window. If requested by an* Interconnection Customer[for the Scoping Meeting, and such date shall be no later than thirty (30) Calendar], *Transmission Provider shall also hold individual customer-specific Scoping Meetings, which must be requested no later than fifteen (15) Business* Days [from receipt of the valid Interconnection Request, unless otherwise mutually agreed upon by the Parties.]*after the close of the Cluster Request Window.*

The purpose of the Scoping Meeting shall be to discuss alternative interconnection options, to exchange information including any transmission data that would reasonably be expected to impact such interconnection options, *to discuss the Cluster Study materials posted to OASIS pursuant to Section 3.5 of this LGIP, if applicable, and* to analyze such information[and to determine the potential feasible Points of Interconnection]. *In addition, Interconnection Customer's request to evaluate whether advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, static VAR compensators, and/or electric storage providing a transmission service could provide cost and/or time savings for Interconnection Customer must be submitted at the Cluster Study Scoping Meetings.* Transmission Provider and Interconnection Customer will bring to the meeting such technical data, including, but not limited to: (i) general facility loadings, (ii) general instability issues, (iii) general short circuit issues, (iv) general voltage issues, and (v) general reliability issues as may be reasonably required to accomplish the purpose of the meeting. Transmission Provider and Interconnection Customer will also bring to the meeting personnel and other resources as may be reasonably required to accomplish the purpose of the meeting in the time allocated for the meeting. On the basis of the meeting, Interconnection Customer shall designate its Point of Interconnection.[, pursuant to Section 6.1,] and one or more available alternative Point(s) of Interconnection. The duration of the meeting shall be sufficient to accomplish its purpose.

3.5 OASIS Posting

3.5.1 *OASIS Posting*

Transmission Provider will maintain on its OASIS a list of all Interconnection Requests. The list will identify, for each Interconnection Request: (i) the maximum summer and winter megawatt electrical output; (ii) the location by county and state; (iii) the station or transmission line or lines where the interconnection will be made; (iv) the projected In-Service Date; (v) the status of the Interconnection Request, including Queue Position; (vi) the type of Interconnection Service being requested; and (vii) the availability of any studies related to the Interconnection Request; (viii) the date of the Interconnection Request; (ix) the type of Generating Facility to be constructed[(combined cycle, base load or combustion turbine and fuel type)]; and (x) for Interconnection Requests that have not resulted in a completed interconnection, an explanation as to why it was not completed. Except in the case of an Affiliate, the list will not disclose the identity of Interconnection Customer until Interconnection Customer executes an LGIA or requests that Transmission Provider file an unexecuted LGIA with FERC. Before holding a Scoping Meeting with its Affiliate, Transmission Provider shall post on OASIS an advance notice of its intent to do so. Transmission Provider shall post to its OASIS site any deviations from the study timelines set forth herein. Interconnection Study reports and Optional Interconnection Study reports shall be posted to Transmission Provider's OASIS site subsequent to the meeting between Interconnection Customer and Transmission Provider to discuss the applicable study results. Transmission Provider shall also post any known deviations in the [Large]Generating Facility's In-Service Date.

3.5.2 Requirement to Post Interconnection Study Metrics

Transmission Provider will maintain on its OASIS or its website summary statistics related to processing Interconnection Studies pursuant to Interconnection Requests, updated quarterly. If Transmission Provider posts this information on its website, a link to the information must be provided on Transmission Provider's OASIS site. For each calendar quarter, Transmission Providers must calculate and post the information detailed in [sections]*Sections* 3.5.2.1 through 3.5.2.4 *of this LGIP.*

3.5.2.1 Interconnection [Feasibility Studies] *Cluster Study* Processing Time

(A) Number of Interconnection Requests that had [Interconnection Feasibility]*Cluster* Studies completed within Transmission Provider's coordinated region during the reporting quarter,

(B) Number of Interconnection Requests that had [Interconnection Feasibility]*Cluster* Studies completed within Transmission Provider's coordinated region during the reporting quarter that were completed more than [[timeline as listed in Transmission

Provider's LGIP]]*one hundred fifty (150) Calendar Days* after [receipt by Transmission Provider of the Interconnection Customer's executed Interconnection Feasibility Study Agreement]*the close of the Customer Engagement Window,*

(C) At the end of the reporting quarter, the number of active valid Interconnection Requests with ongoing incomplete [Interconnection Feasibility] *Cluster* Studies where such Interconnection Requests had executed [Interconnection Feasibility]*a Cluster* Study Agreement[s] received by Transmission Provider more than [[timeline as listed in Transmission Provider's LGIP]]*one hundred fifty (150) Calendar Days* before the reporting quarter end,

(D) Mean time (in days), [Interconnection Feasibility]*Cluster* Studies *were* completed within Transmission Provider's coordinated region during the reporting quarter, from the [date when Transmission Provider received the executed Interconnection Feasibility Study Agreement]*commencement of the Cluster Study* to the date when Transmission Provider provided the completed [Interconnection Feasibility]*Cluster* Study *Report* to [the] Interconnection Customer,

(E) Mean time (in days), Cluster Studies were completed within Transmission Provider's coordinated region during the reporting quarter, from the close of the Cluster Request Window to the date when Transmission Provider provided the completed Cluster Study Report to Interconnection Customer.

[(E)]*(F)* Percentage of [Interconnection Feasibility]*Cluster* Studies exceeding [[timeline as listed in Transmission Provider's LGIP]]*one hundred fifty (150) Calendar Days* to complete this reporting quarter, calculated as the sum of 3.5.2.1(B) plus 3.5.2.1(C) divided by the sum of 3.5.2.1(A) plus 3.5.2.1(C)).

3.5.2.2 [Interconnection System Impact Studies]*Cluster Re-Studies* Processing Time

(A) Number of Interconnection Requests that had [Interconnection System Impact Studies]*Cluster Re-Studies* completed within Transmission Provider's coordinated region during the reporting quarter,

(B) Number of Interconnection Requests that had [Interconnection System Impact Studies]*Cluster Re-Studies* completed within Transmission Provider's coordinated region during the reporting quarter that were completed more than [[timeline as listed in Transmission Provider's LGIP]]*one hundred fifty (150) Calendar Days* after receipt by Transmission Provider of [the]Interconnection Customer's executed [Interconnection System Impact Study]*Cluster Re-Study* Agreement,

(C) At the end of the reporting quarter, the number of active valid Interconnection Requests with ongoing incomplete [System Impact Studies]*Cluster Re-Studies* where such Interconnection Requests had executed [Interconnection System Impact Study]*Cluster Re-Study* Agreements received by Transmission Provider more than [[timeline as listed in Transmission Provider's LGIP]]*one hundred fifty (150) Calendar Days* before the reporting quarter end,

(D) Mean time (in days), [Interconnection System Impact Studies]*Cluster Re-Studies were* completed within Transmission Provider's coordinated region during the reporting quarter, from the date when Transmission Provider received the executed [Interconnection System Impact Study]*Cluster Re-Study* Agreement to the date when Transmission Provider provided the completed [Interconnection System Impact Study]*Cluster Re-Study Report* to [the]Interconnection Customer,

(E) Mean time (in days), Cluster Re-Studies were completed within Transmission Provider's coordinated region during the reporting quarter, from the close of the Cluster Request Window to the date when Transmission Provider provided the completed Cluster Re-Study Report to Interconnection Customer.

[(E)]*(F)* Percentage of [Interconnection System Impact Studies]*Cluster Re-Studies* exceeding [[timeline as listed in Transmission Provider's LGIP]]*one hundred fifty (150) Calendar Days* to complete this reporting quarter, calculated as the sum of 3.5.2.2(B) plus 3.5.2.2(C) divided by the sum of 3.5.2.2(A) plus 3.5.2.2(C)).

3.5.2.3 Interconnection Facilities Studies Processing Time

* * *

(E) Mean time (in days), Cluster Re-Studies were completed within Transmission Provider's coordinated region during the reporting quarter, from the close of the Cluster Request Window to the date when Transmission Provider provided the completed Cluster Re-Study Report to Interconnection Customer.

[(E)]*(F)* Percentage of delayed Interconnection Facilities Studies this reporting quarter, calculated as the sum of 3.5.2.3(B) plus 3.5.2.3(C) divided by the sum of 3.5.2.3(A) plus 3.5.2.3(C)).

3.5.2.4 Interconnection Service Requests Withdrawn from Interconnection Queue

* * *

(C) Number of Interconnection Requests withdrawn from Transmission Provider's interconnection queue during the reporting quarter before completion of [an Interconnection System Impact]*a Cluster* Study,

* * *

3.5.4

* * *

(i) Transmission Provider must submit a report to the Commission describing the reason for each *Cluster Study, Cluster Re-Study, or individual Interconnection Facilities S*[s]tudy [or group of clustered studies]pursuant to[an] *one or more* Interconnection Request*(s)* that exceeded its deadline (i.e., [45,]*150*, 90 or 180 days) for completion [(excluding any allowance for Reasonable Efforts)]. Transmission Provider must describe the reasons for each study delay and any steps taken to remedy these specific issues and, if applicable, prevent such delays in the future. The report must be filed at the Commission within 45 days of the end of the calendar quarter.

* * *

3.6 Coordination with Affected Systems

Transmission Provider will coordinate the conduct of any studies required to determine the impact of the Interconnection Request on Affected Systems with Affected System Operators[and, if possible, include those results in its applicable Interconnection Study within the time frame specified in this LGIP. Transmission Provider will include such Affected System Operators in all meetings held with Interconnection Customer as required by this LGIP]. Interconnection Customer will cooperate with Transmission Provider *and Affected System Operator* in all matters related to the conduct of studies and the determination of modifications to Affected Systems.

A Transmission Provider which may be an Affected System shall cooperate with the [T]*t*ransmission [P]*p*rovider with whom interconnection has been requested in all matters related to the conduct of studies and the determination of modifications to *Transmission Provider's Transmission System*[Affected Systems].

3.6.1 Initial Notification

Transmission Provider must notify Affected System Operator of a potential Affected System impact caused by the Interconnection Request within ten (10) Business Days of the first event giving rise to the identification of the Affected System impact. Identification of an Affected System impact may occur at the close of the (1) Cluster Request Window, (2) Customer Engagement Window, (3) Cluster Study, or (4) Cluster Re-Study.

Transmission Provider will provide Interconnection Customer with a list of potential Affected Systems, along with relevant contact information.

When Transmission Provider acting as an Affected System receives notification of an impact on Transmission Provider's Transmission System, Transmission Provider must respond in writing within fifteen (15) Business Days whether it intends to conduct an Affected System Study.

3.6.2 Affected System Scoping Meeting

Within seven (7) Business Days of providing written notification that Transmission Provider acting as an Affected System intends to conduct an Affected System Study, Transmission Provider must schedule an Affected System Scoping Meeting with Affected System Interconnection Customer, using best efforts to include the transmission provider with whom interconnection has been requested.

The purpose of the Affected System Scoping Meeting is to allow all attendees to discuss the potential impacts on Transmission Provider's Transmission System and how they may be mitigated. Attendees will bring to the meeting such technical data, personnel, and other resources as may be reasonably required to accomplish the purpose of the meeting. The Affected System Scoping Meeting must be held within seven (7) Business Days of being scheduled. Within fifteen (15) Business Days after the meeting, Transmission Provider acting as an Affected System must share with the attendees the schedule to complete the Affected System Study.

3.6.3 Affected System Study Process

Transmission Provider must provide data monthly, or more frequently as needed, to any Affected System Operators regarding the amount and location of generation in Transmission Provider's interconnection queue as well as updated information about Transmission Provider's Transmission System.

3.7 Withdrawal

Interconnection Customer may withdraw its Interconnection Request at any time by written notice of such withdrawal to Transmission Provider. In addition, if Interconnection Customer fails to adhere to all requirements of this LGIP, except as provided in Section 13.5 (Disputes), Transmission Provider shall deem the Interconnection Request to be withdrawn and shall provide written notice to Interconnection Customer of the deemed withdrawal and an explanation of the reasons for such deemed withdrawal. Upon receipt of such written notice, Interconnection Customer shall have fifteen (15) Business Days in which to either respond with information or actions that cures the deficiency or to notify Transmission Provider of its intent to pursue Dispute Resolution.

Withdrawal shall result in the loss of Interconnection Customer's Queue Position. If an Interconnection Customer disputes the withdrawal and loss of its Queue Position, then during Dispute Resolution, Interconnection Customer's Interconnection Request is eliminated from the queue until such time that the outcome of Dispute Resolution would restore its Queue Position. An Interconnection Customer that withdraws or is deemed to have withdrawn its Interconnection Request shall pay to Transmission Provider all costs that Transmission Provider prudently incurs with respect to that Interconnection Request prior to Transmission Provider's receipt of notice described above. Interconnection Customer must pay all monies due to Transmission Provider before it is allowed to obtain any Interconnection Study data or results.

In case of withdrawal, Transmission Provider shall (i) update the OASIS Queue Position posting; (ii) *impose the Withdrawal Penalty described in Section 3.7.1 of this LGIP*; and *(iii)* refund to Interconnection Customer any portion *of the refundable portion of* Interconnection Customer's *study* deposit or [study payments]*Commercial Readiness Deposit* that exceeds the costs that Transmission Provider has incurred *and the cost of any penalties that Transmission Provider has assessed pursuant to Section 3.7.1 of this LGIP,* including interest calculated in accordance with section 35.19a(a)(2) of FERC's regulations. In the event of such withdrawal, Transmission Provider, subject to the confidentiality provisions of Section 13.1 *of this LGIP,* shall provide, at Interconnection Customer's request, all information that Transmission Provider developed for any completed study conducted up to the date of withdrawal of the Interconnection Request.

3.7.1 Withdrawal Penalty

An Interconnection Customer shall be subject to a Withdrawal Penalty if it withdraws its Interconnection Request or the Generating Facility does not otherwise reach Commercial Operation unless: (1) the withdrawal does not delay the timing of other Generating Facilities within the same Cluster, as determined by Transmission Provider; (2) the withdrawal does not increase the cost of other Generating Facilities within the same Cluster, as determined by Transmission Provider; (3) Interconnection Customer withdraws after receiving the most recent Cluster Study Report and the costs assigned to the Interconnection Request identified in that report have increased by more than twenty-five percent (25%) compared to costs identified in the previous Cluster Study Report or Cluster Re-Study Report; or (4) Interconnection Customer withdraws after receiving the Interconnection Facilities Study report and the costs assigned to the Interconnection Request identified in that report have increased by more than one hundred percent (100%) compared to costs identified in the Cluster Study Report.

3.7.1.1 Calculation of the Withdrawal Penalty

If the withdrawing Interconnection Customer has demonstrated any of the Commercial Readiness Demonstration options in Sections 3.4.2(vi)(a)–(c) of this LGIP, and is withdrawing prior to executing, or requesting the unexecuted filing of, an LGIA and fully meeting the requirements of Section 11.3 of this LGIP, Interconnection Customer shall be charged one (1) times its actual allocated cost of all studies performed up until that point. If the withdrawing Interconnection Customer only submitted a Commercial Readiness Deposit, and is withdrawing at any point prior to executing, or requesting the unexecuted filing of, an LGIA and fully meeting the requirements of Section 11.3 of this LGIP, that Interconnection Customer's Withdrawal Penalty will be as follows in (a)–(c):

(a) If Interconnection Customer withdraws or is deemed withdrawn during the Cluster Study or after receipt of a Cluster Study Report, Interconnection Customer will be charged two (2) times its actual allocated cost of all studies performed for Interconnection Customers in the Cluster up until that point, regardless of any previous Withdrawal Penalty revenues received. This amount will be capped at one (1) million dollars.

(b) If Interconnection Customer withdraws or is deemed withdrawn during the Cluster Re-Study or after receipt of any applicable re-study reports issued pursuant to Section 7.5 of this LGIP, Interconnection Customer will be charged three (3) times its actual allocated cost of all studies performed for Interconnection Customers in the Cluster up until that point, regardless of any previous Withdrawal Penalty revenues received. This amount shall be capped at one and one half (1.5) million dollars.

(c) If Interconnection Customer withdraws or is deemed withdrawn during the Interconnection Facilities Study, after receipt of the Interconnection Facilities Study report issued pursuant to Section 8.3 of this LGIP, or after receipt of the draft LGIA but before fully meeting requirements of Section 11.3 of this LGIP, Interconnection Customer shall be charged five (5) times its actual allocated cost of all studies performed for Interconnection Customers in the Cluster up until that point, regardless of any previous Withdrawal Penalty revenues received. This amount shall be capped at two (2) million dollars.

The Withdrawal Penalty for any Interconnection Customer that, before achieving Commercial Operation, withdraws after executing an LGIA and meeting the requirements of Section 11.3 of this LGIP shall be nine (9) times its actual allocated cost of all studies performed for Interconnection Customers in the Cluster up until that point, regardless of any previous Withdrawal Penalty revenues received. In the event that Interconnection Customer suspends its LGIA, Interconnection Customer shall be obligated to pay for costs associated with any studies or re-studies required as a result of the suspension of the LGIA, including any re-studies associated with any affected Interconnection Customers with lower Queue Positions.

3.7.1.2 Distribution of the Withdrawal Penalty

Any Withdrawal Penalty revenues shall be used to fund studies conducted under the Cluster Study Process. Withdrawal Penalty revenues shall first be applied, in the form of a bill credit, to not-yet-invoiced study costs for other Interconnection Customers in the same Cluster, and to the extent that such studies are fully credited, shall be applied to study costs of future Clusters in order of Queue Position. Withdrawn Interconnection Customers shall not receive a bill credit associated with Withdrawal Penalty revenues. Distribution of Withdrawal Penalty revenues to a specific Cluster Study shall not exceed the total actual Cluster Study costs. Allocation of Withdrawal Penalty revenues within a Cluster to a specific Interconnection Customer shall be (1) ninety percent (90%) on a pro-rata basis based on requested megawatts included in the applicable Cluster; and (2) ten percent (10%) on a per capita basis based on the number of Interconnection Requests in the applicable Cluster. Withdrawal Penalty revenues associated with Section 3.7.1.1(c) of this LGIP shall not be distributed to the remaining Interconnection Customers in that Cluster until all Interconnection Customers in that Cluster have reached Commercial Operation and thereafter shall be distributed as described above. Transmission Provider shall post the balance of Withdrawal Penalty revenue held by transmission provider but not yet dispersed on its OASIS site and update this posting on a quarterly basis.

3.8 Identification of Contingent Facilities

Transmission Provider shall post in this section a method for identifying the Contingent Facilities to be provided to Interconnection Customer at the conclusion of the [System Impact]*Cluster* Study and included in Interconnection Customer's Large Generator Interconnection Agreement. The method shall be sufficiently transparent to determine why a specific Contingent Facility was identified and how it relates to the Interconnection Request. Transmission Provider shall also provide, upon request of

[the]Interconnection Customer, the estimated Interconnection Facility and/or Network Upgrade costs and estimated in-service completion time of each identified Contingent Facility when this information is readily available and not commercially sensitive.

3.9 Penalties for Failure to Meet Study Deadlines

(1) Transmission Provider is subject to a penalty if it fails to complete a Cluster Study, Cluster Re-Study, Interconnection Facilities Study, or Affected Systems Study by the applicable deadline set forth in this LGIP. Transmission Provider must pay the penalty on a pro rata basis per Interconnection Customer to Interconnection Customer(s) in the delayed study on the last Business Day of each calendar quarter for which a penalty applies, starting with the calendar quarter immediately following the quarter that Transmission Provider exceeded the applicable study deadline. The penalty will continue to be paid the last Business Day of each quarter until Transmission Provider completes the study.

(2) For penalties assessed in accordance with this Section, the penalty amount will be equal to $500 per Business Day Transmission Provider takes to complete that study after the applicable deadline set forth in this LGIP. The total amount of a penalty assessed under this Section will not exceed one hundred percent (100%) of the total deposits paid by Interconnection Customers for the applicable study.

(3) No penalty will be assessed under this Section where a Transmission Provider's failure to complete an Interconnection Study is caused by Force Majeure.

(4) No penalty will be assessed under this Section where a study is delayed by 10 Business Days or less. The penalty amount will be calculated from the first day the Transmission Provider exceeds the appliable study deadline.

(5) If (a) the transmission provider needs to extend the deadline for a particular study subject to penalties under this section and (b) all interconnection customers in the relevant cluster mutually agree to such extension, the deadline for that study shall be extended 30 business days from the original due date. In such a scenario, no penalty will be assessed for missing the original deadline.

(6) No penalties shall be assessed until one Cluster Study cycle after Transmission Provider transitions to the Cluster Study Process.

(7) Transmission Provider must maintain on its OASIS or its website summary statistics related to penalties assessed under this Section, updated quarterly. For each calendar quarter, Transmission Provider must calculate and post (1) the total amount of penalties assessed under this Section during the reporting quarter and (2) the highest amount of the penalties assessed under this Section paid to a single Interconnection Customer during the reporting quarter. Transmission Provider is required to post on its OASIS or its website these penalty amounts for each calendar quarter within 30 calendar days of the end of the calendar quarter. Transmission Provider must maintain the quarterly measures posted on its OASIS or its website for three calendar years with the first required report to be one Cluster Study cycle after Transmission Provider transitions to the Cluster Study Process.

3.10 Identification of Shared Network Upgrades

As part of the Cluster Study, Transmission Provider shall review the proposed configuration of the Generating Facility and perform a test, if required, to determine a Network Upgrade's eligibility for cost sharing. The set of possible Shared Network Upgrades included in the test will be all Network Upgrades identified through Transmission Provider's study process and In-Service for a period of less than five (5) years. If the Generating Facility directly-connects to (1) a Network Upgrade(s) or (2) a substation where Network Upgrade(s) terminates, then the Network Upgrade(s) is a Shared Network Upgrade and Interconnection Customer shall share the cost of the Shared Network Upgrade. If the aforementioned criteria are not met, Transmission Provider shall perform a power flow analysis to calculate the impacts of the Generating Facility on Network Upgrade(s) under system-intact conditions and will apply the following two-part criteria to determine eligibility. First, Transmission Provider shall analyze if the impact of the Generating Facility on the Network Upgrade(s) is either greater than five (5) MW or greater than one percent (1%) of the transmission facility rating. If the criteria are met, Transmission Provider shall proceed to the second test. Transmission Provider shall analyze if the impact of the Generating Facility on Network Upgrade(s) is greater than five percent (5%) of the facility rating or the power transfer distribution factor is greater than twenty percent (20%). If the criteria listed in both (1) and (2) are met, the Network Upgrade shall be considered a Shared Network Upgrade(s) and Interconnection Customer shall share the cost of the Shared Network Upgrade(s), now designated as a Shared Network Upgrade(s). The Network Upgrade(s) shall be considered Shared Network Upgrade(s) only if they are in-service before the Generating Facility's Commercial Operation Date.

Section 4. *Interconnection Request Evaluation Process* [Queue Position]

Once an Interconnection Customer has submitted a valid Interconnection Request pursuant to Section 3.4 of this LGIP, such Interconnection Request shall be admitted into Transmission Provider's interconnection queue for further processing pursuant to the following procedures.

4.1 *Queue Position* [General]

4.1.1 Assignment of Queue Position

Transmission Provider shall assign a Queue Position *as follows: the Queue Position within the queue shall be assigned* based upon the date and time of receipt of *all items required pursuant to the provisions of Section 3.4 of this LGIP. All Interconnection Requests submitted and validated in a single Cluster Request Window shall be considered equally queued, but Clusters initiated earlier in time shall be considered to have a higher Queue Position than Clusters initiated later.* [the valid Interconnection Request; provided that, if the sole reason an Interconnection Request is not valid is the lack of required information on the application form, and Interconnection Customer provides such information in accordance with Section 3.4.3, then Transmission Provider shall assign Interconnection Customer a Queue Position based on the date the application form was originally filed. Moving a Point of Interconnection shall result in a lowering of Queue Position if it is deemed a Material Modification under Section 4.4.3.]

[The Queue Position of each Interconnection Request will be used to determine the order of performing the Interconnection Studies and determination of cost responsibility for the facilities necessary to accommodate the Interconnection Request. A higher queued]

4.1.2 Higher Queue Position

A higher Queue Position assigned to an Interconnection Request is one that has been placed ''earlier'' in the queue in relation to another Interconnection Request that is [lower queued. Transmission Provider may allocate the cost of the common upgrades for clustered Interconnection Requests without regard to Queue Position.]*assigned a lower Queue Position. All requests studied in a single Cluster shall be considered equally queued, but Clusters initiated earlier in time shall be considered to have a higher Queue Position than Clusters initiated later. Interconnection Requests within the same Cluster shall be equally queued, and therefore Queue Position shall have no bearing on the allocation of the cost of the Network Upgrades identified in the applicable Cluster Study (such costs will be allocated among Interconnection Requests in accordance with Section 4.2.3 of this LGIP).*

[4.2 Clustering

At Transmission Provider's option, Interconnection Requests may be studied serially or in clusters for the purpose of the Interconnection System Impact Study.

Clustering shall be implemented on the basis of Queue Position. If Transmission Provider elects to study Interconnection Requests using Clustering, all Interconnection Requests received within a period not to exceed one hundred and eighty (180) Calendar Days, hereinafter referred to as the ''Queue Cluster Window'' shall be studied together without regard to the nature of the underlying Interconnection Service, whether Energy Resource Interconnection Service or Network Resource Interconnection Service. The deadline for completing all Interconnection System Impact Studies for which an Interconnection System Impact Study Agreement has been executed during a Queue Cluster Window shall be in accordance with Section 7.4 *of this LGIP,* for all Interconnection Requests assigned to the same Queue Cluster Window. Transmission Provider may study an Interconnection Request separately to the extent warranted by Good Utility Practice based upon the

electrical remoteness of the proposed Large Generating Facility.]

4.2. General Study Process

[Clustering Interconnection System Impact Studies]*Interconnection Studies performed within the Cluster Study Process* shall be conducted in such a manner to ensure the efficient implementation of the applicable regional transmission expansion plan in light of the Transmission System's capabilities at the time of each study.

[The Queue Cluster Window shall have a fixed time interval based on fixed annual opening and closing dates. Any changes to the established Queue Cluster Window interval and opening or closing dates shall be announced with a posting on Transmission Provider's OASIS beginning at least one hundred and eighty (180) Calendar Days in advance of the change and continuing thereafter through the end date of the first Queue Cluster Window that is to be modified.]

4.2.2 Optional Resource Solicitation Study

At any time during the Cluster Request Window, and upon request of a Resource Planning Entity, Transmission Provider may initiate an Optional Resource Solicitation Study. Such request shall demonstrate that the requesting entity meets the definition of a Resource Planning Entity and include all information necessary for Transmission Provider to verify that the requester qualifies as a Resource Planning Entity as defined in Section 1 of this LGIP. Such request shall include a list of Interconnection Requests, which have already been submitted to Transmission Provider in the current Cluster Request Window, that the Resource Planning Entity would like evaluated in the Optional Resource Solicitation Study. In its request, the Resource Planning Entity must group the Interconnection Requests into no more than five (5) combinations of Interconnection Requests for purposes of the Optional Resource Solicitation Study. There is no limit to how many Interconnection Requests may be included in each combination of Interconnection Requests.

Resource Planning Entity may submit for inclusion in the Optional Resource Solicitation Study an Interconnection Request for a Generating Facility that already has a Queue Position pursuant to Section 4.1 of this LGIP, or an Interconnection Request for a Generating Facility that is submitted by Interconnection Customer during the Cluster Request Window in which the Resource Planning Entity submits the request for the Optional Resource Solicitation Study. In any case, Interconnection Customer must meet all requirements associated with maintaining its Queue Position.

Transmission Provider may not delay any Interconnection Study as a result of an Optional Resource Solicitation Study.

Within ten (10) Business Days of receipt of a request to perform an Optional Resource Solicitation Study that includes valid Interconnection Requests as described in Section 3.4 of this LGIP, Transmission Provider and Resource Planning Entity shall meet to determine a mutually agreeable scope for the Optional Resource Solicitation Study.

Transmission Provider shall conduct the Optional Resource Solicitation Study separate from the Cluster Study Process. In conducting the Optional Resource Solicitation Study, Transmission Provider shall evaluate each combination of Interconnection Requests submitted by the Resource Planning Entity as a single group, in the same manner it performs Cluster Studies under Section 7.3 of this LGIP. Such studies in connection with a Resource Plan or Resource Solicitation Process shall be implemented based upon Queue Position (relative to Clusters with higher or lower Queue Positions) and shall consider Resource Planning Entity's interconnection needs identified in the Resource Plan or Resource Solicitation Process. The Resource Planning Entity must act as the point of contact for purposes of the Optional Resource Solicitation Study for all Interconnection Requests submitted to the Optional Resource Solicitation Study. Thereafter, the Optional Resource Solicitation Study shall proceed in parallel with the annual Cluster Study described in Section 7 of this LGIP. The Optional Resource Solicitation Study shall be completed within 135 days of commencement (15 days before the conclusion of the annual Cluster Study described in Section 7 of this LGIP).

After Transmission Provider completes the Optional Resource Solicitation Study for the requested combinations, the results will be provided to the Resource Planning Entity in an Optional Resource Solicitation Study Report. The results will also be posted on Transmission Provider's OASIS consistent with the posting of other study results.

The provision of the Optional Resource Solicitation Study Report concludes Transmission Provider's responsibilities with regard to the requested Optional Resource Solicitation Study. Interconnection Requests may proceed in the remainder of the Cluster Study Process either as part of the Resource Plan or as independent Interconnection Requests. It is the responsibility of Interconnection Customer to provide Transmission Provider with evidence of being selected in a Resource Plan or Resource Solicitation Process in a manner sufficient to demonstrate commercial readiness following Interconnection Customer's receipt of the Cluster Study Report (pursuant to Section 7.3 of this LGIP) and prior to entering the Interconnection Facilities Study (pursuant to Section 8.3 of this LGIP). Inclusion in an Optional Resource Solicitation Study in no way exempts Interconnection Customer from Withdrawal Penalties under Section 3.7.1 of this LGIP.

4.2.3 Cost Allocation for Transmission Provider's Interconnection Facilities and Network Upgrades

(1) For Network Upgrades identified in Cluster Studies, Transmission Provider shall calculate each Interconnection Customer's share of the costs based on the proportional impact of each individual Generating Facility in the Cluster Study on the Network Upgrade or Transmission Provider's Interconnection Facilities. {Transmission Provider shall include in this section the thresholds and metrics it uses for its proportional impact method.} An Interconnection Customer that funds Network Upgrades is entitled to transmission credits as provided in Article 11.4 of the LGIA.

(2) The costs of any required Transmission Provider's Interconnection Facilities will be directly assigned to Interconnection Customer(s) using such facilities. The cost of such Transmission Provider's Interconnection Facilities will be shared equally among all Interconnection Customers sharing use of Transmission Provider's Interconnection Facilities.

* * *

4.4 Modifications

Interconnection Customer shall submit to Transmission Provider, in writing, modifications to any information provided in the Interconnection Request. Interconnection Customer shall retain its Queue Position if the modifications are in accordance with Sections 4.4.1, 4.4.2, [or]4.4.5 *or 4.4.7 of this LGIP,* or are determined not to be Material Modifications pursuant to Section 4.4.3 *of this LGIP.*

Notwithstanding the above, during the course of the Interconnection Studies, either Interconnection Customer or Transmission Provider may identify changes to the planned interconnection that may improve the costs and benefits (including reliability) of the interconnection, and the ability of the proposed change to accommodate the Interconnection Request. To the extent the identified changes are acceptable to Transmission Provider, Interconnection Customer *and any impacted Interconnection Customer in the same Cluster,* such acceptance not to be unreasonably withheld, Transmission Provider shall modify the Point of Interconnection *prior to return of the executed Cluster Study Agreement, provided, however, such identified changes do not result in a Material Modification* [and/or configuration in accordance with such changes and proceed with any re-studies necessary to do so in accordance with Section 6.4, Section 7.6 and Section 8.5 as applicable]and Interconnection Customer shall retain its Queue Position.

4.4.1 Prior to the return of the executed [Interconnection System Impact]*Cluster* Study Agreement to Transmission Provider, modifications permitted under this Section shall include specifically: (a) a decrease of up to 60 percent of electrical output (MW) of the proposed project, through either (1) a decrease in plant size or (2) a decrease in Interconnection Service level (consistent with the process described in Section 3.1 *of this LGIP*) accomplished by applying Transmission Provider-approved injection-limiting equipment; (b) modifying the technical parameters associated with the[Large] Generating Facility technology or the [Large]Generating Facility step-up transformer impedance characteristics; and (c) modifying the interconnection configuration. For plant increases, the incremental increase in plant output will go [to]*in* the [end of the queue]*next Cluster Study Window* for the purposes of cost allocation and study analysis.

* * *

4.4.3 Prior to making any modification other than those specifically permitted by Sections 4.4.1, 4.4.2, and 4.4.5 *of this LGIP,* Interconnection Customer may first request that Transmission Provider evaluate whether such modification is a Material Modification. In response to Interconnection Customer's request, Transmission Provider shall evaluate the proposed modifications prior to making them and inform Interconnection Customer in writing of whether the modifications would constitute a Material Modification. *Interconnection Customer may request, and Transmission Provider shall evaluate within sixty (60) calendar days, the addition of a Generating Facility with the same Point of Interconnection as indicated in the Interconnection Request to the Interconnection Request if the addition of the Generating Facility does not increase the requested Interconnection Service level.* Any change to the Point of Interconnection, except those deemed acceptable under Sections *3.1.2 or* 4.4 *of this LGIP*[.1, 6.1, 7.2] or so allowed elsewhere, shall constitute a Material Modification. Interconnection Customer may then withdraw the proposed modification or proceed with a new Interconnection Request for such modification.

4.4.4 Upon receipt of Interconnection Customer's request for modification permitted under this Section 4.4, Transmission Provider shall commence and perform any necessary additional studies as soon as practicable, but in no event shall Transmission Provider commence such studies later than thirty (30) Calendar Days after receiving notice of Interconnection Customer's request. Any additional studies resulting from such modification shall be done at Interconnection Customer's cost. *Any such modification of the Interconnection Request must be accompanied by any resulting updates to the models described in Attachment A to Appendix 1 of this LGIP.*

4.4.5 Extensions of less than three (3) cumulative years in the Commercial Operation Date of the [Large]Generating Facility to which the Interconnection Request relates are not material and should be handled through construction sequencing. *For purposes of this Section, the Commercial Operation Date reflected in the initial Interconnection Request shall be used to calculate the permissible extension. Such cumulative extensions include extensions requested after execution of the, or the filing of an unexecuted, LGIA by Interconnection Customer.*

* * *

4.4.7 *Prior to determining whether the addition of a Generating Facility with the same Point of Interconnection as indicated in the Interconnection Request to an Interconnection Request constitutes a Material Modification, Transmission Provider shall evaluate within sixty (60) Calendar Days the proposed addition of such a Generating Facility if it does not increase the requested Interconnection Service level.*

Section 5. Procedures for Interconnection Requests Submitted Prior to Effective Date of *the Cluster Study Revisions* [Standard Large Generator Interconnection Procedures]

5.1 *Procedures for Transitioning to the Cluster Study Process [*Queue Position for Pending Requests.]

5.1.1

[Any Interconnection Customer assigned a Queue Position prior to the effective date of this LGIP shall retain that Queue Position.]

Any Interconnection Customer assigned a Queue Position prior to the effective date of this LGIP shall retain that Queue Position subject to the requirements in Sections 5.1.1.1 and 5.1.1.2 of this LGIP. Any Interconnection Customer that fails to meet these requirements shall have its Interconnection Request deemed withdrawn without penalty. In such case, all other aspects of Section 3.7 of this LGIP remain applicable. Any unused deposit amounts of withdrawn Interconnection Requests shall be returned to Interconnection Customer pursuant to Section 3.7 of this LGIP. If an Interconnection Customer elects to continue with a Transitional Serial Interconnection Facilities Study or a Transitional Cluster Study, as described below, Transmission Provider shall retain the current study deposits, and Interconnection Customer shall be responsible for the entire cost of all studies pursuant to Sections 4.2.3 and 13.3 of this LGIP.

5.1.1.1 *Transitional Serial Study*

[If an Interconnection Study Agreement has not been executed as of the effective date of this LGIP, then such Interconnection Study, and any subsequent Interconnection Studies, shall be processed in accordance with this LGIP.]

An Interconnection Customer that has (a) a final System Impact Study Report that identifies facilities required to feasibly interconnect and (b) an Interconnection Facilities Study Agreement that was executed before the effective date of this LGIP, may opt to continue with the Interconnection Facilities Study process if Interconnection Customer: (1) meets each of the following requirements that demonstrate commercial readiness; and (2) executes a Transitional Serial Interconnection Facilities Study Agreement in the form of Appendix 14 of this LGIP within sixty (60) Calendar Days of the effective date of this LGIP. All of the following are required:

(1) A deposit equal to one hundred percent (100%) of the costs identified for Transmission Provider's Interconnection Facilities and Network Upgrades in the final System Impact Study Report. This deposit will be trued up to reflect actual costs after the associated facilities are in-service. If Interconnection Customer does not withdraw, the deposit shall be trued up to actual costs and applied to future construction costs described in Interconnection Customer's eventual LGIA. If Interconnection Customer withdraws or otherwise does not reach Commercial Operation, Transmission Provider shall refund the deposit after the final invoice for study costs and Withdrawal Penalty is settled. The deposit shall be in the form of an irrevocable letter of credit upon which Transmission Provider may draw or cash where cash deposits will be treated according to Section 3.7 of this LGIP.

(2) Exclusive Site Control for the entire Generating Facility and any Interconnection Customer's Interconnection Facilities pursuant to Section 3.4.2 of this LGIP.

(3) One of the following Commercial Readiness Demonstration options totaling the entire Generating Facility Capacity (or requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity):

(a) Executed term sheet (or comparable evidence as determined by Transmission Provider) related to a contract for sale of (1) the constructed Generating Facility to a load-serving entity or to a commercial, industrial, or other large end-use customer, (2) the Generating Facility's energy or capacity where the term of sale is not less than five (5) years, or (3) the Generating Facility's ancillary services where the term of sale is not less than five (5) years;

(b) Reasonable evidence that the Generating Facility has been selected in a Resource Plan or Resource Solicitation Process by or for a load-serving entity, is being developed by a load-serving entity, or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer;

(c) A Provisional LGIA that has been filed at the Commission executed, or requested to be filed unexecuted, and which is not in suspension pursuant to Article 5.16 of the LGIA, includes a commitment to construct the Generating Facility, and has a Commercial Operation Date no later than December 31, 2027.

Transmission Provider shall conduct each Transitional Interconnection Facilities Study and issue the associated Transitional Interconnection Facilities Study Report within one hundred fifty (150) Calendar Days of the effective date of this LGIP.

After Transmission Provider issues each Transitional Interconnection Facilities Study Report, the remaining process shall proceed according to Section 11 of this LGIP. All LGIA negotiations shall be completed and the LGIA executed (or filed unexecuted) within sixty (60) Calendar Days of the tender of the draft LGIA or the Interconnection Request shall be deemed withdrawn pursuant to Section 3.7 of this LGIP unless extended by mutual agreement of Transmission Provider and Interconnection Customer. During LGIA negotiation, Transmission Provider shall not grant a request to change the previously-indicated Commercial Operation Date and to delay the construction of Network Upgrades and/or Interconnection Facilities if such delay would negatively affect Interconnection Customers with lower or equal Queue Positions. If Interconnection Customer withdraws or otherwise does not reach Commercial Operation, a Withdrawal Penalty equal to nine (9) times Interconnection Customer's actual allocated cost of all studies performed for the Transitional Cluster Study up until that point will be imposed on Interconnection Customer.

5.1.1.2 *Transitional Cluster Study*

[If an Interconnection Study Agreement has been executed prior to the effective date of this LGIP, such Interconnection Study shall be completed in accordance with the terms of such agreement. With respect to any remaining studies for which an Interconnection Customer has not signed an Interconnection Study Agreement prior to the effective date of the LGIP, Transmission Provider must offer Interconnection Customer the option of either continuing under Transmission Provider's existing interconnection study process or going forward with the completion of the necessary Interconnection Studies (for which it does not have a signed Interconnection Studies Agreement) in accordance with this LGIP.]

An Interconnection Customer with an assigned Queue Position as of the effective date of this LGIP may opt to enter the combined system impact and interconnection facilities Transitional Cluster Study if Interconnection Customer: (1) meets each of the following requirements listed as (1)–(4) in this section that demonstrate commercial readiness; and (2) executes a Transitional Cluster Study Agreement in the form of Appendix 13 to this LGIP within sixty (60) Calendar Days of the effective date of this LGIP. All Interconnection Requests that enter the Transitional Cluster Study shall be considered to have an equal Queue Position. All identified Network Upgrade costs shall be allocated according to Section 4.2.3 of this LGIP. Transitional Cluster Study costs shall be allocated according to the method described in Section 4.2.3 of this LGIP.

Interconnection Customer may make a one-time extension to its requested Commercial Operation Date upon entry into the Transitional Cluster Study, any such extension not to exceed until the date of December 31, 2027.

All of the following must be included in a request to opt into a Transitional Cluster Study:

(1) A selection of either Energy Resource Interconnection Service or Network Resource Interconnection Service.

(2) A deposit on Transmission Provider's Interconnection Facilities and Network Upgrades expected to be identified in the Transitional Cluster Study. The deposit shall be equal to five million dollars ($5,000,000) and be in the form of an irrevocable letter of credit upon which Transmission Provider may draw or cash where cash deposits will be treated according to Section 3.7 of this LGIP. If Interconnection Customer does not withdraw, the deposit shall be reconciled with and applied towards future construction costs described in the LGIA. Any amounts in excess of the actual construction costs shall be returned to Interconnection Customer within thirty (30) days of the date of Commercial Operation. If Interconnection Customer withdraws or otherwise does not reach Commercial Operation, Transmission Provider must refund the deposit once the final invoice for study costs and Withdrawal Penalty is settled.

(3) Exclusive Site Control for the entire Generating Facility.

(4) One of the following Commercial Readiness Demonstration options totaling the entire Generating Facility Capacity (or requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity):

(a) Executed term sheet (or comparable evidence as determined by Transmission Provider) related to a contract for sale of (1) the constructed Generating Facility to a load-serving entity or to a commercial, industrial, or other large end-use customer, (2) the Generating Facility's energy or capacity where the term of sale is not less than five (5) years, or (3) the Generating Facility's ancillary services where the term of sale is not less than five (5) years;

(b) Reasonable evidence that the Generating Facility has been selected in a Resource Plan or Resource Solicitation Process by or for a load-serving entity, is being developed by a load-serving entity, or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer;

(c) A Provisional LGIA that has been filed at the Commission executed, or requested to be filed unexecuted, and which is not in suspension pursuant to Article 5.16 of the LGIA, includes a commitment to construct the Generating Facility, and has a Commercial Operation Date no later than December 31, 2027.

Transmission Provider shall conduct the Transitional Cluster Study and issue both an associated interim Transitional Serial Study Report and an associated final Transitional Serial Study Report. The interim Transitional Cluster Study report shall provide the following information:

- *identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;*
- *identification of any thermal overload or voltage limit violations resulting from the interconnection;*
- *identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; and*
- *Transmission Provider's Interconnection Facilities and Network Upgrades that are expected to be required as a result of the Interconnection Request(s) and a non-binding, good faith estimate of cost responsibility and a non-binding, good faith estimated time to construct.*

In addition to the information provided in the interim Transitional Cluster Study report, the final Transitional Cluster Study Report shall: (1) provide a description of, estimated cost of, and schedule for required facilities to interconnect the Generating Facility to the Transmission System; and (2) address the short circuit, instability, and power flow issues identified in the interim Transitional Cluster Study report.

The interim and final Transitional Cluster Study Reports shall be issued within three hundred (300) and three hundred sixty (360) Calendar Days of the effective date of this LGIP, respectively, and shall be posted on Transmission Provider's OASIS consistent with the posting of other study results. Interconnection customers included in the Transitional Cluster Study shall have thirty (30) days to comment on the interim Transitional Cluster Study, once it has been issued.

After Transmission Provider issues the final Transitional Cluster Study Report, the remaining process shall proceed according to Section 11 of this LGIP. All LGIA negotiations shall be completed and the LGIA executed (or filed unexecuted) within sixty (60) Calendar Days of the tender of the draft LGIA or the Interconnection Request is deemed withdrawn unless extended by mutual agreement of Transmission Provider and Interconnection Customer. During LGIA negotiations, Transmission Provider shall not grant any request to change the previously-indicated Commercial Operation Date and to delay the construction of Transmission Provider's Interconnection Facilities or Network Upgrades if such delay would negatively affect Interconnection Customers with lower or equal Queue Positions.

If Interconnection Customer withdraws or otherwise does not reach Commercial Operation, a Withdrawal Penalty equal to nine (9) times Interconnection Customer's total study cost will be imposed.

[**5.1.1.3** If an LGIA has been submitted to FERC for approval before the effective date of the LGIP, then the LGIA would be grandfathered.

5.1.2 Transition Period

To the extent necessary, Transmission Provider and Interconnection Customers with an outstanding request (*i.e.,* an Interconnection Request for which an LGIA has not been submitted to FERC for approval as of the effective date of this LGIP) shall transition to this LGIP within a reasonable period of time not to exceed sixty (60) Calendar Days. The use of the term ''outstanding request'' herein shall mean any Interconnection Request, on the effective date of this LGIP: (i) that has been submitted but not yet accepted by Transmission Provider; (ii) where the related interconnection agreement has not yet been submitted to FERC for approval in executed or unexecuted form, (iii) where the relevant Interconnection Study Agreements have not yet been executed, or (iv) where any of the relevant Interconnection Studies are in process but not yet completed. Any Interconnection Customer with an outstanding request as of the effective date of this LGIP may request a reasonable extension of any deadline, otherwise applicable, if necessary to avoid undue hardship or prejudice to its Interconnection Request. A reasonable extension shall be granted by Transmission Provider to the extent consistent with the intent and process provided for under this LGIP.]

