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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 93

[Docket No. FAA–2022–1029; Amdt. No. 93–103A]

RIN 2120–AL77

#### Extension of the Requirement for Helicopters To Use the New York North Shore Helicopter Route; Correction

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

**ACTION:** Interim final rule; correction.

**SUMMARY:** This document corrects an interim final rule with request for comment that intended to extend the expiration date of the rule requiring pilots operating civil helicopters under Visual Flight Rules to use the New York North Shore Helicopter Route when operating along the northern shoreline of Long Island, New York. This correction effectuates that extension.

**DATES:** As of August 4, 2022, this rule corrects the **DATES** portion of the interim final rule published on July 29, 2022 (87 FR 45638).

**ADDRESSES:** Send comments identified by docket number FAA–2022–1029 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12 140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <https://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <https://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Brian Konie, Airspace Rules and Regulations Team AJV–P21, Mission Support Services, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–0745; email [9-NATL-NY-NorthShore@faa.gov](mailto:9-NATL-NY-NorthShore@faa.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2022–16372 (87 FR 45638), published Friday, July 29, 2022, FAA makes the following correction:

1. On page 45638, in the third column, correct **DATES** to read as follows:

“**DATES:** This rule is effective July 29, 2022, through July 29, 2026. As of July 29, 2022, extend the expiration of the effective date of FR Doc. 2020–17334 published on August 7, 2020 (85 FR 47895) from August 5, 2022, until July 29, 2026.

Send comments on or before August 29, 2022.”

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on August 3, 2022.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

[FR Doc. 2022–16963 Filed 8–4–22; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Part 655

[FHWA Docket No. FHWA–2009–0139]

RIN 2125–AF34

#### National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Pavement Marking Retroreflectivity

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** The purpose of this final rule is to update the *Manual on Uniform Traffic Control Devices* (MUTCD) to provide standards, guidance, options, and supporting information relating to maintaining minimum levels of retroreflectivity for pavement markings. The MUTCD is incorporated in FHWA regulations and recognized as the national standard for traffic control devices used on all streets, highways, bikeways, and private roads open to public travel.

**DATES:** Effective on September 6, 2022. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 6, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cathy Satterfield, Office of Safety, (202) 309–0465, [cathy.satterfield@dot.gov](mailto:cathy.satterfield@dot.gov); or Mr. William Winne, Office of the Chief Counsel, (202) 366–1397, [william.winne@dot.gov](mailto:william.winne@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

**SUPPLEMENTARY INFORMATION:**

#### Executive Summary

##### I. Purpose of the Regulatory Action

Section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102–388; October 6, 1992) directed the Secretary of Transportation to “revise the Manual on Uniform Traffic Control Devices to include—a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel.”



Reducing transportation-related fatalities and serious injuries is a primary goal of FHWA.<sup>1</sup> The purpose of including a minimum retroreflectivity standard in the MUTCD<sup>2</sup> is to advance safety and mobility by assisting with the nighttime visibility needs of drivers. This final rule addresses driver visibility needs in terms of pavement markings. The final rule for maintaining minimum levels of retroreflectivity for traffic signs was issued on December 21, 2007, at 72 FR 72574. Both rules are based on older driver needs with an average age of 62 years. While the minimum retroreflectivity levels in the rule are based on driver needs, the improvement in markings that will result from this rule will also improve the infrastructure's ability to work with advanced driver assistance systems (ADAS) and automated driving systems (ADS).

## II. Summary of the Major Provisions of the Regulatory Action in Question

This final rule establishes minimum maintained retroreflectivity levels for longitudinal pavement markings on all roads open to public travel with speed limits of 35 mph or greater. The final rule requires applicable agencies or officials to implement a method for maintaining pavement marking retroreflectivity at or above minimum levels, providing a 4-year compliance date for implementing the method. It provides options for agencies on roads where illumination or low volumes make the markings less critical and for certain types of markings. It also acknowledges short-term allowances of subminimum retroreflectivity based on special circumstances. As with the current MUTCD requirements for sign retroreflectivity, this final rule does not include compliance dates for replacement of pavement markings that do not meet minimum retroreflectivity levels. Pavement marking replacement schedules will be based on the methods established by agencies or officials.

## III. Costs and Benefits

FHWA has estimated the costs and potential benefits of this rulemaking and has determined that this final rule fulfills the requirements under Section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102-388; October 6, 1992), while also providing flexibility

for agencies. The estimated national costs and benefits are documented in the updated economic analysis report titled *Economic Impacts of Minimum Maintained Levels of Pavement Marking Retroreflectivity in the MUTCD*, and the flexibility for each agency to choose a method that works best for them to implement the new standard is documented in the new publication titled *Methods for Maintaining Pavement Marking Retroreflectivity*.<sup>3</sup>

The MUTCD already requires that pavement “markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible,” and that “all markings on interstate highways shall be retroreflective.”<sup>4</sup> However, the MUTCD does not currently require that pavement markings meet a minimum level of retroreflectivity. The changes in the MUTCD will provide drivers the benefit of pavement markings that are maintained at or above retroreflectivity levels supported by research on driver needs. In addition, the improved maintenance of pavement markings as a result of this final rule is expected to benefit all road users and ADAS and ADS technology.