* * *

Section 6. Interconnection *Information Access* [Feasibility Study]

6.1 *Informational* Interconnection [Feasibility]Study Agreement

At any time, any prospective Interconnection Customer may request,[Simultaneously with the acknowledgement of a valid Interconnection Request]*and* Transmission Provider shall *perform, one or more Informational Interconnection Studies.* [provide to Interconnection Customer an Interconnection Feasibility Study Agreement in the form of

Appendix 2.]*Any prospective Interconnection Customer (including affiliates) shall have no more than five (5) requests for Informational Interconnection Studies pending at one time. The requesting party shall submit a separate Informational Interconnection Study Request for each site and may submit multiple Informational Interconnection Study Requests for a single site. The requesting party must submit a $10,000 deposit with each Informational Interconnection Study Request even when more than one request is submitted for a single site. An Informational Interconnection Study Request to evaluate one site at two different voltage levels shall be treated as two Informational Interconnection Study Requests. At the time the Informational Interconnection Study Request is submitted, the requesting party must request either Energy Resource Interconnection Service or Network Resource Interconnection Service, as described in Section 3.2 of this LGIP; provided, however, any prospective Interconnection Customer requesting an Informational Interconnection Study for Network Resource Interconnection Service may also request that it be concurrently studied for Energy Resource Interconnection Service. The request shall use the Informational Interconnection Study Request form in Appendix 2 of this LGIP and shall describe the assumptions to be used in the Informational Interconnection Study within the scope described in Section 6.2 of this LGIP.*

Within seven (7) Business Days after receipt of an Informational Interconnection Study Request, Transmission Provider shall provide to the requesting party an Informational Interconnection Study Agreement in the form of Attachment A to Appendix 2. The *Informational* Interconnection [Feasibility]Study Agreement shall: *(1)* specify *the scope of work for the Informational Interconnection Study, subject to other requirements in Section 6.2 of this LGIP, (2) specify the technical data that the requesting party must provide, and (3) Transmission Provider's estimate of the cost of the Informational Interconnection Study. To the extent known by Transmission Provider, such estimate shall include any study costs expected to be incurred by any Affected System whose participation may be necessary to complete the Informational Interconnection Study. The requesting party shall execute the Informational Interconnection Study Agreement within ten (10) Business Days of receipt and deliver the Informational Interconnection Study Agreement, all required technical data, and a $10,000 deposit to Transmission Provider.* [that Interconnection Customer is responsible for the actual cost of the Interconnection Feasibility Study. Within five (5) Business Days following the Scoping Meeting Interconnection Customer shall specify for inclusion in the attachment to the Interconnection Feasibility Study Agreement the Point(s) of Interconnection and any reasonable alternative Point(s) of Interconnection. Within five (5) Business Days following Transmission Provider's receipt of such designation, Transmission Provider shall tender to Interconnection Customer the Interconnection Feasibility Study Agreement signed by Transmission Provider, which includes a good faith estimate of the cost for completing the Interconnection Feasibility Study. Interconnection Customer shall execute and deliver to Transmission Provider the Interconnection Feasibility Study Agreement along with a $10,000 deposit no later than thirty (30) Calendar Days after its receipt.]

[On or before the return of the executed Feasibility Study Agreement to Transmission Provider, Interconnection Customer shall provide the technical data called for in Appendix 1, Attachment A.

If the Interconnection Feasibility Study uncovers any unexpected result(s) not contemplated during the Scoping Meeting, a substitute Point of Interconnection identified by either Interconnection Customer or Transmission Provider, and acceptable to the other, such acceptance not to be unreasonably withheld, will be substituted for the designated Point of Interconnection specified above without loss of Queue Position, and Re-studies shall be completed pursuant to Section 6.4 as applicable. For the purpose of this Section 6.1, if Transmission Provider and Interconnection Customer cannot agree on the substituted Point of Interconnection, then Interconnection Customer may direct that one of the alternatives as specified in the Interconnection Feasibility Study Agreement, as specified pursuant to Section 3.4.4, shall be the substitute.

If Interconnection Customer and Transmission Provider agree to forgo the Interconnection Feasibility Study, Transmission Provider will initiate an Interconnection System Impact Study under Section 7 of this LGIP and apply the $10,000 deposit towards the Interconnection System Impact Study.]

6.2 Scope of *Informational* Interconnection [Feasibility]Study

The *Informational* Interconnection [Feasibility]Study shall preliminarily evaluate the feasibility of the proposed interconnection to the Transmission System.

The *Informational* Interconnection [Feasibility]Study will *consist of a sensitivity analysis based on the assumptions specified by the requesting party in the Informational Interconnection Study Agreement. The Informational Interconnection Study will identify the prospective Transmission Provider's Interconnection Facilities and the Network Upgrades, and the estimated cost thereof, that may be required to provide transmission service or Interconnection Service based upon the results of the Informational Interconnection Study. The Informational Interconnection Study shall be performed solely for informational purposes. Transmission Provider shall coordinate the study with any Affected Systems that may be affected by the types of Interconnection Services that are being studied. Transmission Provider shall utilize existing studies to the extent practicable in conducting the Informational Interconnection Study. The Informational Interconnection Study will* consider the Base Case as well as all generating facilities (and with respect to (iii), any identified Network Upgrades) that, on the date the Interconnection Feasibility Study is commenced: (i) are directly interconnected to the Transmission System; (ii) are interconnected to Affected Systems and may have an impact on the Interconnection Request; (iii) have a pending higher queued Interconnection Request to interconnect to the Transmission System; and (iv) have no Queue Position but have executed an LGIA or requested that an unexecuted LGIA be filed with FERC. The *Informational* Interconnection [Feasibility] Study will consist of a power flow and short circuit analysis. [The Interconnection Feasibility Study will provide a list of facilities and a non-binding good faith estimate of cost responsibility and a non-binding good faith estimated time to construct.]

6.3 *Informational* Interconnection Feasibility Study Procedures

[Transmission Provider shall utilize existing studies to the extent practicable when it performs the study.] Transmission Provider shall [use Reasonable Efforts to]complete the *Informational* Interconnection [Feasibility]Study no later than forty-five (45) Calendar Days after Transmission Provider receives the fully executed *Informational* Interconnection [Feasibility]Study Agreement. *If Transmission Provider is unable to complete the Informational Interconnection Study within such time period, it will notify the requesting party and provide an estimated completion date and an explanation of the reasons why additional time is required.* [At the request of Interconnection Customer or at any time Transmission Provider determines that it will not meet the required time frame for completing the Interconnection Feasibility Study, Transmission Provider shall notify Interconnection Customer as to the schedule status of the Interconnection Feasibility Study. If Transmission Provider is unable to complete the Interconnection Feasibility Study within that time period, it shall notify Interconnection Customer and provide an estimated completion date with an explanation of the reasons why additional time is required. Upon request, Transmission Provider shall provide Interconnection Customer supporting documentation, workpapers and relevant power flow, short circuit and stability databases for the Interconnection Feasibility Study, subject to confidentiality arrangements consistent with Section 13.1.

Transmission Provider shall study the Interconnection Request at the level of service requested by the Interconnection Customer, unless otherwise required to study the full Generating Facility Capacity due to safety or reliability concerns.

6.3.1 Meeting with Transmission Provider

Within ten (10) Business Days of providing an Interconnection Feasibility Study report to Interconnection Customer, Transmission Provider and Interconnection Customer shall meet to discuss the results of the Interconnection Feasibility Study.]

6.4 *Publicly Posted Interconnection Information.* [Re-Study.]

[If Re-Study of the Interconnection Feasibility Study is required due to a higher queued project dropping out of the queue, or a modification of a higher queued project subject to Section 4.4, or re-designation of the Point of Interconnection pursuant to Section 6.1 Transmission Provider shall notify Interconnection Customer in writing. Such Re-Study shall take not longer than forty-five (45) Calendar Days from the date of the notice. Any cost of Re-Study shall be borne by [the] Interconnection Customer being re-studied.] *Transmission Provider shall maintain and make available on its public website: (1) an interactive visual representation of the estimated incremental injection capacity (in megawatts) available at each bus in Transmission Provider's footprint under N-1 conditions, and (2) a table of metrics concerning the estimated impact of a potential generating facility on Transmission Provider's Transmission System based on a user-specified addition of a particular number of megawatts at a particular voltage level at a particular point of interconnection. At a minimum, for each monitored facility impacted by the user-specified generation addition, the following information will be provided in the table: (1) the distribution factor; (2) the megawatt impact (based on the proposed project size and the distribution factor); (3) the percentage impact on the monitored facility (based on the megawatt values of the proposed project and the monitored facility rating); (4) the percentage of power flow on the monitored facility before the proposed project; (5) the percentage power flow on the monitored facility after the injection of the proposed project. These metrics must be calculated based on the power flow model of the Transmission System with the transfer simulated from each bus to the whole Transmission Provider's footprint (to approximate Network Resource Interconnection Service), and with the incremental capacity at each bus decremented by the existing and queued generation (based on the existing or requested interconnection service limit of the generation). These metrics must be updated within 30 days after the completion of each Cluster Study and Cluster Re-Study period. This information must be made available on Transmission Provider's public website, without a password or a fee. The website will define all underlying assumptions, including the name of the most recent Cluster Study or Re-Study used in the base case and disclaimers for any interconnection constraints not included or considered.*

Section 7. [Interconnection System Impact]*Cluster* Study

7.1 [Interconnection System Impact]*Cluster* Study Agreement

[Unless otherwise agreed, pursuant to the Scoping Meeting provided in Section 3.4.4, simultaneously with the delivery of the Interconnection Feasibility Study to Interconnection Customer]*No later than five (5) Business Days after the close of a Cluster Request Window,* Transmission Provider shall [provide]*tender* to *each* Interconnection Customer [an]*that submitted a valid* Interconnection [System Impact] *Request a Cluster* Study Agreement in the form of Appendix 3 to this LGIP. The [Interconnection System Impact]*Cluster* Study Agreement shall [provide that]*require* Interconnection Customer [shall]*to* compensate Transmission Provider for the actual cost of the [Interconnection System Impact Study.]*Cluster Study pursuant to Section 13.3 of this LGIP. The specifications, assumptions, or other provisions in the appendices of the Cluster Study Agreement provided pursuant to Section 7.1 of this LGIP shall be subject to change by Transmission Provider following the conclusion of the Scoping Meeting.* [Within three (3) Business Days following the Interconnection Feasibility Study results meeting, Transmission Provider shall provide to Interconnection Customer a non-binding good faith estimate of the cost and timeframe for completing the Interconnection System Impact Study.]

7.2 Execution of [Interconnection System Impact]*Cluster* Study Agreement

Interconnection Customer shall execute the [Interconnection System Impact]*Cluster* Study Agreement and deliver the executed [Interconnection System Impact]*Cluster* Study Agreement to Transmission Provider no later than [thirty (30) Calendar Days after its receipt along with demonstration of Site Control, and a $50,000 deposit]*the close of the Customer Engagement Window.*

If Interconnection Customer does not provide all such technical data when it delivers the [Interconnection System Impact]*Cluster* Study Agreement, Transmission Provider shall notify Interconnection Customer of the deficiency within five (5) Business Days of the receipt of the executed [Interconnection System Impact]*Cluster* Study Agreement and Interconnection Customer shall cure the deficiency within ten (10) Business Days of receipt of the notice, provided, however, such deficiency does not include failure to deliver the executed [Interconnection System Impact]*Cluster* Study Agreement or deposit.

[If the Interconnection System Impact Study uncovers any unexpected result(s) not contemplated during the Scoping Meeting and the Interconnection Feasibility Study, a substitute Point of Interconnection identified by either Interconnection Customer or Transmission Provider, and acceptable to the other, such acceptance not to be unreasonably withheld, will be substituted for the designated Point of Interconnection specified above without loss of Queue Position, and restudies shall be completed pursuant to Section 7.6 as applicable. For the purpose of this Section 7.2, if Transmission Provider and Interconnection Customer cannot agree on the substituted Point of Interconnection, then Interconnection Customer may direct that one of the alternatives as specified in the Interconnection Feasibility Study Agreement, as specified pursuant to Section 3.4.4, shall be the substitute.]

7.3 Scope of [Interconnection System Impact]*Cluster* Study

The [Interconnection System Impact]*Cluster* Study shall evaluate the impact of the proposed interconnection on the reliability of the Transmission System. The [Interconnection System Impact]*Cluster* Study will consider the Base Case as well as all generating facilities (and with respect to (iii) below, any identified Network Upgrades associated with such higher queued interconnection) that, on the date the [Interconnection System Impact]*Cluster* Study is commenced: (i) are directly interconnected to the Transmission System; (ii) are interconnected to Affected Systems and may have an impact on the Interconnection Request; (iii) have a pending higher queued Interconnection Request to interconnect to the Transmission System; and (iv) have no Queue Position but have executed an LGIA or requested that an unexecuted LGIA be filed with FERC.

For purposes of determining necessary Interconnection Facilities and Network Upgrades, the Cluster Study shall consider the level of Interconnection Service requested by Interconnection Customers in the Cluster, unless otherwise required to study the full Generating Facility Capacity due to safety or reliability concerns.

The [Interconnection System Impact]*Cluster* Study will consist of [a short circuit analysis, a]*power flow,* stability [analysis, and a power flow analysis. The Interconnection System Impact Study],*and short circuit analyses, the results of which are documented in a single Cluster Study Report, or Cluster Re-Study Report, as applicable. At the conclusion of the Cluster Study, Transmission Provider will issue a Cluster Study Report. The Cluster Study Report* will state the assumptions upon which it is based; state the results of the analyses; and provide the requirements or potential impediments to providing the requested interconnection service, including a preliminary indication of the cost and length of time that would be necessary to correct any problems identified in those analyses and implement the interconnection. [For purposes of determining necessary]*The Cluster Study Report shall identify Transmission Provider's* Interconnection Facilities and Network Upgrades [, the System Impact Study shall consider the level of Interconnection Service requested by the Interconnection Customer, unless otherwise required to study the full Generating Facility Capacity due to safety or reliability concerns.]*expected to be required to reliably interconnect the Generating Facilities in that Cluster Study at the requested Interconnection Service level and shall provide non-binding estimates for required Network Upgrades. The Cluster Study Report shall identify each Interconnection Customer's estimated allocated costs for Transmission Provider's Interconnection Facilities and Network Upgrades pursuant to the method in Section 4.2.3 of this LGIP. Transmission Provider shall hold an open stakeholder meeting pursuant to Section 7.4 of this LGIP.*

For purposes of determining necessary Interconnection Facilities and Network

Upgrades, the Cluster Study shall use operating assumptions, including charge and discharge parameters, that reflect the proposed operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource) as requested by Interconnection Customer, unless Good Utility Practice, including applicable reliability standards, otherwise require the use of different operating assumptions. If Interconnection Customer makes this request, Transmission Provider may (1) require that Interconnection Customer specify the intended operation of the resource in the LGIA, (2) require that Interconnection Customer demonstrate that the resource has control technologies sufficient to limit its operation as intended and to respond to dispatch instructions by Transmission Provider, and/or (3) pursue termination of the LGIA pursuant to Article 17 of the LGIA if Interconnection Customer fails to operate the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource) in accordance with its intended operation as specified in the LGIA.

[The Interconnection System Impact Study]*The Cluster Study Report* will provide a list of facilities that are required as a result of the Interconnection [Request]*Requests within the cluster* and a non-binding good faith estimate of cost responsibility and a non-binding good faith estimated time to construct.

Upon issuance of a Cluster Study Report, or Cluster Re-Study Report, if any, Transmission Provider shall simultaneously tender a draft Facilities Study Agreement to each Interconnection Customer within the Cluster, subject to the conditions in Section 8.1 of this LGIP.

At the request of any Interconnection Customer within the Cluster, the Cluster Study will evaluate advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, static VAR compensators, and/or electric storage resource that provides a transmission service for feasibility, cost, and time savings as either an alternative to the Network Upgrade(s) identified by the Cluster Study or to provide Provisional Interconnection Service. Transmission Provider shall include the evaluation in the Cluster Study Report.

7.4 [Interconnection System Impact]*Cluster* Study Procedures

Transmission Provider shall coordinate the [Interconnection System Impact]*Cluster* Study with any Affected System that is affected by the Interconnection Request pursuant to Section 3.6 [above]*of this LGIP.* Transmission Provider shall utilize existing studies to the extent practicable when it performs the [study]*Cluster Study. Interconnection Requests for a Cluster Study may be submitted only within the Cluster Request Window and* Transmission Provider shall [use Reasonable Efforts to complete the Interconnection System Impact Study within ninety (90) Calendar Days after the receipt of the Interconnection System Impact Study Agreement or notification to proceed, study payment, and technical data. If Transmission Provider uses Clustering, Transmission Provider shall use Reasonable Efforts to deliver a completed Interconnection System Impact Study within ninety (90) Calendar Days after the close of the Queue Cluster Window.]*initiate the Cluster Study process pursuant to Section 7 of this LGIP.*

Unless re-studies are required pursuant to Section 7.5 of this LGIP, Transmission Provider shall complete the Cluster Study within one hundred fifty (150) Calendar Days of the close of the Customer Engagement Window.

Within ten (10) Business Days of simultaneously furnishing a Cluster Study Report (or, as applicable, Cluster Re-Study Report) and a draft Interconnection Facilities Study Agreement to each Interconnection Customer within the Cluster and posting such report on OASIS, Transmission Provider shall convene an open meeting to discuss the study results (a Cluster Study Report Meeting or Cluster Re-Study Report Meeting). Transmission Provider shall, upon request, also make itself available to meet with individual Interconnection Customers after the report is provided.

At the request of Interconnection Customer or at any time Transmission Provider determines that it will not meet the required time frame for completing the [Interconnection System Impact]*Cluster* Study, Transmission Provider shall notify Interconnection Customers as to the schedule status of the [Interconnection System Impact]*Cluster* Study. If Transmission Provider is unable to complete the [Interconnection System Impact]*Cluster* Study within the time period, it shall notify Interconnection Customers and provide an estimated completion date with an explanation of the reasons why additional time is required. Upon request, Transmission Provider shall provide *to* Interconnection Customers all supporting documentation, workpapers and relevant pre-Interconnection Request and post-Interconnection Request power flow, short circuit and stability databases for the [Interconnection System Impact]*Cluster* Study, subject to confidentiality arrangements consistent with Section 13.1 *of this LGIP.*

7.5 Cluster Study Re-Studies

(1) Within twenty (20) Calendar Days after the Cluster Study Report Meeting, Interconnection Customer must provide the following:

(a) Study deposit pursuant to Section 3.1.1.1 of this LGIP;

(b) Demonstration of Site Control pursuant to Section 3.4.2(iii) of this LGIP; and

(c) One of the Commercial Readiness Demonstration options in Section 3.4.2(vi)(a)–(c) of this LGIP totaling the entire Generating Facility Capacity (or requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity), or, in the alternative, a Commercial Readiness Deposit equal to five (5) times the study deposit described in Section 3.1.1.1 of this LGIP in the form of an irrevocable letter of credit or cash in lieu of the Commercial Readiness Demonstration. Transmission Provider shall refund the security to Interconnection Customer upon withdrawal in accordance with Section 3.7 of this LGIP.

Interconnection Customer shall promptly inform Transmission Provider of any material change to Interconnection Customer's demonstration of Site Control under Section 3.4.2(iii) of this LGIP or its satisfaction of a Commercial Readiness Demonstration as selected under Section 3.4.2(vi)(a)–(c) of this LGIP. Upon Transmission Provider determining separately that Interconnection Customer no longer satisfies Site Control or a Commercial Readiness Demonstration, Transmission Provider shall notify Interconnection Customer. Within ten (10) Business Days of such notification, Interconnection Customer must demonstrate satisfaction with the applicable requirement subject to Transmission Provider's approval, not to be unreasonably withheld. If the material change is related to Interconnection Customer's Commercial Readiness Demonstration, Interconnection Customer has the option to submit a Commercial Readiness Deposit pursuant to Section 7.5(1)(c) of this LGIP before the end of the ten (10) Business Day cure period. Absent such demonstration, Transmission Provider will deem the subject Interconnection Request withdrawn.

(2) If no Interconnection Customer withdraws from the Cluster after completion of the Cluster Study or Cluster Re-Study or is deemed withdrawn pursuant to Section 3.7 of this LGIP after completion of the Cluster Study or Cluster Re-Study, Transmission Provider shall electronically notify Interconnection Customers in the Cluster that a Cluster Re-Study is not required.

(3) If one or more Interconnection Customers withdraws from the Cluster, Transmission Provider shall determine if a Cluster Re-Study is necessary. If Transmission Provider determines a Cluster Re-Study is not necessary, Transmission Provider shall provide an updated Cluster Study Report within thirty (30) Calendar Days of such determination. When the updated Cluster Study Report is issued, Transmission Provider shall electronically notify Interconnection Customers in the Cluster that a Cluster Re-Study is not required.

(4) If one or more Interconnection Customers withdraws from the Cluster and Transmission Provider determines a Cluster Re-Study is necessary as a result, Transmission Provider will continue with such re-studies until Transmission Provider determines that no further re-studies are required. If an Interconnection Customer withdraws during the Interconnection Facilities Study, or after other Interconnection Customers in the same Cluster have executed LGIAs, or requested that unexecuted LGIAs be filed with FERC, and Transmission Provider determines a Cluster Re-Study is necessary, the Cluster shall be re-studied. Transmission Provider shall electronically notify Interconnection Customers in the Cluster and post on OASIS that a Cluster Re-Study is required.

(5) The scope of any Cluster Re-study shall be consistent with the scope of an initial Cluster Study pursuant to Section 7.3 of this

LGIP. Transmission Provider shall complete the Cluster Re-Study within one hundred fifty (150) Calendar Days of the commencement of the first Cluster Re-Study. The results of the Cluster Re-Study shall be combined into a single report (Cluster Re-Study Report). Transmission Provider shall hold an open stakeholder meeting (Cluster Re-Study Report Meeting) within ten (10) Business Days of publishing the Cluster Re-Study Report on OASIS.

If additional re-studies are required, Interconnection Customer and Transmission Provider shall follow the procedures of this Section 7.5 of this LGIP until such time that Transmission Provider determines that no further re-studies are required. Transmission Provider shall electronically notify each Interconnection Customer within the Cluster when no further re-studies are required.

[Meeting with Transmission Provider. Within ten (10) Business Days of providing an Interconnection System Impact Study report to Interconnection Customer, Transmission Provider and Interconnection Customer shall meet to discuss the results of the Interconnection System Impact Study.

7.6 Re-Study.]*(6)* If Re-Study of the [Interconnection System Impact Study]*Cluster Study other than the Re-Study described in Section 7.5(1)–(5) of this LGIP* is required due to a higher *or equal priority* queued project [dropping out of]*withdrawing from* the queue, or a modification of a higher *or equal priority* queued project subject to *Section* 4.4 *of this LGIP,* [or re-designation of the Point of Interconnection pursuant to Section 7.2]Transmission Provider shall notify Interconnection Customer*(s)* in writing. [Such]*Transmission Provider shall complete such* Re-Study [shall]within [sixty (60]*one hundred fifty (150)* Calendar Days from the date of notice. [Any]*Except as provided in Section 3.7 of this LGIP in the case of withdrawing Interconnection Customers, any* cost of Re-Study shall be borne by [the]Interconnection Customer*(s)* being re-studied.

Section 8. Interconnection Facilities Study

8.1 Interconnection Facilities Study Agreement

Simultaneously with the delivery of the [Interconnection System Impact Study to Interconnection Customer]*final Cluster Study Report, or Cluster Re-Study Report if applicable,* Transmission Provider shall provide to Interconnection Customer an Interconnection Facilities Study Agreement in the form of Appendix 4 to this LGIP. The Interconnection Facilities Study Agreement shall provide that Interconnection Customer shall compensate Transmission Provider for the actual cost of the Interconnection Facilities Study. [Within three (3) Business Days following the Interconnection System Impact Study results meeting,]Transmission Provider shall provide to Interconnection Customer a non-binding good faith estimate of the cost and timeframe for completing the Interconnection Facilities Study.

Interconnection Customer shall execute the Interconnection Facilities Study Agreement and deliver the executed Interconnection Facilities Study Agreement to Transmission Provider within thirty (30) Calendar Days after its receipt, together with[the]:

(1) any required technical data[and the greater of $100,000 or Interconnection Customer's portion of the estimated monthly cost of conducting the Interconnection Facilities Study.];

(2) Study deposit pursuant to Section 3.1.1.1 of this LGIP;

(3) Demonstration of Site Control pursuant to Section 3.4.2(iii) of this LGIP; and

(4) One of the following Commercial Readiness Demonstration options totaling the entire capacity of the Generating Facility (or requested Interconnection Service amount if the requested Interconnection Service is less than the Generating Facility Capacity), or a Commercial Readiness Deposit security equal to seven (7) times the study deposit described in Section 3.1.1.1 of this LGIP in the form of an irrevocable letter of credit or cash in lieu of the Commercial Readiness Demonstration. Transmission Provider shall refund the security to Interconnection Customer according to Section 3.7 of this LGIP.

(a) Executed contract binding on the parties for sale of (1) the constructed Generating Facility to a load-serving entity or to a commercial, industrial, or other large end-use customer, (2) the Generating Facility's energy or capacity where the term of sale is not less than five (5) years, or (3) the Generating Facility's ancillary services where the term of sale is not less than five (5) years;

(b) Reasonable evidence that the Generating Facility has been selected in an Resource Plan or Resource Solicitation Process by or for a load-serving entity, is being developed by a load-serving entity, or is being developed for purposes of a sale to a commercial, industrial, or other large end-use customer; or

(c) A Provisional LGIA that has been filed at the Commission executed, or requested to be filed unexecuted, which is not in suspension pursuant to Article 5.16 of the LGIA, and includes a commitment to construct the Generating Facility.

Interconnection Customer shall promptly inform Transmission Provider of any material change to Interconnection Customer's demonstration of Site Control under Section 3.4.2(iii) of this LGIP or its satisfaction of a Commercial Readiness Demonstration.

Upon Transmission Provider determining separately that Interconnection Customer no longer satisfies Site Control or a Commercial Readiness Option, Transmission Provider shall give Interconnection Customer ten (10) Business Days to demonstrate satisfaction with the applicable requirement subject to Transmission Provider's approval, not to be unreasonably withheld. If the material change is related to Interconnection Customer's Commercial Readiness Demonstration, Interconnection Customer has the option to submit a Commercial Readiness Deposit pursuant before the end of the ten (10) Business Day cure period. Absent such demonstration, Transmission Provider will deem the subject Interconnection Request withdrawn.

[**8.1.1** Transmission Provider shall invoice Interconnection Customer on a monthly basis for the work to be conducted on the Interconnection Facilities Study each month. Interconnection Customer shall pay invoiced amounts within thirty (30) Calendar Days of receipt of invoice. Transmission Provider shall continue to hold the amounts on deposit until settlement of the final invoice.]

8.2 Scope of Interconnection Facilities Study

The Interconnection Facilities Study *shall be specific to each Interconnection Request and performed on an individual, i.e., non-clustered, basis. The Interconnection Facilities Study* shall specify and *provide a non-binding* estimate *of* the cost of the equipment, engineering, procurement and construction work needed to implement the conclusions of the [Interconnection System Impact Study]*Cluster Study Report (and any associated re-studies)* in accordance with Good Utility Practice to physically and electrically connect the Interconnection [Facility]*Facilities* to the Transmission System. The Interconnection Facilities Study shall also identify the electrical switching configuration of the connection equipment, including, without limitation: the transformer, switchgear, meters, and other station equipment; the nature and estimated cost of any Transmission Provider's Interconnection Facilities and Network Upgrades necessary to accomplish the interconnection; and an estimate of the time required to complete the construction and installation of such facilities. The *Interconnection* Facilities Study will also identify any potential control equipment for [requests for]*(1)* requests for Interconnection Service that are lower than the Generating Facility Capacity[.]*, and/or (2) requests to model an Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource) using operating assumptions that reflect its proposed operation, as requested by Interconnection Customer, unless Good Utility Practice, including applicable reliability standards, otherwise require the use of different operating assumptions. At the request of any Interconnection Customer, the Interconnection Facilities Study will evaluate advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators, for feasibility, cost, and time savings as either an alternative to the Network Upgrade(s) identified by the Cluster Study or to provide Provisional Interconnection Service. Transmission Provider shall include the evaluation in the Interconnection Facilities Study report.*

8.3 Interconnection Facilities Study Procedures

Transmission Provider shall coordinate the Interconnection Facilities Study with any Affected System pursuant to Section 3.6 *of this LGIP.* Transmission Provider shall utilize existing studies to the extent practicable in performing the Interconnection Facilities Study. Transmission Provider shall [use Reasonable Efforts to]complete the study and issue a draft Interconnection Facilities Study report to Interconnection Customer within

the following number of days after receipt of an executed Interconnection Facilities Study Agreement: ninety (90) Calendar Days *after receipt of an executed Interconnection Facilities Study Agreement,* with no more than a +/−20 percent cost estimate contained in the report; or one hundred eighty (180) Calendar Days, if Interconnection Customer requests a +/−10 percent cost estimate.

* * *

Interconnection Customer may, within thirty (30) Calendar Days after receipt of the draft *Interconnection Facilities Study* report, provide written comments to Transmission Provider, which Transmission Provider shall include in *completing* the final *Interconnection Facilities Study* report. Transmission Provider shall issue the final Interconnection Facilities Study report within fifteen (15) Business Days of receiving Interconnection Customer's comments or promptly upon receiving Interconnection Customer's statement that it will not provide comments. Transmission Provider may reasonably extend such fifteen[-day] *(15) Business Day* period upon notice to Interconnection Customer if Interconnection Customer's comments require Transmission Provider to perform additional analyses or make other significant modifications prior to the issuance of the final Interconnection Facilities *Study* Report. Upon request, Transmission Provider shall provide Interconnection Customer supporting documentation, workpapers, and databases or data developed in the preparation of the Interconnection Facilities Study, subject to confidentiality arrangements consistent with Section 13.1 *of this LGIP.*

* * *

8.5 Re-Study

If Re-Study of the Interconnection Facilities Study is required due to a higher *or equal priority* queued project dropping out of the queue or a modification of a higher *or equal priority* queued project pursuant to Section 4.4 *of this LGIP*, Transmission Provider shall so notify Interconnection Customer in writing. [Such]*Transmission Provider shall ensure that such* Re-Study [shall]takes no longer than sixty (60) Calendar Days from the date of notice. *Except as provided in Section 3.7 of this LGIP in the case of withdrawing Interconnection Customers, any* cost of Re-Study shall be borne by [the]Interconnection Customer being re-studied.

Section 9 [Engineering & Procurement ('E&P') Agreement] *Affected System Study*

9.1 Applicability

This section 9 applies to Transmission Provider when acting as an Affected System.

9.2 Affected System Queue Position

Transmission Provider must assign a Queue Position to Affected System Interconnection Customer(s) that require(s) an Affected System Study. This Queue Position shall be higher-queued than any Cluster that has not yet received its Cluster Study results and shall be lower-queued than any Cluster that has already received its Cluster Study results.

9.3 Affected System Study Agreement

Unless otherwise agreed, pursuant to the Affected System Scoping Meeting provided in Section 3.6.2, Transmission Provider shall provide to Affected System Interconnection Customer an Affected System Study Agreement in the form of Appendix 15 to this LGIP within five (5) Business Days of Transmission Provider sharing the schedule for the Affected System Study. The Affected System Study Agreement shall provide that Affected System Interconnection Customer shall compensate Transmission Provider for the actual cost of the Affected System Study. Within fifteen (15) Business Days after the Affected System Scoping Meeting, Transmission Provider shall provide to Affected System Interconnection Customer a non-binding good faith estimate of the cost and timeframe for completing the Affected System Study.

9.4 Execution of Affected System Study Agreement

Affected System Interconnection Customer shall execute the Affected System Study Agreement and deliver the executed Affected System Study Agreement to Transmission Provider within ten (10) Business Days of receipt.

If Affected System Interconnection Customer does not provide all required technical data when it delivers the Affected System Study Agreement, Transmission Provider shall notify Affected System Interconnection Customer of the deficiency within five (5) Business Days of the receipt of the executed Affected System Study Agreement and Affected System Interconnection Customer shall cure the deficiency within ten (10) Business Days of receipt of the notice, provided, however, that such deficiency does not include failure to deliver the executed Affected System Study Agreement or deposit.

9.5 Scope of Affected System Study

The Affected System Study shall evaluate the impact of the Affected System Interconnection Customer's proposed interconnection on the reliability of Transmission Provider's Transmission System. The Affected System Study will consider the Base Case as well as all generating facilities (and with respect to (iii) below, any identified Affected System Network Upgrades associated with such higher-queued interconnection) that, on the date the Affected System Study is commenced: (i) are directly interconnected to Transmission Provider's Transmission System; (ii) are interconnected to Affected Systems and may have an impact on Affected System Interconnection Customer's interconnection request; (iii) have a pending higher-queued Interconnection Request to interconnect to Transmission Provider's Transmission System; and (iv) have no Queue Position but have executed an LGIA or requested that an unexecuted LGIA be filed with FERC.

The Affected System Study will consist of a short circuit analysis, thermal overload or voltage limit identification, a stability analysis, and a power flow analysis. The Affected System Study will state the assumptions upon which it is based; state the results of the analyses; and provide the requirements or potential impediments to providing the requested interconnection service, including a preliminary indication of the cost and length of time that would be necessary to correct any problems identified in those analyses and implement the interconnection. For purposes of determining necessary Affected System Network Upgrades, the Affected System Study shall consider the level of interconnection service requested in megawatts by Affected System Interconnection Customer, unless otherwise required to study the full generating facility capacity due to safety or reliability concerns. The Affected System Study will provide a list of facilities that are required as a result of Affected System Interconnection Customer's proposed interconnection and a non-binding good faith estimate of cost responsibility and a non-binding good faith estimated time to construct.

9.6 Affected System Study Procedures

Transmission Provider shall utilize existing studies to the extent practicable when it performs the Affected System Study. Transmission Provider will use the same Energy Resource Interconnection Service modeling standard used for Interconnection Customers on its own Transmission System. Transmission Provider shall complete the Affected System Study and provide the Affected System Study Report to Affected System Interconnection Customer within ninety (90) Calendar Days after the receipt of the Affected System Study Agreement.

At the request of Affected System Interconnection Customer, or at any time Transmission Provider determines that it will not meet the required time frame for completing the Affected System Study, Transmission Provider shall notify Affected System Interconnection Customer as to the schedule status of the Affected System Study. If Transmission Provider is unable to complete the Affected System Study within the requisite time period, it shall notify Affected System Interconnection Customer and provide an estimated completion date with an explanation of the reasons why additional time is required. If Transmission Provider does not meet the deadlines in this section, Transmission Provider will be subject to the financial penalties as described in Section 3.9 of this LGIP. Upon request, Transmission Provider shall provide Affected System Interconnection Customer all supporting documentation, workpapers and relevant power flow, short circuit and stability databases for the Affected System Study, subject to confidentiality arrangements consistent with Section 13.1 of this LGIP.

Transmission Provider must study an Affected System Interconnection Customer using an Energy Resource Interconnection Service modeling standard, regardless of the level of service that Affected System Interconnection Customer is seeking from the transmission provider with whom interconnection has been requested. In the event Transmission Provider believes that it is necessary to study an Affected System Interconnection Customer that is requesting

Network Resource Interconnection Service using Network Resource Interconnection Service modeling standards, Transmission Provider may make such a request to the Commission by filing under section 205 of the Federal Power Act.

9.7 Meeting with Transmission Provider

Within ten (10) Business Days of providing the Affected System Study Report to Affected System Interconnection Customer, Transmission Provider and Affected System Interconnection Customer shall meet to discuss the results of the Affected System Study.

9.8 Affected System Cost Allocation

Transmission Provider will allocate Affected System Network Upgrade costs identified during the Affected System Study to Affected System Interconnection Customer(s) using a proportional impact as described in Section 4.2.3 of this LGIP.

9.9 Tender of Affected Systems Facilities Construction Agreement

Transmission Provider will tender to Affected System Interconnection Customer an Affected System Facilities Construction Agreement within thirty (30) Calendar Days of providing the Affected System Study Report. Affected System Interconnection Customer must notify Transmission Provider within five (5) Business Days of executing Affected System Interconnection Customer's LGIA whether it would like to execute the agreement or if it requests the agreement to be filed unexecuted with FERC. Transmission Provider will execute the agreement or file the agreement unexecuted within five (5) Business Days after receiving direction from Affected System Interconnection Customer.

9.10 Re-Study

If Re-Study of the Affected System Study is required, Transmission Provider shall notify Affected System Interconnection Customer in writing. Such Re-Study shall take no longer than sixty (60) Calendar Days from the date of notice. Any cost of Re-Study shall be borne by the Affected System Interconnection Customer being re-studied.

[Prior to executing an LGIA, an Interconnection Customer may, in order to advance the implementation of its interconnection, request and Transmission Provider shall offer the Interconnection Customer, an E&P Agreement that authorizes Transmission Provider to begin engineering and procurement of long lead-time items necessary for the establishment of the interconnection. However, Transmission Provider shall not be obligated to offer an E&P Agreement if Interconnection Customer is in Dispute Resolution as a result of an allegation that Interconnection Customer has failed to meet any milestones or comply with any prerequisites specified in other parts of the LGIP. The E&P Agreement is an optional procedure and it will not alter the Interconnection Customer's Queue Position or In-Service Date. The E&P Agreement shall provide for Interconnection Customer to pay the cost of all activities authorized by Interconnection Customer and to make advance payments or provide other satisfactory security for such costs.

Interconnection Customer shall pay the cost of such authorized activities and any cancellation costs for equipment that is already ordered for its interconnection, which cannot be mitigated as hereafter described, whether or not such items or equipment later become unnecessary. If Interconnection Customer withdraws its application for interconnection or either Party terminates the E&P Agreement, to the extent the equipment ordered can be canceled under reasonable terms, Interconnection Customer shall be obligated to pay the associated cancellation costs. To the extent that the equipment cannot be reasonably canceled, Transmission Provider may elect: (i) to take title to the equipment, in which event Transmission Provider shall refund Interconnection Customer any amounts paid by Interconnection Customer for such equipment and shall pay the cost of delivery of such equipment, or (ii) to transfer title to and deliver such equipment to Interconnection Customer, in which event Interconnection Customer shall pay any unpaid balance and cost of delivery of such equipment.]

* * *

Section 11. Standard Large Generator Interconnection Agreement (LGIA)

11.1 Tender

Interconnection Customer shall tender comments on the draft Interconnection Facilities Study Report within thirty (30) Calendar Days of receipt of the report. Within thirty (30) Calendar Days after the comments are submitted *or after Interconnection Customer notifies Transmission Provider that it will not provide comments,* Transmission Provider shall tender a draft LGIA, together with draft appendices. The draft LGIA shall be in the form of Transmission Provider's FERC-approved standard form LGIA, which is in Appendix 6. Interconnection Customer shall execute and return the completed draft appendices within thirty (30) Calendar Days, *unless the (60) Calendar Day negotiation period under Section 11.2 of this LGIP has commenced.*

* * *

11.3 Execution and Filing

Simultaneously with submitting the executed LGIA to Transmission Provider, [Within fifteen (15) Business Days after receipt of the final executed LGIA,]Interconnection Customer shall provide Transmission Provider *with* [(A) reasonable evidence that continued Site Control or (B) posting of $250,000, non-refundable additional security, which shall be applied toward future construction costs]*(1) demonstration of continued Site Control pursuant to Section 3.4.2(iii) of this LGIP; and (2) per Section 3.1.1.3 of this LGIP, a deposit equal to nine (9) times the amount required in Section 3.1.1.1 of this LGIP. If Interconnection Customer reaches Commercial Operation, this deposit will be refunded to Interconnection Customer, including any accumulated interest. Transmission Provider must not suspend the LGIA under LGIA Article 5.16 until Interconnection Customer has provided 1 and 2 to Transmission Provider. If Interconnection Customer fails to provide 1 and 2 to Transmission Provider with fifteen (15) Business Days, the Interconnection Request will be deemed withdrawn, subject to Withdrawal Penalties per Section 3.7.1 of this LGIP.*

At the same time, Interconnection Customer also shall provide reasonable evidence that one or more of the following milestones, *unless such milestone is inapplicable due to the characteristics of the Generating Facility,* in the development of the [Large]Generating Facility, at Interconnection Customer election, has been achieved: (i) the execution of a contract for the supply or transportation of fuel to the [Large]Generating Facility ; (ii) the execution of a contract for the supply of cooling water to the [Large]Generating Facility; (iii) execution of a contract for the engineering for, procurement of major equipment for, or construction of, the [Large]Generating Facility; (iv) execution of a contract *(or comparable evidence)* for the sale of electric energy or capacity from the [Large]Generating Facility; [or] (v) application for an air, water, or land use permit[.]; *or (vi) Commercial Readiness Demonstration pursuant to Section 8.1 of this LGIP (Commercial Readiness Deposit is not allowed).*

* * *

Section 12. Construction of Transmission Provider's Interconnection Facilities and Network Upgrades

* * *

12.2.4 Amended Interconnection [System Impact]*Cluster* Study *Report*

An Interconnection [System Impact]*Cluster* Study Report will be amended to determine the facilities necessary to support the requested In-Service Date. This amended study *report* will include those transmission and [Large]Generating Facilities that are expected to be in service on or before the requested In-Service Date.

* * *

Section 13. Miscellaneous

13.1 Confidentiality

* * *

13.1.9 Subject to the exception in Section 13.1.8 *of this LGIP,* any information that a Party claims is competitively sensitive, commercial or financial information (''Confidential Information'') shall not be disclosed by the other Party to any person not employed or retained by the other Party, except to the extent disclosure is (i) required by law; (ii) reasonably deemed by the disclosing Party to be required to be disclosed in connection with a dispute between or among the Parties, or the defense of litigation or dispute; (iii) otherwise permitted by consent of the other Party, such consent not to be unreasonably withheld; or (iv) necessary to fulfill its obligations under this LGIP or as a transmission service provider or a [Control Area]*Balancing Authority Area* operator including disclosing the Confidential Information to an RTO or ISO or to a subregional, regional or national reliability organization or planning group.

The Party asserting confidentiality shall notify the other Party in writing of the information it claims is confidential. Prior to any disclosures of the other Party's Confidential Information under this subparagraph, or if any third party or Governmental Authority makes any request or demand for any of the information described in this subparagraph, the disclosing Party agrees to promptly notify the other Party in writing and agrees to assert confidentiality and cooperate with the other Party in seeking to protect the Confidential Information from public disclosure by confidentiality agreement, protective order or other reasonable measures.

* * *

13.3 Obligation for Study Costs

In the event an Interconnection Customer withdraws its Interconnection Request prior to the commencement of the Cluster Study, Interconnection Customer must pay Transmission Provider the actual costs of processing its Interconnection Request. Interconnection Customer will not be assessed a Withdrawal Penalty in this case. Transmission Provider shall charge and Interconnection Customer shall pay the actual costs of the Interconnection Studies. *The costs of Cluster Studies and Cluster Re-Studies shall be allocated among each Interconnection Customer within the Cluster as follows: (1) ninety percent (90%) of the applicable study costs on a pro-rata basis based on requested megawatts included in the applicable Cluster; and (2) ten percent (10%) of the applicable study costs on a per capita basis based on the number of Interconnection Requests included in the applicable Cluster.*

Any difference between the study deposit and the actual cost of the applicable Interconnection Study shall be paid by or refunded, except as otherwise provided herein, to Interconnection [Customer]*Customers* or offset against the cost of any future Interconnection Studies associated with the applicable [Interconnection Request]*Cluster* prior to beginning of any such future Interconnection Studies. Any invoices for Interconnection Studies shall include a detailed and itemized accounting of the cost of each Interconnection Study. Interconnection [Customer]*Customers* shall pay any such undisputed costs within thirty (30) Calendar Days of receipt of an invoice therefor. *Any Interconnection Customer that fails to pay such undisputed costs within the time allotted shall be deemed withdrawn from the Cluster Study and will be subject to Withdrawal Penalties pursuant to Section 3.7.1 of this LGIP.* [Transmission Provider shall not be obligated to perform or continue to perform any studies unless Interconnection Customer has paid all undisputed amounts in compliance herewith.]

* * *

Section [9]*13.7* Engineering & Procurement ('E&P') Agreement

Prior to executing an LGIA, an Interconnection Customer may, in order to advance the implementation of its interconnection, request and Transmission Provider shall offer Interconnection Customer, an E&P Agreement that authorizes Transmission Provider to begin engineering and procurement of long lead-time items necessary for the establishment of the interconnection. However, Transmission Provider shall not be obligated to offer an E&P Agreement if Interconnection Customer is in Dispute Resolution as a result of an allegation that Interconnection Customer has failed to meet any milestones or comply with any prerequisites specified in other parts of the LGIP. The E&P Agreement is an optional procedure and it will not alter Interconnection Customer's Queue Position or In-Service Date. The E&P Agreement shall provide for Interconnection Customer to pay the cost of all activities authorized by Interconnection Customer and to make advance payments or provide other satisfactory security for such costs.

Interconnection Customer shall pay the cost of such authorized activities and any cancellation costs for equipment that is already ordered for its interconnection, which cannot be mitigated as hereafter described, whether or not such items or equipment later become unnecessary. If Interconnection Customer withdraws its application for interconnection or either Party terminates the E&P Agreement, to the extent the equipment ordered can be canceled under reasonable terms, Interconnection Customer shall be obligated to pay the associated cancellation costs. To the extent that the equipment cannot be reasonably canceled, Transmission Provider may elect: (i) to take title to the equipment, in which event Transmission Provider shall refund Interconnection Customer any amounts paid by Interconnection Customer for such equipment and shall pay the cost of delivery of such equipment, or (ii) to transfer title to and deliver such equipment to Interconnection Customer, in which event Interconnection Customer shall pay any unpaid balance and cost of delivery of such equipment.