The economic analysis provides a national estimate of the costs of implementing this rulemaking and a break-even analysis for maintaining marking retroreflectivity at the established levels. Costs for individual agencies were not computed because they will vary based on factors such as the amount of pavement marking mileage subject to the standards and current pavement marking practices. The analysis estimates one-time national costs in the first year of \$16.17 million for all affected State and local agencies to establish maintenance methods, purchase necessary equipment, and implement their method the first time. In subsequent years, these agencies are expected to incur increased costs nationwide totaling \$29.07 million annually as a result of this rule. These annual costs include \$3.44 million in activities to assess or manage markings as a result of this rulemaking, including replacement of equipment. Although this final rule has no compliance dates for replacing

markings, the annual costs also include pavement marking replacement expenditures of approximately \$25.63 million per year beyond current expenditures.

A thorough review of research indicates crashes are typically reduced by the presence of longitudinal pavement markings, and this rulemaking is expected to improve the nighttime presence of these markings, particularly where they are not currently well maintained. Therefore, FHWA believes the improved maintenance of pavement marking retroreflectivity as a result of this rule will provide some reduction in severe crashes. However, since the current levels of pavement marking retroreflectivity are not well known, particularly at the time and location where crashes occur, it is not possible to quantify the benefit specifically attributable to this final rule. As documented in the economic analysis, the most likely effect would be to reduce some of the crashes occurring in dark, unlighted conditions, which result in approximately 10,000 lives lost annually. The break-even analysis indicates that the rule will achieve benefits equal to costs if it saves three lives annually.<sup>5</sup>

## Background and Legal Authority

Section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102-388; October 6, 1992) directed the Secretary of Transportation to “revise the *Manual on Uniform Traffic Control Devices* to include—a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel.” The final rule for maintaining minimum levels of retroreflectivity for traffic signs was issued on December 21, 2007, at 72 FR 72574. The 2009 MUTCD with Revision Numbers 1 and 2 incorporated is the most current edition of the MUTCD. It requires agencies to implement and have continued use of an assessment or management method that is designed to maintain regulatory and warning sign retroreflectivity at or above the established minimum levels.

Under the authority delegated to FHWA in 49 CFR 1.85 and Section 406 of the Department of Transportation and Related Agencies Appropriations Act of 1993, FHWA used research, stakeholder input, and knowledge it gained through

<sup>1</sup> FHWA's Commitment to Safety can be viewed at the following website: <https://safety.fhwa.dot.gov/zerodeaths>.

<sup>2</sup> The current edition of the *Manual on Uniform Traffic Control Devices* can be viewed at the following website: [http://mutcd.fhwa.dot.gov/kno\\_2009r1r2.htm](http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm).

<sup>3</sup> The reports titled *Economic Impacts of Minimum Maintained Levels of Pavement Marking Retroreflectivity in the MUTCD* and *Methods for Maintaining Pavement Marking Retroreflectivity* can be viewed on the docket using FHWA Docket No. FHWA-2009-0139.

<sup>4</sup> Section 3A.02 of the 2009 *Manual on Uniform Traffic Control Devices* can be viewed at the following website: [http://mutcd.fhwa.dot.gov/kno\\_2009r1r2.htm](http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm).

<sup>5</sup> The report titled *Economic Impacts of Minimum Maintained Levels of Pavement Marking Retroreflectivity in the MUTCD* can be viewed on the docket.

the sign retroreflectivity rulemaking process to prepare the Notice of Proposed Amendment (NPA) for maintaining pavement marking retroreflectivity, which was published on April 22, 2010, at 75 FR 20935. The NPA proposed to amend the MUTCD to include standards, guidance, options, and supporting information related to maintaining minimum levels of retroreflectivity for pavement markings. FHWA received approximately 100 responses that were submitted to the docket containing nearly 700 individual comments. State and local departments of transportation, as well as associations that represent them, submitted many comments expressing concern over key elements of the MUTCD text as proposed in the NPA. The commenters expressed confusion about which pavement markings would be required to meet minimum retroreflectivity values and concern over compliance dates for replacing deficient markings, the proposed numerical minimum retroreflectivity levels, cost, and liability. Organizations comprised of safety advocates and industry suppliers of pavement markings submitted comments suggesting that the NPA did not go far enough in establishing retroreflectivity standards.

In its comments to the NPA, the American Association of State Highway and Transportation Officials (AASHTO) and the National Association of County Engineers (NACE) requested delaying the final rule for pavement marking retroreflectivity until AASHTO's Subcommittee on Traffic Engineering (SCOTE) completed a research project intended to provide a synthesis of pavement marking retroreflectivity maintenance practices. The organizations and many of their members felt this project would produce actual measurement of in-service pavement marking retroreflectivity levels to compare with the minimum values proposed by FHWA. The project was completed under National Cooperative Highway Research Program (NCHRP) Project 20-07 Task 310. The findings were published January 2013 in a report titled *Determination of Current Levels of Retroreflectance Attained and Maintained by State Departments of Transportation*.<sup>6</sup>

In consideration of all the comments and based on additional research findings from NCHRP Project 20-07 Task 310, FHWA published a

Supplemental Notice of Proposed Amendment (SNPA) January 4, 2017, at 82 FR 770. Additional information on pavement marking retroreflectivity, drivers' needs, and associated research, is contained in the SNPA preamble.

Since the publication of the SNPA, Section 11135 of the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act, Public Law 117-58 (Nov. 15, 2021), specifically required the update of minimum retroreflectivity of pavement markings in the MUTCD.

Based on the comments received on the NPA and the SNPA, FHWA is issuing this final rule establishing minimum levels of retroreflectivity that must be maintained for longitudinal pavement markings. FHWA is designating the MUTCD, with these changes incorporated, as Revision No. 3 of the 2009 edition of the MUTCD. The text of this Revision No. 3 and the text of the 2009 edition of the MUTCD with Revision No. 3 final text incorporated are available on the docket. Furthermore, Revision No. 3 changes are available on the official MUTCD website at <https://mutcd.fhwa.dot.gov>. The entire MUTCD text with Revision No. 3 text incorporated is also available on the MUTCD website.

### Summary of Comments

FHWA received 47 letters submitted to the docket with approximately 130 individual comments in response to the SNPA. FHWA received comments from the National Committee on Uniform Traffic Control Devices (NCUTCD), SCOTE, 13 State departments of transportation (State DOT), the American Traffic Safety Services Association (ATSSA), city and county governmental agencies, consulting firms, private industry, associations, other organizations, and individual private citizens. FHWA has considered all of these comments in the development of the final rule. Docket comments and summaries of FHWA's analyses and determinations are discussed as follows.

### Discussion of General Comments

Many respondents supported FHWA's efforts to simplify and clarify the MUTCD text from what was proposed in the NPA and indicated that their concerns were addressed with the MUTCD text proposed in the SNPA. Some other commenters, particularly those affiliated with safety associations and manufacturers, indicated that the standard did not go far enough toward meeting the congressional intent of the statutory provision.

The Delaware and Ohio Departments of Transportation (ODOT) supported the SNPA with no other comments, and the Indiana, Kansas, Oregon, and Wyoming Departments of Transportation supported the SNPA with minor comments. The Michigan, Minnesota, South Dakota, and Virginia Departments of Transportation generally supported AASHTO's comments, in some cases with modifications; whereas Arizona Department of Transportation supported the comments submitted by both AASHTO and NCUTCD.

In analyzing the comments to the SNPA, FHWA decided that additional clarification should be provided in the MUTCD text or in the final rule preamble to address the comments regarding the following four major categories:

- (1) Compliance Date for Implementation of a Method.
- (2) Methods and Documentation.
- (3) Retroreflectivity Levels and Optional Exclusions.
- (4) Special Circumstances and Compliance.

### Discussion of Major Comment Categories

This section provides a discussion of each of the four major categories raised by commenters in response to the SNPA, along with FHWA's analysis and resolution.

#### (1) Compliance Date for Implementation of a Method

AASHTO and several State DOTs requested that the compliance date be changed from 4 to 5 years. The Michigan Department of Transportation (MDOT) indicated that the change to 5 years would allow more time to achieve compliance because implementation of minimum pavement marking retroreflectivity is a maintenance function. MDOT indicated that it takes additional time to establish a feasible methodology and agency practices, estimate costs, and program and receive funding. The Alaska Department of Transportation and Public Facilities (DOT&PF) provided similar justification for suggesting the compliance date be extended to 6 years. NCUTCD also suggested a 6-year compliance date but did not provide any information to support the timeframe extension. The Virginia DOT suggested a 5-year compliance date. None of the local agencies provided specific comments on the compliance date. However, Woodbury County, Iowa, expressed support for NCUTCD's letter, which suggested a 6-year compliance date. ATSSA suggested adding a compliance requirement that markings covered in

<sup>6</sup>The report titled *Determination of Current Levels of Retroreflectance Attained and Maintained by State Departments of Transportation* can be viewed at the following website: <http://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=3074>.

this section of the MUTCD meet the minimum retroreflectivity levels 6 years from the effective date of this final rule.