* * *

13.8 Alternative Transmission Technologies Annual Report

Each Transmission Provider shall submit an annual informational report to the Commission that details whether, and if so how, advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators were considered in interconnection requests over the last year. The report must be submitted by the last calendar day of December annually.

Appendix 1 to LGIP

Interconnection Request for a Large Generating Facility

* * *

5. Interconnection Customer provides the following information:

a. Address or location or the proposed new [Large]Generating Facility site (to the extent known) or, in the case of an existing Generating Facility, the name and specific location of the existing Generating Facility;

b. Maximum summer at ____ degrees C and winter at ____ degrees C megawatt electrical output of the proposed new [Large]Generating Facility or the amount of megawatt increase in the generating capacity of an existing Generating Facility;

c. General description of the equipment configuration;

d. Commercial Operation Date (Day, Month, and Year);

e. Name, address, telephone number, and e-mail address of Interconnection Customer's contact person;

f. Approximate location of the proposed Point of Interconnection (optional);

g. Interconnection Customer Data (set forth in Attachment A);

h. Primary frequency response operating range for electric storage resources;

i. Requested capacity (in MW) of Interconnection Service (if lower than the Generating Facility Capacity)[.]*;*

j. If applicable, (1) the requested operating assumptions, such as charge and discharge parameters, to be used by Transmission Provider that reflect the proposed operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource), and (2) a description of any control technologies (software and/or hardware) that will limit the operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource) to its intended operation.

* * *

Attachment A to Appendix 1

Interconnection Request

Large Generating Facility Data

* * *

For a non-synchronous Generating Facility, Interconnection Customer must provide (1) a validated user-defined root mean squared (RMS) positive sequence dynamics model; (2) an appropriately parameterized generic library RMS positive sequence dynamics model, including model block diagram of the inverter control and plant control systems, as defined by the selection in Table 1 or a model otherwise approved by the Western Electricity Coordinating Council, that corresponds to Interconnection Customer's Generating Facility; and (3) an electromagnetic transient model if Transmission Provider performs an electromagnetic transient study as part of the interconnection study process. Transmission Provider to insert whether they perform an electromagnetic transient study. A user-defined model is a set of programming code created by equipment manufacturers or developers that captures the latest features of controllers that are mainly software based and represents the entities' control strategies but does not necessarily correspond to any generic library model. For a model to be validated, there must be confirmation by Interconnection Customer that the equipment behavior is consistent with the model behavior (e.g., an attestation from Interconnection Customer that the model accurately represents the entire Generating Facility; attestations from each equipment manufacturer that the user defined model accurately represents the component of the Generating Facility; or test data).

Table 1

GE PSLF	Siemens PSS/E *	PowerWorld simulator	Description
pvd1		PVD1	Distributed PV system model
der_a	DERAU1	DER_A	Distributed energy resource model
regc_a	REGCAU1, REGCA1	REGC_A	Generator/converter model
regc_b	REGCBU1	REGC_B	Generator/converter model
wt1g	WT1G1	WT1G and WT1G1	Wind turbine model for Type-1 wind turbines (conventional directly connected induction generator)
wt2g	WT2G1	WT2G and WT2G1	Generator model for generic Type-2 wind turbines
wt2e	WT2E1	WT2E and WT2E1	Rotor resistance control model for wound-rotor induction wind-turbine generator wt2g
reec_a	REECAU1, REECA1	REEC__A	Renewable energy electrical control model
reec_c	REECCU1	REEC_C	Electrical control model for battery energy storage System
reec_d	REECDU1	REEC_D	Renewable energy electrical control model
wt1t	WT12T1	WT1T and WT12T1	Wind turbine model for Type-1 wind turbines (conventional directly connected induction generator)
wt1p_b	wt1p_b	WT12A1U_B	Generic wind turbine pitch controller for WTGs of Type 1 and 2
wt2t	WT12T1	WT2T	Wind turbine model for Type-2 wind turbines (directly connected induction generator wind turbines with an external rotor resistance)
wtgt_a	WTDTAU1, WTDTA1	WTGT_A	Wind turbine drive train model
wtga_a	WTARAU1, WTARA1	WTGA_A	Simple aerodynamic model
wtgp_a	WTPTAU1, WTPTA1	WTGPT_A	Wind Turbine Generator Pitch controller
wtgq_a	WTTQAU1, WTTQA1	WTGTRQ_A	Wind Turbine Generator Torque controller
wtgwgo_a	WTGWGOAU	WTGWGO_A	Supplementary control model for Weak Grids
wtgibffr_a	WTGIBFFRA	WTGIBFFR_A	Inertial-base fast frequency response control
wtgp_b	WTPTBU1	WTGPT_B	Wind Turbine Generator Pitch controller
wtgt_b	WTDTBU1	WTGT_B	Drive train model
repc_a	Type 4: REPCAU1 (v33), REPCA1 (v34). Type 3: REPCTAU1 (v33), REPCTA1 (v34).	REPC_A	Power Plant Controller
repc_b	PLNTBU1	REPC_B	Power Plant Level Controller for controlling several plants/devices In regards to Siemens PSS/E: * Names of other models for interface with other devices: REA3XBU1, REAX4BU1—for interface with Type 3 and 4 renewable machines SWSAXBU1—for interface with SVC (modeled as switched shunt in powerflow) SYNAXBU1—for interface with synchronous condenser FCTAXBU1—for interface with FACTS device
repc_c	REPCCU	REPC_C	Power plant controller

Appendix 2 to LGIP

[Interconnection Feasibility Study Agreement]

Informational Interconnection Study Request

1. The undersigned prospective Interconnection Customer submits this request for an Informational Interconnection Study to evaluate the interconnection of its Generating Facility with Transmission Provider's Transmission System pursuant to Section 6.1 of this LGIP, to be performed in accordance with Transmission Provider's Tariff.

2. The type of interconnection service to be evaluated (check one):

____ Energy Resource Interconnection Service
____ Network Resource Interconnection Service
____ Both

3. Prospective Interconnection Customer provides the following information:

a. Address or location of the proposed new Generating Facility site to be studied or, in the case of an existing Generating Facility, the name and specific location of the existing Generating Facility;

b. Maximum summer at __ degrees C and winter at __ degrees C megawatt electrical output of the proposed new Generating Facility or the amount of megawatt increase in the generating capacity of an existing Generating Facility;

c. General description of the equipment configuration;

d. Commercial Operation Date to be studied (Day, Month, and Year);

e. Name, address, telephone number, and e-mail address of prospective Interconnection Customer's contact person;

f. Approximate location of the proposed Point of Interconnection and any alternate Point(s) of Interconnection;

g. Prospective Interconnection Customer Data (set forth in Attachment A to Appendix 1, Generating Facility Data);

h. Primary frequency response operating range for electric storage resources;

i. Requested capacity (in MW) of Interconnection Service to be studied (if lower than the Generating Facility Capacity);

j. A Scope of Work including any additional information that may be reasonably required;

k. $10,000 study deposit; and

l. If applicable, requested operating assumptions to be studied, such as charge and discharge parameters, that reflect the proposed operation of the Electric Storage Resource or Co-Located Resource containing an Electric Storage Resource (including a hybrid resource).

6. This Informational Interconnection Study Request shall be submitted to the representative indicated below:

{To be completed by Transmission Provider}

7. Representative of prospective Interconnection Customer to contact:

{To be completed by prospective Interconnection Customer}

8. This Informational Interconnection Request is submitted by:

Name of prospective Interconnection Customer: _____
By (signature): _____
Name (type or print): _____
Title: _____
Date: _____

Attachment A to Appendix 2

Informational Interconnection Study Agreement

This Agreement is made and entered into this __ day of ____, 20 __ by and between ____, a _____ organized and existing under

the laws of the State of _____ (''*Prospective* Interconnection Customer''), and _____, a _____ existing under the laws of the State of _____ (''Transmission Provider''). *Prospective* Interconnection Customer and Transmission Provider each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals

Whereas, Prospective Interconnection Customer is proposing to develop a [Large]Generating Facility or generating capacity addition to an existing Generating Facility [consistent with the Interconnection Request submitted by Interconnection customer dated _____]; and

[Whereas, Interconnection Customer desires to interconnect the Large Generating Facility with the Transmission System; and]

[Whereas, Interconnection Customer has requested Transmission Provider to perform an Interconnection Feasibility Study to assess the feasibility of interconnecting the proposed Large Generating Facility to the Transmission System, and of any Affected Systems;]

Whereas, Prospective Interconnection Customer is proposing to evaluate an interconnection with Transmission Provider's Transmission System; and

Whereas, Prospective Interconnection Customer has submitted to Transmission Provider an Informational Interconnection Study Request;

Now, therefore, in consideration of and subject to the mutual covenants contained herein the Parties agree as follows:

1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in [Transmission Provider's FERC-approved LGIP]*this LGIP.*

2.0 *Prospective* Interconnection Customer elects and Transmission Provider shall cause to be performed an *Informational* Interconnection [Feasibility]Study consistent with Section 6.[0]*1* of this LGIP[in accordance with the Tariff].

3.0 The scope of the *Informational* Interconnection [Feasibility]Study shall be subject to the assumptions set forth in Attachment [A]*B* to this Agreement.

4.0 [The Interconnection Feasibility Study shall be based on the technical information provided by Interconnection Customer in the Interconnection Request, as may be modified as the result of the Scoping Meeting. Transmission Provider reserves the right to request additional technical information from Interconnection Customer as may reasonably become necessary consistent with Good Utility Practice during the course of the Interconnection Feasibility Study and as designated in accordance with Section 3.4.4 of the LGIP. If, after the designation of the Point of Interconnection pursuant to Section 3.4.4 of the LGIP, Interconnection Customer modifies its Interconnection Request pursuant to Section 4.4, the time to complete the Interconnection Feasibility Study may be extended.] *The Informational Interconnection Study shall be performed solely for informational purposes and is not binding on either Party.*

5.0 *The Informational Interconnection Study report shall provide a sensitivity analysis based on the assumptions specified by prospective Interconnection Customer in this Agreement and the technical information provided by prospective Interconnection Customer.Transmission Provider reserves the right to request additional technical information from prospective Interconnection Customer as may reasonably become necessary consistent with Good Utility Practice during the course of the Informational Interconnection Study. If prospective Interconnection Customer modifies its Informational Interconnection Study Request, the time to complete the Informational Interconnection Study may be extended.*

The *Informational* Interconnection [Feasibility]Study report shall provide the following information:

—preliminary identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

—preliminary identification of any thermal overload or voltage limit violations resulting from the interconnection; and

—[preliminary description and non-bonding estimated cost of facilities required to interconnect the Large Generating Facility to the Transmission System and to address the identified short circuit and power flow issues.]*Transmission Provider's Interconnection Facilities and Network Upgrades, and the estimated cost thereof, that may be required to provide transmission service or Interconnection Service based upon the assumptions specified by prospective Interconnection Customer in this agreement.*

6.0 *Prospective* Interconnection Customer shall provide a deposit of $10,000 for the performance of the *Informational*Interconnection [Feasibility] Study. *Transmission Provider's good faith estimate for the time of completion of the Informational Interconnection Study is {insert date}.*

Upon [receipt of]*providing* the *Informational* Interconnection [Feasibility]Study *report to prospective Interconnection Customer,* Transmission Provider shall charge and *prospective* Interconnection Customer shall pay the actual costs of the *Informational* Interconnection [Feasibility]Study.

Any difference between the [deposit]*initial payment* and the actual cost of the study shall be paid by or refunded to *prospective* Interconnection Customer, as appropriate.

7.0 Miscellaneous. The *Informational* Interconnection [Feasibility]Study Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, that reflect best practices in the electric industry, and that are consistent with regional practices, Applicable Laws and Regulations, and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and the LGIA.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

{Insert name of Transmission Provider or Transmission Owner, if applicable}

By: _____
Title: _____
Date: _____
By: _____
Title: _____
Date: _____

{Insert name of *prospective* Interconnection Customer}

By: _____
Title: _____
Date: _____

Attachment [A]*B* to Appendix 2

***Informational* Interconnection[Feasibility] Study Agreement**

Assumptions Used In Conducting The *Informational* Interconnection [Feasibility] Study

The *Informational* Interconnection [Feasibility]Study will be based upon the information set forth in the Interconnection Request and agreed upon in the Scoping Meeting held on

____:

Designation of Point of Interconnection and configuration to be studied.

Designation of alternative Point(s) of Interconnection and configuration.

{Above assumptions to be completed by Interconnection Customer and other assumptions to be provided by Interconnection Customer and Transmission Provider}

Appendix 3 to LGIP

[Interconnection System Impact]*Cluster* Study Agreement

This Agreement is made and entered into this day of ____, 20__ by and between ____, a ____organized and existing under the laws of the State of ____, (''Interconnection Customer,'') and ____, a ____ organized and existing under the laws of the State of ____(''Transmission Provider''). Interconnection Customer and Transmission Provider each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals

Whereas, Interconnection Customer is proposing to develop a [Large]Generating Facility or generating capacity addition to an existing Generating Facility consistent with the Interconnection Request submitted by Interconnection Customer dated ____; and

Whereas, Interconnection Customer desires to interconnect the[Large] Generating Facility with the Transmission System;

Whereas, Transmission Provider has completed an *Informational* Interconnection [Feasibility]Study (the ''[Feasibility] *Informational* Study'') and provided the results of said study to Interconnection Customer (This recital to be omitted if Transmission Provider [does not require] *did not conduct* the *Informational* Interconnection [Feasibility]Study.); and

Whereas, Interconnection Customer has requested Transmission Provider to perform [an Interconnection System Impact]*a Cluster* Study to assess the impact of interconnecting the [Large]Generating Facility to the

Transmission System, and of any Affected Systems;

Now, Therefore, in consideration of and subject to the mutual covenants contained herein, the Parties agreed as follows:

1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in this LGIP.

2.0 Interconnection Customer elects and Transmission Provider shall cause to be performed [an Interconnection System Impact]*a Cluster* Study consistent with Section 7.0 of this LGIP in accordance with the Tariff.

3.0 The scope of the [Interconnection System Impact]*Cluster* Study shall be subject to the assumptions set forth in Attachment A to this Agreement.

4.0 The [Interconnection System Impact]*Cluster* Study will be based upon the results of the *Informational* Interconnection [Feasibility]Study and the technical information provided by Interconnection Customer in the Interconnection Request, subject to any modifications in accordance with Section 4.4 of this LGIP. Transmission Provider reserves the right to request additional technical information from Interconnection Customer as may reasonably become necessary consistent with Good Utility Practice during the course of the [Interconnection Customer System Impact]*Cluster* Study. If Interconnection Customer modifies its designated Point of Interconnection, Interconnection Request, or the technical information provided therein, the time to complete the[Interconnection System Impact] *Cluster* Study may be extended.

5.0 The [Interconnection System Impact]*Cluster* Study [report]*Report* shall provide the following information:

—identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

—identification of any thermal overload or voltage limit violations resulting from the interconnection;

—identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; and

—description and non-binding, good faith estimated cost of facilities required to interconnect the [Large]Generating Facility to the Transmission System and to address the identified short circuit, instability, and power flow issues.

6.0 [Interconnection Customer shall provide a deposit of $50,000 for the performance of the Interconnection System Impact Study.]Transmission Provider's good faith estimate for the time of completion of the [Interconnection System Impact]*Cluster* Study is {insert date}.

Upon receipt of the [Interconnection System Impact]*Cluster* Study, Transmission Provider shall charge and Interconnection Customer shall pay *its share of* the actual costs of the [Interconnection System Impact]*Cluster* Study*, consistent with Section 13.3 of this LGIP.*

Any difference between the deposit and the actual cost of the study shall be paid by or refunded to Interconnection Customer, as appropriate.

7.0 Miscellaneous. The [Interconnection System Impact]*Cluster* Study Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, that reflect best practices in the electric industry, that are consistent with regional practices, Applicable Laws and Regulations and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and LGIA.

In witness thereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

{Insert name of Transmission Provider or Transmission Owner, if applicable}

By: _____

Title: _____

Date: _____

{Insert name of Interconnection Customer}

By: _____

Title: _____

Date: _____

Attachment A to Appendix 3

[Interconnection System Impact]*Cluster* Study Agreement

Assumptions Used In Conducting The [Interconnection System Impact]*Cluster* Study

The [Interconnection System Impact]*Cluster* Study will be based upon the results of the *Informational* Interconnection [Feasibility] Study, subject to any modifications in accordance with Section 4.4 of th*is*[e] LGIP, and the following assumptions:

Designation of Point of Interconnection and configuration to be studied.

Designation of alternative Point(s) of Interconnection and configuration.

{Above assumptions to be completed by Interconnection Customer and other assumptions to be provided by Interconnection Customer and Transmission Provider}

Appendix 4 to LGIP

Interconnection Facilities Study Agreement

* * *

Whereas, Transmission Provider has completed an Interconnection [System Impact] *Cluster* Study (the ''[System Impact]*Cluster* Study'') and provided the results of said study to Interconnection Customer; and

Whereas, Interconnection Customer has requested Transmission Provider to perform an Interconnection Facilities Study to specify and estimate the cost of the equipment, engineering, procurement and construction work needed to implement the conclusions of the Interconnection [System Impact]*Cluster* Study in accordance with Good Utility Practice to physically and electrically connect the [Large]Generating Facility to the Transmission System.

* * *

4.0 The Interconnection Facilities Study report (i) shall provide a description, estimated cost of (consistent with Attachment A), schedule for required facilities to interconnect the [Large] Generating Facility to the Transmission System and (ii) shall address the short circuit, instability, and power flow issues identified in the Interconnection [System Impact]*Cluster* Study.

* * *

Attachment A to Appendix 4

Interconnection Facilities Study Agreement

Interconnection Customer Schedule Election For Conducting The Interconnection Facilities Study

Transmission Provider shall [use Reasonable Efforts to]complete the study and issue a draft Interconnection Facilities Study report to Interconnection Customer within the following number of days after [of]receipt of an executed copy of this Interconnection Facilities Study Agreement.

* * *

Appendix 13 to LGIP

Transitional Cluster Study Agreement

THIS AGREEMENT is made and entered into this __ day of ____, 20__ by and between ____, a ____ organized and existing under the laws of the State of ____ (''Interconnection Customer''), and ____, a ____ organized and existing under the laws of the State of ____ (''Transmission Provider''). Interconnection Customer and Transmission Provider each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals

Whereas, Interconnection Customer is proposing to develop a Generating Facility or generating capacity addition to an existing Generating Facility consistent with the Interconnection Request submitted by Interconnection Customer dated____;

Whereas, Interconnection Customer desires to interconnect the Generating Facility with Transmission Provider's Transmission System; and

Whereas, Interconnection Customer has requested Transmission Provider to perform a ''Transitional Cluster Study,'' which is a combined system impact and facility Cluster Study to specify and estimate the cost of the equipment, engineering, procurement, and construction work needed to physically and electrically connect the Generating Facility to Transmission Provider's Transmission System; and

Whereas, Interconnection Customer has a valid Queue Position as of the effective date of this LGIP.

Now, Therefore, in consideration of and subject to the mutual covenants contained herein, the Parties agree as follows:

1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in this LGIP.

2.0 Interconnection Customer elects, and Transmission Provider shall cause to be performed, a Transitional Cluster Study.

3.0 The Transitional Cluster Study shall be based upon the technical information provided by Interconnection Customer in the Interconnection Request. Transmission

Provider reserves the right to request additional technical information from Interconnection Customer as may reasonably become necessary consistent with Good Utility Practice during the course of the Transitional Cluster Study and Interconnection Customer shall provide such data as quickly as reasonable.

4.0 Pursuant to Section 5.1.1.2 of this LGIP, the interim Transitional Cluster Study report shall provide the information below:

—identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;
—identification of any thermal overload or voltage limit violations resulting from the interconnection;
—identification of any instability or inadequately damped response to system disturbances resulting from the interconnection; and
—Transmission Provider's Interconnection Facilities and Network Upgrades that are expected to be required as a result of the Interconnection Request(s) and a non-binding, good faith estimate of cost responsibility and a non-binding, good faith estimated time to construct.

5.0 *Pursuant to Section 5.1.1.2 of this LGIP, the final Transitional Cluster Study Report shall: (1) provide all the information included in the interim Transitional Cluster Study report; (2) provide a description of, estimated cost of, and schedule for required facilities to interconnect the Generating Facility to the Transmission System; and (3) address the short circuit, instability, and power flow issues identified in the interim Transitional Cluster Study report.*

6.0 Interconnection Customer has met certain requirements described in Section 5.1.1.2 of this LGIP.

7.0 Interconnection Customer previously provided a deposit for the performance of Interconnection Studies. Upon receipt of the final Transitional Cluster Study Report, Transmission Provider shall charge and Interconnection Customer shall pay the actual costs of the Transitional Cluster Study. Any difference between the study deposit and the actual cost of the study shall be paid by or refunded to Interconnection Customer, in accordance with the provisions of Section 13.3 of this LGIP.

8.0 Miscellaneous. The Transitional Cluster Study Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, that reflect best practices in the electric industry, and that are consistent with regional practices, Applicable Laws and Regulations, and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and the LGIA.

In witness whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

{Insert name of Transmission Provider or Transmission Owner, if applicable}

By: _____
Title: _____
Date: _____

{Insert name of Interconnection Customer}

By: _____
Title: _____
Date: _____

Appendix 14 to LGIP

Transitional Serial Interconnection Facilities Study Agreement

THIS AGREEMENT is made and entered into this __ day of __, 20__, by and between __, a __ organized and existing under the laws of the State of __; (''Interconnection Customer'') and ____, a ____ organized and existing under the laws of the State of ____ (''Transmission Provider''). Interconnection Customer and Transmission Provider each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals

Whereas, Interconnection Customer is proposing to develop a Generating Facility or generating capacity addition to an existing Generating Facility consistent with the Interconnection Request submitted by Interconnection Customer dated __; and

Whereas, Interconnection Customer desires to interconnect the Generating Facility with Transmission Provider's Transmission System; and

Whereas, Interconnection Customer has requested Transmission Provider to continue processing its Interconnection Facilities Study to specify and estimate the cost of the equipment, engineering, procurement, and construction work needed to implement the conclusions of the final Interconnection System Impact Study in accordance with Good Utility Practice to physically and electrically connect the Generating Facility to the Transmission System; and

Whereas, Interconnection Customer has executed, and Transmission Provider has accepted an Interconnection Facilities Study Agreement on or before the effective date of this LGIP.

Now, Therefore, in consideration of and subject to the mutual covenants contained herein, the Parties agree as follows:

1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in this LGIP.

2.0 Interconnection Customer elects and Transmission Provider shall cause to be performed an Interconnection Facilities Study consistent with Section 8 of this LGIP.

3.0 The scope of the Interconnection Facilities Study shall be subject to the assumptions set forth in Attachment A to this Agreement, which shall be the same assumptions as the previous Interconnection Facilities Study Agreement.

4.0 The Interconnection Facilities Study report shall: (1) provide a description, estimated cost of (consistent with Attachment A), and schedule for required facilities to interconnect the Generating Facility to the Transmission System; and (2) address the short circuit, instability, and power flow issues identified in the most recently published Cluster Study Report.

5.0 Interconnection Customer has met certain requirements described in Section 5.1.1.1 of this LGIP. The time for completion of the Interconnection Facilities Study is specified in Attachment A.

6.0 Interconnection Customer previously provided a deposit of _____dollars ($)__ for the performance of the Interconnection Facilities Study.

7.0 Upon receipt of the Interconnection Facilities Study results, Transmission Provider shall charge and Interconnection Customer shall pay the actual costs of the Interconnection Facilities Study.

8.0 Any difference between the study deposit and the actual cost of the study shall be paid by or refunded to Interconnection Customer, as appropriate.

9.0 Miscellaneous. The Interconnection Facilities Study Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, that reflect best practices in the electric industry, and that are consistent with regional practices, Applicable Laws and Regulations, and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and this LGIA.

In Witness Whereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

{Insert name of Transmission Provider or Transmission Owner, if applicable}

By: _____
Title: _____
Date: _____

{Insert name of Interconnection Customer}

By: _____
Title: _____
Date: _____

Attachment A to Appendix 14—Transitional Serial Interconnection Facilities Study Agreement

Assumptions Used in Conducting the Transitional Serial Interconnection Facilities Study

{Assumptions to be completed by Interconnection Customer and Transmission Provider}

Appendix 15 to LGIP—Affected System Study Agreement

This Agreement is made and entered into this __ day of_____ , 20 __, by and among _____, a _____ organized and existing under the laws of the State of_____ (Affected System Interconnection Customer) and _____,a_____ organized and existing under the laws of the State of_____ (Transmission Provider acting as Affected System). Affected System Interconnection Customer and Transmission Provider each may be referred to as a ''Party,'' or collectively as the ''Parties.''

Recitals

Whereas, Affected System Interconnection Customer is proposing to develop a {description of generating facility or generating capacity addition to an existing generating facility} consistent with the interconnection request submitted by Affected System Interconnection Customer to {name of transmission provider}, dated

_____, for which {name of transmission provider} found impacts on Transmission Provider's Transmission System; and

Whereas, Affected System Interconnection Customer desires to interconnect the {description of generating facility} with {name of transmission provider}'s transmission system;

Now, therefore, in consideration of and subject to the mutual covenants contained herein, the Parties agree as follows:

1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in this LGIP.

2.0 Transmission Provider shall coordinate with Affected System Interconnection Customer to perform an Affected System Study consistent with Section 9 of this LGIP.

3.0 The scope of the Affected System Study shall be subject to the assumptions set forth in Attachment A to this Agreement.

4.0 The Affected System Study will be based upon the technical information provided by Affected System Interconnection Customer and {name of transmission provider}. Transmission Provider reserves the right to request additional technical information from Affected System Interconnection Customer as may reasonably become necessary consistent with Good Utility Practice during the course of the Affected System Study. If Affected System Interconnection Customer modifies its designated point of interconnection, interconnection request, or the technical information provided therein is modified, the time to complete the Affected System Study may be extended by Transmission Provider.

5.0 The Affected System Study shall provide the following information:

—identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;

—identification of any thermal overload or voltage limit violations resulting from the interconnection;

—identification of any instability or inadequately damped response to system disturbances resulting from the interconnection;

—non-binding, good faith estimated cost of facilities required to interconnect the {description of generating facility} to the transmission provider with whom interconnection has been requested; and

—description of how such facilities will address the identified short circuit, instability, and power flow issues.

6.0 Upon receipt of this Agreement, Transmission Provider shall charge, and Affected System Interconnection Customer shall pay, an initial Affected System Study deposit. Any difference between the deposit and the actual cost of the Study shall be paid by or refunded to Affected System Interconnection Customer, as appropriate, including interest calculated in accordance with section 35.19a(a)(2) of FERC's regulations.

7.0 This Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, which reflect best practices in the electric industry, that are consistent with regional practices, Applicable Laws and Regulations and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and this LGIA.

In Witness Thereof, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

{Insert name of Transmission Provider acting as Affected System□}

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

{Insert name of Affected System Interconnection Customer}

By: _____

Title: _____

Date: _____

Attachment A to the Affected System Study Agreement

Assumptions Used in Conducting the Affected System Study

The Affected System Study will be based upon the following assumptions: {Assumptions to be completed by Affected System Interconnection Customer and Transmission Provider acting as Affected System}

Appendix 16 to LGIP—Affected Systems Facilities Construction Agreement

This Agreement is made and entered into this __ day of _____, 20__, by and among _____, organized and existing under the laws 20__, of the State of _____ (Affected System Interconnection Customer) and _____, an entity organized under the laws of the State of _____ (Transmission Provider acting as Affected System). Affected System Interconnection Customer and Transmission Provider each may be referred to as a ''Party'' or collectively as the ''Parties.''

Recitals

Whereas, Affected System Interconnection Customer is proposing to develop a {description of generating facility or generating capacity addition to an existing generating facility} consistent with the interconnection request submitted by Affected System Interconnection Customer to {name of transmission provider}, dated_____, for which {name of transmission provider} found impacts on Transmission Provider's Transmission System; and

Whereas, Affected System Interconnection Customer desires to interconnect the {description of generating facility} with {name of transmission provider}'s transmission system; and

Whereas, additions, modifications, and upgrades must be made to certain existing facilities of Transmission Provider's Transmission System to accommodate such interconnection; and

Whereas, Affected System Interconnection Customer has requested, and Transmission Provider has agreed, to enter into this Agreement for the purpose of facilitating the construction of necessary Affected System Network Upgrades;

Now, Therefore, in consideration of and subject to the mutual covenants contained herein, the Parties agree as follows:

Article 1—Definitions

When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in this LGIP.

Article 2—Term of Agreement

2.1 Effective Date. This Agreement shall become effective upon execution by the Parties subject to acceptance by FERC (if applicable), or if filed unexecuted, upon the date specified by FERC.

2.2 Term.

2.2.1 General. *This Agreement shall become effective as provided in Article 2.1 and shall continue in full force and effect until the earlier of (1) the final repayment, where applicable, by Transmission Provider of the amount funded by Affected System Interconnection Customer for Transmission Provider's design, procurement, construction and installation of the Affected System Network Upgrades provided in Appendix A; (2) the Parties agree to mutually terminate this Agreement; (3) earlier termination is permitted or provided for under Appendix A of this Agreement; or (4) Affected System Interconnection Customer terminates this Agreement after providing Transmission Provider with written notice at least sixty (60) Calendar Days prior to the proposed termination date, provided that Affected System Interconnection Customer has no outstanding contractual obligations to Transmission Provider under this Agreement. No termination of this Agreement shall be effective until the Parties have complied with all Applicable Laws and Regulations applicable to such termination. The term of this Agreement may be adjusted upon mutual agreement of the Parties if the commercial operation date for the {description of generating facility} or the In-Service Date for the Affected System Network Upgrades is adjusted in accordance with the rules and procedures established by Transmission Provider.*

2.2.2 Termination Upon Default. *In the event of a Default by a Party, the Non-Breaching Party shall have the termination rights described in Articles 5 and 6; provided, however, if the Default does not pose a threat to the reliability of Transmission Provider's Transmission System, Transmission Provider may not terminate this Agreement if Affected System Interconnection Customer is the Breaching Party and Affected System Interconnection Customer (1) has undertaken, in accordance with Article 5.2, to cure the Breach that led to the Default and has failed to cure the Breach for reasons other than Affected System Interconnection Customer's failure to diligently commence reasonable and appropriate steps to cure the Breach within the thirty (30) Calendar Days allowed by Article 5.2, and (2) compensates Transmission Provider within thirty (30) Calendar Days for the amount of damage billed to Affected System Interconnection Customer by Transmission Provider for any*

damages, including costs and expenses, incurred by Transmission Provider as a result of such Default.

2.2.3 Consequences of Termination. *In the event of a termination by either Party, other than a termination by Affected System Interconnection Customer due to a Breach by Transmission Provider, Affected System Interconnection Customer must pay Transmission Provider all amounts still due and payable for construction and installation of the Affected System Network Upgrades (including, without limitation, any equipment ordered related to such construction), plus all out-of-pocket expenses incurred by Transmission Provider in connection with the construction and installation of the Affected System Network Upgrades, through the date of termination, plus any actual costs which Transmission Provider reasonably incurs in (1) winding up work and construction demobilization and (2) ensuring the safety of persons and property and the integrity and safe and reliable operation of Transmission Provider's Transmission System. Transmission Provider must minimize such costs.*

Affected System Interconnection Customer is responsible for the cost of additional facilities that is caused to another Interconnection Customer due to the termination of this Agreement, Affected System Interconnection Customer's LGIA, or any of Affected System Interconnection Customer's other Affected System Facilities Construction Agreement(s).

2.2.4 Reservation of Rights. *Transmission Provider shall have the right to make a unilateral filing with FERC to modify this Agreement with respect to any rates, terms and conditions, charges, classifications of service, rule or regulation under section 205 or any other applicable provision of the Federal Power Act and FERC's rules and regulations thereunder, and Affected System Interconnection Customer shall have the right to make a unilateral filing with FERC to modify this Agreement pursuant to section 206 or any other applicable provision of the Federal Power Act and FERC's rules and regulations thereunder; provided that each Party shall have the right to protest any such filing by the other Party and to participate fully in any proceeding before FERC in which such modifications may be considered. Nothing in this Agreement shall limit the rights of the Parties or of FERC under sections 205 or 206 of the Federal Power Act and FERC's rules and regulations thereunder, except to the extent that the Parties otherwise mutually agree as provided herein.*

2.3 Filing. *Transmission Provider shall file this Agreement (and any amendment hereto) with the appropriate Governmental Authority, if required. Affected System Interconnection Customer may request that any information so provided be subject to the confidentiality provisions of Article 8. If Affected System Interconnection Customer has executed this Agreement, or any amendment thereto, Affected System Interconnection Customer shall reasonably cooperate with Transmission Provider with respect to such filing and to provide any information reasonably requested by Transmission Provider needed to comply with applicable regulatory requirements.*

2.4 Survival. *This Agreement shall continue in effect after termination to the extent necessary to provide for final billings and payments and for costs incurred hereunder, including billings and payments pursuant to this Agreement; to permit the determination and enforcement of liability and indemnification obligations arising from acts or events that occurred while this Agreement was in effect; and to permit each Party to have access to the lands of the other Party pursuant to this Agreement or other applicable agreements, to disconnect, remove or salvage its own facilities and equipment.*

2.5 Termination Obligations. *Upon any termination pursuant to this Agreement, Affected System Interconnection Customer shall be responsible for the payment of all costs or other contractual obligations incurred prior to the termination date including previously incurred capital costs, penalties for early termination, costs of removal and site restoration.*

Article 3—Construction of Network Upgrades

3.1 Construction

3.1.1 Transmission Provider Obligations. *Transmission Provider will (or will cause such action to) design, procure, construct and install, and Affected System Interconnection Customer shall pay, consistent with Article 3.2, the cost of all Affected System Network Upgrades identified in Appendix A. All Affected System Network Upgrades designed, procured, constructed and installed by Transmission Provider pursuant to this Agreement shall satisfy all requirements of applicable safety and/or engineering codes and comply with Good Utility Practice, and further, shall satisfy all Applicable Laws and Regulations.*

3.1.2 Suspension of Work

3.1.2.1 Right to Suspend for Force Majeure Event. *Provided that such suspension is permissible under the authorizations, permits or approvals granted for the construction of the Affected System Network Upgrades, Affected System Interconnection Customer shall not suspend unless a Force Majeure event occurs. Affected System Interconnection Customer must provide to Transmission Provider (1) written notice of its request for suspension and (2) a sufficient description, as determined by Transmission Provider, of the Force Majeure event. Only the Affected System Interconnection Customer milestones described in the Appendices of this Agreement are subject to suspension under this Article 3.1.2. Prior to suspension, Affected System Interconnection Customer must also provide security acceptable to Transmission Provider, equivalent to the higher of five million dollars ($5,000,000) or the total cost of all Affected System Network Upgrades listed in Appendix A of this Agreement. Affected System Network Upgrades will be constructed on the schedule described in the Appendices of this Agreement unless: (1) construction is prevented by the order of a Governmental Authority; (2) the Affected System Network Upgrades are not needed by any other Interconnection Customer; or (3) Transmission Provider determines that a Force Majeure event prevents construction. In the event of (1), (2), or (3), security shall be released by Transmission Provider upon the determination by Transmission Provider that the Network Upgrades will no longer be constructed. If suspension occurs, Affected System Interconnection Customer shall be responsible for the costs which Transmission Provider incurs (i) in accordance with this Agreement prior to the suspension, (ii) in suspending such work, including any costs incurred to perform such work as may be necessary to ensure the safety of persons and property and the integrity of Transmission Provider's Transmission System and, if applicable, any costs incurred in connection with the cancellation of contracts and orders for material which Transmission Provider cannot reasonably avoid, and (iii) reasonably incurs in winding up work and construction demobilization; provided, however, that, prior to canceling any such contracts or orders, Transmission Provider shall obtain Affected System Interconnection Customer's authorization. Affected System Interconnection Customer shall be responsible for all costs incurred in connection with Affected System Interconnection Customer's failure to authorize cancellation of such contracts or orders.*

Interest on amounts paid by Affected System Interconnection Customer to Transmission Provider for the design, procurement, construction, and installation of the Affected System Network Upgrades, shall not accrue during periods in which Affected System Interconnection Customer has suspended construction under this Article 3.1.2. Transmission Provider shall invoice Affected System Interconnection Customer pursuant to Article 4 and will use reasonable efforts to minimize its costs. In the event that Affected System Interconnection Customer suspends work pursuant to this Article, no construction duration, timelines and schedules set forth in Appendix A shall be suspended during the period of suspension unless ordered by a Governmental Authority, with such order being the Force Majeure event causing the suspension.

3.1.2.2 Recommencing of Work. *If Affected System Interconnection Customer requests that Transmission Provider recommence such work, Transmission Provider shall have no obligation to afford such work the priority it would have had but for the prior actions of Affected System Interconnection Customer to suspend the work. In such event, Affected System Interconnection Customer shall be responsible for any costs incurred in recommencing the work. All recommenced work shall be completed pursuant to an amended schedule for the interconnection agreed to by the Parties. Transmission Provider has the right to conduct a Re-Study of the Affected System Study if conditions have materially changed subsequent to the request to suspend. Affected System Interconnection Customer shall be responsible for the costs of any studies required.*

3.1.2.3 Right to Suspend Due to Default. *Transmission Provider reserves the*

right, upon written notice to Affected System Interconnection Customer, to suspend, at any time, work by Transmission Provider due to an Event of Default by Affected System Interconnection Customer. The incurrence of additional expenses associated with the construction and installation of the Affected System Network Upgrades upon the occurrence of either a Breach that Affected System Interconnection Customer is unable to cure pursuant to Article 5 or an Event of Default pursuant to Article 5. Any form of suspension by Transmission Provider shall not be barred by Articles 2.2.2, 2.2.3 or 5.2.2, nor shall it affect Transmission Provider's right to terminate the work or this Agreement pursuant to Article 6. In such events, Affected System Interconnection Customer shall be responsible for costs which Transmission Provider incurs as set forth in Article 2.2.3.

3.1.3 Construction Status. *Transmission Provider shall keep Affected System Interconnection Customer advised periodically as to the progress of its respective design, procurement and construction efforts as described in Appendix A. Affected System Interconnection Customer may, at any time and reasonably, request a progress report from Transmission Provider. If, at any time, Affected System Interconnection Customer determines that the completion of the Affected System Network Upgrades will not be required until after the specified In-Service Date, Affected System Interconnection Customer will provide written notice to Transmission Provider of such later date upon which the completion of the Affected System Network Upgrades would be required. Transmission Provider may delay the In-Service Date of the Affected System Network Upgrades accordingly.*

3.1.4 Timely Completion. *Transmission Provider shall use reasonable efforts to design, procure, construct, install, and test the Affected System Network Upgrades in accordance with the schedule set forth in Appendix A, which schedule may be revised from time to time by mutual agreement of the Parties. If any event occurs that will affect the time or ability to complete the Affected System Network Upgrades, Transmission Provider shall promptly notify Affected System Interconnection Customer. In such circumstances, Transmission Provider shall, within fifteen (15) Calendar Days of such notice, convene a meeting with Affected System Interconnection Customer to evaluate the alternatives available to Affected System Interconnection Customer. Transmission Provider shall also make available to Affected System Interconnection Customer all studies and work papers related to the event and corresponding delay, including all information that is in the possession of Transmission Provider that is reasonably needed by Affected System Interconnection Customer to evaluate alternatives. Transmission Provider shall, at Affected System Interconnection Customer's request and expense, use reasonable efforts to accelerate its work under this Agreement to meet the schedule set forth in Appendix A, provided that Affected System Interconnection Customer authorizes such actions and the costs associated therewith in advance.*

3.2 Interconnection Costs.

3.2.1 Costs. *Affected System Interconnection Customer shall pay to Transmission Provider costs (including taxes and financing costs) associated with seeking and obtaining all necessary approvals and of designing, engineering, constructing, and testing the Affected System Network Upgrades, as identified in Appendix A, in accordance with the cost recovery method provided herein. Unless Transmission Provider elects to fund the Affected System Network Upgrades, they shall be initially funded by Affected System Interconnection Customer.*

3.2.1.1 Lands of Other Property Owners. *If any part of the Affected System Network Upgrades is to be installed on property owned by persons other than Affected System Interconnection Customer or Transmission Provider, Transmission Provider shall, at Affected System Interconnection Customer's expense, use efforts similar in nature and extent to those that it typically undertakes on its own behalf or on behalf of its Affiliates, including use of its eminent domain authority to the extent permitted and consistent with Applicable Laws and Regulations and, to the extent consistent with such Applicable Laws and Regulations, to procure from such persons any rights of use, licenses, rights of way and easements that are necessary to construct, operate, maintain, test, inspect, replace or remove the Affected System Network Upgrades upon such property.*

3.2.2 Repayment.

3.2.2.1 Repayment. *Affected System Interconnection Customer shall be entitled to a cash repayment by Transmission Provider(s) that owns the Affected System Network Upgrades, of the amount paid respectively to Transmission Provider, if any, for the Affected System Network Upgrades, and including any tax gross-up or other tax-related payments associated with the repayable portion of the Affected System Network Upgrades, and not refunded to Affected System Interconnection Customer pursuant to Article 3.3.1 or otherwise. The Parties may mutually agree to a repayment schedule, to be outlined in Appendix A, not to exceed twenty (20) years from the Commercial Operation Date of the Affected System Network Upgrades, for the complete repayment for all applicable costs associated with the Affected System Network Upgrades. Any repayment shall include interest calculated in accordance with the methodology set forth in FERC's regulations at 18 CFR 35.19 a(a)(2)(iii) from the date of any payment for Affected System Network Upgrades through the date on which Affected System Interconnection Customer receives a repayment of such payment pursuant to this subparagraph. Interest shall not accrue during periods in which Affected System Interconnection Customer has suspended construction pursuant to Article 3.1.2.1 or the Affected System Network Upgrades have been determined not to be needed pursuant to this Article 3.2.2.1. Affected System Interconnection Customer may assign such repayment rights to any person.*

3.2.2.2 Impact of Failure to Achieve Commercial Operation. *If the {description of generating facility} fails to achieve commercial operation, but it or another generating facility is later constructed and makes use of the Affected System Network Upgrades, Transmission Provider shall at that time reimburse Affected System Interconnection Customer. Before any such reimbursement can occur, Affected System Interconnection Customer (or the entity that ultimately constructs the {description of generating facility}), if different, is responsible for identifying the entity to which the reimbursement must be made.*

3.3 Taxes.

3.3.1 Indemnification for Contributions in Aid of Construction. *With regard only to payments made by Affected System Interconnection Customer to Transmission Provider for the installation of the Affected System Network Upgrades, Transmission Provider shall not include a gross-up for income taxes in the amounts it charges Affected System Interconnection Customer for the installation of the Affected System Network Upgrades unless (1) Transmission Provider has determined, in good faith, that the payments or property transfers made by Affected System Interconnection Customer to Transmission Provider should be reported as income subject to taxation or (2) any Governmental Authority directs Transmission Provider to report payments or property as income subject to taxation. Affected System Interconnection Customer shall reimburse Transmission Provider for such costs on a fully grossed-up basis, in accordance with this Article, within thirty (30) Calendar Days of receiving written notification from Transmission Provider of the amount due, including detail about how the amount was calculated.*

The indemnification obligation shall terminate at the earlier of (1) the expiration of the ten (10)-year testing period and the applicable statute of limitation, as it may be extended by Transmission Provider upon request of the Internal Revenue Service, to keep these years open for audit or adjustment, or (2) the occurrence of a subsequent taxable event and the payment of any related indemnification obligations as contemplated by this Article. Notwithstanding the foregoing provisions of this Article 3.3.1, and to the extent permitted by law, to the extent that the receipt of such payments by Transmission Provider is determined by any Governmental Authority to constitute income by Transmission Provider subject to taxation, Affected System Interconnection Customer shall protect, indemnify and hold harmless Transmission Provider and its Affiliates, from all claims by any such Governmental Authority for any tax, interest and/or penalties associated with such determination. Upon receiving written notification of such determination from the Governmental Authority, Transmission Provider shall provide Affected System Interconnection Customer with written notification within thirty (30) Calendar Days of such determination and notification. Transmission Provider, upon the timely written request by Affected System

Interconnection Customer and at Affected System Interconnection Customer's expense, shall appeal, protest, seek abatement of, or otherwise oppose such determination. Transmission Provider reserves the right to make all decisions with regard to the prosecution of such appeal, protest, abatement or other contest, including the compromise or settlement of the claim; provided that Transmission Provider shall cooperate and consult in good faith with Affected System Interconnection Customer regarding the conduct of such contest. Affected System Interconnection Customer shall not be required to pay Transmission Provider for the tax, interest and/or penalties prior to the seventh (7th) Calendar Day before the date on which Transmission Provider (1) is required to pay the tax, interest and/or penalties or other amount in lieu thereof pursuant to a compromise or settlement of the appeal, protest, abatement or other contest; (2) is required to pay the tax, interest and/or penalties as the result of a final, non-appealable order by a Governmental Authority; or (3) is required to pay the tax, interest and/or penalties as a prerequisite to an appeal, protest, abatement or other contest. In the event such appeal, protest, abatement or other contest results in a determination that Transmission Provider is not liable for any portion of any tax, interest and/or penalties for which Affected System Interconnection Customer has already made payment to Transmission Provider, Transmission Provider shall promptly refund to Affected System Interconnection Customer any payment attributable to the amount determined to be non-taxable, plus any interest or other payments Transmission Provider receives or which Transmission Provider may be entitled with respect to such payment. Affected System Interconnection Customer shall provide Transmission Provider with credit assurances sufficient to meet Affected System Interconnection Customer's estimated liability for reimbursement of Transmission Provider for taxes, interest and/or penalties under this Article 3.3.1. Such estimated liability shall be stated in Appendix A.

To the extent that Transmission Provider is a limited liability company and not a corporation, and has elected to be taxed as a partnership, then the following shall apply: Transmission Provider represents, and the Parties acknowledge, that Transmission Provider is a limited liability company and is treated as a partnership for federal income tax purposes. Any payment made by Affected System Interconnection Customer to Transmission Provider for Affected System Network Upgrades is to be treated as an upfront payment. It is anticipated by the Parties that any amounts paid by Affected System Interconnection Customer to Transmission Provider for Affected System Network Upgrades will be reimbursed to Affected System Interconnection Customer in accordance with the terms of this Agreement, provided Affected System Interconnection Customer fulfills its obligations under this Agreement.

3.3.2 Private Letter Ruling. *At Affected System Interconnection Customer's request and expense, Transmission Provider shall file with the Internal Revenue Service a request for a private letter ruling as to whether any property transferred or sums paid, or to be paid, by Affected System Interconnection Customer to Transmission Provider under this Agreement are subject to federal income taxation. Affected System Interconnection Customer will prepare the initial draft of the request for a private letter ruling and will certify under penalties of perjury that all facts represented in such request are true and accurate to the best of Affected System Interconnection Customer's knowledge. Transmission Provider and Affected System Interconnection Customer shall cooperate in good faith with respect to the submission of such request.*

3.3.3 Other Taxes. *Upon the timely request by Affected System Interconnection Customer, and at Affected System Interconnection Customer's sole expense, Transmission Provider shall appeal, protest, seek abatement of, or otherwise contest any tax (other than federal or state income tax) asserted or assessed against Transmission Provider for which Affected System Interconnection Customer may be required to reimburse Transmission Provider under the terms of this Agreement. Affected System Interconnection Customer shall pay to Transmission Provider on a periodic basis, as invoiced by Transmission Provider, Transmission Provider's documented reasonable costs of prosecuting such appeal, protest, abatement, or other contest. Affected System Interconnection Customer and Transmission Provider shall cooperate in good faith with respect to any such contest. Unless the payment of such taxes is a prerequisite to an appeal or abatement or cannot be deferred, no amount shall be payable by Affected System Interconnection Customer to Transmission Provider for such taxes until they are assessed by a final, non-appealable order by any court or agency of competent jurisdiction. In the event that a tax payment is withheld and ultimately due and payable after appeal, Affected System Interconnection Customer will be responsible for all taxes, interest and penalties, other than penalties attributable to any delay caused by Transmission Provider. Each Party shall cooperate with the other Party to maintain each Party's tax status. Nothing in this Agreement is intended to adversely affect any Party's tax-exempt status with respect to the issuance of bonds including, but not limited to, local furnishing bonds, as described in section 142(f) of the Internal Revenue Code.*

Article 4—Security, Billing and Payments

4.1 Provision of Security. *By the earlier of (1) thirty (30) Calendar Days prior to the due date for Affected System Interconnection Customer's first payment under the payment schedule specified in Appendix A or (2) the first date specified in Appendix A for the ordering of equipment by Transmission Provider for installing the Affected System Network Upgrades, Affected System Interconnection Customer shall provide Transmission Provider, at Affected System Interconnection Customer's option, a guarantee, a surety bond, letter of credit or other form of security that is reasonably acceptable to Transmission Provider. Such security for payment shall be in an amount sufficient to cover the costs for constructing, procuring and installing the applicable portion of Affected System Network Upgrades and shall be reduced on a dollar-for-dollar basis for payments made to Transmission Provider for these purposes.*

The guarantee must be made by an entity that meets the creditworthiness requirements of Transmission Provider and contain terms and conditions that guarantee payment of any amount that may be due from Affected System Interconnection Customer, up to an agreed-to maximum amount. The letter of credit must be issued by a financial institution reasonably acceptable to Transmission Provider and must specify a reasonable expiration date. The surety bond must be issued by an insurer reasonably acceptable to Transmission Provider and must specify a reasonable expiration date.

4.2 Invoice. *Each Party shall submit to the other Party, on a monthly basis, invoices of amounts due, if any, for the preceding month. Each invoice shall state the month to which the invoice applies and fully describe the services and equipment provided. The Parties may discharge mutual debts and payment obligations due and owing to each other on the same date through netting, in which case all amounts a Party owes to the other Party under this Agreement, including interest payments, shall be netted so that only the net amount remaining due shall be paid by the owing Party.*

4.3 Payment. *Invoices shall be rendered to the paying Party at the address specified by the Parties. The Party receiving the invoice shall pay the invoice within thirty (30) Calendar Days of receipt. All payments shall be made in immediately available funds payable to the other Party, or by wire transfer to a bank named and account designated by the invoicing Party. Payment of invoices by a Party will not constitute a waiver of any rights or claims that Party may have under this Agreement.*

4.4 Final Invoice. *Within six (6) months after completion of the construction of the Affected System Network Upgrades, Transmission Provider shall provide an invoice of the final cost of the construction of the Affected System Network Upgrades and shall set forth such costs in sufficient detail to enable Affected System Interconnection Customer to compare the actual costs with the estimates and to ascertain deviations, if any, from the cost estimates. Transmission Provider shall refund, with interest (calculated in accordance with 18 CFR 35.19a(a)(2)(iii)), to Affected System Interconnection Customer any amount by which the actual payment by Affected System Interconnection Customer for estimated costs exceeds the actual costs of construction within thirty (30) Calendar Days of the issuance of such final construction invoice.*

4.5 Interest. *Interest on any unpaid amounts shall be calculated in accordance with 18 CFR 35.19a(a)(2)(iii).*

4.6 Payment During Dispute. *In the event of a billing dispute among the Parties, Transmission Provider shall continue to*

construct the Affected System Network Upgrades under this Agreement as long as Affected System Interconnection Customer: (1) continues to make all payments not in dispute; and (2) pays to Transmission Provider or into an independent escrow account the portion of the invoice in dispute, pending resolution of such dispute. If Affected System Interconnection Customer fails to meet these two requirements, then Transmission Provider may provide notice to Affected System Interconnection Customer of a Default pursuant to Article 5. Within thirty (30) Calendar Days after the resolution of the dispute, the Party that owes money to another Party shall pay the amount due with interest calculated in accord with the methodology set forth in 18 CFR 35.19a(a)(2)(iii).

Article 5—Breach, Cure and Default

5.1 Events of Breach. *A Breach of this Agreement shall include:*

(a) The failure to pay any amount when due;

(b) The failure to comply with any material term or condition of this Agreement, including but not limited to any material Breach of a representation, warranty or covenant made in this Agreement;

(c) Failure of a Party to provide such access rights, or a Party's attempt to revoke access or terminate such access rights, as provided under this Agreement; or

(d) Failure of a Party to provide information or data to another Party as required under this Agreement, provided the Party entitled to the information or data under this Agreement requires such information or data to satisfy its obligations under this Agreement.

5.2 Notice of Breach, Cure and Default. *Upon the occurrence of an event of Breach, the Party not in Breach, when it becomes aware of the Breach, shall give written notice of the Breach to the Breaching Party and to any other person representing a Party to this Agreement identified in writing to the other Party in advance. Such notice shall set forth, in reasonable detail, the nature of the Breach, and where known and applicable, the steps necessary to cure such Breach.*

5.2.1 *Upon receiving written notice of the Breach hereunder, the Breaching Party shall have a period to cure such Breach (sometimes hereinafter referred as ''Cure Period'') which shall be thirty (30) Calendar Days unless such Breach is due to an occurrence under Article 5.1(a) in which case the cure period will be five (5) Business Days.*

5.2.2 *If the Breach is such that it cannot be cured within the Cure Period, the Breaching Party will commence in good faith all steps as are reasonable and appropriate to cure the Breach within such Cure Period and thereafter diligently pursue such action to completion. In the event the Breaching Party fails to: (1) cure the Breach, or to commence reasonable and appropriate steps to cure the Breach, within the Cure Period; or (2) completely cure the Breach within sixty (60) Calendar Days if the Breach occurs pursuant to Article 5.1(b), (c), or (d), the Breaching Party will be in Default of this Agreement and the non-Breaching Party may terminate this Agreement for cause by notifying the other Party in writing or take whatever action at law or in equity as may appear necessary or desirable to enforce the performance or observance of any rights, remedies, obligations, agreement, or covenants under this Agreement.*

5.3 Rights in the Event of Default. *Notwithstanding the foregoing, upon the occurrence of an event of Default, the non-Defaulting Party shall be entitled to exercise all rights and remedies it may have in equity or at law.*

Article 6—Termination of Agreement

6.1 Expiration of Term. *Except as otherwise specified in this Article 6, the Parties' obligations under this Agreement shall terminate at the conclusion of the term of this Agreement.*

6.2 Termination. *In addition to the termination provisions set forth in Article 2.2, a Party may terminate this Agreement upon the Default of the other Party in accordance with this Agreement. Subject to the limitations set forth in Article 6.3, in the event of a Default, the non-Defaulting Party may terminate this Agreement only upon the later of (1) its giving of written notice of termination to the other Party; and (2) unless no longer required by FERC, the filing at FERC of a notice of termination for this Agreement, which filing must be accepted for filing by FERC.*

6.3 Disposition of Facilities Upon Termination of Agreement.

6.3.1 Transmission Provider Obligations. *Upon termination of this Agreement, unless otherwise agreed by the Parties in writing, Transmission Provider:*

(a) shall, prior to the construction and installation of any portion of the Affected System Network Upgrades and to the extent possible, cancel any pending orders of, or return, such equipment or material for such Affected System Network Upgrades;

(b) may keep in place any portion of the Affected System Network Upgrades already constructed and installed; and,

(c) shall perform such work as may be necessary to ensure the safety of persons and property and to preserve the integrity of Transmission Provider's Transmission System (e.g., construction demobilization to return the system to its original state, wind-up work).

6.3.2 Customer Obligations. *Upon billing by Transmission Provider, Affected System Interconnection Customer shall reimburse Transmission Provider for any costs incurred by Transmission Provider in performance of the actions required or permitted by Article 6.3.1 and for the cost of any Affected System Network Upgrades described in Appendix A. Transmission Provider shall use reasonable efforts to minimize costs and shall offset the amounts owed by any salvage value of facilities, if applicable. Affected System Interconnection Customer shall pay these costs pursuant to Article 4.3 of this Agreement.*

6.3.3 Pre-construction or Installation. *Upon termination of this Agreement and prior to the construction and installation of any portion of the Affected System Network Upgrades, Transmission Provider may, at its option, retain any portion of such Affected System Network Upgrades not cancelled or returned in accordance with Article 6.3.1(a), in which case Transmission Provider shall be responsible for all costs associated with procuring such Affected System Network Upgrades. To the extent that Affected System Interconnection Customer has already paid Transmission Provider for any or all of such costs, Transmission Provider shall refund Affected System Interconnection Customer for those payments. If Transmission Provider elects to not retain any portion of such facilities, Transmission Provider shall convey and make available to Affected System Interconnection Customer such facilities as soon as practicable after Affected System Interconnection Customer's payment for such facilities.*

6.4 Survival of Rights. *Termination or expiration of this Agreement shall not relieve either Party of any of its liabilities and obligations arising hereunder prior to the date termination becomes effective, and each Party may take whatever judicial or administrative actions as appear necessary or desirable to enforce its rights hereunder. The applicable provisions of this Agreement will continue in effect after expiration, or early termination hereof to the extent necessary to provide for (1) final billings, billing adjustments and other billing procedures set forth in this Agreement; (2) the determination and enforcement of liability and indemnification obligations arising from acts or events that occurred while this Agreement was in effect; and (3) the confidentiality provisions set forth in Article 8.*

Article 7—Subcontractors

7.1 Subcontractors. *Nothing in this Agreement shall prevent a Party from utilizing the services of subcontractors, as it deems appropriate, to perform its obligations under this Agreement; provided, however, that each Party shall require its subcontractors to comply with all applicable terms and conditions of this Agreement in providing such services and each Party shall remain primarily liable to the other Party for the performance of such subcontractor.*

7.1.1 Responsibility of Principal. *The creation of any subcontract relationship shall not relieve the hiring Party of any of its obligations under this Agreement. In accordance with the provisions of this Agreement, each Party shall be fully responsible to the other Party for the acts or omissions of any subcontractor it hires as if no subcontract had been made. Any applicable obligation imposed by this Agreement upon a Party shall be equally binding upon, and shall be construed as having application to, any subcontractor of such Party.*

7.1.2 No Third-Party Beneficiary. *Except as may be specifically set forth to the contrary herein, no subcontractor or any other party is intended to be, nor will it be deemed to be, a third-party beneficiary of this Agreement.*

7.1.3 No Limitation by Insurance. *The obligations under this Article 7 will not be limited in any way by any limitation of any insurance policies or coverages, including any subcontractor's insurance.*

Article 8—Confidentiality

8.1 Confidentiality. *Confidential Information shall include, without limitation, all information relating to a Party's technology, research and development, business affairs, and pricing, and any information supplied to the other Party prior to the execution of this Agreement.*

Information is Confidential Information only if it is clearly designated or marked in writing as confidential on the face of the document, or, if the information is conveyed orally or by inspection, if the Party providing the information orally informs the Party receiving the information that the information is confidential. The Parties shall maintain as confidential any information that is provided and identified by a Party as Critical Energy Infrastructure Information (CEII), as that term is defined in 18 CFR 388.113(c).

Such confidentiality will be maintained in accordance with this Article 8. If requested by the receiving Party, the disclosing Party shall provide in writing, the basis for asserting that the information referred to in this Article warrants confidential treatment, and the requesting Party may disclose such writing to the appropriate Governmental Authority. Each Party shall be responsible for the costs associated with affording confidential treatment to its information.

8.1.1 Term. *During the term of this Agreement, and for a period of three (3) years after the expiration or termination of this Agreement, except as otherwise provided in this Article 8 or with regard to CEII, each Party shall hold in confidence and shall not disclose to any person Confidential Information. CEII shall be treated in accordance with FERC policies and regulations.*

8.1.2 Scope. *Confidential Information shall not include information that the receiving Party can demonstrate: (1) is generally available to the public other than as a result of a disclosure by the receiving Party; (2) was in the lawful possession of the receiving Party on a non-confidential basis before receiving it from the disclosing Party; (3) was supplied to the receiving Party without restriction by a non-Party, who, to the knowledge of the receiving Party after due inquiry, was under no obligation to the disclosing Party to keep such information confidential; (4) was independently developed by the receiving Party without reference to Confidential Information of the disclosing Party; (5) is, or becomes, publicly known, through no wrongful act or omission of the receiving Party or Breach of this Agreement; or (6) is required, in accordance with Article 8.1.6 of this Agreement, to be disclosed by any Governmental Authority or is otherwise required to be disclosed by law or subpoena, or is necessary in any legal proceeding establishing rights and obligations under this Agreement. Information designated as Confidential Information will no longer be deemed confidential if the Party that designated the information as confidential notifies the receiving Party that it no longer is confidential.*

8.1.3 Release of Confidential Information. *No Party shall release or disclose Confidential Information to any other person, except to its Affiliates (limited by the Standards of Conduct requirements), subcontractors, employees, agents, consultants, or to non-Parties that may be or are considering providing financing to or equity participation with Affected System Interconnection Customer, or to potential purchasers or assignees of Affected System Interconnection Customer, on a need-to-know basis in connection with this Agreement, unless such person has first been advised of the confidentiality provisions of this Article 8 and has agreed to comply with such provisions. Notwithstanding the foregoing, a Party providing Confidential Information to any person shall remain primarily responsible for any release of Confidential Information in contravention of this Article 8.*

8.1.4 Rights. *Each Party shall retain all rights, title, and interest in the Confidential Information that it discloses to the receiving Party. The disclosure by a Party to the receiving Party of Confidential Information shall not be deemed a waiver by the disclosing Party or any other person or entity of the right to protect the Confidential Information from public disclosure.*

8.1.5 Standard of Care. *Each Party shall use at least the same standard of care to protect Confidential Information it receives as it uses to protect its own Confidential Information from unauthorized disclosure, publication or dissemination. Each Party may use Confidential Information solely to fulfill its obligations to the other Party under this Agreement or its regulatory requirements.*

8.1.6 Order of Disclosure*. If a court or a Government Authority or entity with the right, power, and apparent authority to do so requests or requires either Party, by subpoena, oral deposition, interrogatories, requests for production of documents, administrative order, or otherwise, to disclose Confidential Information, that Party shall provide the disclosing Party with prompt notice of such request(s) or requirement(s) so that the disclosing Party may seek an appropriate protective order or waive compliance with the terms of this Agreement. Notwithstanding the absence of a protective order or waiver, the Party may disclose such Confidential Information which, in the opinion of its counsel, the Party is legally compelled to disclose. Each Party will use reasonable efforts to obtain reliable assurance that confidential treatment will be accorded any Confidential Information so furnished.*

8.1.7 Termination of Agreement. *Upon termination of this Agreement for any reason, each Party shall, within ten (10) Business Days of receipt of a written request from the other Party, use reasonable efforts to destroy, erase, or delete (with such destruction, erasure, and deletion certified in writing to the requesting Party) or return to the requesting Party any and all written or electronic Confidential Information received from the requesting Party, except that each Party may keep one copy for archival purposes, provided that the obligation to treat it as Confidential Information in accordance with this Article 8 shall survive such termination.*

8.1.8 Remedies. *The Parties agree that monetary damages would be inadequate to compensate a Party for the other Party's Breach of its obligations under this Article 8. Each Party accordingly agrees that the disclosing Party shall be entitled to equitable relief, by way of injunction or otherwise, if the receiving Party Breaches or threatens to Breach its obligations under this Article 8, which equitable relief shall be granted without bond or proof of damages, and the breaching Party shall not plead in defense that there would be an adequate remedy at law. Such remedy shall not be deemed an exclusive remedy for the Breach of this Article 8, but it shall be in addition to all other remedies available at law or in equity. The Parties further acknowledge and agree that the covenants contained herein are necessary for the protection of legitimate business interests and are reasonable in scope. Neither Party, however, shall be liable for indirect, incidental, or consequential or punitive damages of any nature or kind resulting from or arising in connection with this Article 8.*

8.1.9 Disclosure to FERC, its Staff or a State. *Notwithstanding anything in this Article 8 to the contrary, and pursuant to 18 CFR 1b.20, if FERC or its staff, during the course of an investigation or otherwise, requests information from a Party that is otherwise required to be maintained in confidence pursuant to this Agreement, the Party shall provide the requested information to FERC or its staff, within the time provided for in the request for information. In providing the information to FERC or its staff, the Party must, consistent with 18 CFR 388.112, request that the information be treated as confidential and non-public by FERC and its staff and that the information be withheld from public disclosure. Parties are prohibited from notifying the other Party to this Agreement prior to the release of the Confidential Information to FERC or its staff. The Party shall notify the other Party to the Agreement when it is notified by FERC or its staff that a request to release Confidential Information has been received by FERC, at which time either of the Parties may respond before such information would be made public, pursuant to 18 CFR 388.112. Requests from a state regulatory body conducting a confidential investigation shall be treated in a similar manner if consistent with the applicable state rules and regulations.*

8.1.10 *Subject to the exception in Article 8.1.9, any information that a disclosing Party claims is competitively sensitive, commercial or financial information under this Agreement shall not be disclosed by the receiving Party to any person not employed or retained by the receiving Party, except to the extent disclosure is (1) required by law; (2) reasonably deemed by the disclosing Party to be required to be disclosed in connection with a dispute between or among the Parties, or the defense of litigation or dispute; (3) otherwise permitted by consent of the disclosing Party, such consent not to be unreasonably withheld; or (4) necessary to fulfill its obligations under this Agreement or as the Regional Transmission Organization or a Local Balancing Authority operator including disclosing the Confidential*

Information to a regional or national reliability organization. The Party asserting confidentiality shall notify the receiving Party in writing of the information that Party claims is confidential. Prior to any disclosures of that Party's Confidential Information under this subparagraph, or if any non-Party or Governmental Authority makes any request or demand for any of the information described in this subparagraph, the Party that received the Confidential Information from the disclosing Party agrees to promptly notify the disclosing Party in writing and agrees to assert confidentiality and cooperate with the disclosing Party in seeking to protect the Confidential Information from public disclosure by confidentiality agreement, protective order or other reasonable measures.

Article 9—Information Access and Audit Rights

9.1 Information Access. *Each Party shall make available to the other Party information necessary to verify the costs incurred by the other Party for which the requesting Party is responsible under this Agreement and carry out obligations and responsibilities under this Agreement, provided that the Parties shall not use such information for purposes other than those set forth in this Article 9.1 and to enforce their rights under this Agreement.*

9.2 Audit Rights. *Subject to the requirements of confidentiality under Article 8 of this Agreement, the accounts and records related to the design, engineering, procurement, and construction of the Affected System Network Upgrades shall be subject to audit during the period of this Agreement and for a period of twenty-four (24) months following Transmission Provider's issuance of a final invoice in accordance with Article 4.4. Affected System Interconnection Customer at its expense shall have the right, during normal business hours, and upon prior reasonable notice to Transmission Provider, to audit such accounts and records. Any audit authorized by this Article 9.2 shall be performed at the offices where such accounts and records are maintained and shall be limited to those portions of such accounts and records that relate to obligations under this Agreement.*

Article 10—Notices

10.1 General. *Any notice, demand or request required or permitted to be given by a Party to the other Party and any instrument required or permitted to be tendered or delivered by a Party in writing to another Party may be so given, tendered or delivered, as the case may be, by depositing the same with the United States Postal Service with postage prepaid, for transmission by certified or registered mail, addressed to the Parties, or personally delivered to the Parties, at the address set out below:*

To Transmission Provider:

To Affected System Interconnection Customer:

10.2 Billings and Payments. *Billings and payments shall be sent to the addresses shown in Article 10.1 unless otherwise agreed to by the Parties.*

10.3 Alternative Forms of Notice. *Any notice or request required or permitted to be given by a Party to the other Party and not required by this Agreement to be given in writing may be so given by telephone, facsimile or email to the telephone numbers and email addresses set out below:*

To Transmission Provider:

To Affected System Interconnection Customer:

Article 11—Miscellaneous

11.1 *This Agreement shall include standard miscellaneous terms including, but not limited to, indemnities, representations, disclaimers, warranties, governing law, amendment, execution, waiver, enforceability and assignment, which reflect best practices in the electric industry, that are consistent with regional practices, Applicable Laws and Regulations and the organizational nature of each Party. All of these provisions, to the extent practicable, shall be consistent with the provisions of this LGIP and this LGIA.*

In witness whereof, the Parties have executed this Agreement in multiple originals, each of which shall constitute and be an original Agreement among the Parties.

Transmission Provider
{Transmission Provider Acting As Affected System}
By: _____
Name: _____
Title: _____
Affected System Interconnection Customer
{Affected System Interconnection Customer}
By: _____
Name: _____
Title: _____
Project No. _____

Appendix A to the Affected Systems Facilities Construction Agreement

Affected System Network Upgrades, Cost Estimates And Responsibility, Construction Schedule and Monthly Payment Schedule

This Appendix A is a part of the Affected Systems Facilities Construction Agreement between Affected System Interconnection Customer and Transmission Provider.

1.1 Affected System Network Upgrades to be installed by Transmission Provider.

1.2 First Equipment Order (including permitting).

1.2.1. Permitting and Land Rights—Transmission Provider Affected System Network Upgrades

1.3 Construction Schedule. *Where applicable, construction of the Affected System Network Upgrades is scheduled as follows and will be periodically updated as necessary:*

Table 1—Transmission Provider Construction Activities

Milestone number	Description	Start date	End date
	Initial Synchronization Date. *Commercial Operation Date.*		

Note: Construction schedule assumes that Transmission Provider has obtained final authorizations and security from Affected System Interconnection Customer and all necessary permits from Governmental Authorities as necessary prerequisites to commence construction of any of the Affected System Network Upgrades.

1.4 Payment Schedule.

1.4.1 Timing of and Adjustments to Affected System Interconnection Customer's Payments and Security.

1.4.2 Monthly Payment Schedule. Affected System Interconnection Customer's payment schedule is as follows.

Table 2—Affected System Interconnection Customer's Payment/Security Obligations for Affected System Network Upgrades

Milestone number	Description	Date
*		
	Initial Synchronization Date.	
	Commercial Operation Date.	

Note: Affected System Interconnection Customer's payment or provision of security as provided in this Agreement operates as a condition precedent to Transmission Provider's obligations to construct any Affected System Network Upgrades, and failure to meet this schedule will constitute a Breach pursuant to Article 5.1 of this Agreement.

1.5 Permits, Licenses, and Authorizations.

Appendix B to the Affected Systems Facilities Construction Agreement

Notification of Completed Construction

This Appendix B is a part of the Affected Systems Facilities Construction Agreement among Affected System Interconnection Customer and Transmission Provider. Where applicable, when Transmission Provider has completed construction of the Affected System Network Upgrades, Transmission Provider shall send notice to Affected System Interconnection Customer in substantially the form following:

{Date}
{Affected System Interconnection Customer Address}
Re: Completion of Affected System Network Upgrade
Dear {Name or Title}:

This letter is sent pursuant to the Affected Systems Facilities Construction Agreement among {Transmission Provider} and {Affected System Interconnection Customer}, dated _____, 20__.

On {Date}, Transmission Provider completed to its satisfaction all work on the Affected System Network Upgrades required to facilitate the safe and reliable interconnection and operation of Affected System Interconnection Customer's {description of generating facility}. Transmission Provider confirms that the Affected System Network Upgrades are in place.

Thank you.

{Signature}
{Transmission Provider acting as Affected System Representative}

Appendix C to the Affected Systems Facilities Construction Agreement

Exhibits

This Appendix C is a part of the Affected Systems Facilities Construction Agreement among Affected System Interconnection Customer and Transmission Provider.

Exhibit A1—Transmission Provider Site Map

Exhibit A2—Site Plan

Exhibit A3—Affected System Network Upgrades Plan & PROFILE

Exhibit A4—Estimated Cost of Affected System Network Upgrades

	Location	Facilities to be constructed by transmission provider	Estimate in dollars
		Total:	.....

Appendix 17 to LGIP—Shared Network Upgrades Payment Schedule

Interconnection Customer is required to contribute to the cost of Shared Network Upgrades, as identified pursuant to LGIP Section 3.10, that are funded by another Interconnection Customer pursuant to the LGIP. Each Interconnection Customer with one or more Shared Network Upgrade(s) identified in Appendix A of its Large Generator Interconnection Agreement shall make a one-time payment under this Appendix 17 to the LGIP to Transmission Provider in accordance with the terms in the Large Generator Interconnection Agreement. The one-time payment will reflect the cost of the Shared Network Upgrade(s) assigned to Interconnection Customer as determined by Transmission Provider. All revenue collected by Transmission Provider through this Appendix shall be distributed to the appropriate Interconnection Customer(s). When applicable, the transmission credit requirement under Article 11.4 of the Large Generator Interconnection Agreement applies to Interconnection Customer's contribution to the cost of Shared Network Upgrades.

Project number	Funding interconnection customer	NERC ID	Amount of shared network upgrade being funded

Project number	Recipient interconnection customer	NERC ID	Amount of shared network upgrade being refunded

Appendix C: Compilation of proposed changes to the pro forma SGIP

Note: Proposed deletions are in brackets and proposed additions are in italics.

Section 1. Application

* * * * *

1.4 Modification of the Interconnection Request

Any modification to machine data or equipment configuration or to the interconnection site of the Small Generating Facility not agreed to in writing by [the]Transmission Provider and [the]Interconnection Customer may be deemed a withdrawal of the Interconnection Request and may require submission of a new Interconnection Request, unless proper notification of each Party by the other and a reasonable time to cure the problems created by the changes are undertaken. *Any such modification of the Interconnection Request must be accompanied by any resulting updates to the models described in Attachment 2 of this SGIP.*

* * * * *

Section 3. Study Process

* * * * *

3.2 Scoping Meeting

3.2.1 A scoping meeting will be held within ten Business Days after the Interconnection Request is deemed complete, or as otherwise mutually agreed to by the Parties. [The]Transmission Provider and [the]Interconnection Customer will bring to the meeting personnel, including system engineers and other resources as may be reasonably required to accomplish the purpose of the meeting.

3.2.2 The purpose of the scoping meeting is to discuss the Interconnection Request and review existing studies relevant to the Interconnection Request. The Parties shall further discuss whether [the]Transmission Provider should perform a feasibility study or proceed directly to a system impact study, or a facilities study, or an interconnection agreement. If the Parties agree that a feasibility study should be performed, [the]Transmission Provider shall provide [the]Interconnection Customer, as soon as possible, but not later than five Business Days after the scoping meeting, a feasibility study agreement (Attachment 6) including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the study. *In addition, Interconnection Customer's request to evaluate whether advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators are feasible alternatives that could provide cost and/or time savings for Interconnection Customer must be submitted at the scoping meeting.*

3.2.3 The scoping meeting may be omitted by mutual agreement. In order to remain in consideration for interconnection, an Interconnection Customer [who]*that* has requested a feasibility study must return the executed feasibility study agreement within 15 Business Days. If the Parties agree not to perform a feasibility study, [the]Transmission Provider shall provide [the]Interconnection Customer, no later than five Business Days after the scoping meeting, a system impact study agreement (Attachment 7) including an outline of the scope of the study, a non-binding good faith estimate of the cost to perform the study, *and whether Interconnection Customer requested an evaluation of whether advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators are feasible alternatives that could provide cost and/or time savings for Interconnection Customer.*

3.3 Feasibility Study

3.3.1 The feasibility study shall identify any potential adverse system impacts that would result from the interconnection of the Small Generating Facility.

3.3.2 A deposit of the lesser of 50 percent of the good faith estimated feasibility study costs or earnest money of $1,000 may be required from [the]Interconnection Customer.

3.3.3 The scope of and cost responsibilities for the feasibility study are described in the attached feasibility study agreement (Attachment 6).

3.3.4 If the feasibility study shows no potential for adverse system impacts,[the] Transmission Provider shall send [the]Interconnection Customer a facilities study agreement, including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the study. If no additional facilities are required,[the] Transmission Provider shall send [the]Interconnection Customer an executable interconnection agreement within five Business Days.

3.3.5 If the feasibility study shows the potential for adverse system impacts, the review process shall proceed to the appropriate system impact study(s).

3.3.6 *At the request of any Interconnection Customer, the feasibility study will evaluate advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators for feasibility, cost, and time savings as either an alternative to the Network Upgrade(s) or to provide Provisional Interconnection Service. Transmission Provider shall include the evaluation in the feasibility study report.*

3.4 System Impact Study

3.4.1 A system impact study shall identify and detail the electric system impacts that would result if the proposed Small Generating Facility were interconnected without project modifications or electric system modifications, focusing on the adverse system impacts identified in the feasibility study, or to study potential impacts, including but not limited to those identified in the scoping meeting. A system impact study shall evaluate the impact of the proposed interconnection on the reliability of the electric system.

3.4.2 If no transmission system impact study is required, but potential electric power Distribution System adverse system impacts are identified in the scoping meeting or shown in the feasibility study, a distribution system impact study must be performed. [The]Transmission Provider shall send [the] Interconnection Customer a distribution system impact study agreement within 15 Business Days of transmittal of the feasibility study report, including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the study, or following the scoping meeting if no feasibility study is to be performed.

3.4.3 In instances where the feasibility study or the distribution system impact study shows potential for transmission system adverse system impacts, within five Business Days following transmittal of the feasibility study report, [the]Transmission Provider shall send [the]Interconnection Customer a transmission system impact study agreement, including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the study, if such a study is required.

3.4.4 If a transmission system impact study is not required, but electric power Distribution System adverse system impacts are shown by the feasibility study to be possible and no distribution system impact study has been conducted, [the]Transmission Provider shall send [the]Interconnection Customer a distribution system impact study agreement.

3.4.5 If the feasibility study shows no potential for transmission system or Distribution System adverse system impacts, [the]Transmission Provider shall send [the]Interconnection Customer either a facilities study agreement (Attachment 8), including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the study, or an executable interconnection agreement, as applicable.

3.4.6 In order to remain under consideration for interconnection,[the] Interconnection Customer must return executed system impact study agreements, if applicable, within 30 Business Days.

3.4.7 A deposit of the good faith estimated costs for each system impact study may be required from [the]Interconnection Customer.

3.4.8 The scope of and cost responsibilities for a system impact study are described in the attached system impact study agreement.

3.4.9 Where transmission systems and Distribution Systems have separate owners, such as is the case with transmission-dependent utilities (''TDUs'')—whether investor-owned or not—[the]Interconnection Customer may apply to the nearest Transmission Provider (Transmission Owner, Regional Transmission Operator, or Independent Transmission Provider) providing transmission service to the TDU to request project coordination. Affected Systems shall participate in the study and provide all information necessary to prepare the study.

3.4.10 At the request of Interconnection Customer, the system impact study will evaluate advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators for feasibility, cost, and time savings as either an alternative to the Network Upgrade(s) or to provide Provisional Interconnection Service. Transmission Provider shall include the evaluation in the system impact study report.

3.5 Facilities Study

3.5.1 Once the required system impact study(s) is completed, a system impact study report shall be prepared and transmitted to [the]Interconnection Customer along with a facilities study agreement within five Business Days, including an outline of the scope of the study and a non-binding good faith estimate of the cost to perform the facilities study. In the case where one or both impact studies are determined to be unnecessary, a notice of the fact shall be transmitted to [the]Interconnection Customer within the same timeframe.

3.5.2 In order to remain under consideration for interconnection, or, as appropriate, in [the]Transmission Provider's interconnection queue,[the] Interconnection Customer must return the executed facilities study agreement or a request for an extension of time within 30 Business Days.

3.5.3 The facilities study shall specify and estimate the cost of the equipment, engineering, procurement and construction work (including overheads) needed to implement the conclusions of the system impact study(s).

3.5.4 Design for any required Interconnection Facilities and/or Upgrades shall be performed under the facilities study

agreement. [The]Transmission Provider may contract with consultants to perform activities required under the facilities study agreement. [The]Interconnection Customer and[the] Transmission Provider may agree to allow [the]Interconnection Customer to separately arrange for the design of some of the Interconnection Facilities. In such cases, facilities design will be reviewed and/or modified prior to acceptance by [the]Transmission Provider, under the provisions of the facilities study agreement. If the Parties agree to separately arrange for design and construction, and provided security and confidentiality requirements can be met, [the]Transmission Provider shall make sufficient information available to [the]Interconnection Customer in accordance with confidentiality and critical infrastructure requirements to permit[the] Interconnection Customer to obtain an independent design and cost estimate for any necessary facilities.

3.5.5 A deposit of the good faith estimated costs for the facilities study may be required from [the]Interconnection Customer.

3.5.6 The scope of and cost responsibilities for the facilities study are described in the attached facilities study agreement.

3.5.7 Upon completion of the facilities study, and with the agreement of[the] Interconnection Customer to pay for Interconnection Facilities and Upgrades identified in the facilities study, [the]Transmission Provider shall provide [the]Interconnection Customer an executable interconnection agreement within five Business Days.

3.5.8 At the request of Interconnection Customer, the facilities study will evaluate advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators for feasibility, cost, and time savings as either an alternative to the Network Upgrade(s) or to provide Provisional Interconnection Service. Transmission Provider shall include the evaluation in the facilities study report.

Section 4. Provisions That Apply to All Interconnection Requests

* * *

4.11 Alternative Transmission Technologies Annual Report

Each Transmission Provider shall submit an annual informational report to the Commission that details whether, and if so how, advanced power flow control, transmission switching, dynamic line ratings, static synchronous compensators, and/or static VAR compensators were considered in interconnection requests over the last year. The report must be submitted by the last calendar day of December annually.

* * *

Attachment 2—Small Generator Interconnection Request

(Application Form)

* * *

Models for Non-Synchronous Generators

Interconnection Customer shall provide (1) a validated user-defined root mean squared (RMS) positive sequence dynamics model; (2) an appropriately parameterized generic library RMS positive sequence dynamics model, including model block diagram of the inverter control and plant control systems, as defined by the selection in Table 1 or a model otherwise approved by the Western Electricity Coordinating Council, that corresponds to Interconnection Customer's Generating Facility; and (3) an electromagnetic transient model if Transmission Provider performs an electromagnetic transient study as part of the interconnection study process. {Transmission Provider to insert whether they perform an electromagnetic transient study.} A user-defined model is a set of programming code created by equipment manufacturers or developers that captures the latest features of controllers that are mainly software based and represents the entities' control strategies but does not necessarily correspond to any generic library model. For a model to be validated, there must be confirmation that the equipment behavior is consistent with the model behavior (e.g., an attestation from Interconnection Customer that the model accurately represents the entire plant; attestations from each equipment manufacturer that the user defined model accurately represents the component of the plant; or test data).

Table 1

GE PSLF	Siemens PSS/E *	PowerWorld simulator	Description
pvd1		PVD1	Distributed PV system model.
der_a	DERAU1	DER_A	Distributed energy resource model.
regc_a	REGCAU1, REGCA1.	REGC_A	Generator/converter model.
regc_b	REGCBU1	REGC_B	Generator/converter model.
wt1g	WT1G1	WT1G and WT1G1	Wind turbine model for Type-1 wind turbines (conventional directly connected induction generator).
wt2g	WT2G1	WT2G and WT2G1	Generator model for generic Type-2 wind turbines.
wt2e	WT2E1	WT2E and WT2E1	Rotor resistance control model for wound-rotor induction wind-turbine generator wt2g.
reec_a	REECAU1, REECA1.	REEC_A	Renewable energy electrical control model.
reec_c	REECCU1	REEC_C	Electrical control model for battery energy storage system.
reec_d	REECDU1	REEC_D	Renewable energy electrical control model.
wt1t	WT12T1	WT1T and WT12T1	Wind turbine model for Type-1 wind turbines (conventional directly connected induction generator).
wt1p_b	wt1p_b	WT12A1U_B	Generic wind turbine pitch controller for WTGs of Type 1 and 2.
wt2t	WT12T1	WT2T	Wind turbine model for Type-2 wind turbines (directly connected induction generator wind turbines with an external rotor resistance).
wtgt_a	WTDTAU1, WTDTA1.	WTGT_A	Wind turbine drive train model.
wtga_a	WTARAU1, WTARA1.	WTGA_A	Simple aerodynamic model.
wtgp_a	WTPTAU1, WTPTA1.	WTGPT_A	Wind Turbine Generator Pitch controller.
wtgq_a	WTTQAU1, WTTQA1.	WTGTRQ_A	Wind Turbine Generator Torque controller.
wtgwgo_a	WTGWGOAU	WTGWGO_A	Supplementary control model for Weak Grids.
wtgibffr_a	WTGIBFFRA	WTGIBFFR_A	Inertial-base fast frequency response control.
wtgp_b	WTPTBU1	WTGPT_B	Wind Turbine Generator Pitch controller.
wtgt_b	WTDTBU1	WTGT_B	Drive train model.
repc_a	Type 4: REPCAU1 (v33), REPCA1 (v34).	REPC_A	Power Plant Controller.

Table 1—Continued

GE PSLF	Siemens PSS/E *	PowerWorld simulator	Description
	Type 3: REPCTAU1 (v33), REPCTA1 (v34).		
repc__b	*PLNTBU1*	*REPC__B*	*Power Plant Level Controller for controlling several plants/devices.* *In regards to Siemens PSS/E: ** *Names of other models for interface with other devices: REA3XBU1, REAX4BU1—for interface with Type 3 and 4 renewable machines.* *SWSAXBU1—for interface with SVC (modeled as switched shunt in powerflow).* *SYNAXBU1—for interface with synchronous condenser.* *FCTAXBU1— for interface with FACTS device.*
repc__c	*REPCCU*	*REPC__C*	*Power plant controller.*

General Information

Enclose copy of site electrical one-line diagram showing the configuration of all Small Generating Facility equipment, current and potential circuits, and protection and control schemes. This one-line diagram must be signed and stamped by a licensed Professional Engineer if the Small Generating Facility is larger than 50 kW. Is One-Line Diagram Enclosed? ____Yes ____No

Enclose copy of any site documentation that indicates the precise physical location of the proposed Small Generating Facility (e.g., USGS topographic map or other diagram or documentation).

Proposed location of protective interface equipment on property (include address if different from [the]Interconnection Customer's Address)_____

Enclose copy of any site documentation that describes and details the operation of the protection and control schemes. Is Available Documentation Enclosed? ____Yes ____No

Enclose copies of schematic drawings for all protection and control circuits, relay current circuits, relay potential circuits, and alarm/monitoring circuits (if applicable). Are Schematic Drawings Enclosed? ____Yes ____No

Applicant Signature

I hereby certify that, to the best of my knowledge, all the information provided in this Interconnection Request is true and correct.

For Interconnection Customer: _____

Date: _____

Appendix D—Compilation of proposed changes to the pro forma LGIA

Note: Proposed deletions are in brackets and proposed additions are in italics.

Article 1. Definitions

* * *

[**Applicable Reliability Council** shall mean the reliability council applicable to the Transmission System to which the Generating Facility is directly interconnected.]

Applicable Reliability Standards shall mean the requirements and guidelines of [NERC,]the [Applicable Reliability Council]*Electric Reliability Organization* and the [Control Area]*Balancing Authority Area* of the Transmission System to which the Generating Facility is directly interconnected.

Balancing Authority *shall mean an entity that integrates resource plans ahead of time, maintains load interchange-generation balance within a Balancing Authority Area, and supports interconnection frequency in real time.*

Balancing Authority Area *shall mean the collection of generation, transmission, and loads within the metered boundaries of the Balancing Authority. The Balancing Authority maintains load-resource balance within this area.*

* * *

Cluster *shall mean a group of one or more Interconnection Requests that are studied together for the purpose of conducting the Cluster Study.*

Cluster Study *shall mean the evaluation of one or more Interconnection Requests within a Cluster as described in more detail in Section 7 of the LGIP.*

Clustering shall mean the process whereby *one or more* [a group of]Interconnection Requests [is] are studied together, instead of serially, [for the purpose of conducting the Interconnection System Impact Study]*as described in more detail in Section 7 of the LGIP.*

Co-Located Resource *shall mean multiple Generating Facilities located on the same site.*

* * *

[**Control Area** shall mean an electrical system or systems bounded by interconnection metering and telemetry, capable of controlling generation to maintain its interchange schedule with other Control Areas and contributing to frequency regulation of the interconnection. A Control Area must be certified by an Applicable Reliability Council.]

* * *

Electric Reliability Organization *shall mean NERC.*

* * *

Generating Facility shall mean Interconnection Customer's device for the production and/or storage for later injection of electricity identified in the Interconnection Request, but shall not include [the]Interconnection Customer's Interconnection Facilities.

* * *

Interconnection Facilities shall mean [the]Transmission Provider's Interconnection Facilities and [the]Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Interconnection, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to [the]Transmission Provider's Transmission System. Interconnection Facilities are sole use facilities *by Interconnection Customer* and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades. *Multiple Generating Facilities located on the same site of Interconnection Customer may share Interconnection Facilities.*

Interconnection Facilities Study shall mean a study conducted by [the]Transmission Provider or a third party consultant for [the]Interconnection Customer to determine a list of facilities (including Transmission Provider's Interconnection Facilities and Network Upgrades as identified in the [Interconnection System Impact]*Cluster Study*), the cost of those facilities, and the time required to interconnect the Generating Facility with [the] Transmission Provider's Transmission System. The scope of the study is defined in Section 8 of the *LGIP*[Standard Large Generator Interconnection Procedures].

* * *

[**Interconnection Feasibility Study** shall mean a preliminary evaluation of the system impact and cost of interconnecting the Generating Facility to the Transmission Provider's Transmission System, the scope of which is described in Section 6 of the Standard Large Generator Interconnection Procedures.]

[**Interconnection Feasibility Study Agreement** shall mean the form of agreement contained in Appendix 2 of the Standard Large Generator Interconnection Procedures for conducting the Interconnection Feasibility Study.]

* * *

Interconnection Study shall mean any of the following studies: the *Informational* Interconnection [Feasibility]Study, *the Cluster Study,* [the Interconnection System Impact Study,]*the Surplus Interconnection Service System Impact Study,* and the Interconnection Facilities Study described in the Standard Large Generator Interconnection Procedures.

[**Interconnection System Impact Study** shall mean an engineering study that evaluates the impact of the proposed interconnection on the safety and reliability of Transmission Provider's Transmission System and, if applicable, an Affected System. The study shall identify and detail the system impacts that would result if the Generating Facility were interconnected without project modifications or system modifications, focusing on the Adverse System Impacts identified in the Interconnection Feasibility Study, or to study potential impacts, including but not limited to those identified in the Scoping Meeting as described in the Standard Large Generator Interconnection Procedures.]

[**Interconnection System Impact Study Agreement** shall mean the form of agreement contained in Appendix 3 of the Standard Large Generator Interconnection Procedures for conducting the Interconnection System Impact Study.]

* * *

Material Modification shall mean those modifications that have a material impact on the cost or timing of any Interconnection Request with a later *or equal Queue Position*[queue priority date].

* * *

Queue Position shall mean the order of a valid Interconnection Request, relative to all other pending valid Interconnection Requests, that is established based upon the date and time [of receipt of the valid] *that* Interconnection[Request by the Transmission Provider] *Customer satisfies all of the requirements of Sections 3.4 of the LGIP to enter the Cluster Study. All Interconnection Requests within a Cluster are considered equally queued.*

* * *

Scoping Meeting shall mean the meeting between representatives of[the] Interconnection Customer*(s)* and Transmission Provider conducted for the purpose of discussing *the proposed interconnection request,* alternative interconnection options, to exchange information including any transmission data and earlier study evaluations that would be reasonably expected to [impact] *affect* such interconnection options, to analyze such information, and to determine the potential feasible Points of Interconnection.