Upon review and consideration of the comments, FHWA believes that 4 years is appropriate for compliance because the compliance date relates only to establishing and implementing a method, not replacing deficient markings. Pavement marking replacement schedules will be based on the methods established by agencies or officials. To maintain consistency with Revision No. 2 of the 2009 MUTCD, which removed the compliance dates for replacement of signs that are identified as failing to meet the minimum retroreflectivity requirements, FHWA does not add an additional compliance date requirement for replacement of deficient markings. As a result, FHWA retains compliance date language as proposed in the SNPA. The compliance provision is only for implementation and continued use of a method that is designed to maintain retroreflectivity of longitudinal pavement markings, and the compliance date is 4 years from the effective date of this final rule.

## (2) Methods and Documentation

In the SNPA, FHWA proposed that methods used to maintain retroreflectivity should be one or more of those described in a separate document titled *Methods for Maintaining Pavement Marking Retroreflectivity*, or developed from an engineering study based on the minimum retroreflectivity values in paragraphs 1 and 2 of Section 3A.03. This differed from the NPA, where FHWA proposed to include the names along with short descriptions of the recommended methods within the MUTCD text. The Wyoming Department of Transportation (WYDOT) indicated that placing the methods in a separate reference document, rather than the MUTCD, places a burden on agencies to navigate to another document and expressed concern that an online document could be dynamic; therefore, agencies may not be aware of future changes. WYDOT also indicated that the MUTCD has historically been a standalone document, so adding other documents to supplement it complicates, rather than simplifies, the MUTCD.

As stated in the SNPA, FHWA believes more details are needed to describe fully the intent of the methods and to avoid misinterpretation. To simplify the MUTCD, FHWA believes it is more appropriate to refer MUTCD users to this supplemental document rather than trying to summarize its

contents in the MUTCD. An added benefit to this approach is that this document, which will be available on FHWA's website, will include detailed guidance on how to use the methods and will inform agencies that other methods may be developed provided they are tied to the minimum retroreflectivity levels through an engineering study. This document also includes information about techniques that are not recommended for maintaining minimum pavement marking retroreflectivity (because they cannot be tied to the minimum retroreflectivity levels) and recommendations concerning items to consider and/or include in documentation of method(s). FHWA believes that by providing all the pertinent guidance related to the methods to maintain pavement marking retroreflectivity in one place, users are more likely to obtain complete information and, therefore, make more informed decisions about the method(s) they use for maintaining minimum pavement marking retroreflectivity.

Several commenters provided comments about the specific methods used to maintain minimum retroreflectivity that are documented in the reference, *Methods for Maintaining Pavement Marking Retroreflectivity*. ATSSA recommended replacing the reference report with a requirement that pavement marking retroreflectivity be measured using a retroreflectometer. ATSSA suggested that advances in retroreflectometers over the past 10 years render measurement of retroreflectivity the most appropriate and, as a result, favored allowing only the use of methods that involve measuring retroreflectivity with a retroreflectometer. A vendor offered a similar viewpoint, suggesting that an objective measurement method, such as mobile retroreflectometers, be required instead of subjective evaluation methods. The vendor indicated that methods, such as the calibrated pavement markings procedure, may introduce data inconsistency and variability; whereas, mobile systems provide a safe, practical, and traceable data collection method without compromising objectivity or accuracy. WYDOT offered an opposing comment, commending FHWA for allowing blanket replacement as a management strategy, mirroring that of the sign retroreflectivity methods.

FHWA believes that using retroreflectivity measurements as the sole basis for maintaining minimum retroreflectivity would eliminate benefits that agencies may find with nighttime visual inspections and would

be costly and burdensome to some agencies. Small agencies in particular could face significant financial difficulties in acquiring measurement equipment and may find it burdensome to develop an appropriate evaluation plan, measure longitudinal markings regularly, and manage the measurement data. In addition, several comments to the NPA supported flexibility in the methods. *Methods for Maintaining Pavement Marking Retroreflectivity* documents advantages and concerns for each method to assist agencies in choosing the most appropriate method for their situation.<sup>7</sup> Therefore, FHWA believes that flexibility in maintenance methods is appropriate. Documentation of methods, processes, and policies are important components for agencies to consider.

## (3) Retroreflectivity Levels and Optional Exclusions

FHWA received numerous comments to the NPA indicating confusion with the proposed table that indicated which markings were included in the minimum retroreflectivity requirements and the minimum retroreflectivity values applied under specific roadway types and marking patterns. To reduce confusion and simplify application of the standard, FHWA simplified the minimum pavement marking retroreflectivity values in the SNPA to two values, removed references to warrants in other sections of the MUTCD, removed criteria based on roadway configuration and marking patterns, and removed the table. The resulting language consisted of one required and one recommended retroreflectivity value according to the statutory or posted speed limit of the roadway. As indicated previously, several commenters fully supported the SNPA and felt that the proposed SNPA MUTCD text reflected changes that addressed many of the comments on the NPA. Several commenters still provided remarks about details related to the proposed minimum maintained retroreflectivity levels, including comments about the speed limit thresholds, the required numerical retroreflectivity levels, markings that may be excluded, and special circumstances.