Shared Network Upgrade *shall mean a Network Upgrade that has been assigned to an Interconnection Customer(s) and is subsequently identified as necessary to accommodate the interconnection of the Large Generating Facility of an Interconnection Customer(s) in a later Cluster and meets the requirements pursuant to the process outlined in Section 3.10 of the LGIP.*

Site Control shall mean [documentation reasonably demonstrating]*the exclusive land right to develop, construct, operate, and maintain the Generating Facility over the term of expected operation of the Generating Facility. Site Control may be demonstrated by documentation establishing:* (1) ownership of, a leasehold interest in, or a right to develop a site [for the purpose of constructing]*of sufficient size to construct and operate* the Generating Facility *or multiple Generating Facilities on a shared site behind one Point of Interconnection;* (2) an option to purchase or acquire a leasehold[site for such purpose; or (3) an exclusivity or other business relationship between] *site of sufficient size to construct and operate the Generating Facility;* or (3) *any other documentation that clearly demonstrates the right of Interconnection Customer*[and the entity having the right to sell, lease or grant Interconnection Customer the right to possess or] to exclusively occupy a site [for such purpose.]*of sufficient size to construct and operate the Generating Facility. Site Control for any Co-Located Resource is demonstrated by a contract or other agreement demonstrating shared land use for all Co-Located Resources that meet the aforementioned provisions of this Site Control definition.*

* * *

Stand Alone Network Upgrades shall mean Network Upgrades that are not part of an Affected System that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction *and, as indicated under proportional impact analysis, are only required for a single Interconnection Request.* Both [the]Transmission Provider and [the]Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement. If[the] Transmission Provider and Interconnection Customer disagree about whether a particular Network Upgrade is a Stand Alone Network Upgrade, [the]Transmission Provider must provide [the]Interconnection Customer a written technical explanation outlining why [the]Transmission Provider does not consider the Network Upgrade to be a Stand Alone Network Upgrade within 15 days of its determination.

* * *

Transmission Provider's Interconnection Facilities shall mean all facilities and equipment owned, controlled, or operated by [the]Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades. *Transmission Provider's Interconnection Facilities may be shared by more than one Generating Facility in a given Cluster Study or by Generating Facilities that are part of a Co-Located resource.*

* * *

Article 5. Interconnection Facilities Engineering, Procurement, & Construction

* * *

5.4 Power System Stabilizers. [The]Interconnection Customer shall procure, install, maintain and operate Power System Stabilizers in accordance with the guidelines and procedures established by the [Applicable Reliability Council]*Electric Reliability Organization.* Transmission Provider reserves the right to reasonably establish minimum acceptable settings for any installed Power System Stabilizers, subject to the design and operating limitations of the [Large]Generating Facility. If the [Large]Generating Facility's Power System Stabilizers are removed from service or not capable of automatic operation, Interconnection Customer shall immediately notify Transmission Provider's system operator, or its designated representative. The requirements of this paragraph shall not apply to wind generators.

* * *

Article 7. Metering

7.1 General. Each Party shall comply with the[Applicable Reliability Council] *Electric Reliability Organization* requirements. Unless otherwise agreed by the Parties, Transmission Provider shall install Metering Equipment at the Point of Interconnection prior to any operation of the [Large]Generating Facility and shall own, operate, test and maintain such Metering Equipment. Power flows to and from the [Large]Generating Facility shall be measured at or, at Transmission Provider's option, compensated to, the Point of Interconnection. Transmission Provider shall provide metering quantities, in analog and/or digital form, to Interconnection Customer upon request. Interconnection Customer shall bear all reasonable documented costs associated with the purchase, installation, operation, testing and maintenance of the Metering Equipment.

* * *

Article 9. Operations

9.1 General. Each Party shall comply with the[Applicable Reliability Council] *Electric Reliability Organization* requirements. Each Party shall provide to the other Party all information that may reasonably be required by the other Party to comply with Applicable Laws and Regulations and Applicable Reliability Standards.

9.2 [Control Area]*Balancing Authority Area* Notification. At least three months before Initial Synchronization Date, Interconnection Customer shall notify Transmission Provider in writing of the [Control Area]*Balancing Authority Area* in which the [Large]Generating Facility will be located. If Interconnection Customer elects to locate the [Large]Generating Facility in a[Control Area] *Balancing Authority Area* other than the [Control Area]*Balancing Authority Area* in which the [Large]Generating Facility is physically located, and if permitted to do so by the relevant transmission tariffs, all necessary arrangements, including but not limited to those set forth in Article 7 and Article 8 of this LGIA, and remote [Control Area]*Balancing Authority Area* generator interchange agreements, if applicable, and the appropriate measures under such agreements, shall be executed and implemented prior to the placement of the[Large] Generating Facility in the other [Control Area]*Balancing Authority Area.*

* * *

9.4 Interconnection Customer Obligations. Interconnection Customer shall at its own expense operate, maintain and control the [Large]Generating Facility and Interconnection Customer's Interconnection Facilities in a safe and reliable manner and in accordance with this LGIA. Interconnection Customer shall operate the [Large]Generating Facility and Interconnection Customer's Interconnection Facilities in accordance with all applicable requirements of the [Control Area]*Balancing Authority Area* of which it is part, as such requirements are set forth in Appendix C, Interconnection Details, of this LGIA. Appendix C, Interconnection Details, will be modified to reflect changes to the requirements as they may change from time to time. Either Party may request that the other Party provide copies of the requirements set forth in Appendix C, Interconnection Details, of this LGIA.

* * *

9.6 Reactive Power and Primary Frequency Response

9.6.1 Power Factor Design Criteria

9.6.1.1 Synchronous Generation. Interconnection Customer shall design the [Large]Generating Facility to maintain a composite power delivery at continuous rated power output at the Point of Interconnection at a power factor within the range of 0.95 leading to 0.95 lagging, unless [the]Transmission Provider has established different requirements that apply to all synchronous generators in the [Control Area]*Balancing Authority Area* on a comparable basis.

9.6.1.2 Non-Synchronous Generation. Interconnection Customer shall design the [Large]Generating Facility to maintain a composite power delivery at continuous rated power output at the high-side of the generator substation at a power factor within the range of 0.95 leading to 0.95 lagging, unless[the] Transmission Provider has established a different power factor range that applies to all non-synchronous generators in the [Control Area]*Balancing Authority Area* on a comparable basis. This power factor range standard shall be dynamic and can be met using, for example, power electronics designed to supply this level of reactive capability (taking into account any limitations due to voltage level, real power output, etc.) or fixed and switched capacitors, or a combination of the two. This requirement shall only apply to newly interconnecting non-synchronous generators that have not yet executed a Facilities Study Agreement as of the effective date of the Final Rule establishing this requirement (Order No. 827).

9.6.2 Voltage Schedules. Once Interconnection Customer has synchronized the [Large]Generating Facility with the Transmission System, Transmission Provider shall require Interconnection Customer to operate the[Large] Generating Facility to produce or absorb reactive power within the design limitations of the [Large]Generating Facility set forth in Article 9.6.1 (Power Factor Design Criteria). Transmission Provider's voltage schedules shall treat all sources of reactive power in the [Control Area]*Balancing Authority Area* in an equitable and not unduly discriminatory manner. Transmission Provider shall exercise Reasonable Efforts to provide Interconnection Customer with such schedules at least one (1) day in advance, and may make changes to such schedules as necessary to maintain the reliability of the Transmission System. Interconnection Customer shall operate the [Large]Generating Facility to maintain the specified output voltage or power factor at the Point of Interconnection within the design limitations of the [Large]Generating Facility set forth in Article 9.6.1 (Power Factor Design Criteria). If Interconnection Customer is unable to maintain the specified voltage or power factor, it shall promptly notify the System Operator.

9.6.2.1 Voltage Regulators. Whenever the [Large]Generating Facility is operated in parallel with the Transmission System and voltage regulators are capable of operation, Interconnection Customer shall operate the[Large] Generating Facility with its voltage regulators in automatic operation. If the [Large]Generating Facility's voltage regulators are not capable of such automatic operation, Interconnection Customer shall immediately notify Transmission Provider's system operator, or its designated representative, and ensure that such [Large]Generating Facility's reactive power production or absorption (measured in MVARs) are within the design capability of the [Large]Generating Facility's generating unit(s) and steady state stability limits. Interconnection Customer shall not cause its[Large] Generating Facility to disconnect automatically or instantaneously from the Transmission System or trip any generating unit comprising the [Large]Generating Facility for an under or over frequency condition unless the abnormal frequency condition persists for a time period beyond the limits set forth in ANSI/IEEE Standard C37.106, or such other standard as applied to other generators in the [Control Area]*Balancing Authority Area* on a comparable basis.

* * *

9.7.3 [Under-Frequency and Over Frequency Conditions]*Ride Through Capability and Performance.* The Transmission System is designed to automatically activate a load-shed program as required by the [Applicable Reliability Council]*Electric Reliability Organization* in the event of an underfrequency system disturbance. Interconnection Customer shall implement under-frequency and over-frequency relay set points for the [Large]Generating Facility as required by the[Applicable Reliability Council] *Electric Reliability Organization* to ensure *frequency* ''ride through'' capability of the Transmission System. [Large]Generating Facility response to frequency deviations of pre-determined magnitudes, both under-frequency and over-frequency deviations, shall be studied and coordinated with Transmission Provider in accordance with Good Utility Practice. *Interconnection Customer shall also implement under-voltage and over-voltage relay set points, or equivalent electronic controls, to ensure voltage ''ride through'' capability of the Transmission System.* The term ''ride through'' as used herein shall mean the ability of a Generating Facility to stay connected to and synchronized with the Transmission System during system disturbances within a range of under-frequency, [and]over-frequency*, under-voltage, and over-voltage* conditions, in accordance with Good Utility Practice *and consistent with any standards and guidelines that are applied to other Generating Facilities in the Balancing Authority Area on a comparable basis. During abnormal frequency conditions and voltage conditions within the ''no trip zone'' defined by Reliability Standard PRC-024–2 or its successor standards, non-synchronous Generating Facilities must maintain real power production at pre-disturbance levels unless providing primary frequency response or fast frequency response and must provide dynamic reactive power to maintain system voltage in accordance with the Generating Facility's voltage schedule.*

* * *

Article 11. Performance Obligation

11.3 Network Upgrades and Distribution Upgrades. Transmission Provider or Transmission Owner shall design, procure, construct, install, and own the Network Upgrades and Distribution Upgrades described in Appendix A, Interconnection Facilities, Network Upgrades and Distribution Upgrades. [The]Interconnection Customer shall be responsible for all costs related to Distribution Upgrades. Unless Transmission Provider or Transmission Owner elects to fund the capital for the Network Upgrades, they shall be solely funded by Interconnection Customer.

11.3.1 Shared Network Upgrades. *Interconnection Customer shall pay Transmission Provider or Transmission Owner in a one-time lump sum payment for Shared Network Upgrade(s) identified pursuant to section 3.10 of the LGIP and memorialized in Appendix A of the LGIA. Transmission Provider or Transmission Owner subsequently shall disburse the one-time lump sum payment to appropriate Interconnection Customer(s) from an earlier Cluster(s) with previously assigned costs associated with the Shared Network Upgrade(s) in accordance with Appendix 17 to the LGIP. Where applicable, Interconnection Customer(s) from an earlier Cluster with previously assigned costs associated with the Shared Network Upgrades shall assign any transmission credits associated with the portion of the Shared Network Upgrade that new Interconnection Customer reimbursed to the new Interconnection Customer, pursuant to Article 11.4.1 of the LGIA. If the Shared Network Upgrade is not in service, Interconnection Customer shall not be required to make a payment under Appendix 17 to the LGIP until the Shared Network Upgrade is in service. In the event that Interconnection Customer fails to meet its obligation to fund Shared Network Upgrades, Transmission Provider or Transmission Owner shall not be responsible for Interconnection Customer's funding obligation.*

* * *

Article 13. Emergencies

* * *

13.2 Obligations. Each Party shall comply with the Emergency Condition procedures of the applicable ISO/RTO, NERC, the [Applicable Reliability Council]*Electric Reliability Organization,* Applicable Laws and Regulations, and any emergency procedures agreed to by the Joint Operating Committee.

* * *

Article 22. Confidentiality

* * *

22.1.11 Subject to the exception in Article 22.1.10, any information that a Party claims is competitively sensitive, commercial or financial information under this LGIA (''Confidential Information'') shall not be disclosed by the other Party to any person not employed or retained by the other Party, except to the extent disclosure is (i) required by law; (ii) reasonably deemed by the disclosing Party to be required to be disclosed in connection with a dispute between or among the Parties, or the defense of litigation or dispute; (iii) otherwise permitted by consent of the other Party, such consent not to be unreasonably withheld; or (iv) necessary to fulfill its obligations under this LGIA or as a transmission service provider or a [Control Area] *Balancing Authority Area* operator including disclosing the Confidential Information to an RTO or ISO or to a regional or national reliability organization. The Party asserting confidentiality shall notify the other Party in writing of the information it claims is confidential. Prior to any disclosures of the other Party's Confidential Information under this subparagraph, or if any third party or Governmental Authority makes any request or demand for any of the information described in this subparagraph, the disclosing Party agrees to promptly notify the other Party in writing and agrees to assert confidentiality and cooperate with the other Party in seeking to protect the Confidential Information from public disclosure by confidentiality agreement, protective order or other reasonable measures.

* * *

Article 24. Information Requirements

* * *

24.3 Updated Information Submission by Interconnection Customer. The updated information submission by Interconnection Customer, including manufacturer information, shall occur no later than one hundred eighty (180) Calendar Days prior to the Trial Operation. Interconnection Customer shall submit a completed copy of the [Large]Generating Facility data requirements contained in Appendix 1 to the LGIP. It shall also include any additional information provided to Transmission Provider for the [Feasibility]*Cluster Study* and Facilities Study. Information in this submission shall be the most current [Large]Generating Facility design or expected performance data. Information submitted for stability models shall be compatible with Transmission Provider standard models. If there is no compatible model, Interconnection Customer will work with a consultant mutually agreed to by the Parties to develop and supply a standard model and associated information.

If Interconnection Customer's data is materially different from what was originally provided to Transmission Provider pursuant to the Interconnection Study Agreement between Transmission Provider and Interconnection Customer, then Transmission Provider will conduct appropriate studies to determine the impact on Transmission Provider Transmission System based on the actual data submitted pursuant to this Article 24.3. [The]Interconnection Customer shall not begin Trial Operation until such studies are completed.

* * *

Appendix A to LGIA—Interconnection Facilities, Network Upgrades and Distribution Upgrades

1. Interconnection Facilities:

(a) {insert Interconnection Customer's Interconnection Facilities}:

(b) {insert Transmission Provider's Interconnection Facilities}:

2. Network Upgrades:

(a) {insert Stand Alone Network Upgrades}:

(b) {insert Other Network Upgrades}:

(c) {Insert Shared Network Upgrades}:

* * *

Appendix E—Compilation of Proposed Changes to the *pro forma* SGIA

Note: Proposed deletions are in brackets and proposed additions are in italics.

Article 1. Scope and Limitations of Agreement

* * *

1.5 Responsibilities of the Parties

* * *

1.5.7 [The]Interconnection Customer shall ensure ''frequency ride through'' capability and ''voltage ride through'' capability of its Small Generating Facility. [The]Interconnection Customer shall enable these capabilities such that its Small Generating Facility shall not disconnect automatically or instantaneously from the system or equipment of [the]Transmission Provider and any Affected Systems for a defined under-frequency or over-frequency condition, or an under-voltage or over-voltage condition, as tested pursuant to section 2.1 of this agreement. The defined conditions shall be in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. The Small Generating Facility's protective equipment settings shall comply with[the] Transmission Provider's automatic load-shed program. [The]Transmission Provider shall review the protective equipment settings to confirm compliance with the automatic load-shed program. The term ''ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of [the]Transmission Provider and any Affected Systems during system disturbances within a range of conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. The term ''frequency ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of [the]Transmission Provider and any Affected Systems during system disturbances within a range of under-frequency and over-frequency conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. The term ''voltage ride through'' as used herein shall mean the ability of a Small Generating Facility to stay connected to and synchronized with the system or equipment of [the]Transmission Provider and any Affected Systems during system disturbances within a range of under-voltage and over-voltage conditions, in accordance with Good Utility Practice and consistent with any standards and guidelines that are applied to other generating facilities in the Balancing Authority Area on a comparable basis. *During abnormal frequency conditions and voltage conditions within the ''no trip zone'' defined by Reliability Standard PRC–024–2 or its successor standards, non-synchronous Small Generating Facilities must maintain real power production at pre-disturbance levels unless providing primary frequency response or fast frequency response and must provide dynamic reactive power to maintain system voltage in accordance with the Small Generating Facility's voltage schedule.*

1.6 Parallel Operation Obligations. Once the Small Generating Facility has been authorized to commence parallel operation, [the]Interconnection Customer shall abide by all rules and procedures pertaining to the parallel operation of the Small Generating Facility in the applicable [control area]*Balancing Authority Area,* including, but not limited to; 1) the rules and procedures concerning the operation of generation set forth in the Tariff or by the applicable system operator(s) for [the] Transmission Provider's Transmission System and; 2) the Operating Requirements set forth in Attachment 5 of this Agreement.

* * *

1.8 Reactive Power and Primary Frequency Response

1.8.1 Power Factor Design Criteria

1.8.1.1 Synchronous Generation. [The]Interconnection Customer shall design its Small Generating Facility to maintain a composite power delivery at continuous rated power output at the Point of Interconnection at a power factor within the range of 0.95 leading to 0.95 lagging, unless [the]Transmission Provider has established different requirements that apply to all similarly situated synchronous generators in the [control area]*Balancing Authority Area* on a comparable basis.

1.8.1.2 Non-Synchronous Generation. [The]Interconnection Customer shall design its Small Generating Facility to maintain a composite power delivery at continuous rated power output at the high-side of the generator substation at a power factor within

the range of 0.95 leading to 0.95 lagging, unless [the]Transmission Provider has established a different power factor range that applies to all similarly situated non-synchronous generators in the [control area]*Balancing Authority Area* on a comparable basis. This power factor range standard shall be dynamic and can be met using, for example, power electronics designed to supply this level of reactive capability (taking into account any limitations due to voltage level, real power output, etc.) or fixed and switched capacitors, or a combination of the two. This requirement shall only apply to newly interconnecting non-synchronous generators that have not yet executed a Facilities Study Agreement as of the effective date of the Final Rule establishing this requirement (Order No. 827).

* * *

1.8.4.1 Governor or Equivalent Controls. Whenever the Small Generating Facility is operated in parallel with the Transmission System, Interconnection Customer shall operate the Small Generating Facility with its governor or equivalent controls in service and responsive to frequency. Interconnection Customer shall: (1) in coordination with Transmission Provider and/or the relevant [b]*B*alancing [a]*A*uthority, set the deadband parameter to: (1) a maximum of ±0.036 Hz and set the droop parameter to a maximum of 5 percent; or (2) implement the relevant droop and deadband settings from an approved NERC Reliability Standard that provides for equivalent or more stringent parameters. Interconnection Customer shall be required to provide the status and settings of the governor or equivalent controls to Transmission Provider and/or the relevant [b]*B*alancing [a]*A*uthority upon request. If Interconnection Customer needs to operate the Small Generating Facility with its governor or equivalent controls not in service, Interconnection Customer shall immediately notify Transmission Provider and the relevant [b]*B*alancing [a]*A*uthority, and provide both with the following information: (1) the operating status of the governor or equivalent controls (i.e., whether it is currently out of service or when it will be taken out of service); (2) the reasons for removing the governor or equivalent controls from service; and (3) a reasonable estimate of when the governor or equivalent controls will be returned to service. Interconnection Customer shall make Reasonable Efforts to return its governor or equivalent controls into service as soon as practicable. Interconnection Customer shall make Reasonable Efforts to keep outages of the Small Generating Facility's governor or equivalent controls to a minimum whenever the Small Generating Facility is operated in parallel with the Transmission System.

* * *

1.8.4.4 Electric Storage Resources. Interconnection Customer interconnecting an electric storage resource shall establish an operating range in Attachment 5 of its SGIA that specifies a minimum state of charge and a maximum state of charge between which the electric storage resource will be required to provide primary frequency response consistent with the conditions set forth in Sections 1.8.4, 1.8.4.1, 1.8.4.2 and 1.8.4.3 of this Agreement. Attachment 5 shall specify whether the operating range is static or dynamic, and shall consider: (1) the expected magnitude of frequency deviations in the interconnection; (2) the expected duration that system frequency will remain outside of the deadband parameter in the interconnection; (3) the expected incidence of frequency deviations outside of the deadband parameter in the interconnection; (4) the physical capabilities of the electric storage resource; (5) operational limitations of the electric storage resource due to manufacturer specifications; and (6) any other relevant factors agreed to by Transmission Provider and Interconnection Customer, and in consultation with the relevant transmission owner or [b]*B*alancing [a]*A*uthority as appropriate. If the operating range is dynamic, then Attachment 5 must establish how frequently the operating range will be reevaluated and the factors that may be considered during its reevaluation.

* * *

Attachment 1

Glossary of Terms

* * *

Balancing Authority *shall mean an entity that integrates resource plans ahead of time, maintains load interchange-generation balance within a Balancing Authority Area, and supports interconnection frequency in real time.*

Balancing Authority Area *shall mean the collection of generation, transmission, and loads within the metered boundaries of the Balancing Authority. The Balancing Authority maintains load-resource balance within this area.*

* * *

Operating Requirements—Any operating and technical requirements that may be applicable due to Regional Transmission Organization, Independent System Operator, [control area]*Balancing Authority Area,* or [the]Transmission Providers requirements, including those set forth in the Small Generator Interconnection Agreement.

United States of America—Federal Energy Regulatory Commission

Improvements to Generator Interconnection Procedures and Agreements

Docket No. RM22–14–000

(Issued June 16, 2022)

DANLY, Commissioner, *concurring*:

1. I welcome improvements to existing generator interconnection procedures. I would prefer that Regional Transmission Organizations (RTOs) and other interested public utilities simply file their own proposals under section 205 of the Federal Power Act (FPA).[1] They are fully capable of proposing rate changes and reforms on their own.[2]

2. If this sounds familiar, it is because I wrote the same thing in response to the Commission's recent Notice of Proposed Rulemaking (NOPR) on transmission planning.[3] There, however, I dissented from the NOPR because I think it highly unlikely that the Commission can make the required section 206 finding that existing transmission planning regimes across the United States—in RTO and non-RTO regions alike—are so comprehensively unjust and unreasonable as to justify scrapping them, and I likewise strongly doubt that the Commission can justify the pervasive, micro-managing ''reforms'' we propose to make mandatory.[4] That entire exercise appears to be primarily an effort to socialize the massive costs of the transmission network build-out required to rush the development of renewable generation.[5] We await the record evidence in that proceeding and we shall see what the record supports.

3. In contrast to the transmission planning NOPR, I concur with the issuance of this NOPR[6] because I think it is far more likely that the record evidence will support a section 206[7] step-one finding that at least *some* aspects of current interconnection rules are unjust and unreasonable. The hallmarks of the current regime are easy access and lengthy, unmanageable queues—particularly in RTOs. Meanwhile, the Commission regularly grants unlawful retroactive waivers when favored resources miss binding tariff deadlines. This undermines the RTOs' ability to manage their queues. Reforms (and greater Commission self-discipline) are desperately needed.

4. I would prefer RTOs and transmission providers come up with their own reforms through section 205 filings, rather than have the Commission issue omnibus proposals covering lists of every little thing commissioners would like to see done differently. Proposals have a propensity to turn into rules. The FPA, however, only allows the Commission to impose its own rates when the requisite section 206 showings have been made: that each existing interconnection tariff subject to revision in this NOPR is unjust and unreasonable, and that each aspect of the proposed replacement rate is just and reasonable. I am suspicious whether the record will support such showings in every region of the country, including in non-RTO regions, particularly when it comes to imposing the extremely broad replacement rates contemplated by this NOPR. I welcome detailed evidence on these points from all parties: identify the aspects of the existing rates that are unjust and unreasonable, or not, with supporting, or opposing, legal argument and factual evidence, and identify the aspects of the proposed replacement rates that are unjust and unreasonable, or not, with supporting, or opposing, legal argument and factual evidence. In each case, the more specific the arguments and evidence submitted, the

[1] 16 U.S.C. § 824d.

[2] *See, e.g.,* PJM Interconnection, L.L.C., Filing, Docket No. ER22–2110 (filed June 14, 2022).

[3] *See Building for the Future Through Elec. Reg'l Transmission Planning & Cost Allocation & Generator Interconnection,* 179 FERC ¶ 61,028 (2022) (Danly, Comm'r, dissenting).

[4] *See id.* (Danly, Comm'r, dissenting).

[5] *Id.* (Danly, Comm'r, dissenting at P 3).

[6] *Improvements to Generator Interconnection Procedures & Agreements,* 179 FERC ¶ 61,194 (2022).

[7] 16 U.S.C. § 824e.

better. In the transmission planning NOPR, I detailed the types of specific arguments and evidence that I wished to see, and I solicit the same here.[8] This information is crucial to determine whether the Commission's exercise of its remedial rate making authority under section 206 is warranted.

5. My preliminary view is that while some elements of the proposed replacement rates could be justified, others very likely might not. I suspect we might be able to require first-ready, first-served clustering, more robust milestone deposits and showings (site control and commercial readiness), more binding RTO and transmission provider deadlines, and elimination of the Commission's routine practice of granting unlawful retroactive waivers to every favored resource that misses a deadline. If we did this, we could be well on our way to solving existing interconnection problems. This NOPR includes what I think are likely reasonable proposals in many of these areas, subject to the actual evidence submitted in the record.

6. In other areas, I think the NOPR goes too far. Like the transmission expansion planning NOPR, many of the ideas floated in this NOPR seem intended to further prop up renewable resources and may be unduly discriminatory. I specifically seek comment on the following aspects of the proposal:

7. *First*, does the ''shared network upgrade'' cost proposal, where subsequent interconnecting resources pay a share of earlier interconnecting resources' previously allocated network upgrade costs, eliminate a true ''barrier to entry'' for all types of resources or only for favored, small, renewable resources? [9] Is it effective to reduce existing incentives to submit multiple speculative requests? [10]

8. *Second,* does the proposed ''resource solicitation study'' process, which grants state-favored resources a ''dedicated studies'' process, give renewable resources undue preference in the development or queue process? [11] Would it be less unduly discriminatory if it were resource neutral, meaning that it would apply if a state adopts *any* portfolio standard, regardless of the type of resource supported?

9. *Third,* the NOPR blurs the lines between generation and transmission facilities, proposing to require study of several ''alternative transmission technologies,'' and ''seek[ing] comment on whether storage that performs a transmission function, synchronous condensers, and voltage source converters should be included in the list.'' [12] The FPA, however, distinguishes between ''Federal regulation of matters relating to generation'' and ''that part of such [utility] business which consists of the transmission of electric energy in interstate commerce.'' [13] As I have previously explained with respect to storage that performs a transmission function, I disagree that the Commission can mix and mingle the two different types of facilities, and the different regulatory regimes associated with each, according to the most favorable treatment for a preferred resource, because the FPA does not contemplate such treatment and it likely is unduly discriminatory.[14]

10. Other than storage that can serve a transmission function, what equipment on our list also blurs the lines? [15] Is a traditional ''generation'' resource unduly discriminated against when it is denied full cost-of-service treatment if it can also perform a ''transmission'' function? I seek legal argument regarding these statutory distinctions, and factual evidence on when a facility is ''generation,'' or ''transmission,'' and how to (and whether we must) distinguish between the two.

11. *Fourth*, which of the interconnection and queue problems described in this NOPR, if any, apply to small generator interconnection procedures? [16] Are any of the proposed reforms outlined in the NOPR for large generator interconnection procedures required to ensure just and reasonable rates for small generators? I think the answer likely is no.

12. I look forward to reviewing the record evidence.

For these reasons, I respectfully concur.

James P. Danly,
Commissioner.

United States of America—Federal Energy Regulatory Commission

Improvements to Generator Interconnection Procedures and Agreements

Docket No. RM22–14–000

(Issued June 16, 2022)

CHRISTIE, Commissioner, *concurring*:

1. Today's Notice of Proposed Rulemaking (NOPR) includes a number of significant revisions to the Commission's *pro forma* interconnection queue requirements that appear to be based on robust evidence and to address real problems ailing the interconnection queues. I have long favored many of these proposals, which have been discussed in various technical conferences and in the Joint NARUC-FERC Task Force. These include (to name a few): (i) requiring transmission providers to adopt generally a ''first-ready, first served'' process for managing their interconnection queues; [1] (ii) requiring transmission providers to provide more information to potential interconnecting generators earlier in the process to facilitate greater cost certainty; [2] (iii) requiring generators in a later cluster to share the costs of previously identified network upgrades to the extent they directly benefit from them; [3] (iv) requiring stricter showings of readiness to enter into and stay in the queue; [4] (v) requiring an affected system study process and related *pro forma* study and construction agreements; [5] and (vi) requiring greater flexibility for co-located resources and for the use of surplus interconnection service.[6]

2. While I concur in issuing this NOPR and I support the queue reform provisions noted above, I also have to note that there are a few additional proposals in this NOPR that are not yet ready for prime time, either because they are potentially good ideas that have simply not been fully developed, or may not be a good ideas at all. I am willing, however, to put this NOPR out for comment on them. I thus encourage all interested parties to use the comment period to identify areas in which these proposals either need additional detail or may simply not be well-conceived, particularly those that may raise reliability concerns or engage in unhelpful or unnecessary micromanagement.

3. For example, I am wary of any Commission requirement that would replace the operating assumptions developed and used by transmission providers, whose primary job it is to ensure system reliability, with those requested by self-interested generators or resources seeking to interconnect to the grid.[7] So, to the extent allowing storage (or hybrid) resources to elect whether to be studied as charging at peak load (and/or extending greater flexibility to the operating assumptions used to other variable resources) would come at the risk of system reliability,[8] I want to hear those concerns. There are also a number of unanswered questions regarding the NOPR's monetary penalty proposal, such as how it will work (or not work) in RTO/ISO regions, and whether or not it will actually incentivize timelier completion of interconnection studies.[9] I am conceptually in favor of imposing guidelines for completion of studies, but the penalty provisions do not answer definitively the most important question of all: Who will pay these penalties in an RTO or ISO which has no stockholders? Consumers certainly should not pay, directly or indirectly. Also, while I am in favor of requiring transmission providers to consider seriously alternative solutions to new transmission build that could be less costly, I could have supported a simple requirement to do so without proposing a mandatory list of specific

[8] *See Building for the Future Through Elec. Reg'l Transmission Planning & Cost Allocation & Generator Interconnection,* 179 FERC ¶ 61,028 (Danly, Comm'r, dissenting at PP 22–26).

[9] *Improvements to Generator Interconnection Procedures & Agreements,* 179 FERC ¶ 61,194 at PP 90, 97.

[10] *See id.* P 88.

[11] *Id.* P 221.

[12] *Id.* P 300.

[13] 16 U.S.C. § 824(a).

[14] *See Midcontinent Indep. Sys. Operator, Inc.,* 172 FERC ¶ 61,132 (2020) (Danly, Comm'r, dissenting) (outlining jurisdictional arguments against treating storage as transmission).

[15] *See Improvements to Generator Interconnection Procedures & Agreements,* 179 FERC ¶ 61,194 at P 298.

[16] *See id.* P 5.

[1] NOPR at PP 64–79.

[2] *Id.* PP 42–52.

[3] *Id.* PP 98–101.

[4] *Id.* PP 115–123, 128–137, and 140–148.

[5] *Id.* PP 183–193 and 197–204.

[6] *Id.* PP 242–245 and 264.

[7] *Id.* PP 280–288.

[8] *Id.* P 286 (seeking comment ''on whether the Commission should expand this reform to address operating assumptions for additional generating facility technologies that may currently be inaccurately modeled, such as variable energy resources'').

[9] *Id.* P 172 (seeking comment on ''whether there is a more appropriate method for assigning [] penalties in RTOs/ISOs'' and ''whether monetary penalties may have adverse consequences [such as] incenting timeliness over accuracy'').

technologies or commercial products and, in doing so, replacing the judgment and expertise of grid experts with our own.[10]

4. Finally, with regard to the queue reforms described in P 1 above, while I support them, I also caution strongly that we should avoid undermining through this NOPR what the RTOs/ISOs, working through their stakeholder processes, are already doing to fix their own queue problems. We should recognize that each RTO/ISO is different and faces unique local challenges and needs. The queue reforms proposed in today's NOPR should be seen more as guideposts or general standards rather than unyielding mandates that refuse to take local solutions into consideration. I would allow RTOs/ISOs the opportunity to demonstrate that if their own efforts to enact queue reforms achieve the same goals in a different, but equally effective manner, their individual reform may be acceptable in complying with any final rule. While this NOPR currently recognizes the potential for regional flexibility,[11] I hope the need for such flexibility is explicitly memorialized in any final rule.

5. I look forward to reading the comments submitted in this proceeding and greatly appreciate the time and effort taken by all to provide the Commission with this important feedback.

For these reasons, I respectfully concur.

Mark C. Christie,
Commissioner.

[FR Doc. 2022–13470 Filed 7–1–22; 8:45 am]

BILLING CODE 6717–01–P

[10] *Id.* PP 298–301. Much of this NOPR's long descriptions of the various specific proposed mandatory alternative technologies read more like a college seminar term paper than a serious exercise of this Commission's legal authority. *See, e.g., id.* P 298. Engineers and planners who work in the field every day know well what these technologies are and which ones may be feasible or not.

[11] *Id.* P 6.

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Part III

Small Business Administration

13 CFR Part 121

Small Business Size Standards: Adoption of 2022 North American Industry Classification System for Size Standards; Proposed Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AH89

Small Business Size Standards: Adoption of 2022 North American Industry Classification System for Size Standards

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (''SBA'' or ''Agency'') proposes to amend its small business size regulations to incorporate the U.S. Office of Management and Budget's (OMB) North American Industry Classification System (NAICS) revision for 2022, identified as NAICS 2022, into its table of small business size standards. The NAICS 2022 revision created 111 new industries by reclassifying, combining, or splitting 156 NAICS 2017 industries or their parts. SBA's proposed size standards for these 111 new industries under NAICS 2022 have resulted in an increase to the size standards for 21 industries and 27 parts of three industries under NAICS 2017, a decrease to size standards for seven industries and 41 parts of one industry, a change in the size standard measure from average annual receipts to number of employees for one industry, a change in the size standard measure from number of employees to average annual receipts for a part of one industry, and no change in size standards for 118 industries and 33 parts of eight industries. SBA proposes to adopt the updated table of size standards, effective October 1, 2022.

DATES: SBA must receive comments to this proposed rule on or before August 4, 2022.

ADDRESSES: Identify your comments by RIN 3245–AH89 and submit them by one of the following methods: (1) Federal eRulemaking Portal: *www.regulations.gov,* following the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Khem R. Sharma, Ph.D., Chief, Office of Size Standards, 409 Third Street SW, Mail Code 6530, Washington, DC 20416. SBA will post all comments to this proposed rule on *www.regulations.gov.*

If you wish to submit confidential business information (CBI), as defined in the User Notice at *www.regulations.gov,* you must submit such information to U.S. Small Business Administration, Khem R. Sharma, Ph.D., Chief, the Office of Size Standards, 409 Third Street SW, Mail Code 6530, Washington, DC 20416, or send an email to *sizestandards@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold such information as confidential. SBA will review your information and determine whether it will make the information public.

Requests to redact or remove posted comments cannot be honored and a request to redact or remove posted comments will be posted as a comment. See the *www.regulations.gov* Help section for information on how to make changes to your comments.

FOR FURTHER INFORMATION CONTACT: Dr. Khem R. Sharma, Chief, Office of Size Standards, (202) 205–6618 or *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION: Effective October 1, 2000, the U.S. Small Business Administration (SBA) adopted North American Industry Classification System (NAICS) 1997 industry definitions as a basis for defining industries for its table of small business size standards, replacing the 1987 Standard Industrial Classification (SIC) (65 FR 30836 (May 15, 2000)). Since then, the Office of Management and Budget (OMB) has issued five revisions to NAICS. SBA's table of size standards adopted the OMB's first revision, NAICS 2002, effective October 1, 2002 (67 FR 52597 (August 13, 2002)); the second revision, NAICS 2007, effective October 1, 2007 (72 FR 49639 (August 29, 2007)); the third revision, NAICS 2012, effective October 1, 2012 (77 FR 49991 (August 20, 2012)); and fourth revision, NAICS 2017, effective October 1, 2017 (82 FR 44886 (September 27, 2017)).

On December 21, 2021, OMB published its fifth and the latest revision to NAICS ''Notice of NAICS 2022 Final Decisions; Update of Statistical Policy Directive No. 8, North American Industry Classification System: Classification of Establishments; and Elimination of Statistical Policy Directive No. 9, Standard Industrial Classification of Enterprises'' (86 FR 72277). In the December 21, 2021, **Federal Register** notice, OMB accepted the Economic Classification Policy Committee's (ECPC) recommendations, as outlined in the July 2, 2021, **Federal Register** notice (86 FR 35350), for the 2022 revisions to the North American Industry Classification System (NAICS), as well as the recommendations to update OMB Statistical Policy Directive No. 8, *North American Industry Classification System: Classification of Establishments* and to eliminate OMB Statistical Policy Directive No. 9, *Standard Industrial Classification of Enterprises.*

The OMB's notice stated that Federal statistical establishment data published for reference years beginning on or after January 1, 2022, should be published using NAICS 2022. Though SBA is not a statistical agency, it proposes to adopt NAICS 2022 for its table of size standards, effective October 1, 2022.

As with the previous NAICS revisions, SBA proposes to adopt the latest NAICS revision, identified as NAICS 2022, effective October 1, 2022 (*i.e.,* the beginning of the new fiscal year following the effective date of the OMB's release of the NAICS 2022 revision), for several reasons: (1) Federal Government contracting data and related statistics will be more consistent and comparable with past data for analyzing future small business activity if implementation of the revised table of size standards occurs at the beginning of a new fiscal year; (2) Users of size standards, for instance, Federal prime contractors, who may use the size standards for developing their subcontracting plans, can have more consistent data to examine the past and future Federal contracting trends; and (3) Small business size standards apply to most Federal agencies and their programs involving small businesses; with a time lag between the OMB's effective date and SBA's update of its size standards, agencies will have sufficient time to implement the changes and develop training tools, if necessary.

Changes in NAICS 2022

The NAICS 2022 revision created 111 new NAICS industries by splitting, merging, or modifying 6-digit codes or industry titles/definitions of 156 exiting industries under NAICS 2017 structure, of which nine industries were split to two or more NAICS 2022 industries. These changes are broken down by NAICS sector in Table 1, ''Modified Industries under NAICS 2017 and New Industries under NAICS 2022 by NAICS Sector.'' As can be seen in Table 1, Sector 44–45 (Retail Trade) accounts for the largest proportions of NAICS 2017 industries that have changed or been amended and of the new industries that have been created under NAICS 2022, followed by Sector 31–33 (Manufacturing), and Sector 51 (Information).

TABLE 1—MODIFIED INDUSTRIES UNDER NAICS 2017 AND NEW INDUSTRIES UNDER NAICS 2022 BY NAICS SECTOR

NAICS sector	Existing NAICS 2017 industries changed		New NAICS 2022 industries created	
	Count	%	Count	%
Sector 21	13	8.3	6	5.4
Sector 31–33	33	21.2	19	17.1
Sector 42	5	3.2	3	2.7
Sector 44–45	61	39.1	52	46.8
Sector 51	20	12.8	18	16.2
Sector 52	12	7.7	6	5.4
Sector 81	7	4.5	2	1.8
Sectors 48–49, 54, 56 & 62	5	3.2	5	4.5
All Sectors	156	100.0	111	100.0

Of the 111 new industries under NAICS 2022, 79 (71% of the new industries) were created by merging two or more NAICS 2017 industries in their entirety, one or more of NAICS 2017 industries and part(s) of one or more NAICS 2017 industries, or parts of two or more NAICS 2017 industries. Altogether, 124 NAICS 2017 industries or their parts were involved in the creation of the 79 new industries. Of the remaining 32 new industries, OMB changed the 6-digit codes for 11 (10%) NAICS 2017 industries without changing their titles, amended the industry titles of 15 (14%) NAICS 2017 industries without changing their 6-digit codes, and created six (5%) new industries by modifying the title, 6-digit code, or definition (or any combination thereof) of a single NAICS 2017 industry or part. These results are summarized in Table 2, ''Summary of NAICS 2022 Changes.''

TABLE 2—SUMMARY OF NAICS 2022 CHANGES

Types of new industries formed	Count	%
New industries formed by merging two or more NAICS 2017 industries or their parts [1]	79	71.2
NAICS 2017 industries for which 6-digit codes have changed without changing their titles	11	9.9
NAICS 2017 industries for which titles have changed without changing their 6-digit codes	15	13.5
NAICS 2017 industries for which titles, 6-digit codes, or definitions have changed, mostly by splitting a single NAICS 2017 industry	6	5.4
Total	111	100.0

[1] Of the 79 NAICS 2022 new industries, 15 industries formed by merging two or more NAICS 2017 industries or their parts used the NAICS 2017 industry titles, of which 14 used different 6-digit codes and one used the same NAICS 2017 industry code.

Complete information on the relationship between NAICS 2017 and NAICS 2022 is available on the U.S. Bureau of the Census (Census Bureau) website at *https://www.census.gov/naics/*. The Census Bureau's website also provides detailed documentation on Federal notices involving the replacement of SIC with NAICS, and all subsequent NAICS updates and revisions, including both the July 2, 2021, and December 21, 2021, Federal notices regarding the NAICS 2022 revision.

Of the 79 new NAICS 2022 industries formed by merging existing NAICS 2017 industries or their parts, 33 or 42% were formed by merging one NAICS 2017 industry with parts of two other NAICS 2017 industries.[1] Likewise, 21 or 27% of new industries were formed by merging two NAICS 2017 industries, and 11 or 14% were formed by merging one NAICS 2017 industry with part of another industry. These results and the formation of the remining 14 or 18% of new industries are summarized in Table 3, ''Formation of New Industries in NAICS 2022.''

TABLE 3—FORMATION OF NEW INDUSTRIES IN NAICS 2022

NAICS 2017 industries or their parts	NAICS 2022 new industries formed by merging NAICS 2017 industries or their parts	
	Count	%
One industry and parts of two industries	33	41.8
Two industries	21	26.6
One industry and part of one industry	11	13.9
Three industries	4	5.1
Two industries and parts of two industries	2	2.5
Parts of three industries	2	2.5
Four industries	2	2.5
One industry and parts of three industries	1	1.3

[1] These 33 industries were in Sector 44–45 (Retail Trade). Specifically, NAICS 2017 industry 454110 (Electronic Shopping and Mail-Order Houses) was split to and distributed across 42 different retail trade industries, and similarly NAICS 454390 (Other Direct Selling Establishments) was split to and distributed across 39 different retail trade industries, which were in turn merged with 33 different Retail Trade industries.

TABLE 3—FORMATION OF NEW INDUSTRIES IN NAICS 2022—Continued

NAICS 2017 industries or their parts	NAICS 2022 new industries formed by merging NAICS 2017 industries or their parts	
	Count	%
Parts of two industries	1	1.3
Three industries and part of one industry	1	1.3
Six industries and parts of two industries	1	1.3
Total	79	100.0

Table 4, ''NAICS 2017 Industries or Their Parts Matched to NAICS 2022 Industries,'' below, shows the detailed changes from NAICS 2017 to NAICS 2022.