The Standard statement in the SNPA required that a method designed to maintain retroreflectivity levels at or above 50 mcd/m<sup>2</sup>/lx shall be used for longitudinal markings on roadways with statutory or posted speed limits of 35

<sup>7</sup> The report titled *Methods for Maintaining Pavement Marking Retroreflectivity* can be viewed on the docket.

mph or greater, except as allowed by option for specific roadways or markings.<sup>8</sup> As indicated in the SNPA, the 35-mph threshold below which a method would not be required was a key concept that was carried forward from the NPA. FHWA received comments from NACE and 26 local agencies supporting the NPA proposal that the minimum levels not apply to roads with posted speeds of less than 35 mph; therefore, FHWA retained that concept in the SNPA. ATSSA, the American Highway Users Alliance (AHUA), and several vendors indicated that the intent of the language in the Appropriations Act, as well as drivers' needs, require that minimum retroreflectivity levels be maintained for pavement markings on all roadways regardless of posted speed. Therefore, the commenters suggested that the MUTCD text include minimum maintained retroreflectivity levels for roadways with posted speeds less than 35 mph. These associations and vendors provided similar comments to the NPA. One local agency suggested that severe crashes occur on roads with posted speeds of 35 mph and lower and suggested that the MUTCD text be based on data and risk mitigation.

FHWA agrees that agencies should apply safety treatments systemically based on risk factors. A query of the National Highway Traffic Safety Administration's (NHTSA's) Fatality Analysis Reporting System (FARS) for the most recent 3 years of available data indicates that only 10 percent of vehicles involved in fatal crashes during dark conditions were traveling on roads with speed limits under 35 mph. While this 10 percent is not insignificant, FHWA believes that many of these fatal crashes would not be mitigated by improved retroreflectivity of longitudinal pavement markings since properly working vehicle headlights generally provide sufficient illumination for the needed preview distance of the road itself at these lower speeds. As a result, FHWA believes little benefit is derived from requiring agencies to implement a method to maintain a specific minimum retroreflectivity level of markings on roadways with speed limits below 35 mph and retains this threshold in the final rule. FHWA simplifies the MUTCD text in this final rule by removing "statutory and posted" as modifiers to "speed limits" since there is no other type of speed limit. This also provides consistency within the MUTCD.

<sup>8</sup> The units of pavement marking retroreflectivity are reported in mcd/m<sup>2</sup>/lx, which means millicandelas per square meter per lux.

The SNPA Guidance statement proposed that a method designed to maintain retroreflectivity at or above 100 mcd/m<sup>2</sup>/lx should be used for longitudinal markings on roadways with statutory or posted speed limits of 70 mph or greater. As indicated in the SNPA, the minimum maintained retroreflectivity levels were based on research and comments to the NPA. The NPA-proposed minimum retroreflectivity value of 250 mcd/m<sup>2</sup>/lx for two-lane roads with only center line markings and speeds of 55 mph or greater was particularly controversial. FHWA received comments from AASHTO, NCUTCD, NACE, and several State DOTs suggesting that it was not feasible with existing technologies to maintain a retroreflectivity level of 250 mcd/m<sup>2</sup>/lx. AASHTO and 9 State DOTs suggested reducing this value to 100 mcd/m<sup>2</sup>/lx, whereas NCUTCD and NACE suggested a value of 150 mcd/m<sup>2</sup>/lx. FHWA proposed a minimum level of 100 mcd/m<sup>2</sup>/lx in the SNPA based on research of pavement marking retroreflectivity requirements documented in publication FHWA-HRT-07-059, *Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs*.<sup>9</sup>

ATSSA provided comments on the SNPA suggesting that the minimum of 100 mcd/m<sup>2</sup>/lx for speeds of 70 mph and higher falls short of the intent of the Appropriations Act and will contribute to unsafe driving conditions. ATSSA suggested that the proposed guidance will not result in a change in maintenance of pavement marking retroreflectivity such that the public will benefit from improved pavement marking retroreflectivity. As a result, ATSSA suggested deleting the Guidance statement and revising the Standard to state that "175 mcd/m<sup>2</sup>/lx shall be used for posted speed limits greater than 35 mph." A consortium of vendors also supported a minimum maintained retroreflectivity level of 175 mcd/m<sup>2</sup>/lx but for roadways with statutory or posted speeds of 45 mph or greater. NCUTCD also suggested deleting the Guidance statement and including the requirement for minimum maintained retroreflectivity of 100 mcd/m<sup>2</sup>/lx for roadways with statutory or posted speeds greater than 70 mph in the Standard statement.

FHWA believes that the minimum recommended level of 100 mcd/m<sup>2</sup>/lx

<sup>9</sup> The report titled *Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs* can be viewed at the following internet website: <http://www.fhwa.dot.gov/publications/research/safety/07059/>.

for speed limits of 70 mph will improve overall retroreflectivity of markings without placing an undue burden on agencies. It is the intent of this Guidance statement to encourage agencies to improve pavement marking retroreflectivity, and not to require public agencies to meet levels that would be impractical to maintain with existing technologies or that would discourage the use of pavement markings where they are not required. As always, agencies may choose to maintain their pavement markings to standards higher than required or recommended by the MUTCD. In consideration of these factors, FHWA retains the Guidance statement recommending a value of 100 mcd/m<sup>2</sup>/lx or above be maintained for longitudinal markings on all roadways with speed limits of 70 mph or greater. While these are only recommended levels, these roadways would be subject to the requirements found in the Standard applicable to roadways with speed limits of 35 mph or greater. As with the Standard statement, FHWA simplifies the Guidance statement in this final rule by removing "statutory and posted" as modifiers to "speed limits" since there is no other type of speed limit.

Separate from the comments related to specific retroreflectivity values, one commenter submitted a draft paper<sup>10</sup> quoting research that suggested the research upon which this rulemaking is based fails to show that there are safety benefits associated with maintaining minimum levels of pavement marking retroreflectivity. As part of its analysis of the docket comments, FHWA reviewed the Appropriations Act that required this rulemaking and performed a rigorous review of available research regarding pavement markings, retroreflectivity, and nighttime crashes. The requirement for rulemaking was in the Appropriations Act, and while the Appropriations Act language does not specifically state that the purpose was to improve safety, statements made by Senator Durenberger and testimony leading up to its passage suggest that there were assumptions that maintaining minimum pavement marking retroreflectivity would improve safety.<sup>11</sup> Most commenters throughout

<sup>10</sup> The article, "On the relationship between road safety research and the practice of road design and operation" was published in *Accident Analysis and Prevention*, Volume 128, July 2019, pp 114–131 and can be accessed at the following internet website: <https://www.sciencedirect.com/science/article/abs/pii/S0001457518311710?via%3Dihub>.

<sup>11</sup> Surface Transportation Efficiency Act (Senate June 19, 1991), 137 Cong. Rec. 58099 (1991) p. S8100.

this rulemaking process have indicated that they believe that higher retroreflectivity values would improve safety. Based on the review of nighttime crash rates, and all available research, FHWA continues to pursue this rulemaking because evidence indicates that retroreflective pavement markings are important to safety.

FHWA performed a rigorous review of available research reports related to the safety effect of the presence of markings, safety effect of pavement marking retroreflectivity, and drivers' nighttime needs for pavement marking retroreflectivity. Studies indicate the presence of markings improves safety of two-lane rural roads.<sup>12 13</sup> The results of the research specifically related to the effect of pavement marking retroreflectivity on crashes were mixed and seem to indicate that no study has yet been performed that included a significant portion of markings at very low retroreflectivity values that may indicate an appropriate minimum value.<sup>14</sup> Therefore, this rulemaking continues to be based on research of minimum driver needs, which FHWA believes will provide a nighttime presence of markings that is likely to reduce crashes. A review of available information related to driver nighttime visibility needs found no modeling improvements or more recent information that would meaningfully impact the findings of the research that was the basis for the NPA and SNPA.<sup>15</sup>

In the SNPA, FHWA included an Option statement that allows several types of markings to be excluded from the minimum maintained retroreflectivity provisions. Although not required to meet the minimum retroreflectivity values, these markings are still required to be retroreflective,

<sup>12</sup> Sun, X., and S. Das. *A Comprehensive Study on Pavement Edge Line Implementation*. FHWA/LA.13/508, April 2014 can be viewed at the following web link: [https://www.ltrc.lsu.edu/pdf/2014/FR\\_508.pdf](https://www.ltrc.lsu.edu/pdf/2014/FR_508.pdf).

<sup>13</sup> Tsyganov, A., R. Machemehl, and N. Warrenchuk. *Safety Impact of Edge Lines on Rural Two-Lane Highways in Texas*. FHWA/TX-05/0-5009-1, September 2005 can be viewed at the following web link: [https://ctr.utexas.edu/wp-content/uploads/pubs/0\\_5090\\_1.pdf](https://ctr.utexas.edu/wp-content/uploads/pubs/0_5090_1.pdf).

<sup>14</sup> Carlson, P.J., E.S. Park, and D.H. Kang. An Investigation of Longitudinal Pavement Marking Retroreflectivity and Safety. *Transportation Research Record: Journal of the Transportation Research Board*, 2337 (2013). The FHWA Final Report can be viewed at the following web link: <https://static.tti.tamu.edu/tti.tamu.edu/documents/TTI-2014-16.pdf>.