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Table 4

NAICS 2017 Industries or Their Parts Matched to NAICS 2022 Industries

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
212111	Bituminous Coal and Lignite Surface Mining	pt.	**212114**	Surface Coal Mining
212112	Bituminous Coal Underground Mining	pt.	**212115**	Underground Coal Mining
212113	Anthracite Mining - *anthracite surface mining*	pt.	**212114**	Surface Coal Mining
212113	Anthracite Mining - *anthracite underground mining*	pt.	**212115**	Underground Coal Mining
212221	Gold Ore Mining	pt.	**212220**	Gold Ore and Silver Ore Mining
212222	Silver Ore Mining	pt.	**212220**	Gold Ore and Silver Ore Mining
212291	Uranium-Radium-Vanadium Ore Mining	pt.	**212290**	Other Metal Ore Mining
212299	All Other Metal Ore Mining	pt.	**212290**	Other Metal Ore Mining
212324	Kaolin and Ball Clay Mining	pt.	**212323**	Kaolin, Clay, and Ceramic and Refractory Minerals Mining
212325	Clay and Ceramic and Refractory Minerals Mining	pt.	**212323**	Kaolin, Clay, and Ceramic and Refractory Minerals Mining
212391	Potash, Soda, and Borate Mineral Mining	pt.	**212390**	Other Nonmetallic Mineral Mining and Quarrying
212392	Phosphate Rock Mining	pt.	**212390**	Other Nonmetallic Mineral Mining and Quarrying
212393	Other Chemical and Fertilizer Mineral Mining	pt.	**212390**	Other Nonmetallic Mineral Mining and Quarrying
212399	All Other Nonmetallic Mineral Mining	pt.	**212390**	Other Nonmetallic Mineral Mining and Quarrying
311221	Wet Corn Milling	nt.	311221	Wet Corn Milling and Starch Manufacturing
315110	Hosiery and Sock Mills	pt.	**315120**	Apparel Knitting Mills
315190	Other Apparel Knitting Mills	pt.	**315120**	Apparel Knitting Mills
315220	Men's and Boys' Cut and Sew Apparel Manufacturing	pt.	**315250**	Cut and Sew Apparel Manufacturing (except Contractors)
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing	pt.	**315250**	Cut and Sew Apparel Manufacturing (except Contractors)
315280	Other Cut and Sew Apparel Manufacturing	pt.	**315250**	Cut and Sew Apparel Manufacturing (except Contractors)

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
316992	Women's Handbag and Purse Manufacturing	pt.	**316990**	Other Leather and Allied Product Manufacturing
316998	All Other Leather Good and Allied Product Manufacturing	pt.	**316990**	Other Leather and Allied Product Manufacturing
321213	Engineered Wood Member (except Truss) Manufacturing	pt.	**321215**	Engineered Wood Member Manufacturing
321214	Truss Manufacturing	pt.	**321215**	Engineered Wood Member Manufacturing
322121	Paper (except Newsprint) Mills	pt.	**322120**	Paper Mills
322122	Newsprint Mills	pt.	**322120**	Paper Mills
325314	Fertilizer (Mixing Only) Manufacturing - *except compost manufacturing*	nt.	325314	Fertilizer (Mixing Only) Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing - *compost manufacturing*	nct.	325315	Compost Manufacturing
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	nt.	325992	Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing
333244	Printing Machinery and Equipment Manufacturing	pt.	**333248**	All Other Industrial Machinery Manufacturing
333249	Other Industrial Machinery Manufacturing	pt.	**333248**	All Other Industrial Machinery Manufacturing
333314	Optical Instrument and Lens Manufacturing	pt.	**333310**	Commercial and Service Industry Machinery Manufacturing
333316	Photographic and Photocopying Equipment Manufacturing	pt.	**333310**	Commercial and Service Industry Machinery Manufacturing
333318	Other Commercial and Service Industry Machinery Manufacturing	pt.	**333310**	Commercial and Service Industry Machinery Manufacturing
333997	Scale and Balance Manufacturing	pt.	**333998**	All Other Miscellaneous General Purpose Machinery Manufacturing
333999	All Other Miscellaneous General Purpose Machinery Manufacturing	pt.	**333998**	All Other Miscellaneous General Purpose Machinery Manufacturing
334613	Blank Magnetic and Optical Recording Media Manufacturing	pt.	**334610**	Manufacturing and Reproducing Magnetic and Optical Media
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing	pt.	**334610**	Manufacturing and Reproducing Magnetic and Optical Media
335110	Electric Lamp Bulb and Part Manufacturing	pt.	**335139**	Electric Lamp Bulb and Other Lighting Equipment Manufacturing
335121	Residential Electric Lighting Fixture Manufacturing	nc.	335131	Residential Electric Lighting Fixture Manufacturing

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing	nc.	335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing
335129	Other Lighting Equipment Manufacturing	pt.	**335139**	Electric Lamp Bulb and Other Lighting Equipment Manufacturing
335911	Storage Battery Manufacturing	pt.	**335910**	Battery Manufacturing
335912	Primary Battery Manufacturing	pt.	**335910**	Battery Manufacturing
336111	Automobile Manufacturing	pt.	**336110**	Automobile and Light Duty Motor Vehicle Manufacturing
336112	Light Truck and Utility Vehicle Manufacturing	pt.	**336110**	Automobile and Light Duty Motor Vehicle Manufacturing
337124	Metal Household Furniture Manufacturing	pt.	**337126**	Household Furniture (except Wood and Upholstered) Manufacturing
337125	Household Furniture (except Wood and Metal) Manufacturing	pt.	**337126**	Household Furniture (except Wood and Upholstered) Manufacturing
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	pt.	**424350**	Clothing and Clothing Accessories Merchant Wholesalers
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	pt.	**424350**	Clothing and Clothing Accessories Merchant Wholesalers
424940	Tobacco and Tobacco Product Merchant Wholesalers	nt.	424940	Tobacco Product and Electronic Cigarette Merchant Wholesalers
425110	Business to Business Electronic Markets	pt.	**425120**	Wholesale Trade Agents and Brokers
425120	Wholesale Trade Agents and Brokers	pt.	**425120**	Wholesale Trade Agents and Brokers
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers	pt.	**441227**	Motorcycle, ATV, and All Other Motor Vehicle Dealers
441310	Automotive Parts and Accessories Stores	pt.	**441330**	Automotive Parts and Accessories Retailers
441320	Tire Dealers	pt.	**441340**	Tire Dealers
442110	Furniture Stores	pt.	**449110**	Furniture Retailers
442210	Floor Covering Stores	pt.	**449121**	Floor Covering Retailers
442291	Window Treatment Stores	pt.	**449122**	Window Treatment Retailers
442299	All Other Home Furnishings Stores	pt.	**449129**	All Other Home Furnishings Retailers
443141	Household Appliance Stores	pt.	**449210**	Electronics and Appliance Retailers
443142	Electronics Stores	pt.	**449210**	Electronics and Appliance Retailers
444120	Paint and Wallpaper Stores	nt.	444120	Paint and Wallpaper Retailers
444130	Hardware Stores	pt.	**444140**	Hardware Retailers
444190	Other Building Material Dealers	pt.	**444180**	Other Building Material Dealers

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
444210	Outdoor Power Equipment Stores	pt.	**444230**	Outdoor Power Equipment Retailers
444220	Nursery, Garden Center, and Farm Supply Stores	pt.	**444240**	Nursery, Garden Center, and Farm Supply Retailers
445110	Supermarkets and Other Grocery (except Convenience) Stores	nt.	445110	Supermarkets and Other Grocery Retailers (except Convenience Retailers)
445120	Convenience Stores	pt.	**445131**	Convenience Retailers
445210	Meat Markets	pt.	**445240**	Meat Retailers
445220	Fish and Seafood Markets	pt.	**445250**	Fish and Seafood Retailers
445230	Fruit and Vegetable Markets	nt.	445230	Fruit and Vegetable Retailers
445291	Baked Goods Stores	nt.	445291	Baked Goods Retailers
445292	Confectionery and Nut Stores	nt.	445292	Confectionery and Nut Retailers
445299	All Other Specialty Food Stores	pt.	**445298**	All Other Specialty Food Retailers
445310	Beer, Wine, and Liquor Stores	pt.	**445320**	Beer, Wine, and Liquor Retailers
446110	Pharmacies and Drug Stores	pt.	**456110**	Pharmacies and Drug Retailers
446120	Cosmetics, Beauty Supplies, and Perfume Stores	pt.	**456120**	Cosmetics, Beauty Supplies, and Perfume Retailers
446130	Optical Goods Stores	pt.	**456130**	Optical Goods Retailers
446191	Food (Health) Supplement Stores	pt.	**456191**	Food (Health) Supplement Retailers
446199	All Other Health and Personal Care Stores	pt.	**456199**	All Other Health and Personal Care Retailers
447110	Gasoline Stations with Convenience Stores	nc.	457110	Gasoline Stations with Convenience Stores
447190	Other Gasoline Stations	nc.	457120	Other Gasoline Stations
448110	Men's Clothing Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448120	Women's Clothing Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448130	Children's and Infants' Clothing Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448140	Family Clothing Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448150	Clothing Accessories Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448190	Other Clothing Stores	pt.	**458110**	Clothing and Clothing Accessories Retailers
448210	Shoe Stores	pt.	**458210**	Shoe Retailers
448310	Jewelry Stores	pt.	**458310**	Jewelry Retailers
448320	Luggage and Leather Goods Stores	pt.	**458320**	Luggage and Leather Goods Retailers
451110	Sporting Goods Stores	pt.	**459110**	Sporting Goods Retailers
451120	Hobby, Toy, and Game Stores	pt.	**459120**	Hobby, Toy, and Game Retailers
451130	Sewing, Needlework, and Piece Goods Stores	pt.	**459130**	Sewing, Needlework, and Piece Goods Retailers

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
451140	Musical Instrument and Supplies Stores	pt.	**459140**	Musical Instrument and Supplies Retailers
451211	Book Stores	pt.	**459210**	Book Retailers and News Dealers
451212	News Dealers and Newsstands	pt.	**459210**	Book Retailers and News Dealers
452210	Department Stores	pt.	**455110**	Department Stores
452311	Warehouse Clubs and Supercenters	pt.	**455211**	Warehouse Clubs and Supercenters
452319	All Other General Merchandise Stores	pt.	**455219**	All Other General Merchandise Retailers
453110	Florists	pt.	**459310**	Florists
453210	Office Supplies and Stationery Stores	pt.	**459410**	Office Supplies and Stationery Retailers
453220	Gift, Novelty, and Souvenir Stores	pt.	**459420**	Gift, Novelty, and Souvenir Retailers
453310	Used Merchandise Stores	pt.	**459510**	Used Merchandise Retailers
453910	Pet and Pet Supplies Stores	pt.	**459910**	Pet and Pet Supplies Retailers
453920	Art Dealers	pt.	**459920**	Art Dealers
453930	Manufactured (Mobile) Home Dealers	nc.	459930	Manufactured (Mobile) Home Dealers
453991	Tobacco Stores	pt.	**459991**	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *general merchandise auction houses*	pt.	**455219**	All Other General Merchandise Retailers
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *electronic cigarette stores and marijuana stores, medical or recreational*	pt.	**459991**	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *except general merchandise auction houses, electronic cigarette stores, and marijuana stores, medical or recreational*	pt.	**459999**	All Other Miscellaneous Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**441227**	Motorcycle, ATV, and All Other Motor Vehicle Dealers
454110	Electronic Shopping and Mail-Order Houses	pt.	**441330**	Automotive Parts and Accessories Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**441340**	Tire Dealers
454110	Electronic Shopping and Mail-Order Houses	pt.	**444140**	Hardware Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**444180**	Other Building Material Dealers
454110	Electronic Shopping and Mail-Order Houses	pt.	**444230**	Outdoor Power Equipment Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**444240**	Nursery, Garden Center, and Farm Supply Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**445131**	Convenience Retailers

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
454110	Electronic Shopping and Mail-Order Houses	pt.	**445240**	Meat Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**445250**	Fish and Seafood Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**445298**	All Other Specialty Food Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**445320**	Beer, Wine, and Liquor Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**449110**	Furniture Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**449121**	Floor Covering Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**449122**	Window Treatment Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**449129**	All Other Home Furnishings Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**449210**	Electronics and Appliance Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**455110**	Department Stores
454110	Electronic Shopping and Mail-Order Houses	pt.	**455211**	Warehouse Clubs and Supercenters
454110	Electronic Shopping and Mail-Order Houses	pt.	**455219**	All Other General Merchandise Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**456110**	Pharmacies and Drug Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**456120**	Cosmetics, Beauty Supplies, and Perfume Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**456130**	Optical Goods Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**456191**	Food (Health) Supplement Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**456199**	All Other Health and Personal Care Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**458110**	Clothing and Clothing Accessories Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**458210**	Shoe Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**458310**	Jewelry Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**458320**	Luggage and Leather Goods Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459110**	Sporting Goods Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459120**	Hobby, Toy, and Game Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459130**	Sewing, Needlework, and Piece Goods Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459140**	Musical Instrument and Supplies Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459210**	Book Retailers and News Dealers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459310**	Florists
454110	Electronic Shopping and Mail-Order Houses	pt.	**459410**	Office Supplies and Stationery Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459420**	Gift, Novelty, and Souvenir Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459510**	Used Merchandise Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459910**	Pet and Pet Supplies Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459920**	Art Dealers

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
454110	Electronic Shopping and Mail-Order Houses	pt.	**459991**	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers
454110	Electronic Shopping and Mail-Order Houses	pt.	**459999**	All Other Miscellaneous Retailers
454210	Vending Machine Operators	nc.	445132	Vending Machine Operators
454310	Fuel Dealers	nc.	457210	Fuel Dealers
454390	Other Direct Selling Establishments	pt.	**441330**	Automotive Parts and Accessories Retailers
454390	Other Direct Selling Establishments	pt.	**441340**	Tire Dealers
454390	Other Direct Selling Establishments	pt.	**444140**	Hardware Retailers
454390	Other Direct Selling Establishments	pt.	**444180**	Other Building Material Dealers
454390	Other Direct Selling Establishments	pt.	**444230**	Outdoor Power Equipment Retailers
454390	Other Direct Selling Establishments	pt.	**444240**	Nursery, Garden Center, and Farm Supply Retailers
454390	Other Direct Selling Establishments	pt.	**445131**	Convenience Retailers
454390	Other Direct Selling Establishments	pt.	**445240**	Meat Retailers
454390	Other Direct Selling Establishments	pt.	**445250**	Fish and Seafood Retailers
454390	Other Direct Selling Establishments	pt.	**445298**	All Other Specialty Food Retailers
454390	Other Direct Selling Establishments	pt.	**445320**	Beer, Wine, and Liquor Retailers
454390	Other Direct Selling Establishments	pt.	**449110**	Furniture Retailers
454390	Other Direct Selling Establishments	pt.	**449121**	Floor Covering Retailers
454390	Other Direct Selling Establishments	pt.	**449122**	Window Treatment Retailers
454390	Other Direct Selling Establishments	pt.	**449129**	All Other Home Furnishings Retailers
454390	Other Direct Selling Establishments	pt.	**449210**	Electronics and Appliance Retailers
454390	Other Direct Selling Establishments	pt.	**455219**	All Other General Merchandise Retailers
454390	Other Direct Selling Establishments	pt.	**456110**	Pharmacies and Drug Retailers
454390	Other Direct Selling Establishments	pt.	**456120**	Cosmetics, Beauty Supplies, and Perfume Retailers
454390	Other Direct Selling Establishments	pt.	**456130**	Optical Goods Retailers
454390	Other Direct Selling Establishments	pt.	**456191**	Food (Health) Supplement Retailers
454390	Other Direct Selling Establishments	pt.	**456199**	All Other Health and Personal Care Retailers
454390	Other Direct Selling Establishments	pt.	**458110**	Clothing and Clothing Accessories Retailers
454390	Other Direct Selling Establishments	pt.	**458210**	Shoe Retailers
454390	Other Direct Selling Establishments	pt.	**458310**	Jewelry Retailers
454390	Other Direct Selling Establishments	pt.	**458320**	Luggage and Leather Goods Retailers
454390	Other Direct Selling Establishments	pt.	**459110**	Sporting Goods Retailers
454390	Other Direct Selling Establishments	pt.	**459120**	Hobby, Toy, and Game Retailers

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
454390	Other Direct Selling Establishments	pt.	**459130**	Sewing, Needlework, and Piece Goods Retailers
454390	Other Direct Selling Establishments	pt.	**459140**	Musical Instrument and Supplies Retailers
454390	Other Direct Selling Establishments	pt.	**459210**	Book Retailers and News Dealers
454390	Other Direct Selling Establishments	pt.	**459310**	Florists
454390	Other Direct Selling Establishments	pt.	**459410**	Office Supplies and Stationery Retailers
454390	Other Direct Selling Establishments	pt.	**459420**	Gift, Novelty, and Souvenir Retailers
454390	Other Direct Selling Establishments	pt.	**459510**	Used Merchandise Retailers
454390	Other Direct Selling Establishments	pt.	**459910**	Pet and Pet Supplies Retailers
454390	Other Direct Selling Establishments	pt.	**459920**	Art Dealers
454390	Other Direct Selling Establishments	pt.	**459991**	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers
454390	Other Direct Selling Establishments	pt.	**459999**	All Other Miscellaneous Retailers
485310	Taxi Service	nt.	485310	Taxi and Ridesharing Services
511110	Newspaper Publishers	pt.	**513110**	Newspaper Publishers
511120	Periodical Publishers	pt.	**513120**	Periodical Publishers
511130	Book Publishers	pt.	**513130**	Book Publishers
511140	Directory and Mailing List Publishers	pt.	**513140**	Directory and Mailing List Publishers
511191	Greeting Card Publishers	pt.	**513191**	Greeting Card Publishers
511199	All Other Publishers	pt.	**513199**	All Other Publishers
511210	Software Publishers	nc.	513210	Software Publishers
515111	Radio Networks	pt.	**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
515112	Radio Stations	nct.	516110	Radio Broadcasting Stations
515120	Television Broadcasting - *television broadcasting stations*	nct.	516120	Television Broadcasting Stations
515120	Television Broadcasting - *television networks*	pt.	**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
515210	Cable and Other Subscription Programming	pt.	**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
517311	Wired Telecommunications Carriers	nc.	517111	Wired Telecommunications Carriers
517312	Wireless Telecommunications Carriers (except Satellite) - *except agents for wireless telecommunications carriers*	nct.	517112	Wireless Telecommunications Carriers (except Satellite)

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
517312	Wireless Telecommunications Carriers (except Satellite) - *agents for wireless telecommunications carriers*	pt.	**517122**	Agents for Wireless Telecommunications Services
517911	Telecommunications Resellers - *except agents for wireless telecommunications resellers*	nct.	517121	Telecommunications Resellers
517911	Telecommunications Resellers - *agents for wireless telecommunications resellers*	pt.	**517122**	Agents for Wireless Telecommunications Services
517919	All Other Telecommunications	nc.	517810	All Other Telecommunications
518210	Data Processing, Hosting, and Related Services	nt.	518210	Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services
519110	News Syndicates	pt.	**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
519120	Libraries and Archives	nc.	519210	Libraries and Archives
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet newspaper publishers*	pt.	**513110**	Newspaper Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet periodical publishers*	pt.	**513120**	Periodical Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet book publishers*	pt.	**513130**	Book Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet directory and mailing list publishers*	pt.	**513140**	Directory and Mailing List Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet greeting card publishers*	pt.	**513191**	Greeting Card Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *all other Internet publishers*	pt.	**513199**	All Other Publishers
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet broadcasting*	pt.	**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
519130	Internet Publishing and Broadcasting and Web Search Portals - *web search portals*	pt.	**519290**	Web Search Portals and All Other Information Services
519190	All Other Information Services	pt.	**519290**	Web Search Portals and All Other Information Services

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Status Code	NAICS 2022 Code	NAICS 2022 U.S. Industry Title
522120	Savings Institutions	pt.	**522180**	Savings Institutions and Other Depository Credit Intermediation
522190	Other Depository Credit Intermediation	pt.	**522180**	Savings Institutions and Other Depository Credit Intermediation
522293	International Trade Financing	pt.	**522299**	International, Secondary Market, and All Other Nondepository Credit Intermediation
522294	Secondary Market Financing	pt.	**522299**	International, Secondary Market, and All Other Nondepository Credit Intermediation
522298	All Other Nondepository Credit Intermediation	pt.	**522299**	International, Secondary Market, and All Other Nondepository Credit Intermediation
523110	Investment Banking and Securities Dealing	pt.	**523150**	Investment Banking and Securities Intermediation
523120	Securities Brokerage	pt.	**523150**	Investment Banking and Securities Intermediation
523130	Commodity Contracts Dealing	pt.	**523160**	Commodity Contracts Intermediation
523140	Commodity Contracts Brokerage	pt.	**523160**	Commodity Contracts Intermediation
523920	Portfolio Management	pt.	**523940**	Portfolio Management and Investment Advice
523930	Investment Advice	pt.	**523940**	Portfolio Management and Investment Advice
524292	Third Party Administration of Insurance and Pension Funds	nt.	524292	Pharmacy Benefit Management and Other Third-Party Administration of Insurance and Pension Funds
541380	Testing Laboratories	nt.	541380	Testing Laboratories and Services
541850	Outdoor Advertising	nt.	541850	Indoor and Outdoor Display Advertising
561611	Investigation Services	nt.	561611	Investigation and Personal Background Check Services
624410	Child Day Care Services	nt.	624410	Child Care Services
811112	Automotive Exhaust System Repair	pt.	**811114**	Specialized Automotive Repair
811113	Automotive Transmission Repair	pt.	**811114**	Specialized Automotive Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance	pt.	**811114**	Specialized Automotive Repair
811211	Consumer Electronics Repair and Maintenance	pt.	**811210**	Electronic and Precision Equipment Repair and Maintenance
811212	Computer and Office Machine Repair and Maintenance	pt.	**811210**	Electronic and Precision Equipment Repair and Maintenance
811213	Communication Equipment Repair and Maintenance	pt.	**811210**	Electronic and Precision Equipment Repair and Maintenance
811219	Other Electronic and Precision Equipment Repair and Maintenance	pt.	**811210**	Electronic and Precision Equipment Repair and Maintenance

Note: NAICS 2022 codes in bold indicate pieces of the NAICS 2022 industry came from more than one NAICS 2017 industry; NAICS 2017 codes in italics indicate the NAICS 2017 industry split to two or more NAICS 2022 industries.

Key to abbreviations:

pt. = Part of NAICS 2022 United States industry (n = 217). If a NAICS 2017 industry is split into multiple NAICS 2022 industries, it is counted k times where k is the number of NAICS 2022 industries which includes part of that industry.

nc. = 6-digit NAICS codes changed without changing industries' titles (n = 11).

nt. = NAICS industry titles amended without changing the 6-digit codes (n = 15).

nct. = Either 6-digit codes, title, or content changed (n = 6).

n = Number of industries.

Proposed Size Standards for New Industries in NAICS 2022

On October 22, 1999, SBA proposed to replace SIC with NAICS 1997 as the basis of industry definitions for its table of small business size standards (64 FR 57188). The proposed rule included a set of guidelines or rules that SBA applied to convert the size standards for industries under SIC to industries under NAICS. The guidelines primarily aimed to minimize the impact of applying a new industry classification system on SBA's size standards and on small businesses that qualified as small under the SIC-based size standards. SBA received no negative comments against the proposed guidelines. Thus, SBA published its final rule on May 15, 2000 (65 FR 30386), corrected on September 5, 2000 (65 FR 53533), adopting the resulting table of size standards based on NAICS 1997 structure, as proposed. To be consistent, SBA generally applied the same guidelines when it updated its table of size standards to adopt NAICS 2002, NAICS 2007, NAICS 2012, and NAICS 2017 revisions. In those updates as well, SBA received no adverse comments against using those guidelines, or against the resulting changes to the size standards. These guidelines to adopt NAICS revisions for size standards were also included in the SBA's ''Size Standards Methodology'' white paper and SBA received no adverse comments when the revised methodology was open for public comments. Accordingly, in this proposed rule to adopt NAICS 2022 structure for its size standards table as well, SBA has generally followed the same guidelines. The guidelines that are applicable to this update are shown below in Table 5, ''General Guidelines to Establish Size Standards for New Industries under NAICS 2022.''

Table 5

General Guidelines to Establish Size Standards for New Industries under NAICS 2022

	If the NAICS 2022 industry is composed of:	**The size standard for the NAICS 2022 industry code will be:**
1	A single NAICS 2012 industry or part of a single NAICS 2012 industry	The same size standard as for the NAICS 2012 industry or part.
2	Two or more NAICS 2017 industries; two or more parts of an NAICS 2017 industry; parts of two or more NAICS 2017 industries; or one or more NAICS 2017 industries and part(s) of one or more NAICS 2017 industries, and	
	2a. they all have the same size standard	The same size standard as for the NAICS 2017 industries or parts.
	2b. they all have the same size measure (*e.g.*, receipts, employees, etc.) but do not all have the same size standard	The same size standard as for the NAICS 2017 industry or part that most closely matches the economic activity described by the NAICS 2022 industry, or The highest size standard among the NAICS 2017 industries and part(s) that comprise the NAICS 2022 industry, provided that the highest size standard does not include dominant or potentially dominant firms.
	2c. they have different size measures (i.e., for example, some are based on receipts and others on employees) and hence do not all have the same size standard	The same size standard as for the NAICS 2017 industry or part that most closely matches the economic activity described by the NAICS 2022 industry, or The highest size standard among the NAICS 2017 industries and part(s) that comprise the NAICS 2022 industry, provided that the highest size standard does not include dominant or potentially dominant firms. To apply this rule, SBA converts all size standards to a single measure (e.g., receipts, employees, etc.) using the size measure for the NAICS 2017 industry or part(s) that most closely match the economic activity described by the NAICS 2022 industry or using the size measure that applies to most of the NAICS industries or parts comprising the NAICS 2022 industry.

SBA generally applied the guidelines in Table 5 to convert the size standards from NAICS 2017 industries to NAICS 2022 industries. In addition to following the above general guidelines in Table 5, in cases where a new industry is formed by merging multiple industries or parts of multiple industries with substantially different levels or measures of size

standards, in this proposed rule, SBA has also examined the relevant latest industry and Federal procurement data to determine an appropriate size standard for the new industry. Developed based on the above guidelines and analyses of the relevant data, where necessary, SBA's proposed size standards for the new industries under NAICS 2022 are shown in Table 6, ''Proposed Size Standards for New Industries in NAICS 2022.'' Also shown in Table 6 are the current size standards for the affected NAICS 2017 industries and their parts.

Table 6
Proposed Size Standards for New Industries in NAICS 2017

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
212111	Bituminous Coal and Lignite Surface Mining		1,250		1,250	**212114**	Surface Coal Mining	N
212113	Anthracite Mining - *anthracite surface mining*		250					
212112	Bituminous Coal Underground Mining		1,500		1,500	**212115**	Underground Coal Mining	N
212113	Anthracite Mining - *anthracite underground mining*		250					
212221	Gold Ore Mining		1,500		1,500	**212220**	Gold Ore and Silver Ore Mining	N
212222	Silver Ore Mining		250					
212291	Uranium-Radium-Vanadium Ore Mining		250		750	**212290**	Other Metal Ore Mining	N
212299	All Other Metal Ore Mining		750					
212324	Kaolin and Ball Clay Mining		750		500	**212323**	Kaolin, Clay, and Ceramic and Refractory Minerals Mining	N
212325	Clay and Ceramic and Refractory Minerals Mining		500					
212391	Potash, Soda, and Borate Mineral Mining		750		500	**212390**	Other Nonmetallic Mineral Mining and Quarrying	N
212392	Phosphate Rock Mining		1,000					
212393	Other Chemical and Fertilizer Mineral Mining		500					
212399	All Other Nonmetallic Mineral Mining		500					
311221	Wet Corn Milling		1,250		1,250	311221	Wet Corn Milling and Starch Manufacturing	nt.

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
315110	Hosiery and Sock Mills		750		750	**315120**	Apparel Knitting Mills	N
315190	Other Apparel Knitting Mills		750					
315220	Men's and Boys' Cut and Sew Apparel Manufacturing		750		750	**315250**	Cut and Sew Apparel Manufacturing (except Contractors)	N
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing		750					
315280	Other Cut and Sew Apparel Manufacturing		750					
316992	Women's Handbag and Purse Manufacturing		750		500	**316990**	Other Leather and Allied Product Manufacturing	N
316998	All Other Leather Good and Allied Product Manufacturing		500					
321213	Engineered Wood Member (except Truss) Manufacturing		750		500	**321215**	Engineered Wood Member Manufacturing	N
321214	Truss Manufacturing		500					
322121	Paper (except Newsprint) Mills		1,250		1,250	**322120**	Paper Mills	N
322122	Newsprint Mills		750					
325314	Fertilizer (Mixing Only) Manufacturing - *except compost manufacturing*		500		500	325314	Fertilizer (Mixing Only) Manufacturing	nct.
325314	Fertilizer (Mixing Only) Manufacturing - *compost manufacturing*		500		500	325315	Compost Manufacturing	nct.
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing		1,500		1,500	325992	Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing	nt.
333244	Printing Machinery and Equipment Manufacturing		750		750	**333248**	All Other Industrial Machinery Manufacturing	N
333249	Other Industrial Machinery Manufacturing		500					

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
333314	Optical Instrument and Lens Manufacturing		500		1,000	**333310**	Commercial and Service Industry Machinery Manufacturing	N
333316	Photographic and Photocopying Equipment Manufacturing		1,000					
333318	Other Commercial and Service Industry Machinery Manufacturing		1,000					
333997	Scale and Balance Manufacturing		500		500	**333998**	All Other Miscellaneous General Purpose Machinery Manufacturing	N
333999	All Other Miscellaneous General Purpose Machinery Manufacturing		500					
334613	Blank Magnetic and Optical Recording Media Manufacturing		1,000		1,250	**334610**	Manufacturing and Reproducing Magnetic and Optical Media	N
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing		1,250					
335121	Residential Electric Lighting Fixture Manufacturing		750		750	335131	Residential Electric Lighting Fixture Manufacturing	nc.
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing		500		500	335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing	nc.
335110	Electric Lamp Bulb and Part Manufacturing		1,250		1,250	**335139**	Electric Lamp Bulb and Other Lighting Equipment Manufacturing	N
335129	Other Lighting Equipment Manufacturing		500					
335911	Storage Battery Manufacturing		1,250		1,250	**335910**	Battery Manufacturing	N
335912	Primary Battery Manufacturing		1,000					
336111	Automobile Manufacturing		1,500		1,500	**336110**	Automobile and Light Duty Motor Vehicle Manufacturing	N
336112	Light Truck and Utility Vehicle Manufacturing		1,500					
337124	Metal Household Furniture Manufacturing		750		750	**337126**	Household Furniture (except Wood and Upholstered) Manufacturing	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
337125	Household Furniture (except Wood and Metal) Manufacturing		750					
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers		150		150	**424350**	Clothing and Clothing Accessories Merchant Wholesalers	N
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers		100					
424940	Tobacco and Tobacco Product Merchant Wholesalers		250		250	424940	Tobacco Product and Electronic Cigarette Merchant Wholesalers	nt.
425110	Business to Business Electronic Markets		100		100	**425120**	Wholesale Trade Agents and Brokers	N
425120	Wholesale Trade Agents and Brokers		100					
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers	$35.0		$35.0		**441227**	Motorcycle, ATV, and All Other Motor Vehicle Dealers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
441310	Automotive Parts and Accessories Stores	$16.5		$16.5		**441330**	Automotive Parts and Accessories Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
441320	Tire Dealers	$16.5		$16.5		**441340**	Tire Dealers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
444120	Paint and Wallpaper Stores	$30.0		$30.0		444120	Paint and Wallpaper Retailers	nt.
444130	Hardware Stores	$8.0		$8.0		**444140**	Hardware Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454390	Other Direct Selling Establishments	$8.0						
444190	Other Building Material Dealers	$22.0		$22.0		**444180**	Other Building Material Dealers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
444210	Outdoor Power Equipment Stores	$8.0		$8.0		**444230**	Outdoor Power Equipment Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
444220	Nursery, Garden Center, and Farm Supply Stores	$12.0		$12.0		**444240**	Nursery, Garden Center, and Farm Supply Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
445110	Supermarkets and Other Grocery (except Convenience) Stores	$35.0		$35.0		445110	Supermarkets and Other Grocery Retailers (except Convenience) Retailers	nt.
445120	Convenience Stores	$32.0		$32.0		**445131**	Convenience Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
454210	Vending Machine Operators	$12.0		$12.0		445132	Vending Machine Operators	nc.
445230	Fruit and Vegetable Markets	$8.0		$8.0		445230	Fruit and Vegetable Retailers	nt.
445210	Meat Markets	$8.0		$8.0		**445240**	Meat Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
445220	Fish and Seafood Markets	$8.0		$8.0		**445250**	Fish and Seafood Retailers	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
445291	Baked Goods Stores	$8.0		$8.0		445291	Baked Goods Retailers	nt.
445292	Confectionery and Nut Stores	$8.0		$8.0		445292	Confectionery and Nut Retailers	nt.
445299	All Other Specialty Food Stores	$8.0		$8.0		**445298**	All Other Specialty Food Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
445310	Beer, Wine, and Liquor Stores	$8.0		$8.0		**445320**	Beer, Wine, and Liquor Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
442110	Furniture Stores	$22.0		$22.0		**449110**	Furniture Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
442210	Floor Covering Stores	$8.0		$8.0		**449121**	Floor Covering Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
442291	Window Treatment Stores	$8.0		$8.0		**449122**	Window Treatment Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
442299	All Other Home Furnishings Stores	$22.0		$22.0		**449129**	All Other Home Furnishings Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
443141	Household Appliance Stores	$12.0		$35.0		**449210**	Electronics and Appliance Retailers	N
443142	Electronics Stores	$35.0						

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
452210	Department Stores	$35.0		$35.0		**455110**	Department Stores	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
452311	Warehouse Clubs and Supercenters	$32.0		$32.0		**455211**	Warehouse Clubs and Supercenters	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
452319	All Other General Merchandise Stores	$35.0		$35.0		**455219**	All Other General Merchandise Retailers	N
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *general merchandise auction houses*	$8.0						
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
446110	Pharmacies and Drug Stores	$30.0		$30.0		**456110**	Pharmacies and Drug Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
446120	Cosmetics, Beauty Supplies, and Perfume Stores	$30.0		$30.0		**456120**	Cosmetics, Beauty Supplies, and Perfume Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
446130	Optical Goods Stores	$22.0		$22.0		**456130**	Optical Goods Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
446191	Food (Health) Supplement Stores	$16.5		$16.5		**456191**	Food (Health) Supplement Retailers	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
446199	All Other Health and Personal Care Stores	$8.0		$8.0		**456199**	All Other Health and Personal Care Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
447110	Gasoline Stations with Convenience Stores	$32.0		$32.0		457110	Gasoline Stations with Convenience Stores	nc.
447190	Other Gasoline Stations	$16.5		$16.5		457120	Other Gasoline Stations	nc.
454310	Fuel Dealers		100		100	457210	Fuel Dealers	nc.
448110	Men's Clothing Stores	$12.0		$41.5		**458110**	Clothing and Clothing Accessories Retailers	N
448120	Women's Clothing Stores	$30.0						
448130	Children's and Infants' Clothing Stores	$35.0						
448140	Family Clothing Stores	$41.5						
448150	Clothing Accessories Stores	$16.5						
448190	Other Clothing Stores	$22.0						
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
448210	Shoe Stores	$30.0		$30.0		**458210**	Shoe Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
448310	Jewelry Stores	$16.5		$16.5		**458310**	Jewelry Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
448320	Luggage and Leather Goods Stores	$30.0		$30.0		**458320**	Luggage and Leather Goods Retailers	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
451110	Sporting Goods Stores	$16.5		$16.5		**459110**	Sporting Goods Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
451120	Hobby, Toy, and Game Stores	$30.0		$30.0		**459120**	Hobby, Toy, and Game Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
451130	Sewing, Needlework, and Piece Goods Stores	$30.0		$30.0		**459130**	Sewing, Needlework, and Piece Goods Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
451140	Musical Instrument and Supplies Stores	$12.0		$12.0		**459140**	Musical Instrument and Supplies Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
451211	Book Stores	$30.0		$30.0		**459210**	Book Retailers and News Dealers	N
451212	News Dealers and Newsstands	$8.0						
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453110	Florists	$8.0		$8.0		**459310**	Florists	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453210	Office Supplies and Stationery Stores	$35.0		$35.0		**459410**	Office Supplies and Stationery Retailers	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453220	Gift, Novelty, and Souvenir Stores	$8.0		$8.0		**459420**	Gift, Novelty, and Souvenir Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453310	Used Merchandise Stores	$8.0		$8.0		**459510**	Used Merchandise Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453910	Pet and Pet Supplies Stores	$22.0		$22.0		**459910**	Pet and Pet Supplies Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453920	Art Dealers	$8.0		$8.0		**459920**	Art Dealers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
453930	Manufactured (Mobile) Home Dealers	$16.5		$16.5		459930	Manufactured (Mobile) Home Dealers	nc.
453991	Tobacco Stores	$8.0		$8.0		**459991**	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	N
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *electronic cigarette stores and marijuana stores, medical or recreational*	$8.0						
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores) - *except general merchandise auction houses, electronic cigarette stores, and marijuana stores, medical or recreational*	$8.0		$8.0		**459999**	All Other Miscellaneous Retailers	N
454110	Electronic Shopping and Mail-Order Houses	$41.5						
454390	Other Direct Selling Establishments	$8.0						
485310	Taxi Service	$16.5		$16.5		485310	Taxi and Ridesharing Services	nt.
511110	Newspaper Publishers		1,000		1,000	**513110**	Newspaper Publishers	N
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet newspaper publishers*		1,000					
511120	Periodical Publishers		1,000		1,000	**513120**	Periodical Publishers	N
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet periodical publishers*		1,000					
511130	Book Publishers		1,000		1,000	**513130**	Book Publishers	N
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet book publishers*		1,000					
511140	Directory and Mailing List Publishers		1,250		1,000	**513140**	Directory and Mailing List Publishers	N
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet directory and mailing list publishers*		1,000					
511191	Greeting Card Publishers		1,500		1,000	**513191**	Greeting Card Publishers	N

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet greeting card publishers*		1,000					
511199	All Other Publishers		500		1,000	**513199**	All Other Publishers	N
519130	Internet Publishing and Broadcasting and Web Search Portals - *all other Internet publishers*		1,000					
511210	Software Publishers	$41.5		$41.5		513210	Software Publishers	nc.
515112	Radio Stations	$41.5		$41.5		516110	Radio Broadcasting Stations	nct.
515120	Television Broadcasting - *television broadcasting stations*	$41.5		$41.5		516120	Television Broadcasting Stations	nct.
515111	Radio Networks	$41.5		$41.5		**516210**	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers	N
515120	Television Broadcasting - *television networks*	$41.5						
515210	Cable and Other Subscription Programming	$41.5						
519110	News Syndicates	$32.0						
519130	Internet Publishing and Broadcasting and Web Search Portals - *Internet broadcasting*		1,000					
517311	Wired Telecommunications Carriers		1,500		1,500	517111	Wired Telecommunications Carriers	nc.
517312	Wireless Telecommunications Carriers (except Satellite) - *except agents for wireless telecommunications carriers*		1,500		1,500	517112	Wireless Telecommunications Carriers (except Satellite)	nct.
517911	Telecommunications Resellers - *except agents for wireless telecommunications resellers*		1,500		1,500	517121	Telecommunications Resellers	nct.

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
517312	Wireless Telecommunications Carriers (except Satellite) - *agents for wireless telecommunications carriers*		1,500		1,500	**517122**	Agents for Wireless Telecommunications Services	N
517911	Telecommunications Resellers - *agents for wireless telecommunications resellers*		1,500					
517919	All Other Telecommunications	$35.0		$35.0		517810	All Other Telecommunications	nc.
518210	Data Processing, Hosting, and Related Services	$35.0		$35.0		518210	Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services	nt.
519120	Libraries and Archives	$18.5		$18.5		519210	Libraries and Archives	nc.
519130	Internet Publishing and Broadcasting and Web Search Portals - *web search portals*		1,000		1,000	**519290**	Web Search Portals and All Other Information Services	N
519190	All Other Information Services	$30.0						
522120	Savings Institutions	$750.0 million in assets		$750.0 million in assets		**522180**	Savings Institutions and Other Depository Credit Intermediation	N
522190	Other Depository Credit Intermediation	$750.0 million in assets						
522293	International Trade Financing	$41.5		$41.5		**522299**	International, Secondary Market, and All Other Nondepository Credit Intermediation	N
522294	Secondary Market Financing	$41.5						
522298	All Other Nondepository Credit Intermediation	$41.5						
523110	Investment Banking and Securities Dealing	$41.5		$41.5		**523150**	Investment Banking and Securities Intermediation	N
523120	Securities Brokerage	$41.5						
523130	Commodity Contracts Dealing	$41.5		$41.5		**523160**	Commodity Contracts Intermediation	N
523140	Commodity Contracts Brokerage	$41.5						
523920	Portfolio Management	$41.5		$41.5		**523940**	Portfolio Management and Investment Advice	N
523930	Investment Advice	$41.5						

NAICS 2017 Code	NAICS 2017 U.S. Industry Title *(and specific piece of the NAICS 2017 industry that is contained in the NAICS 2022 industry)*	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 U.S. Industry Title	Status code
524292	Third Party Administration of Insurance and Pension Funds	$40.0		$40.0		524292	Pharmacy Benefit Management and Other Third-Party Administration of Insurance and Pension Funds	nt.
541380	Testing Laboratories	$16.5		$16.5		541380	Testing Laboratories and Services	nt.
541850	Outdoor Advertising	$30.5		$30.5		541850	Indoor and Outdoor Display Advertising	nt.
561611	Investigation Services	$22.0		$22.0		561611	Investigation and Personal Background Check Services	nt.
624410	Child Day Care Services	$8.5		$8.5		624410	Child Care Services	nt.
811112	Automotive Exhaust System Repair	$8.0		$8.0		**811114**	Specialized Automotive Repair	N
811113	Automotive Transmission Repair	$8.0						
811118	Other Automotive Mechanical and Electrical Repair and Maintenance	$8.0						
811211	Consumer Electronics Repair and Maintenance	$22.5		$30.0		**811210**	Electronic and Precision Equipment Repair and Maintenance	N
811212	Computer and Office Machine Repair and Maintenance	$30.0						
811213	Communication Equipment Repair and Maintenance	$19.5						
811219	Other Electronic and Precision Equipment Repair and Maintenance	$22.0						

Note: NAICS 2022 codes in bold indicate pieces of the NAICS 2022 industry came from more than one NAICS 2017 industry; NAICS 2017 codes in italics indicate the NAICS 2017 industry split to two or more NAICS 2022 industries.

Key to abbreviations:

N = New industry (in **bold**) formed by combining two or more of NAICS 2017 industries or their parts.
nc. = 6-digit NAICS codes changed without changing industries' titles.
nt. = NAICS industry titles amended without changing the 6-digit codes.
nct. = Either 6-digit codes, titles, or contents changed.

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Derivation of Proposed Size Standards for Select NAICS 2022 Industries

NAICS 212114—Surface Coal Mining

SBA proposes a 1,250-employee size standard for NAICS 2022 industry 212114 (Surface Coal Mining). This new industry was formed by combining NAICS 2017 industry 212111 (Bituminous Coal and Lignite Surface Mining) with the Anthracite Surface Mining part of NAICS 2017 industry 212113 (Anthracite Mining). Their current size standards are 1,250 employees for NAICS 2017 industry 212111 and 250 employees for NAICS 2017 industry 212113. Based on the 2017 Economic Census data, 91.5% of firms in NAICS 212111 qualify as small under the 1,250-employee size standard. Similarly, 98% of all firms in entire NAICS 212113 are small under the 250-employee size standard. However, SBA cannot compute the percentage of firms that qualify as small for the Anthracite Surface Mining part of NAICS 2017 industry 212113 because such information is not available in the 2017 Economic Census data. Thus, SBA analyzed the data for NAICS 212111 and entire NAICS 212113. SBA follows this approach when a new NAICS 2022 industry includes part or parts of one or more NAICS 2017 industries.

Based on the 2017 Economic Census data, accounting for 98% of combined receipts, 80% of firms, and 96% of employees of the new 2022 NAICS industry 212114, NAICS 212111 dominates the new industry. When a new NAICS 2022 industry is composed of one or more NAICS 2017 industries and part(s) of one or more NAICS 2017 industries and they all have different size standards (which is true in the case of NAICS 2022 industry 212114), the guidelines in Table 5 directs to select the same size standard as for the NAICS 2017 industry or part that most closely matches the economic activity described by the NAICS 2022 industry. Additionally, the guidelines also provide that the size standard for a new NAICS 2022 industry, comprising one or more of NAICS 2017 industries in their entirety and one or more part(s) of NAICS 2017 industries with different size standards, will be the highest size standard among the NAICS 2017 industries or their part(s) making up the new industry, provided that the highest size standard does not include dominant or potentially dominant firms. These criteria support the higher 1,250-employee size standard for NAICS 2022 industry 212114. Nevertheless, SBA also considered adopting 250 employees as a size standard for the new industry, but it would cause 15 firms in NAICS 2017 industry 212111 to lose their small business status under the 250-employee size standard and access to Federal assistance. Based on the 2017 Economic Census data, 92.5% of firms will qualify as small under the proposed 1,250-employee size standard for in the new industry.

NAICS 212115—Underground Coal Mining

SBA proposes to adopt a 1,500-employee size standard for NAICS 2022 industry 212115 (Underground Coal Mining). This new industry was generated by merging NAICS 2017 industry 212112 (Bituminous Underground Mining) and the Anthracite Underground Mining part of NAICS 2017 industry 212113 (Anthracite Mining). The current size standards are 1,500 employees for NAICS 212112 and 250 employees for NAICS 212113. Based on the 2017 Economic Census data, 92.6% of firms in NAICS 212112 are below the 1,500-employee size standard. While SBA does not have the data to estimate the percentage of firms that would be small in the Anthracite Underground Mining part of NAICS 212113, 98% of firms qualify as small under the 250-employee size standard for the overall NAICS 212113 industry.

Based on the 2017 Economic Census data, accounting for 98% of total receipts, 68% of total firms, and 97% of total employees, NAICS 2017 industry 212112 dominates the new NAICS 2022 industry 212115. These percentages would be even higher if only the part of NAICS 212113 was considered instead of the entire industry. Thus, based on these results, the guidelines in Table 5 support the 1,500-employee size standard for NAICS 212115. SBA also considered adopting the 250-employee size standard applicable to NAICS 212113 as the size standard for NAICS 212115. However, doing so would cause about 20 firms in NAICS 212112 to lose their small business status. Adopting any size standard lower than 1,500 employees would cause some businesses that are currently small in NAICS 212112 to lose their small status. The data shows that one additional firm would qualify as small in NAICS 212113 under the 1,500-employee size standard. According to the 2012 Economic Census data, 94% of firms would qualify as small under the proposed 1,500-employee size standard for NAICS 2022 industry 212115.

NAICS 212220—Gold Ore and Silver Ore Mining

SBA proposes to adopt a 1,500-employee size standard for NAICS 2022 industry 212220 (Goal Ore and Silver Ore Mining). This new industry was generated by merging NAICS 2017 industry 212221 (Gold Ore Mining) and NAICS 2017 industry 212222 (Silver Ore Mining). The current size standards are 1,500 employees for NAICS 212221 and 250 employees for NAICS 212222. Based on the 2017 Economic Census data, about 96.2% of firms in NAICS 212112 are below the 1,500-employee size standard and almost all firms in NAICS 212222 are small under the 250-employee size standard. Accounting for 95% of total receipts, 94% of total firms, and 91% of total employees, NAICS 2017 industry 212221 dominates the new NAICS industry 212220. Thus, according to the guidelines in Table 5, SBA is proposing to adopt, as the size standard for the new NAICS industry 212220, a 1,500-employee size standard, which applies to NAICS 2017 industry 212221. If SBA were to adopt the lower 250-employee size standard, five firms will lose their small business status in NAICS 212221. Based on the 2017 Economic Census data, 96.5% of firms in NAICS 2022 industry 212220 would qualify as small under the proposed 1,500-employee size standard.

NAICS 212290—Other Metal Ore Mining

SBA proposes to adopt a 750-employee size standard for NAICS 2022 industry 212290 (Other Metal Ore Mining). This new industry was generated by merging NAICS 2017 industry 212291 (Uranium-Radium-Vanadium Ore Mining) and NAICS 2017 industry 212299 (Other Metal Ore Mining). The current size standards are 250 employees for NAICS 212291 and 750 employees for NAICS 212299. Accounting for 83% of total employees of the new industry (information on receipts and firms not available in the 2017 Economic Census tabulations), NAICS 212299 dominates the new industry. Thus, SBA is proposing to adopt 750 employees as the size standard for NAICS 212290. SBA also considered proposing a 250-employee size standard for the new industry but doing so would cause two firms in NAICS 212299 to lose their small business status and access to Federal small business assistance.

NAICS 212323—Kaolin, Clay, and Ceramic and Refractory Minerals Mining

SBA proposes to adopt a 500-employee size standard for NAICS 2022 industry NAICS 212323 (Kaolin, Clay, and Ceramic and Refractory Minerals Mining). This new industry was formed by combining NAICS 2017 industry

212324 (Kaolin and Ball Clay Mining) and NAICS 2017 industry 212325 (Clay and Ceramic and Refractory Minerals Mining). The current size standards are 750 employees for NAICS 212324 and 500 employees for NAICS 212325. Based on the 2017 Economic Census data, almost all firms in NAICS 212324 are below the 750-employee size standard and 91.7% of firms are small under the 500-employee size standard in NAICS 212222. Accounting for half of total receipts and employees and 78% of total firms, NAICS 212325 tends to dominate the new industry. Following the guidelines in Table 5, SBA is adopting 500 employees as the size standard for NAICS 212323. Adopting the higher 750-employee standard would enable the largest, and possibly a dominant, firm in NAICS 212324 to qualify as small. Adopting 500 employee would cause only one largest firm in NAICS 212324 to lose its small business status. Thus, SBA is proposing to adopt 500 employees as the size standard for NAICS 2022 industry 212323. Under the proposed 500-employee size standard, 92.2% of firms would qualify as small in the new industry.

NAICS 212390—Other Nonmetallic Mineral Mining and Quarrying

SBA proposes to adopt a 500-employee size standard for NAICS 2022 industry 212390 (Other Nonmetallic Mineral Mining and Quarrying). This new industry was formed by combining four NAICS 2017 industries: NAICS 212391 (Potash, Soda, and Borate Mineral Mining), NAICS 312392 (Phosphate Rock Mining), NAICS 212393 (Other Chemical and Fertilizer Mineral Mining), and NAICS 212399 (All Other Nonmetallic Mineral Mining). Their current size standards are 750 employees, 1,000 employees, 500 employees, and 500 employees, respectively. Based on the 2017 Economic Census data, almost all firms in NAICS 212391 and in NAICS 212392 are below their 750-employee and 1,000-employee size standards, respectively. Similarly, 90% of firms in NAICS 212393 and 91.9% firms in NAICS 212300 qualify as small under their 500-employee size standard. Except for NAICS 212399 accounting for 69% of total firms, no individual industry was found to dominate the new industry. SBA proposes to assign a 500-employee standard for NAICS 212390, which applies to two of the four industries comprising the new industry. No firms in NAICS 212391 and NAICS 212392 would lose their small business status by adopting a lower 500-employee size standard for the new industry. Based on the 2017 Economic Census data, 92.5% of firms would qualify as small under the proposed 500-employee size standard for the new industry.

NAICS 316990—Other Leather and Allied Product Manufacturing

SBA proposes to adopt a 500-employee size standard for NAICS 2022 industry NAICS 316990 (Other Leather and Allied Product Manufacturing). This new industry was formed by combining NAICS 2017 industry 316992 (Women's Handbag and Purse Manufacturing) and NAICS 2017 industry 316998 (All Other Leather Good and Allied Product Manufacturing). The current size standards are 750 employees for NAICS 316992 and 500 employees for NAICS 316998. Based on the 2017 Economic Census data, 98.9% of firms in NAICS 316992 are below the 750-employee size standard and 98.8% of firms are small under the 500-employee size standard in NAICS 316998. Accounting for nearly 80% of combined receipts and 87–88% of combined firms and employees, NAICS 316998 with a 500-employee size standard dominates the new industry. Thus, SBA is proposing to adopt the 500 employees as the size standard for new NAICS 2022 industry 316990. No firms in NAICS 316992 would lose their small business status under the proposed 500-employee size standard. Based on the 2017 industry data, 98.8% of firms will qualify as small under the proposed 500-employee size standard for NAICS 2022 industry 316990.

NAICS 321215—Engineered Wood Member Manufacturing

SBA proposes to adopt a 500-employee size standard for NAICS 2022 industry NAICS 321215 (Engineered Wood Member Manufacturing). This new industry was formed by combining NAICS 2017 industry 321213 (Engineered Wood Member (except Truss) Manufacturing) and NAICS 2017 industry 321214 (Truss Manufacturing). The current size standards are 750 employees for NAICS 321213 and 500 employees for NAICS 321214. Based on the 2017 Economic Census data, 90.3% of firms in NAICS 321213 qualify as small under its 750-employee size standard and 96.3% of firms are small under the 500-employee size standard in NAICS 321214. Accounting for 76% of combined receipts and 86–87% of combined firms and employees, NAICS 321214 dominates the new industry. Following the guidelines in Table 5, SBA proposes to adopt the 500-employee size standard for NAICS 2022 industry 321315. Only one firm in NAICS 321213 would lose small business status under the proposed 500-employee size standard. Based on the 2017 industry data, 95.4% of firms will qualify as small under the proposed 500-employee size standard for NAICS 2022 industry 321215.

NAICS 322120—Paper Mills

SBA proposes to adopt a 1,250-employee size standard for NAICS 2022 industry NAICS 322120 (Paper Mills). This new industry was created by combining NAICS 2017 industry 322121 (Paper (except Newsprint) Mills) and NAICS 2017 industry 322122 (Newsprint Mills). The current size standards are 1,250 employees for NAICS 322121 and 750 employees for NAICS 322122. Based on the 2017 Economic Census data, 77% of firms in NAICS 322121 qualify as small under its 1,250-employee size standard and 66.7% of firms are small under the 750-employee size standard in NAICS 322122. Accounting for 98% of combined receipts, 85% of total firms, and 91% of aggregate employees, NAICS 322122 dominates the new industry. Thus, in accordance with the guidelines in Table 5, SBA proposes to adopt, as the size standard for NAICS 322120, 1,250-employee standard that applies to NAICS 322122. Adopting 750-employee size standard would have caused five firms to lose their small business status in NAICS 322121. Based on the 2017 industry data, 77.1% of firms will qualify as small under the proposed 1,250-employee size standard for NAICS 2022 industry 322120.

NAICS 333248—All Other Industrial Machinery Manufacturing

SBA proposes to adopt a 750-employee size standard for NAICS 2022 industry 333248 (All Other Industrial Machinery Manufacturing). This new industry was formed by combining NAICS 2017 industry 333244 (Printing Machinery and Equipment Manufacturing) and NAICS 2017 industry 333249 (Other Industrial Machinery Manufacturing). The current size standards are 750 employees for NAICS 333244 and 500 employees for NAICS 333249. Based on the 2017 Economic Census data, 98.1% of firms in NAICS 333244 qualify as small under its 750-employee size standard and 95.4% of firms are small under the 500-employee size standard in NAICS 333249. Accounting for 87–89% of combined receipts, firms, and employees, NAICS 333249 dominates the new industry. Thus, SBA considered adopting, as the size standard for NAICS 333248, the 500-employee size standard

that applies to NAICS 333249. However, under the lower 500-employee size standard would cause three firms participating in Federal contracting in NAICS 333244 to lose their small business status. Thus, SBA is proposing to adopt the higher 750-employee size standard that applies to NAICS 333244. Based on the 2017 industry data, 96.7% of firms would qualify as small under the proposed 750-employee size standard for NAICS 2022 industry 333248.

NAICS 333310—Commercial and Service Industry Machinery Manufacturing

SBA proposes to adopt a 1,000-employee size standard for NAICS 2022 industry 333310 (Commercial and Service Industry Machinery Manufacturing). This new industry was generated by aggregating three NAICS 2017 industries. These include NAICS 333314 (Optical Instrument and Lens Manufacturing) with a 500-employee size standard, NAICS 333316 (Photographic and Photocopying Equipment Manufacturing) with a 1,000-employee size standard, and NAICS 333318 (Other Commercial and Service Industry Machinery Manufacturing) with a 1,000-employee size standard. Based on the 2017 Economic Census data, 91.3% of firms in NAICS 333314, 96.7% of firms in NAICS 333316, and 96.1% of firms in NAICS 333318 qualify as small under their respective size standards. Accounting for 75–76% of combined receipts and employees, and 68% of combined firms, NAICS 333318 dominates the new industry. Thus, SBA is proposing, as the size standard for new NAICS 333310, to adopt the 1,000-employee standard that applies to NAICS 333318. SBA also considered adopting the 500-employee size standard but doing so would, based on the 2017 Economic Census data, cause about 25 firms in NAICS 333316 and 333318 to lose their small business status. This would also, based on the Federal Procurement Data System-Next Generation (FPDS–NG) data for fiscal years 2018–2020, cause more than 25 firms participating in Federal contracting to lose their small business eligibility. Based on the 2017 Economic Census data, 95.5% of firms will qualify as small under the proposed 1,000 employee size standard for NAICS 2022 industry 333310.

NAICS 334610—Manufacturing and Reproducing Magnetic and Optical Media

SBA proposes to adopt a 1,250-employee size standard for NAICS 2022 industry 334610 (Manufacturing and Reproducing Magnetic and Optical Media). This new industry was created by combining NAICS 2017 industry 334613 (Blank Magnetic and Optical Recording Media Manufacturing) and NAICS 2017 industry 334614 (Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing). Their current size standards are 1,000 employees for NAICS 334613 and 1,250 employees for NAICS 334614. Based on the 2017 Economic Census data, 98.2% of firms in NAICS 334613 and 99.2% of firms in NAICS 334614 qualify as small under their respective size standards. Accounting for 80% of combined receipts, 87% of firms, and 94% of employees, NAICS 334614 dominates the new industry. Thus, SBA is proposing to adopt, as the size standard for the new industry, 1,250-employee size standard that applies to NAICS 334614. SBA also considered proposing to adopt a lower 1,000-employee size standard; however, doing so would cause seven firms participating in Federal contracting in that industry to lose their small business status. Based on the 2017 industry data, 99.1% of firms would qualify as small under the proposed 1,250-employee size standard for NAICS 2022 industry 334610.

NAICS 335139—Electric Lamp Bulb and Other Lighting Equipment Manufacturing

SBA proposes to adopt a 1,250-employee size standard for NAICS 2022 industry 335139 (Electric Lamp Bulb and Other Lighting Equipment Manufacturing). This new industry was generated by merging NAICS 2017 industry 335110 (Electric Lamp Bulb and Part Manufacturing) and NAICS 2017 industry 335129 (Other Lighting Equipment Manufacturing). Their current size standards are 1,250 employees and 500 employees, respectively. Based on the 2017 Economic Census data, 93.5% of firms in NAICS 335110 and 94.9% of firms in NAICS 335129 qualify as small under their respective size standards. Contributing to 74–75% of combined receipts and employees and 82% of all firms, NAICS 335129 dominates the new industry. Thus, SBA considered assigning 500 employees as a size standard for the new industry. However, adopting the 500-employee size standard would cause three firms based on the 2017 Economic Census data and eight firms based on the FPDS–NG data for fiscal years 2018–2020 to lose their small business eligibility in NAICS 335110. Accordingly, SBA is proposing to adopt 1,250 employees as a size standard for the new industry. Based on the 2017 Economic Census data, 95.8% of firms would qualify as small under the proposed 1,250-employee size standard for NAICS 2022 industry 335139.

NAICS 335910—Battery Manufacturing

SBA proposes to adopt a 1,250-employee size standard for NAICS 2022 industry 335910 (Battery Manufacturing). This new industry was generated by merging NAICS 2017 industry 335911 (Storage Battery Manufacturing) and NAICS 2017 industry 335912 (Primary Battery Manufacturing). Their current size standards are 1,250 employees and 1,000 employees, respectively. Based on the 2017 Economic Census data, 92.5% of firms in NAICS 335911 and 87.7% of firms in NAICS 335129 qualify as small under their respective size standards. Accounting for 78–79% of combined receipts and employees and 68% of combined firms, NAICS 335911 dominates the new industry. Thus, SBA is proposing to adopt, as the size standard for the new industry, 1,250 employees which is the current size standard for NAICS 359111. Had SBA adopted 1,000 employees as the size standard for the new industry, three firms participating in Federal contracts in NAICS 359111 would lose their small business status. Based on the 2017 industry data, 91.5% of firms would qualify as small under the proposed 1,250-employee size standard for NAICS 2022 industry 335910.

NAICS 424350—Clothing and Clothing Accessories Merchant Wholesalers

SBA proposes to adopt a 150-employee size standard for NAICS 2022 industry 424350 (Clothing and Clothing Accessories Merchant Wholesalers). This new industry was formed by combining NAICS 2017 industry 424320 (Men's and Boys' Clothing and Furnishings Merchant Wholesalers) and NAICS 2017 industry 424330 (Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers). Their current size standards are 150 employees and 100 employees, respectively. Based on the 2017 Economic Census data, 96.2% of firms in NAICS 424320 and 96.7% of firms in NAICS 424330 qualify as small under their respective size standards. Accounting for 55% of combined receipts, 69% of firms, and 61% of employees, NAICS 424330 tends to dominate the new industry. Thus, SBA considered adopting 100 employees as size standard for the new industry. However, that would cause more than 30 firms in NAICS 424320 to lose their small business status. Thus, SBA is

proposing to adopt the 150 employees as the size standard for the new industry. Based on the 2017 Economic Census data, 97.1% of firms in NAICS 2022 industry 424350 would qualify as small under the proposed 150-employee size standard.

Size Standards for New Retail Trade Industries in NAICS 2022

For the Retail Trade sector, given the increasing prevalence of omni-channel distribution and variations in reporting patterns, the OMB eliminated the store/nonstore distinction (89 FR 35350 (July 2, 2021)). Under the NAICS 2017 structure, Subsector 454, Nonstore Retailers, included industries for NAICS 454110 (Electronic Shopping and Mail-Order Houses), NAICS 454210 (Vending Machine Operators), NAICS 454310 (Fuel Dealers), and 454390 (Other Direct Selling Establishments). OMB eliminated Subsector 454 from the NAICS 2017 structure. Under the NAICS 2022 structure for the sector, NAICS 454110 and NAICS 454390 are distributed throughout the new structure in the same way as retail stores, delineated by specialized broad product lines, such as groceries, apparel, hardware, etc. Vending Machine Operators is moved to Subsector 445 (Food and Beverage Retailers) with a new 6-digit code of 445132 and Fuel Dealers is moved to Subsector 457 (Gasoline Stations and Fuel Dealers) with a new 6-digit code of 457210.

As stated previously, NAICS 2017 industry 454110 was distributed to 42 different retail trade industries, and NAICS 454390 was distributed to 39 different retail trade industries. Almost all the new NAICS 2022 retail trade industries thus formed saw their 6-digit codes and NAICS industry titles changed but largely retained their contents and descriptions. Almost all new retail trade industries under NAICS 2022 contained a NAICS 2017 retail trade industry and parts of NAICS 454110 and NAICS 454390 and carried the description of the NAICS 2017 retail trade industry. Accordingly, following the guidelines in Table 5 (2b), SBA assigned the same size standard as for the NAICS 2017 retail trade industry that most closely matched the economic activity described by the NAICS 2022 retail trade industry.

For example, as shown in Table 7, Formation of NAICS 449110 (Furniture Retailers) under NAICS 2022, NAICS 2022 industry 449110 was formed by combining NAICS 442110 (Furniture Stores) with parts of NAICS 454110 and 454390 under NAICS 2017 and by changing the industry title to Furniture Retailers. The description of NAICS 2022 industry 449110 is almost the same as that for the corresponding NAICS 2017 industry. Thus, based on the same industry description, the size standard for new NAICS 2022 industry 449110 is $22 million, the same size standard as that for NAICS 442110 under NAICS 2017. The current size standards are $41.5 million for NAICS 454110 and $8.0 million for NAICS 454390. In this example, the adoption of the $22 million size standard for NAICS 2022 industry 449110 will, thus, result in a decrease to size standard for part of NAICS 454110 and an increase to the size standard for part of NAICS 454390 that merged with NAICS 442110. SBA applies this approach in determining the size standard for all other new NAICS 2022 retail trade industries that contained part of NAICS 2017 industry 454110, part of NAICS 454390, or both.

Table 7

Formation of NAICS 449110 (Furniture Retailers) under NAICS 2022

NAICS 2017			NAICS 2022		
NAICS 2017 Code	NAICS 2017 Industry Title	Size Standard ($million)	NAICS 2022 Code	NAICS 2022 Industry Title	Size Standard ($million)
442110	Furniture Stores	$22.0	449110	Furniture Retailers	$22.0
454110	Electronic Shopping and Mail-Order Houses	$41.5			
454390	Other Direct Selling Establishments	$8.0			

Since the current size standards for almost all impacted retail trade industries are less than $41.5 million which is the size standard for NAICS 454110, parts of NAICS 454110 that have merged with other retail trade industries will, in almost all cases, experience a decrease to the size standard. Specifically, of the 42 different split parts of NAICS 454110 that have merged with other retail trade industries, 41 will experience a decrease to the size standard and one will experience no change. Similarly, of the 39 different split parts of NAICS 454390 that have merged with other retail trade industries, 25 will see an increase to the size standard and 14 will see no changes to the size standard. The size standards for the affected NAICS 2017 retail trade industries are not impacted and, therefore, remain the same.

NAICS 458110—Clothing and Clothing Accessories Retailers

SBA is proposing to adopt the $41.5 million receipts-based size standard for NAICS 2022 industry 458110 (Clothing and Clothing Accessories Retailers). This new industry was formed by combining six clothing and clothing accessories related retail trade industries with parts of NAICS 2017 industries 454110 and 454390. Table 8, Formation of NAICS 2022 Industry 458110 (Clothing and Clothing Accessories Retailers), lists all of these industries along with their respective size standards. Excluding parts of NAICS 454110 and 454390, the size standards for those six industries vary from $12 million for NAICS 448110 (Men's Clothing Stores) to $41.5 million for NAICS 448140 (Family Clothing Stores), and the percentages of firms that are small under their respective size standards vary from 96.7% for 448110

to 98.9% for NAICS 448120 (Women's Clothing Stores).

Table 8

Formation of NAICS 2022 Industry 458110 (Clothing and Clothing Accessories Retailers)

NAICS 2017			NAICS 2022		
NAICS 2017 Code	NAICS 2017 Industry Title	Current NAICS 2017 Standard ($million)	Proposed NAICS 2022 Standard ($million)	NAICS 2022 Code	NAICS 2022 Industry Title
448110	Men's Clothing Stores	$12.0	$41.5	458110	Clothing and Clothing Accessories Retailers
448120	Women's Clothing Stores	$30.0			
448130	Children's and Infants' Clothing Stores	$35.0			
448140	Family Clothing Stores	$41.5			
448150	Clothing Accessories Stores	$16.5			
448190	Other Clothing Stores	$22.0			
454110[1]	Electronic Shopping and Mail-Order Houses	$41.5			
454390[1]	Other Direct Selling Establishments	$8.0			

[1]These italicized NAICS codes indicate that these industries are split and merged into multiple industries.

Excluding parts of NAICS 454110 and 454390, no single industry seems to dominate among those six clothing and clothing accessories related retail trade industries making up the new industry. Accordingly, following the guidelines laid out in Table 5, SBA is proposing to adopt the highest $41.5 million size standard among the six industries as the size standard for new NAICS 2022 industry 458110. Based on the 2017 industry data, 98.7% of firms in NAICS 458110 would qualify as small under the proposed $41.5 million size standard. SBA confirmed that no individual firm at the proposed $41.5 million size standard would dominate the market in any of those industries. For example, based on the 2017 Economic Census data, the market share of a firm at the proposed size standard averaged just 0.3%, varying from 0.04% to 0.6%. SBA determines that these levels of market shares effectively preclude a firm at or below the proposed size standard from exerting control on any of the industries.

NAICS 513140—Directory and Mailing List Publishers

SBA proposes to adopt a 1,000-employee size standard for NAICS 2022 industry 513140 (Directory and Mailing List Publishers). This new industry was formed by combining NAICS 2017 industry 511140 (Directory and Mailing List Publishers) and the internet Directory and Mailing List Publishers part of NAICS 2017 industry 519130 (Internet Publishing and Broadcasting and Web Search Portals). Their current size standards are 1,250 employees and 1,000 employees, respectively. Based on the 2017 Economic Census data, 98.3% of firms in both industries qualify as small under their respective size standards. Accounting for 97% of combined receipts, 92% of combined firms, and 95% of combined employees, NAICS 519130 dominates the new industry. Thus, SBA is proposing to adopt 1,000 employees as the size standard for the new industry. Moreover, under the 1,000-employee size standard, no firm in NAICS 511140 would lose small status, based on both the 2017 Economic Census and FPDS–NG data for fiscal years 2018–2020.

NAICS 513191—Greeting Card Publishers

SBA proposes to adopt a 1,000-employee size standard for NAICS 2022 industry 513191 (Greeting Card Publishers). This new industry was formed by combining NAICS 2017 industry 511191 (Greeting Card Publishers) with the Internet Greeting Card Publishers part of NAICS 2017 industry 519130 (Internet Publishing and Broadcasting and Web Search Portals). Their current size standards are 1,500 employees and 1,000 employees, respectively. Based on the 2017 Economic Census data, 99% of firms in NAICS 511191 and 98.3% in 519130 qualify as small under their respective size standards. Accounting for 98% of combined receipts and firms and 95% of combined employees, NAICS 519130 dominates the new industry. Thus, SBA is proposing to adopt 1,000 employees as the size standard for the new industry. Moreover, at the 1,000-

employee size standard, no firm in NAICS 511191 would lose small status, based on both the 2017 Economic Census and FPDS–NG data for fiscal years 2018–2020. Based on the 2017 industry data, 98.4% of firms in NAICS 2022 industry 513191 would qualify as small under the proposed 1,000-employee size standard.

NAICS 513199—All Other Publishers

SBA proposes to adopt a 1,000-employee size standard for NAICS 2022 industry 513199 (All Other Publishers). This new industry was formed by combining NAICS 2017 industry 511199 (All Other Publishers) with the All Other Internet Publishers part of NAICS 2017 industry 519130 (Internet Publishing and Broadcasting and Web Search Portals). Their current size standards are 500 employees and 1,000 employees, respectively. Based on the 2017 Economic Census data, 98.9% of firms in NAICS 511199 and 98.3% in 519130 qualify as small under their respective size standards. Accounting for 98–99% of combined receipts and employees, and 93% of combined firms, NAICS 519130 dominates the new industry. Thus, SBA is proposing to adopt 1,000 employees as the size standard for the new industry. SBA also considered adopting, as the size standard for the new industry, the 500-employee size standard that applies to NAICS 511199. However, doing so would cause about 40 firms based on the 2017 Economic Census data and 35 firms based on the FPDS–NG data for fiscal years 2018–2020 to lose small business status in NAICS 519130. Based on the 2017 Economic Census data, 98.7% of firms in NAICS 2022 industry 513199 would qualify as small under the proposed 1,000-employee size standard.

NAICS 516210—Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers

SBA proposes to adopt a $41.5 million receipts-based size standard for NAICS 2022 industry 516210 (Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers). This new industry was formed by combining three industries in their entirety with parts of two other industries under NAICS 2017. As shown in Table 9, Formation of NAICS 2022 Industry 516210, NAICS 515111 (Radio Networks), NAICS 515210 (Cable and other Subscription Programming), NAICS 519110 (News Syndicates), and the Television Networks part of NAICS 515120 (Television Broadcasting) have receipts-based size standards, and the Internet Broadcasting part of NAICS 519130 (Internet Publishing and Broadcasting and Web Search Portals) has an employee size standard. Since four of the five components of the new industry have a receipts-based size standard, SBA determines that a receipts-based size standard would be more appropriate for the new industry instead of an employee-based size standard. Moreover, industries with receipts-based size standards account for more than two-thirds (68%) of total firms in the new industry. When converted to receipts, the 1,000-employee size standard for the Internet Broadcasting part of NAICS 519130 will translate to a $41.5 million receipts-based size standard.[2]

Table 9

Formation of NAICS 2022 Industry 516210

NAICS 2017				NAICS 2022			
NAICS 2017 Code	NAICS 2017 Industry Title	Current NAICS 2017 Standard ($million)	Current NAICS 2017 Standard (employees)	Proposed NAICS 2022 Standard ($million)	Proposed NAICS 2022 Standard (employees)	NAICS 2022 Code	NAICS 2022 Industry Title
515111	Radio Networks	$41.5		$41.5		516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers
515120[1]	Television Broadcasting - *television networks*	$41.5					
515210	Cable and Other Subscription Programming	$41.5					
519110	News Syndicates	$32.0					
519130[1]	Internet Publishing and Broadcasting and Web Search Portals - *Internet broadcasting*		1,000				

[1]These italicized NAICS codes indicate that these industries are split and merged into multiple industries.

Considering the $41.5 million receipts-based equivalent of the 1,000-employee size standard for NAICS 519130, four of the five industries or parts contained in NAICS 2022 industry 516210 now have a $41.5 million receipts-based size standard. Thus, consistent with the guidelines as set forth in Table 5, SBA is proposing to

[2] Using the 2012 Economic Census data, the 1,000-employee size standard for NAICS 519130 is equivalent to $286 million in receipts, capping of which translates to the maximum receipts-based size standard of $41.5 million. In accordance with the SBA's ''Size Standards Methodology,'' SBA's receipts-based size standards are capped at the maximum of $41.5 million and employee-based size standards are capped at the maximum of 1,500 employees.

adopt, as the size standard for the new industry, a $41.5 million receipts-based size standard which happens to be the highest and most frequently occurring size standard among the industries or parts comprising the new industry. SBA has determined that no individual firm at or below the proposed $41.5 million size standard will be large enough to dominate the operation in NAICS 2017 industry 519110, which currently has a lower size $32 million receipts-based size standard. Specifically, an individual firm at or below the proposed $41.5 million size standard would account for less than 3% of total industry receipts in NAICS 519110. This level of market share precludes the possibility of a firm at the proposed size standard to dominate the industry. Nearly 96% of firms in NAICS 511930 will qualify as small under the proposed $41.5 million size standard, as compared to 98% under the current 1,000-employee size standard. At the $41.5 million size standard, based on the 2017 Economic Census data, about 15–20 firms in NAICS 511930 (0.25% of firms in the industry) would lose their status as small businesses. Based on the 2017 Economic Census data, 92.3% of total firms in the new industry would qualify as small under the proposed $41.5 million receipts-based size standard.

NAICS 519290—Web Search Portals and All Other Information Services

SBA proposes to adopt a 1,000-employee size standard for NAICS 2022 industry 519290 (Web Search Portals and All Other Information Services). This new industry was formed by combining NAICS 2017 industry 519190 (All Other Information Services) with the Web Search Portals part of NAICS 2017 industry 519130 (Internet Publishing and Broadcasting and Web Search Portals). Their current size standards are $30 million in average annual receipts and 1,000 employees, respectively. Based on the 2017 Economic Census data, 97.7% of firms in NAICS 519190 and 98.3% in NAICS 519130 qualify as small under their respective size standards. Accounting for 97–98% of combined receipts and employees, and 87% of combined firms, NAICS 519130 dominates the new industry. Thus, SBA is proposing to adopt 1,000 employees as the size standard for the new industry. Based on the 2017 Economic Census data, SBA confirmed that the proposed 1,000-employee size standard excludes the largest and potentially dominant firms in NAICS 519190, even with 99% of firms qualifying as small under the 1,000-emploee size standard compared to 97.7% at the $30 million receipts-based size standard. Based on the 2017 industry data, 98.8% of firms would qualify as small under the 1,000-employee based size standard for NAICS 2022 industry 519290.

NAICS 811210—Electronic and Precision Equipment Repair and Maintenance

SBA proposes to adopt a $30 million receipts-based size standard for NAICS 2022 industry 811210 (Electronic and Precision Equipment Repair and Maintenance). This new industry was formed by merging four electronic, machinery and equipment repair and maintenance related industries. These industries, along with their respective size standards, are listed in Table 10, Formation of NAICS 811210 (Electronic and Precision Equipment Repair and Maintenance). Their current size standards for these industries vary from $19.5 million for NAICS 811213 to $30 million for NAICS 811212. The percentages of firms that are below the current size standards vary from 96.6% for NAICS 811219 to 99% for NAICS 811212. Based on the shares of combined receipts, firms, or employees, no industry seems to dominate the new industry. Accordingly, following the guidelines set forth in Table 5, SBA proposes to adopt, as the size standard for the new industry, the highest size standard (*i.e.,* $30 million) among the four industries making up the new industry. Based on the 2017 industry data, 98.4% of firms in NAICS 2022 industry 811210 would qualify as small under the proposed $30 million size standard.

In none of the three industries for which the current size standard is lower than the proposed $30 million, no largest or potentially dominant firms will be included under the proposed $30 million size standard. For example, based on the 2017 Economic Census data, the market share of a firm at the proposed $30 million size standard averages 1%, ranging from 0.4% for NAICS 812219 to 2.1% for NAICS 811211. SBA determines that these levels of market shares effectively preclude a firm at or below the proposed size standard from exerting control on any of the four impacted industries.

Table 10

Formation of NAICS 811210 (Electronic and Precision Equipment Repair and Maintenance)

NAICS 2017			NAICS 2022		
NAICS 2017 Code	NAICS 2017 Industry Title	Current NAICS 2017 Standard ($million)	Proposed NAICS 2022 Standard ($million)	NAICS 2022 Code	NAICS 2022 Industry Title
811211	Consumer Electronics Repair and Maintenance	$22.5	$30.0	811210	Electronic and Precision Equipment Repair and Maintenance
811212	Computer and Office Machine Repair and Maintenance	$30.0			
811213	Communication Equipment Repair and Maintenance	$19.5			
811219	Other Electronic and Precision Equipment Repair and Maintenance	$22.0			

Summary of Proposed Size Standards for NAICS 2022 Industries

The NAICS 2022 revision created 111 new industries by reclassifying, combining, or splitting 156 NAICS 2017 industries or their parts. SBA's proposed size standards for these 111 new industries under NAICS 2022, as shown in Table 6 (above) have resulted in an increase to the size standards for 21 industries and 27 parts of three industries under NAICS 2017, a decrease to size standards for seven industries and 41 parts of one industry, a change in the size standard measure from average annual receipts to number of employees for one industry, a change in the size standard measure from number of employees to average annual receipts for part of one industry, and no change in size standards for 118 industries and 33 parts of eight industries.

Evaluation of Dominance in Field of Operation

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) defines a small business concern as one that: (1) Is independently owned and operated; (2) Is not dominant in its field of operation; and (3) Meets a specific small business definition or size standard established by SBA's Administrator. SBA considers, as part of its evaluation, whether a business concern at a proposed or revised size standard would be dominant in its field of operation. For this, SBA generally examines the industry's market share of firms at the proposed or revised standard. SBA also examines distribution of firms by size to ensure that a contemplated size standard excludes the largest and potentially dominant firms within an industry. The results of the market share analysis and size distribution of firms may indicate whether a firm, at the proposed or revised size standard, can exercise a control on a national basis. SBA has determined that for the industries for which size standards have been changed in this proposed rule, no individual firm at or below the proposed size standard will be large enough to dominate its field of operation. The share of a firm in total industry receipts at the proposed size standard, among those industries for which size standards have been changed is, on average, 1.4%, ranging from 0.005% to 31.2%. SBA determines that these levels of market shares effectively preclude a firm at or below the proposed size standards from exerting control on any of the industries.

Alternatives to Adopting NAICS 2022 for Size Standards

As an alternative to proposing new size standards for NAICS 2022 industries, SBA considered retaining NAICS 2017 as the basis of industry definitions for its small business size standards. That would, however, lead to inconsistency between SBA's size standards and establishment data published by Federal agencies that will adopt NAICS 2022 for their statistical and other data collection programs. OMB stated in its December 21, 2021, notice that ''Federal statistical establishment data published for reference years beginning on or after January 1, 2022, should be published using the 2022 NAICS United States codes.'' SBA is not a statistical agency, but the Agency uses for its size standards analyses establishment data collected by other Federal agencies, such as the Economic Census data and County Business Patterns from the U.S. Census Bureau. If SBA continues using NAICS 2017 for its size standards, it will not be able to analyze and evaluate industry structure adequately and accurately and adjust small business size standards appropriately because the forthcoming Economic Census and County Business Patterns data based on NAICS 2022 will not be compatible with NAICS 2017. That would run counter to the mandate of the Small Business Jobs Act (Jobs Act) (Pub. L. 111–240 (September 27, 2010)), which requires SBA to review all size standards and adjust them appropriately to reflect the current industry and market data every five years.

To establish, review, or revise, where necessary, small business size standards, SBA uses special tabulations of industry data that it obtains from the U.S. Census Bureau based on its

Economic Census of U.S. industries and businesses, and establishment data from its County Business Patterns. Because the 2022 Economic Census will be based on NAICS 2022 industry definitions, it is imperative that SBA use NAICS 2022 as the basis of industry definitions for its table of small business size standards.

Request for Comments

SBA welcomes public comment on this proposed rule. Specifically, SBA invites comments on whether its proposed size standards for new industries are appropriate and suggestions on alternative size standards, along with supporting data and analysis, if proposed size standards are not appropriate. SBA also seeks comments on its methodology for converting size standards from NAICS 2017 to NAICS 2022 and data sources and analyses it used in developing proposed size standards for new industries. SBA will thoroughly evaluate and address all comments in preparing the final rule to adopt NAICS 2022 for its table of size standards.

Justification for the October 1, 2022, Effective Date

SBA's small business size standards, matched to NAICS 2022 to be adopted in a forthcoming final rule, will be effective on October 1, 2022, for the following reasons:

1. OMB stated in its December 21, 2021, notice that Federal statistical establishment data published for reference years beginning on or after January 1, 2022, should be published using NAICS 2022. SBA is not a statistical agency, but it uses the establishment data collected from other Federal agencies, such as the Economic Census and County Business Patterns data from the Census Bureau for its size standards analysis. Similarly, Federal procurement databases and systems, such as FPDS–NG and the System for Award Management (SAM), use NAICS codes from SBA's table of size standards. If SBA does not adopt NAICS 2022 for its table of size standards in a timely manner, it will result in inconsistency between SBA's size standards and other Federal procurement databases.

2. October 1, 2022, is the start of the new Federal Government fiscal year following OMB's adoption of NAICS 2022 effective January 1, 2022, and is consistent with SBA's adoption of previous NAICS revisions for its size standards effective at the beginning of the new fiscal year after the OMB's effective date.

3. With the adoption of the updated size standards at the start of the new fiscal year, Federal agencies that use NAICS industry definitions and SBA's size standards can collect comparable and consistent data on Federal statistics for program and industry analyses.

4. With the October 1, 2022, effective date, Federal agencies that use SBA's small business size standards for their programs will have sufficient time to plan and implement the updated size standards and assess the impact of size standards changes on their programs.

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

Executive Order 12866

OMB has determined that this proposed rule is not a ''significant regulatory action'' for purposes of Executive Order 12866. This rule proposes to incorporate the OMB's 2022 revisions of NAICS, which SBA uses as a basis of industry definitions for purposes of establishing small business size standards. As discussed above in this **SUPPLEMENTARY INFORMATION** section, the size standards of some industries or their parts would change because of the adoption of the NAICS 2022 revisions for SBA's Table of Size Standards. However, SBA has determined that a vast majority of businesses defined as small under the current NAICS 2017 based size standards will continue to remain small under the NAICS 2022 based size standards. The proposed rule, if adopted in its present form, will also affect other Federal Government programs that use SBA's size standards and provide various benefits for small businesses. SBA welcomes comments describing the impact on small businesses of the size standard changes resulting from the adoption of the NAICS revision for SBA Table of Size Standards. In order to help explain the need and objective of this proposed rule and its potential benefits and costs, SBA is providing, below, a Cost Benefit Analysis of this rule, including (1) A statement of the need for the regulatory action, (2) An examination of alternative approaches, and (3) An evaluation of the benefits and costs—both quantitative and qualitative—of the regulatory action and the alternatives considered.

Cost Benefit Analysis

1. What is the need for the regulatory action?

SBA believes that revising its small business size standards based on NAICS 2022 is in the best interests of small businesses. SBA's mission is to aid and assist small businesses through a variety of financial, procurement, business development and counselling, and advocacy programs. To ensure that these programs are best directed to their intended beneficiaries, SBA establishes numerical small business definitions (usually referred to as ''size standards'') to determine which businesses are deemed eligible for Federal small business assistance. NAICS 2022 provides the latest industry definitions reflecting the latest changes in industry structure in the United States.

Under the Small Business Act (Act) (15 U.S.C. 632(a)), SBA Administrator is responsible for establishing small business size definitions and for ensuring that such definitions vary from industry to industry to reflect differences among various industries. By analyzing and reviewing size standards based on the NAICS 2022 industry definitions, SBA can more accurately and appropriately fulfill its mandate. If SBA does not use the latest industry definitions under NAICS 2022, size standards would not accurately reflect differences among industries. In addition, the Jobs Act requires SBA to review, at least every five years, all size standards and make necessary adjustments to reflect current industry and market conditions. To better serve this mandate, SBA needs to evaluate the industry data based on the latest NAICS industry definitions available.

In this proposed rule, SBA is generally following the same guidelines that it followed for adopting prior NAICS revisions for size standards, as spelled out under the Supplemental Information section. SBA also analyzed the relevant industry and program data to determine the size standards for certain NAICS 2022 industries involving NAICS 2017 industries or their parts with substantially different size standards. Size standards based on NAICS 2022 industry definitions and corresponding data will serve SBA's mission more effectively.

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

As stated previously, the NAICS 2022 revision created 111 new industries by reclassifying, combining, or splitting 156 NAICS 2017 industries or their parts. Changes from NAICS 2017 to NAICS 2022 consist of mergers of 124

NAICS 2017 industries or their parts to form the 79 new industries in NAICS 2022 with impacts on size standards on a number of NAICS 2017 industries. The NAICS 2022 revision also comprises of 32 changes in 6-digit codes, industry titles, or descriptions without changing the size standards. SBA's proposed size standards for these 111 new industries under NAICS 2022 have resulted in an increase to the size standards for 21 industries and 27 parts of three industries, a decrease to size standards for seven industries and 41 parts of one industry, a change in the size standard measure from average annual receipts to number of employees for one industry, a change in the size standard measure from number of employees to average annual receipts for part of one industry, and no change in size standards for 118 industries and 33 parts of eight industries. The benefits, costs, and transfer impacts of these changes are discussed below.

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

The Baseline

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

Based on the 2017 Economic Census data, of a total of about 880,245 firms in the 156 impacted industries under NAICS 2017, 97.7% are considered small under the current size standards under NAICS 2017.

Similarly, based on the data from FPDS–NG for fiscal years 2018–2020, about 15,400 unique firms in those 156 NAICS 2017 industries received at least one Federal contract during that period, of which 76.2% were found to be small under the current size standards.[3] Of about $18.6 billion in total average annual contract dollars awarded to businesses in the impacted industries during that period, 25.6% went to small businesses. Of about $4.8 billion in total small business contract dollars awarded in those industries during that period, 87.1% were awarded through various set-aside programs and 12.9% were awarded through non-set aside contracts. Table 11, Baseline of Impacted Industries Under NAICS 2017, provides these baseline results.

TABLE 11—BASELINE OF IMPACTED INDUSTRIES UNDER NAICS 2017

Impact variable	Value
Number of industries impacted	156
Total firms in impacted industries (2017 Economic Census)	880,245
Total small firms in impacted industries under current size standards (2017 Economic Census)	859,573
Small firms as % of total firms (2017 Economic Census)	97.7%
Total contract dollars ($ million) (FPDS–NG—fiscal years 2018–2020)	$18,644
Total small business contract dollars under current standards ($ million) (FPDS–NG—fiscal years 2018–2020)	$4,776
Small business dollars as % of total dollars (FPDS–NG fiscal years 2018–2020)	25.6%
Total number of unique firms getting contracts (FPDS–NG fiscal years 2018–2020)	15,391
Total number of unique small firms getting small business contracts (FPDS–NG fiscal years 2018–2020)	11,727
Small business firms as % of total firms (FPDS–NG fiscal years 2018–2020)	76.2%
Number of 7(a) and Certified Development Company (CDC)/504 loans (fiscal years 2018–2020)	8,316
Amount of 7(a) and 504 loans ($ million) (fiscal years 2018–2020)	$4,789
Number of Economic Injury Disaster Loan (EIDL) program loans (fiscal years 2018–2020) [1]	589
Amount of EIDL loans ($ million) (fiscal years 2018–2020) [1]	$52.6

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

Based on the SBA's internal data on its loan programs for fiscal years 2018–2020, small businesses in those 156 industries received, on an annual basis, a total of 8,316 7(a) loans and CDC/504 loans in that period, totaling about $4.8 billion, of which 85.8% was issued through the 7(a) loan guarantee program and 14.2% was issued through the CDC/504 program. During fiscal years 2018–2020, small businesses in those industries also received 589 loans through the SBA's EIDL program, totaling about $52.6 million on an annual basis.[4]

Proposed Increases to Size Standards

As stated above, SBA's proposed size standards for the 111 new industries under NAICS 2022 have resulted in an increase to the size standards for 21 industries and 27 parts of three industries under NAICS 2017. Below are descriptions of the benefits, costs, and

[3] Of the 156 NAICS 2017 industries impacted in the NAICS 2022 revision, 66 industries were part of Sector 42 (Wholesale Trade) or Sector 44–45 (Retail Trade) that does not apply for Federal contracting. In the remaining 90 industries that belong to other sectors, about 15,400 unique firms got at least one Federal contract during fiscal years 2018–2022.

[4] The analysis of the disaster loan data excludes physical disaster loans that are available to anyone regardless of size, disaster loans issued to nonprofit entities, and EIDLs issued under the COVID–19 relief program. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances. Thus, the disaster loan analysis presented here pertains to the regular EIDL loans only. SBA estimates impacts of size standards changes on EIDL loans by calculating the ratio of businesses getting EIDL loans to total small businesses (based on the 2017 Economic Census data) and multiplying it by the number of impacted small firms. Due to data limitations, for FY 2019–20, some loans with both physical and EIDL loan components could not be broken into the physical and EIDL loan amounts. In such cases, SBA applied the ratio of EIDL amount to total (physical loan + EIDL) amount using FY 2016–18 data to the FY 2019–20 data to obtain the amount attributable to the EIDL loans.

transfer impacts of the proposed size standards.

Benefits of Proposed Increases to Size Standards

The benefits of adopting NAICS 2022 and the resulting proposed increases to size standards, if adopted, will accrue to three groups in the following ways: (1) Some businesses that are currently above their current size standards may gain small business status, thereby becoming eligible to participate in Federal small business assistance programs, including SBA's 7(a) loan program, CDC/504 loan program, EIDL program, Surety Bond Guarantee Program, and Federal procurement and business development programs intended for small businesses; (2) Growing small businesses that are close to exceeding the current size standards for their NAICS 2017 industries may retain their small business status for a longer period under proposed size standards under NAICS 2022, and can continue participating in the above programs; and (3) Federal Government agencies will have a larger pool of small businesses from which to draw to fulfill their small business procurement requirements because they will be able to define more accurately the principal purposes of their procurements under NAICS 2022 industry definitions.

The most significant benefit to businesses from increases to size standards is gaining or extending eligibility for Federal small business assistance programs. These include SBA's 7(a) loan program, CDC/504 loan program, EIDL program, Surety Bond Guarantee Program, and Federal procurement programs intended for small businesses. Federal procurement programs provide targeted, set-aside opportunities for small businesses. These include the 8(a) Business Development (BD) program, the Small Disadvantaged Businesses (SDB) program, the Historically Underutilized Business Zones (HUBZone) program, the Women-Owned Small Businesses (WOSB) program, the Economically Disadvantaged Women-Owned Small Businesses (EDWOSB) program, and the Service-Disabled Veteran-Owned Small Businesses (SDVOSB) program.

For the affected NAICS 2017 industries or their parts for which size standards have increased, based on the 2017 Economic Census data, SBA estimates that approximately 700 additional businesses would gain small business status under the proposed size standards for 2022 NAICS industries. That represents about 1.0% of the total number of small businesses in the affected industries. SBA's proposed size standards would result in an increase to the small business share of total receipts in those 24 industries (*i.e.,* those with increases in size standards) from 38.3% to 44.6%. Table 12, Impacts of Proposed Size Standards for NAICS 2022 Industries, provides impacts of increasing size standards for 21 industries and 27 parts of three industries under NAICS 2017.