<sup>15</sup> Federal Highway Administration, *Updates to Research on Recommended Minimum Levels for Pavement Marking Retroreflectivity to Meet Driver Night Visibility Needs*, FHWA-HRT-07-059 (McLean, VA: FHWA, 2007) can be viewed at the following web link: <https://www.fhwa.dot.gov/publications/research/safety/07059/02.cfm>.

unless otherwise excluded in the MUTCD. FHWA included these optional exclusions, not because these markings are of less value than the longitudinal lines but because in many cases the markings are not required or additional research would be required to support establishing minimum retroreflectivity levels for these markings. Item A excludes "markings where ambient illumination assures that the markings are adequately visible."<sup>16</sup> ODOT stated support for this item. NCUTCD and the DOT&PF suggested that the text be revised to read, "Markings where ambient illumination is provided," because the term "adequately visible" is undefined and ambiguous. While FHWA agrees that there is not a definition for the term "adequately visible," FHWA retains the language in the final rule to maintain consistency with the existing text in Section 3A.02, paragraph 2, which states, "Markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible."

An option to exclude markings on roadways that have average annual daily traffic (ADT) of less than 6,000 vehicles per day (vpd) was also included in the provisions of the SNPA. This exclusion represented a simplified approach to the NPA-proposed MUTCD text, which was based on the MUTCD warrants for longitudinal pavement markings. The requirements and recommendations in the warrants for center lines, lane lines, and edge lines vary based on different factors, including traffic volume, roadway width, and functional class. Commenters indicated that the NPA-proposed MUTCD text was not clear. The exclusion provided in item B of the SNPA-proposed MUTCD text, based solely on traffic volume, also responded specifically to comments on the NPA that FHWA received from 2 local agencies and 1 road commission representing over 80 local agencies suggesting that low-volume roads be excluded from meeting minimum pavement marking retroreflectivity values.

AASHTO, NCUTCD, and the Minnesota, South Dakota, and Virginia DOTs all supported the exclusion for roadways with ADT volumes less than 6,000 vpd. Several vendors, ATSSA, and AHUA disagreed with this optional exclusion in the SNPA, stating that it is counter to the Appropriations Act, which says the minimum retroreflectivity levels apply to "all

roads open to public travel." AHUA also stated that including this exclusion reduces the likelihood that the vast majority of rural two-lane roads will be required to have adequate markings.

As discussed in the SNPA preamble, FHWA conducted a thorough review of MUTCD text when developing the 6,000-vpd threshold. Because a volume of 6,000 vpd is the threshold above which center lines and edge lines are required on most classes of road (see Section 3B.02, paragraph 9, and Section 3B.07, paragraph 1), FHWA believes that it is appropriate to establish 6,000 vpd as the volume above which a method for maintaining pavement marking retroreflectivity applies. As stated in the SNPA, FHWA received comments to the NPA from NCUTCD, AASHTO, NACE, and over 40 State and local agencies pertaining to whether minimum pavement marking retroreflectivity should include only those pavement markings required in the MUTCD or a combination of required and recommended pavement markings. Some State and local DOTs suggested that if there were a requirement to maintain retroreflectivity on pavement markings that were only recommended (by means of a Guidance statement) and not required, then they might elect not to install such recommended markings. FHWA wants to encourage, not discourage, the use of recommended pavement markings. Therefore, FHWA believes the 6,000-vpd threshold simplifies the MUTCD text and makes it much easier for agencies to determine to which roads the standard applies. The threshold also gives consideration to agencies' resource and liability concerns. Because this is an OPTION statement, agencies can choose to include roadways with less than 6,000 vpd in their methods for maintaining minimum pavement marking retroreflectivity.

As part of the comments related to the exclusion of roadways with less than 6,000 vpd, a few commenters indicated the specific need to include ramps in this optional exclusion. Based on a review of the comments and various terms and definitions relating to ramps and roadways in the MUTCD, FHWA changes the term "roadways" to "streets and highways" to provide consistency with other parts of the MUTCD and to clarify that the intent of this final rule is to consider a highway as one facility, rather than analyzing each direction of divided highways separately. FHWA believes ramps are a component of a highway and intends for the provisions of this exclusion to apply to ramps.

<sup>16</sup> The 2009 Manual on Uniform Traffic Control Devices can be viewed at the following website: [http://mutcd.fhwa.dot.gov/kno\\_2009r1r2.htm](http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm).