TABLE 12—IMPACTS OF PROPOSED SIZE STANDARDS FOR NAICS 2022 INDUSTRIES

Impact variable	Value
Number of industries with increases to size standards	24
Total current small businesses in industries with increases to size standards (2017 Economic Census)	70,979
Additional firms qualifying as small under standards (2017 Economic Census)	691
% of additional firms qualifying as small relative to current small businesses in industries with increases to size standards (2017 Economic Census)	1.0%
Number of current unique small firms getting small business contracts in industries with increases to size standards (FPDS–NG fiscal years 2018–2020) [1]	1,479
Additional small business firms getting small business status (FPDS–NG fiscal years 2018–2020) [1]	42
% increase to small businesses relative to current unique small firms getting small business contracts in industries with increases to size standards (FPDS–NG fiscal years 2018–2020)	2.8%
Total small business contract dollars under current standards in industries with increases to size standards ($ million) (FPDS–NG fiscal years 2018–2020)	$492.3
Estimated additional small business dollars available to newly- qualified small firms (using avg. dollars obligated to small businesses) ($ million) (FPDS–NG fiscal years 2018–2020) [2]	$60.4
% increase to small business dollars relative to total small business contract dollars under current standards in industries with increases to size standards	12.3%
Total number of 7(a) and 504 loans to small business in industries with increases to size standards (fiscal years 2018–2020)	822
Total 7(a) and 504 loan amounts to small businesses in industries with increases to size standards ($ million) (fiscal years 2018–2020)	$300.0
Estimated number of 7(a) and 504 loans to newly qualified small firms	1
Estimated 7(a) and 504 loan amounts to newly qualified small firms ($ million)	$0.001
% increase to 7(a) and 504 loan amount relative to the total amount of 7(a) and 504 loans in industries with increases to size standards	0.0%
Total number of EIDL loans to small businesses in industries with increases to size standards (fiscal years 2018–2020) [3]	87
Total amount of EIDL loans to small businesses in industries with increases to size standards ($ million) (fiscal years 2018–2020) [3]	$5.4
Estimated number of EIDL loans to newly qualified small firms [3]	0
Estimated EIDL loan amount to newly qualified small firms ($ million) [3]	$0.0
% increase to EIDL loan amount relative to the total amount of disaster loans in industries with increases to size standards [3]	0.0%

[1] Total impact represents total unique number of firms impacted to avoid double counting as some firms are participating in more than one industry.

[2] Additional dollars are calculated multiplying average small business dollars obligated per Data Universal Numbering System (DUNS) times change in number of firms. Numbers of firms are calculated using the SBA current size standard, not the contracting officer's size designation.

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

As shown in Table 12, based on the FPDS–NG data for fiscal years 2018–2020, SBA estimates that about 42 firms that are currently active in Federal contracting in those industries would gain small business status under the proposed size standards. Based on the same data, SBA estimates that those newly qualified small businesses under

the proposed size standards under NAICS 2022 could receive Federal small business contracts totaling about $60.4 million annually. That represents a 12.3% increase to Federal small business dollars from the baseline.

The added competition from more businesses qualifying as small can result in lower prices to certain Federal Government procurements set aside or reserved for small businesses, but SBA cannot quantify this impact precisely. Costs could also be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to the availability of a larger pool of small businesses under the proposed size standards, HUBZone firms might receive more set-aside contracts and fewer full and open contracts, thereby resulting in some cost savings to agencies. SBA cannot estimate such costs savings as it is impossible to determine the number and value of unrestricted contracts to be otherwise awarded to HUBZone firms will be awarded as set-asides. However, such cost savings are likely to be relatively small as only a small fraction of full and open contracts are awarded to HUBZone businesses.

Under SBA's 7(a) and CDC/504 loan programs, with more businesses qualifying as small under the proposed size standards, SBA will be able to guarantee more loans to small businesses. However, SBA expects the impact on loans to be minimal since applicants to SBA's financial assistance programs are typically much smaller than the industry size standard and most businesses that currently participate in the program would remain eligible for assistance even after this rule is adopted. Moreover, SBA does not anticipate that the proposed increases to size standards will have a significant impact on the distribution of firms receiving loans by size of firm. Since SBA's proposed size standards changes primarily impact firms at the higher margin of size standards, SBA estimates the impact to its financial assistance programs by estimating the number of loans and the amount of loans to firms greater than 10% below their size thresholds. SBA believes that expanding access to SBA's financial assistance programs will help all small businesses to adapt to changes in business environment, recover from disasters more quickly, and grow successfully, while having no impact on the ability of smaller small firms to access financial services from SBA.

Based on its internal data for fiscal years 2018–2020, SBA estimates that about one additional 7(a) and CDC/504 loans, totaling approximately $.001 million, could be made to the newly-defined small businesses under the proposed size standards under NAICS 2022. That represents a 0.0% increase to the loan amount compared to the baseline (see Table 12). The actual impact might be smaller as the newly qualified firms under the proposed size standards could have qualified anyway under the tangible net worth and net income based alternative size standard.

Newly-defined small businesses will also benefit from SBA's EIDL program, which, like SBA's 7(a) and CDC/504 loan program, typically provides loans to businesses that are much smaller than the industry size standard. Since this program is contingent on the occurrence and severity of a disaster, SBA cannot make a precise estimate of the future EIDL benefit. However, based on its internal disaster loan program data for fiscal years 2018–2020 and the amount of loans to firms greater than 10% below their size thresholds, SBA estimates that, on an annual basis, the newly defined small businesses under the proposed size standards for NAICS 2022 would not be impacted.

Additionally, the newly-defined small businesses under proposed size standards under NAICS 2022 would also benefit through reduced fees, less paperwork, and fewer compliance requirements that are available to small businesses through the Federal Government programs, but SBA has no data to quantify this impact.

Costs of Proposed Increases to Size Standards

Aside from taking time to register in the System for Award Management (SAM) to be eligible to participate in Federal contracting and update the SAM profile annually, small businesses incur no direct costs to gain or retain their small business status under proposed size standards for NAICS 2022. All businesses willing to do business with the Federal Government must register in SAM and update their SAM profiles annually, regardless of their size status. SBA believes that a vast majority of businesses that are willing to participate in Federal contracting are already registered in SAM and update their SAM profiles annually. It is important to point out that most business entities that are already registered in SAM will not be required to update their SAM profiles. However, it will be incumbent on registrants to review, and update as necessary, their profiles to ensure that they have the correct NAICS codes. SAM requires that registered companies review and update their profiles annually, and therefore, businesses will need to pay particular attention to the changes to determine if they might affect them. They will also have to verify, and update, if necessary, their Representations and Certifications in SAM. More importantly, this proposed rule does not establish the new size standards for the very first time; rather it intends to modify the existing size standards to conform to new industry definitions under NAICS 2022.

To the extent that the newly-defined small firms under NAICS 2022 could become active in Federal procurement programs, this may entail some additional administrative costs to the Federal Government because of more businesses qualifying for Federal small business programs. For example, there will be more firms seeking SBA's loans, more firms eligible for enrollment in the SBA's Dynamic Small Business Search (DSBS) database or in *certify.sba.gov,* more firms seeking certifications as 8(a) BD or HUBZone firms, or qualifying for SDB, WOSB, EDWOSB, and SDVOSB status, and more firms applying for SBA's 8(a) BD mentor-protégé program.

Among those newly-defined small businesses seeking SBA's loans, there could be some additional costs associated with verification of their small business status. However, small business lenders have an option of using the tangible net worth and net income-based alternative size standard instead of using the industry-based size standards to establish eligibility for SBA's loans. For these reasons, SBA believes that these added administrative costs will be minor because necessary mechanisms are already in place to handle these added requirements.

Additionally, some Federal contracts may possibly have higher costs. With a greater number of businesses defined as small due to proposed size standards under NAICS 2022, Federal agencies may choose to set aside more contracts for competition among small businesses only instead of using a full and open competition. The movement of contracts from unrestricted competition to small business set-aside contracts might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers under the proposed size standards. However, any additional costs associated with fewer bidders are expected to be minor since, by law, procurements may be set aside for small businesses under the 8(a)/BD, SDB, HUBZone, WOSB, EDWOSB, or SDVOSB programs only if awards are

expected to be made at fair and reasonable prices.

Costs may also be higher when full and open contracts are awarded to HUBZone businesses that receive price evaluation preferences. However, with agencies likely setting aside more contracts for small businesses in response to the availability of a larger pool of small businesses under the adopted increases to size standards, HUBZone firms might receive fewer full and open contracts, thereby resulting in some cost savings to agencies. However, such cost savings are likely to be minimal as only a small fraction of unrestricted contracts are awarded to HUBZone businesses.

Transfer Impacts of Proposed Increases to Size Standards

The proposed size standards for the NAICS 2022 industries may result in some redistribution of Federal contracts between the newly-qualified small businesses and large businesses and between the newly-qualified small businesses and small businesses under the current size standards. However, it would have no impact on the overall economic activity since total Federal contract dollars available for businesses to compete for will not change with changes to size standards. While SBA cannot quantify with certainty the actual outcome of the gains and losses from the redistribution of contracts among different groups of businesses, it can identify several probable impacts in qualitative terms. With the availability of a larger pool of small businesses under the proposed increases to size standards for 21 NAICS 2017 industries and 27 parts of three industries, some unrestricted Federal contracts that would otherwise be awarded to large businesses may be set aside for small businesses. As a result, large businesses may lose some Federal contracting opportunities. Similarly, some small businesses under the current size standards may obtain fewer set-aside contracts due to the increased competition from larger businesses qualifying as small under the proposed size standards for NAICS 2022 industries. This impact may be offset by a greater number of procurements being set aside for small businesses because of more businesses qualifying as small under the proposed size standards. With larger businesses qualifying as small under the higher proposed size standards, smaller small businesses could face some disadvantage in competing for set-aside contracts against their larger counterparts. However, SBA cannot quantify these impacts.

Proposed Decreases to Size Standards

As stated above, SBA's proposed size standards for the 111 new industries under NAICS 2022 have resulted in a decrease to the size standards for 7 industries and 41 parts of one industry under NAICS 2017. Below are descriptions of the benefits, costs, and transfer impacts of these proposed decreases to size standards.

Benefits of Proposed Decreases to Size Standards

The most significant benefit from proposed decreases to size standards based on analytical results is to ensure that size standards are more reflective of latest industry structure and Federal market trends and that Federal small business assistance is more effectively targeted to its intended beneficiaries. These include SBA's 7(a) loan program, CDC/504 loan program, EIDL program, Surety Bond Guarantee Program, and Federal procurement programs. As stated previously, Federal procurement programs provide targeted, set-aside opportunities for small businesses under SBA's contracting and business development programs, such as small business, SDB, 8(a) BD, HUBZone, WOSB, EDWOSB, and SDVOSB programs. The adoption of size standards based on relevant data diminishes the risk of awarding Federal Government contracts or granting financial assistance to firms that are not small anymore. Lowering size standards would also reduce the risk of allowing the largest and potentially dominant firms to qualify as small and become eligible for Federal assistance intended for small businesses. This may provide a better chance for smaller small firms to grow and benefit from the opportunities available on the Federal marketplace and strengthen the small business industrial base for the Federal Government.

Costs of Proposed Decreases to Size Standards

Table 13, Impacts of Proposed Decreases to Size Standards, shows the various impacts of proposing to lower size standards in seven industries and 41 parts of one industry under NAICS 2017. Based on the 2017 Economic Census, about 1,055 (2.7%) firms would lose their small business status under proposed decreases to size standards.[5] However, many of these businesses were not found to have participated in Federal small businesses programs, including SBA's financial assistance and procurement programs, which suggests that impacts of proposed decreases to size standards would be fairly minimal. Similarly, based on the FPDS–NG data for fiscal years 2018–2020, SBA estimates that no small businesses participating in Federal contracting would lose their small status and become ineligible to compete for set-aside contracts. Thus, SBA believes these impacts are minimal.

TABLE 13—IMPACTS OF PROPOSED DECREASES TO SIZE STANDARDS

Impact variable	Value
Number of industries for which SBA proposes to decrease size standards	8
Total current small businesses in industries for which SBA proposes to decrease size standards (2017 Economic Census)	39,011
Estimated number of firms losing small status in industries for which SBA proposes to decrease size standards (2017 Economic Census)	1,055
% of firms losing small status relative to current small businesses in industries for which SBA proposes to decrease size standards (2017 Economic Census)	2.7%
Number of current unique small firms getting small business contracts in industries for which SBA proposes to decrease size standards (FPDS–NG FY 2018–2020) [1]	30

[5] Of the 1,055 firms losing small business status under the proposed size standards for new industries under NAICS 2022 structure, 1053 (or 99.8%) belong to NAICS 2017 industry 454110 (Electronic Shopping and Mail-Order Houses). NAICS 454110, with a $41.5 million size standard, was split and distributed among 42 other Retail Trade industries, resulting in a decrease to the size standard for 41 parts and no change to the size standard for one part. This would have very minimal impact on firms seeking SBA's financial assistance as firms receiving such assistance are typically much smaller than the size standard. Moreover, businesses not qualifying as small for financial assistance under the industry size standard, could still qualify under the tangible net worth and net income based alternative size standard. The reduction in size standard for NAICS 454110 would have no impact on small businesses seeking Federal contracts as that NAICS code does not apply to Federal contracting.

TABLE 13—IMPACTS OF PROPOSED DECREASES TO SIZE STANDARDS—Continued

Impact variable	Value
Estimated number of small business firms that would have lost small business status in industries for which SBA proposes to decrease size standards (FPDS–NG FY 2018–2020) [1]	0
% decrease to small business firms relative to current unique small firms getting small business contracts in industries for which SBA proposes to decrease size standards (FPDS–NG FY 2018–2020) [1]	0%
Total small business contract dollars under current size standards in industries for which SBA proposes to decrease size standards ($ million) (FPDS–NG FY 2018–2020)	$3.3
Estimated small business dollars not available to firms losing small business status in industries for which SBA proposes to decrease size standards ($ million) (FPDS–NG FY 2018–2020) [2]	0
% decrease to small business dollars relative to total small business contract dollars under current size standards in industries for which SBA proposes to decrease size standards	0%
Total number of 7(a) and 504 loans to small businesses in industries for which SBA proposes to decrease size standards (FY 2018–2020)	402
Total amount of 7(a) and 504 loans to small businesses in industries for which SBA proposes to decrease size standards ($ million) (FY 2018–2020)	$140.3
Estimated number of 7(a) and 504 loans not available to firms that would have lost small business status in industries for which SBA proposes to decrease size standards	1
Estimated 7(a) and 504 loan amount not available to firms that would have lost small status ($ million)	$0.001
% decrease to 7(a) and 504 loan amount relative to the total amount of 7(a) and 504 loans in industries for which SBA proposes to decrease size standards	0.0%
Total number of EIDL loans to small businesses in industries for which SBA proposes to decrease size standards (FY 2018–2020) [3]	4
Total amount of EIDL loans to small businesses in industries for which SBA proposes to decrease size standards ($ million) (FY 2018–2020) [3]	$0.2
Estimated number of EIDL loans not available to firms that would have lost small business status in industries for which SBA proposes to decrease size standards [3]	0
Estimated EIDL loan amount not available to firms that would have lost small business status ($ million) [3]	$0.0
% decrease to EIDL loan amount relative to the baseline [3]	0.0%

[1] Total impact represents total unique number of firms impacted to avoid double counting as some firms participate in more than one industry.
[2] Additional dollars are calculated multiplying average small business dollars obligated per unique small firm times change in number of firms. Numbers of firms are calculated using the SBA's current size standards, not the contracting officer's size designation.
[3] Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

Transfer Impacts of Proposed Decreases to Size Standards

If the size standards are decreased, it may result in a redistribution of Federal contracts between small businesses losing their small business status and large businesses and between small businesses losing their small business status and small businesses remaining small under the reduced size standards. However, as under the proposed increases to size standards, this would have no impact on the overall economic activity since the total Federal contract dollars available for businesses to compete for will stay the same. While SBA cannot estimate with certainty the actual outcome of the gains and losses among different groups of businesses from contract redistribution resulting from decreases to size standards, it can identify several probable impacts. With a smaller pool of small businesses under the proposed decreases to size standards, some set-aside Federal contracts to be otherwise awarded to small businesses may be competed on an unrestricted basis. As a result, large businesses may have more Federal contracting opportunities. However, because agencies are still required by law to award 23% of Federal dollars to small businesses, SBA expects the movement of set-aside contracts to unrestricted competition to be limited. For the same reason, small businesses under the reduced size standards are likely to obtain more set-aside contracts due to the reduced competition from fewer businesses qualifying as small under the decreases to size standards. With some larger small businesses losing small business status under the proposed decreases to size standards, smaller small businesses would likely become more competitive in obtaining set-aside contracts. However, SBA cannot quantify these impacts.

Net Impacts of Proposed Size Standards Changes

The impacts of the proposed increases of size standards for 21 industries and 27 parts of three industries were shown in Table 12 (above). Similarly, the impacts of proposed decreases of size standards for seven industries and 41 parts of one industry were presented in Table 13 (above). Table 14, Net Impacts of Proposed Size Standards Changes, below, presents the net impacts of proposed changes to size standards for 28 industries and 68 parts of four industries.

Based on the 2017 Economic Census, SBA estimates that in 28 NAICS 2017 industries and 68 parts of four industries for which proposed size standards for NAICS 2022 have resulted changes in size standards, about 364 firms (almost all in NAICS 2017 industry 454110) would not qualify as small under the proposed size standards for NAICS 2022 industries. That represents about 0.3% of all firms classified as small in those industries and industry parts under the current size standards.

TABLE 14—NET IMPACTS OF PROPOSED SIZE STANDARDS CHANGES

Impact variable	Value
Number of industries or industry parts with changes to size standards	32

TABLE 14—NET IMPACTS OF PROPOSED SIZE STANDARDS CHANGES—Continued

Impact variable	Value
Total number of small firms under the current size standards in industries with changes to size standards (2017 Economic Census)	109,990
Additional number of firms qualifying as small under size standards changes (2017 Economic Census)	−364
% of additional firms qualifying as small relative to total current small firms (2017 Economic Census)	−0.3%
Number of current unique small firms getting small business contracts in industries with changes to size standards (FPDS–NG FY 2018–2020) [1]	1,509
Additional number of unique small firms gaining small business status in industries with changes to size standards (FPDS–NG FY 2018–2020) [1]	42
% increase to small firms relative to current unique small firms gaining small business status (FPDS–NG FY 2018–2020)	2.8%
Total small business contract dollars under current size standards in industries with changes to size standards ($ million) (FPDS–NG FY 2018–2020)	$495.6
Estimated small business dollars available to newly qualified small firms ($ million) (FPDS–NG FY 2018–2020) [2]	$60.4
% increase to dollars relative to total small business contract dollars under current size standards	12.2%
Total number of 7(a) and 504 loans to small businesses in industries with changes to size standards (FY 2018–2020)	1,224
Additional number of 7(a) and 504 loans to small businesses in industries with changes to size standards (FY 2018–2020)	0
% of additional 7(a) and 504 loans go small businesses in industries with changes to size standards	0.0%
Total amount of 7(a) and 504 loans to small businesses in industries with changes to size standards ($ million) (FY 2018–2020)	$440.3
Estimated additional 7(a) and 504 loan amount to newly-qualified small firms ($ million)	$0.0
% increase to 7(a) and 504 loan amount relative to the total amount of 7(a) and 504 loans to small businesses	0.0%
Total number of EIDL loans to small businesses in industries with changes to size standards (FY 2018–2020) [3]	91
Estimated number of additional EIDL loans to newly-qualified small firms (FY 2018–2020) [3]	0
% of additional EIDL loans to small businesses in industries with changes to size standards	0.0%
Total amount of EIDL loans to small businesses in industries with changes to size standards ($ million) (FY 2018–2020) [3]	$0.2
Estimated additional EIDL loan amount to newly-qualified small firms ($ million) [3] (FY2018–2020)	$0.0
% increase to EIDL loan amount relative to the total amount of disaster loans to small businesses [3]	0.0%

[1] Total impact represents total unique number of firms impacted to avoid double counting as some firms participate in more than one industry.
[2] Additional dollars are calculated multiplying average small business dollars obligated per unique firm times change in number of firms. Numbers of firms are calculated using the SBA's current size standards, not the contracting officer's size designation.
[3] Excludes COVID–19 related EIDL loans due to their temporary nature. Effective January 1, 2022, SBA stopped accepting applications for new COVID EIDL loans or advances.

Based on the FPDS–NG data for fiscal years 2018–2020, SBA estimates that about 42 unique active firms in Federal contracting in those industries would gain their small business status under proposed changes to size standards, most of them in Sector 31–33 (Manufacturing). This represents an increase of about 2.8% of the total number of small businesses participating in Federal contracting under the current size standards. Based on the same data, SBA estimates that about $60.4 million of Federal procurement dollars would become available to all small firms, including those gaining small status. This represents an increase of 12.2% from the baseline. SBA estimates that the dollars obligated to small businesses will increase despite a reduction in the total number of small firms because the contract dollars to newly-qualified small businesses in sectors with increases to size standards is higher than the contract dollars to small businesses losing small business status in sectors with decreases to size standards.

Based on the SBA's loan data for fiscal years 2018–2020, the total number of 7(a) and CDC/504 loans will not be impacted, and the loan amount may increase slightly since the average loan value to firms with increases to size standards is higher than the average loan value to firms with decreases to size standards.

Firms' participation under the SBA's EIDL program will be affected as well. Since the benefit provided through this program is contingent on the occurrence and severity of a disaster in the future, SBA cannot make a meaningful estimate of this impact. However, based on the disaster loan program data for fiscal years 2018–2020, SBA estimates that the total number of EIDL loans and the loan amount will not be impacted.

3. What alternatives have been considered?

As stated previously, as an alternative to proposing new size standards for NAICS 2022 industries, SBA considered retaining NAICS 2017 as the basis of industry definitions for its small business size standards. That would, however, lead to inconsistencies between SBA's size standards and establishment data published by Federal agencies that will adopt NAICS 2022 for their statistical and other data collection programs. OMB stated in its December 21, 2021, notice that ''Federal statistical establishment data published for reference years beginning on or after January 1, 2022, should be published using the 2022 NAICS United States codes.'' SBA is not a statistical agency, but it uses for its size standards analyses establishment data collected by other Federal agencies, such as the Economic Census data and County Business Patterns from the U.S. Census Bureau. If SBA continues using NAICS 2017 for its size standards, it will not be able to analyze and evaluate industry structure adequately and accurately and adjust small business size standards appropriately because the forthcoming Economic Census and County Business Patterns data based on NAICS 2022 will not be compatible with NAICS 2017 industry definitions. That would run counter to the Jobs Act mandate that requires SBA to review all size standards and adjust them appropriately to reflect the current industry structure and market conditions every five years.

To establish, review, or revise, where necessary, small business size standards, SBA uses special tabulations of industry data that it obtains from the U.S. Census Bureau based on its Economic Census of U.S. industries and businesses, and establishment data from its County Business Patterns (CBP). Because the 2022 Economic Census and CBP data will be based on NAICS 2022 industry definitions, it is imperative that SBA also use NAICS 2022 as the basis of industry definitions for its table of small business size standards.

Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of

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

Initial Regulatory Flexibility Analysis

Under the Regulatory Flexibility Act (RFA), this proposed rule, if adopted, may have a significant impact on a substantial number of small businesses in some industries whose size standards have been revised. As described above, this rule may affect small businesses applying for Federal Government contracts, loans under SBA's 7(a), 504, and Economic Injury Disaster Loan Programs, and assistance under other Federal small business programs.

Immediately below, SBA sets forth an initial regulatory flexibility analysis (IRFA) of this proposed rule addressing the following questions: (1) What are the need for and objectives of the rule?; (2) What are SBA's description and estimate of the number of small businesses to which the rule will apply?; (3) What are the projected reporting, record keeping, and other compliance requirements of the rule?; (4) What are the relevant Federal rules that may duplicate, overlap, or conflict with the rule?; and (5) What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small businesses?

1. What are the need for and objective of the rule?

The Small Business Act requires that small business size standards vary from industry to industry reflecting the differing characteristics of the various industries. SBA uses the latest NAICS as a basis of industries definitions for its table of size standards. As part of its five-year review of and revisions to NAICS industry definitions, OMB published its latest NAICS revision, NAICS 2022, on December 21, 2021. According to the OMB's notice, Federal establishment and industry data for reference years beginning on or after January 1, 2022, should be published using NAICS 2022. This rule proposes to amend SBA's small business size regulations to incorporate NAICS 2022 into its table of size standards. This not only makes SBA's size standards more reflective of the latest industry differences but also makes them more consistent with latest industry data the Agency uses to establish, review or adjust size standards. Updating size standards to the latest industry definitions also serves the SBA's mandate to review all size standards and make appropriate adjustments to reflect market conditions under the Jobs Act.

2. What are SBA's description and estimate of the number of small businesses to which the rule will apply?

With the update of size standards to the latest industry definitions under NAICS 2022, Federal small business assistance is more effectively targeted to its intended beneficiaries. The NAICS 2022 revision created 111 new industries by reclassifying, combining, or splitting 156 NAICS 2017 industries or their parts. If adopted as proposed, SBA's proposed size standards for these 111 new industries under NAICS 2022 will result in an increase to the size standards for 21 industries and 27 parts of three industries under NAICS 2017, a decrease to size standards for seven industries and 41 parts of one industry, a change in the size standard measure from average annual receipts to number of employees for one industry, a change in the size standard measure from number of employees to average annual receipts for a part of one industry, and no change in size standards for 118 industries and 33 parts of eight industries. In 21 industries and 27 parts of three industries whose size standards would increase due to the adoption of NAICS 2022, nearly 700 firms above the current size standards would qualify as small under the updated size standards, thereby making them eligible for Federal small business assistance programs. Based on the data for fiscal years 2018–2020, SBA estimates that approximately $60.0 million in Federal contracts and about $100,000 in SBA 7(a) and 504 loans could be awarded to the newly defined small businesses under the updated size standards. The updated size standards would enable advanced small businesses to maintain their small business size status for a longer period and some mid-size businesses (*i.e.,* businesses that have just exceeded the size thresholds) regain their small business status. In the seven NAICS 2017 industries and 41 parts of one industry for which size standards will decrease as a result of adoption of NAICS 2022, 1,055 firms below the current size standards would lose their small business size status under the proposed size standards. However, the program data suggests that this would cause no impact on them in terms of access to Federal contracting and SBA's loans programs. Currently, they are not participating in any small business programs.

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

The proposed size standard changes due to the adoption of NAICS 2022 impose no additional reporting or record keeping requirements on small businesses. However, qualifying for Federal small business contracting and other programs may require businesses to register in SAM and recertify in SAM that they are small at least once annually. Therefore, the newly qualified small businesses opting to participate in those programs must comply with SAM requirements. There are minimal costs associated with SAM registration and annual recertification, but the proposed rule does not impose any new costs in this area. Changing size standards alters the access to SBA's financial and other Federal programs that assist small businesses but does not impose a regulatory burden because they neither regulate nor control business behavior.

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

Under section 3(a)(2)(C) of the Small Business Act, 15 U.S.C. 632(a)(2)(c), Federal agencies must generally use SBA's size standards to define a small business, unless specifically authorized by statute to do otherwise. In 1995, SBA published in the **Federal Register** a list of statutory and regulatory size standards that identified the application of SBA's size standards as well as other size standards used by Federal agencies (60 FR 57988 (November 24, 1995)). An agency may establish for its programs a size standard that is different from those established by SBA if approved by SBA's Administrator in accordance with 13 CFR 121.903. SBA is not aware of any Federal rule that would duplicate or conflict with establishing or updating size standards.

However, the Small Business Act and SBA's regulations allow Federal agencies to develop different size standards if they believe that SBA's size standards are not appropriate for their programs, with the approval of SBA's Administrator (13 CFR 121.903). The RFA authorizes a Federal agency to establish an alternative small business

definition, after consultation with the Office of Advocacy of the U.S. Small Business Administration (5 U.S.C. 601(3)).

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

By law, SBA is required to develop numerical size standards for establishing eligibility for Federal small business assistance programs. Other than varying levels of size standards by industry and changing the size measures, no practical alternative exists to the systems of numerical size standards. As stated previously, SBA considered continuing to use NAICS 2017 as a basis of industry definitions for its table of size standards. However, that would render SBA's table of size standards incompatible with Federal industry and establishment statistics and other databases when evaluating industry characteristics to ensure size standards are reflective of current industry structure and market conditions.

Executive Order 13563

A description of the need for this proposed regulatory action and benefits and costs associated with this action including possible distribution impacts that relate to Executive Order 13563 are included above in the Cost Benefit Analysis.

To engage interested parties in this action, SBA reached out to all Federal agencies advising them that the Agency plans to update its table of size standards to NAICS 2022, effective October 1, 2022, and that agencies must continue using the current size standards until that date. Adopting the updated size standards on October 1, 2022, is consistent with SBA's adoptions of previous NAICS revisions at the beginning of the new fiscal year following the OMB's January 1 effective date of NAICS revisions for Federal statistical agencies.

Unlike the previous NAICS revisions which SBA adopted for its size standards either through a direct final rule or through an interim final rule, for the adoption of NAICS 2022 revision, SBA is issuing this proposed rule and seeking comments to better engage the public in the process. SBA will also issue a press release on the publication of the proposed rule and update the size standards web page at *www.sba.gov/size,* asking interested parties to comment on the rule. SBA will thoroughly consider all public comments when developing the final rule.

Executive Order 12988

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

Executive Order 13132

For purposes of Executive Order 13132, SBA has determined that this proposed rule, if adopted as proposed, will not have substantial, direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

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

List of Subjects in 13 CFR Part 121

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

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

PART 121—SMALL BUSINESS SIZE REGULATIONS

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

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

■ 2. In § 121.201, amend the table, ''Small Business Size Standards by NAICS Industry'' as follows:
■ a. Remove the entries for 212111, 212112, and 212113.
■ b. Add entries for 212114, 212115, and 212220 in numerical order.
■ c. Remove the entries for 212221 and 212222.
■ d. Add an entry for 212290 in numerical order.
■ e. Remove the entries for 212291 and 212299.
■ f. Add an entry for 212323 in numerical order.
■ g. Remove the entries for 212324 and 212325.
■ h. Add an entry for 212390 in numerical order.
■ i. Remove the entries for 212391, 212392, 212393, and 212399.
■ j. Revise entry 311221.
■ k. Remove the entry for 315110.
■ l. Add an entry for 315120 in numerical order.
■ m. Remove the entries for 315190, 315220, and 315240.
■ n. Add an entry for 315250 in numerical order.
■ o. Remove the entry for 315280.
■ p. Add an entry for 316990 in numerical order.
■ q. Remove the entries for 316992, 316998, 321213, and 321214.
■ r. Add entries for 321215 and 322120 in numerical order.
■ s. Remove the entries for 322121 and 322122.
■ t. Add an entry for 325315 in numerical order.
■ u. Revise entry 325992.
■ v. Remove the entry for 333244.
■ w. Add an entry for 333248 in numerical order.
■ x. Remove the entry for 333249.
■ y. Add an entry for 333310 in numerical order.
■ z. Remove the entries for 333314, 333316, 333318, and 333997.
■ aa. Add an entry for 333998 in numerical order.
■ bb. Remove the entry for 333999.
■ cc. Add an entry for 334610 in numerical order.
■ dd. Remove the entries for 334613, 334614, 335110, 335121, 335122, and 335129.
■ ee. Add entries for 335131, 335132, 335139, and 335910 in numerical order.
■ ff. Remove the entries for 335911 and 335912.
■ gg. Add an entry for 336110 in numerical order.
■ hh. Remove the entries for 336111, 336112, 337124, and 337125.
■ ii. Add an entry for 337126 in numerical order.
■ jj. Remove the entries for 424320 and 424330.
■ kk. Add an entry for 424350 in numerical order.
■ ll. Revise entry 424940 and the heading for Subsector 425.
■ mm. Remove the entry for 425110.
■ nn. Add an entry for 441227 in numerical order.
■ oo. Remove the entries for 441228, 441310, and 441320.
■ pp. Add entries for 441330 and 441340 in numerical order.
■ qq. Remove the heading for Subsector 442 and entries 442110, 442210, 442291, and 442299 and the heading for Subsector 443 and entries 443141 and 443142.
■ rr. Revise entry 444120.

■ ss. Remove the entry for 444130.
■ tt. Add entries for 444140 and 444180 in numerical order.
■ uu. Remove the entries for 444190, 444210, and 444220.
■ vv. Add entries for 444230 and 444240 in numerical order.
■ ww. Revise the heading for Subsector 445 and all the entries under Subsector 445.
■ xx. Remove the heading for Subsector 446 and all the entries under Subsector 446, the heading for Subsector 447 and all the entries under Subsector 447, and the heading for Subsector 448 and all the entries under Subsector 448.
■ yy. Add a heading for Subsector 449 and entries 449110, 449121, 449122, 449129, and 449210 in numerical order.
■ zz. Remove the heading for Subsector 451 and all the entries under Subsector 451, the heading for Subsector 452 and all the entries under Subsector 452, the heading for Subsector 453 and all the entries under Subsector 453, and the heading for Subsector 454 and all the entries under Subsector 454.
■ aaa. Add a heading for Subsector 455 and entries 455110, 455211, and 455219, a heading for Subsector 456 and entries 456110, 456120, 456130, 456191, and 456199, a heading for Subsector 457 and entries 457110, 457120, and 457210, a heading for Subsector 458 and entries 458110, 458210, 458310, and 458320, and a heading for Subsector 459 and entries 459110, 459120, 459130, 459140, 459210, 459310, 459410, 459420, 459510, 459910, 459920, 459930, 459991, and 459999 in numerical order.
■ bbb. Revise entry 485310.
■ ccc. Remove the heading for Subsector 511 and all the entries under Subsector 511.
■ ddd. Add a heading for Subsector 513 and entries 513110, 513120, 513130, 513140, 513191, 513199, and 513210 in numerical order.
■ eee. Remove the heading for Subsector 515 and all the entries under Subsector 515.
■ fff. Add a heading for Subsector 516 and entries 516110, 516120, and 516210 in numerical order.
■ ggg. Remove all the entries under Subsector 517.
■ hhh. Add entries 517111, 517112, 517121, 517122, and 517810 in numerical order.
■ iii. Revise the heading for Subsector 518, entry 518210, and the heading for Subsector 519.
■ jjj. Remove the entries for 519110, 519120, 519130, and 519190.
■ kkk. Add entries for 519210 and 519290 in numerical order.
■ lll. Remove the entry for 522120.
■ mmm. Add an entry for 522180 in numerical order.
■ nnn. Remove the entries for 522190, 522293, 522294, and 522298.
■ ooo. Add an entry for 522299 in numerical order.
■ ppp. Remove the entries for 523110, 523120, 523130, and 523140.
■ qqq. Add entries for 523150 and 523160 in numerical order.
■ rrr. Remove the entries for 523920 and 523930.
■ sss. Add an entry for 523940 in numerical order.
■ ttt. Revise entries for 524292, 541380, 541850, 561611, and 624410.
■ uuu. Remove the entries for 811112 and 811113.
■ vvv. Add an entry for 811114 in numerical order.
■ www. Remove the entry for 811118.
■ xxx. Add an entry for 811210 in numerical order.
■ yyy. Remove the entries for 811211, 811212, 811213, and 811219.
■ zzz. Revise footnotes 8 and 15 at the end of the table.

The additions and revisions read as follows:

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

* * * * *

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
Sector 21—Mining, Quarrying, and Oil and Gas Extraction			
*	*	*	*
Subsector 212—Mining (except Oil and Gas)			
212114	Surface Coal Mining		1,250
212115	Underground Coal Mining		1,500
*	*	*	*
212220	Gold Ore and Silver Ore Mining		1,500
*	*	*	*
212290	Other Metal Ore Mining		750
*	*	*	*
212323	Kaolin, Clay, and Ceramic and Refractory Minerals Mining		500
212390	Other Nonmetallic Mineral Mining and Quarrying		500
*	*	*	*
Sectors 31–33—Manufacturing			
Subsector 311—Food Manufacturing			
*	*	*	*
311221	Wet Corn Milling and Starch Manufacturing		1,250

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
	Subsector 315—Apparel Manufacturing		
315120	Apparel Knitting Mills		750
*	*	*	*
315250	Cut and Sew Apparel Manufacturing (except Contractors)		750
*	*	*	*
	Subsector 316—Leather and Allied Product Manufacturing		
*	*	*	*
316990	Other Leather and Allied Product Manufacturing		500
	Subsector 321—Wood Product Manufacturing		
321215	Engineered Wood Member Manufacturing		500
*	*	*	*
	Subsector 322—Paper Manufacturing		
*	*	*	*
322120	Paper Mills		1,250
*	*	*	*
	Subsector 325—Chemical Manufacturing		
*	*	*	*
325315	Compost Manufacturing		500
*	*	*	*
325992	Photographic Film, Paper, Plate, Chemical, and Copy Toner Manufacturing		1,500
*	*	*	*
	Subsector 333—Machinery Manufacturing [6]		
*	*	*	*
333248	All Other Industrial Machinery Manufacturing		750
333310	Commercial and Service Industry Machinery Manufacturing		1,000
*	*	*	*
333998	All Other Miscellaneous General Purpose Machinery Manufacturing		500
	Subsector 334—Computer and Electronic Product Manufacturing [6]		
*	*	*	*
334610	Manufacturing and Reproducing Magnetic and Optical Media		1,250
	Subsector 335—Electrical Equipment, Appliance and Component Manufacturing [6]		
335131	Residential Electric Lighting Fixture Manufacturing		750
335132	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing		500
335139	Electric Lamp Bulb and Other Lighting Equipment Manufacturing		1,250
*	*	*	*
335910	Battery Manufacturing		1,250

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
	Subsector 336—Transportation Equipment Manufacturing [6]		
336110	Automobile and Light Duty Motor Vehicle Manufacturing		1,500
*	*	*	*
	Subsector 337—Furniture and Related Product Manufacturing		
*	*	*	*
337126	Household Furniture (except Wood and Upholstered) Manufacturing		750
*	*	*	*
	Sector 42—Wholesale Trade		
*	*	*	*
	Subsector 424—Merchant Wholesalers, Nondurable Goods		
*	*	*	*
424350	Clothing and Clothing Accessories Merchant Wholesalers		150
*	*	*	*
424940	Tobacco Product and Electronic Cigarette Merchant Wholesalers		250
*	*	*	*
	Subsector 425—Wholesale Trade Agents and Brokers		
*	*	*	*
	Sector 44–45—Retail Trade		
*	*	*	*
	Subsector 441—Motor Vehicles and Parts Dealers		
*	*	*	*
441227	Motorcycle, ATV, and All Other Motor Vehicle Dealers	35.00	
441330	Automotive Parts and Accessories Retailers	16.50	
441340	Tire Dealers	16.50	
	Subsector 444—Building Material and Garden Equipment and Supplies Dealers		
*	*	*	*
444120	Paint and Wallpaper Retailers	30.00	
444140	Hardware Retailers	8.00	
444180	Other Building Material Dealers	22.00	
444230	Outdoor Power Equipment Retailers	8.00	
444240	Nursery, Garden Center, and Farm Supply Retailers	12.00	
	Subsector 445—Food and Beverage Retailers		
445110	Supermarkets and Other Grocery Retailers (except Convenience Retailers)	35.00	
445131	Convenience Retailers	32.00	
445132	Vending Machine Operators	12.00	
445230	Fruit and Vegetable Retailers	8.00	
445240	Meat Retailers	8.00	
445250	Fish and Seafood Retailers	8.00	
445291	Baked Goods Retailers	8.00	
445292	Confectionery and Nut Retailers	8.00	
445298	All Other Specialty Food Retailers	8.00	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
445320	Beer, Wine, and Liquor Retailers	8.00	
	Subsector 449—Furniture, Home Furnishings, Electronics, and Appliance Retailers		
449110	Furniture Retailers	22.00	
449121	Floor Covering Retailers	8.00	
449122	Window Treatment Retailers	8.00	
449129	All Other Home Furnishings Retailers	22.00	
449210	Electronics and Appliance Retailers	35.00	
*	*	*	*
	Subsector 455—General Merchandise Retailers		
455110	Department Stores	35.00	
455211	Warehouse Clubs and Supercenters	32.00	
455219	All Other General Merchandise Retailers	35.00	
	Subsector 456—Health and Personal Care Retailers		
456110	Pharmacies and Drug Retailers	30.00	
456120	Cosmetics, Beauty Supplies, and Perfume Retailers	30.00	
456130	Optical Goods Retailers	22.00	
456191	Food (Health) Supplement Retailers	16.50	
456199	All Other Health and Personal Care Retailers	8.00	
	Subsector 457—Gasoline Stations and Fuel Dealers		
457110	Gasoline Stations with Convenience Stores	32.00	
457120	Other Gasoline Stations	16.50	
457210	Fuel Dealers		100
	Subsector 458—Clothing, Clothing Accessories, Shoe, and Jewelry Retailers		
458110	Clothing and Clothing Accessories Retailers	41.50	
458210	Shoe Retailers	30.00	
458310	Jewelry Retailers	16.50	
458320	Luggage and Leather Goods Retailers	30.00	
	Subsector 459—Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers		
459110	Sporting Goods Retailers	16.50	
459120	Hobby, Toy, and Game Retailers	30.00	
459130	Sewing, Needlework, and Piece Goods Retailers	30.00	
459140	Musical Instrument and Supplies Retailers	12.00	
459210	Book Retailers and News Dealers	30.00	
459310	Florists	8.00	
459410	Office Supplies and Stationery Retailers	35.00	
459420	Gift, Novelty, and Souvenir Retailers	8.00	
459510	Used Merchandise Retailers	8.00	
459910	Pet and Pet Supplies Retailers	22.00	
459920	Art Dealers	8.00	
459930	Manufactured (Mobile) Home Dealers	16.50	
459991	Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	8.00	
459999	All Other Miscellaneous Retailers	8.00	
	Sectors 48–49—Transportation and Warehousing		
*	*	*	*
	Subsector 485—Transit and Ground Passenger Transportation		
*	*	*	*
485310	Taxi and Ridesharing Services	16.50	
*	*	*	*
	Sector 51—Information		

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	* * * * *	*	*
	Subsector 513—Publishing Industries		
513110	Newspaper Publishers		1,000
513120	Periodical Publishers		1,000
513130	Book Publishers		1,000
513140	Directory and Mailing List Publishers		1,000
513191	Greeting Card Publishers		1,000
513199	All Other Publishers		1,000
513210	Software Publishers [15]	[15] 41.50	
	Subsector 516—Broadcasting and Content Providers		
516110	Radio Broadcasting Stations	41.50	
516120	Television Broadcasting Stations	41.50	
516210	Media Streaming Distribution Services, Social Networks, and Other Media Networks and Content Providers.	41.50	
	Subsector 517—Telecommunications		
517111	Wired Telecommunications Carriers		1,500
517112	Wireless Telecommunications Carriers (except Satellite)		1,500
517121	Telecommunications Resellers		1,500
517122	Agents for Wireless Telecommunications Services		1,500
517810	All Other Telecommunications	35.00	
	Subsector 518—Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services		
518210	Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services.	35.00	
	Subsector 519—Web Search Portals, Libraries, Archives, and Other Information Services		
519210	Libraries and Archives	18.50	
519290	Web Search Portals and All Other Information Services		1,000
	Sector 52—Finance and Insurance		
	Subsector 522—Credit Intermediation and Related Activities		
*	* * * * *	*	*
522180	Savings Institutions and Other Depository Credit Intermediation[8]	750.00 million in average assets [8]	
*	* * * * *	*	*
522299	International, Secondary Market, and All Other Nondepository Credit Intermediation.	41.50	
*	* * * * *	*	*
	Subsector 523—Securities, Commodity Contracts, and Other Financial Investments and Related Activities		
523150	Investment Banking and Securities Intermediation	41.50	
523160	Commodity Contracts Intermediation	41.50	
*	* * * * *	*	*
523940	Portfolio Management and Investment Advice	41.50	
*	* * * * *	*	*
	Subsector 524—Insurance Carriers and Related Activities		
*	* * * * *	*	*
524292	Pharmacy Benefit Management and Other Third-Party Administration of Insurance and Pension Funds.	40.00	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
*	*	*	*
Sector 54—Professional, Scientific and Technical Services			
Subsector 541—Professional, Scientific and Technical Services			
*	*	*	*
541380	Testing Laboratories and Services	16.50	
*	*	*	*
541850	Indoor and Outdoor Display Advertising	30.50	
*	*	*	*
Sector 56—Administrative and Support and Waste Management and Remediation Services			
Subsector 561—Administrative and Support Services			
*	*	*	*
561611	Investigation and Personal Background Check Services	22.00	
*	*	*	*
Sector 62—Health Care and Social Assistance			
Subsector 621—Ambulatory Health Care Services			
*	*	*	*
624410	Child Care Services	8.50	
*	*	*	*
Sector 81—Other Services (Except Public Administration)			
Subsector 811—Repair and Maintenance			
*	*	*	*
811114	Specialized Automotive Repair	8.00	
*	*	*	*
811210	Electronic and Precision Equipment Repair and Maintenance	30.00	
*	*	*	*

Footnotes:

* * * * * * *

6. *NAICS Subsectors 333, 334, 335 and 336*—For rebuilding machinery or equipment on a factory basis, or equivalent, use the NAICS code for a newly manufactured product. Concerns performing major rebuilding or overhaul activities do not necessarily have to meet the criteria for being a ''manufacturer'' although the activities may be classified under a manufacturing NAICS code. Ordinary repair services or preservation are not considered rebuilding.

* * * * * * *

8. *NAICS Codes 522110, 522130, 522180, and 522210*—A financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year. ''Assets'' for the purposes of this size standard means the assets defined according to the Federal Financial Institutions Examination Council 041 call report form for NAICS codes 522110, 522180, and 522210 and the National Credit Union Administration 5300 call report form for NAICS code 522130.

* * * * * * *

15. *NAICS code 513210*—For purposes of Government procurement, the purchase of software subject to potential waiver of the nonmanufacturer rule pursuant to § 121.1203(d) should be classified under this NAICS code.

* * * * * * *

Isabella Casillas Guzman,

Administrator.

[FR Doc. 2022–13250 Filed 7–1–22; 8:45 am]

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LIST OF PUBLIC LAWS

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