#### (4) Special Circumstances and Compliance

The NPA included a Support statement indicating that use of the method was the measure of compliance even if markings were below the minimum levels of retroreflectivity in particular locations at particular points in time. The NPA also indicated agencies should consider the many factors both within and outside an agency's control that might impact marking retroreflectivity as they developed their methods. Based on comments to the NPA, FHWA provided additional information in the SNPA paragraph 7 Support statement to clarify that under such circumstances, an agency would still be considered in compliance with the Standard and Guidance statements regarding maintaining minimum retroreflectivity as long as the agency was taking a reasonable course of action to restore the markings in a timely manner. FHWA also provided a list of such special circumstances to address comments from NCUTCD, AASHTO, and State and local DOTs. The list is not exhaustive; it simply provides examples of planned or unplanned events that could inhibit the reasonable and effective execution of a pavement marking maintenance method to provide for the minimum retroreflectivity levels on every inch of marking at all times. As described in the SNPA, the list includes: (A) isolated locations of abnormal degradation, (B) periods preceding imminent resurfacing or reconstruction, (C) unanticipated events such as equipment breakdowns, materials shortages, contracting problems, and other similar conditions, and (D) loss of retroreflectivity resulting from snow maintenance operations.

NCUTCD, SCOTE, and AASHTO recommended several revisions to paragraph 7 of the SNPA MUTCD text. The organizations suggested that the introductory sentence to the paragraph include "weather and road conditions" in addition to "special circumstances" that would cause pavement marking retroreflectivity to fall below the minimum levels. FHWA contends that weather and road conditions are too broad to be considered special circumstances with regard to marking degradation and replacement decision-making by agencies. In addition, that level of detail is not consistent with the type of language used throughout the MUTCD.

The organizations also suggested that item (B) be revised to specify that "periods during construction" be added to special circumstances and the word "imminent" be deleted from the phrase

regarding "programmed or planned resurfacing or reconstruction." FHWA specifically intends for pavement marking retroreflectivity levels to be maintained during periods leading up to and during construction. FHWA's intent for this item, as stated in the SNPA, is to alleviate the requirement to maintain minimum retroreflectivity levels for the brief period preceding imminent resurfacing or reconstruction if the new markings will be paved over or milled away in a short time frame. FHWA believes that the term "imminent" implies a much shorter timeframe than "planned or programmed" and therefore retains the existing wording for item (B).

AASHTO and NCUTCD suggested that item (C) be revised to state "contracting delays" rather than "contracting problems." AASHTO suggested that the term "delays" more accurately represents what happens and the term "problems" has multiple meanings. While FHWA considered AASHTO's interpretation of the terms, FHWA believes that "problems" would encompass many issues, besides delay, such as default or substandard performance that may jeopardize effective method execution. Therefore, FHWA retains the word "problems" in item (C). Since the example of events in item (C) is not meant to be exhaustive and the introductory sentence already indicates such, the phrase "and other similar conditions" was deleted from the MUTCD text in this final rule.

AASHTO, NCUTCD, the Illinois Department of Transportation, and a consortium of vendors suggested adding an item (E) to the list of special circumstances to include pavement type, pavement condition, temperature, or weather. AASHTO reasoned that this addition reflects that pavement markings that are removed due to winter maintenance, such as snow plow operations, or otherwise fall below minimum retroreflectivity levels cannot be replaced during cold weather due to air or pavement temperatures, and even if they were replaced, they could be removed during a subsequent storm. FHWA understands that these situations do occur. However, it is impractical to specify every unique situation. The introductory sentence to paragraph 7 indicates that the items listed are not exhaustive, so other situations may arise that result in pavement markings falling below the minimum maintained level.

AASHTO, the Michigan, Minnesota, and Virginia DOTs, and a consortium of vendors suggested deleting the last sentence in the paragraph 7 Support statement regarding compliance under special circumstances and replacing it with a Standard statement to tie

compliance to the use of an agency's standard operating procedures. The commenters suggested specific text that would allow an agency to be in compliance with the minimum retroreflectivity levels, even if special circumstances resulted in falling below the minimum levels, if the agency took a reasonable course of action to restore markings in accordance with the agency's policies and procedures and based on FHWA's publication *Methods for Maintaining Pavement Marking Retroreflectivity*. FHWA agrees that the reasonable course of action encompasses not only replacing the markings but resuming the execution of work associated with the agencies' established method(s), including preparatory roadway work or inventory management activities as needed before restoration commenced. However, rather than adding a Standard statement, FHWA revises the last sentence of the Support statement to indicate that compliance is considered achieved if an agency takes a reasonable course of action to resume maintenance of minimum retroreflectivity in a timely manner according to the maintaining agency's method(s), policies, and procedures. FHWA believes that this language is most appropriate in a Support statement, which is consistent with a similar Support statement for signs in Section 2A.08, Maintaining Minimum Retroreflectivity.

#### Discussion of Other Comments

NCUTCD and the Kansas, Oregon, and South Dakota Departments of Transportation suggested that the MUTCD text be revised to clarify that pavement marking retroreflectivity levels apply to dry conditions. Although the reference to dry conditions was contained in the SNPA preamble, the agencies felt that the MUTCD text should include that provision. In response to the comments, FHWA revises paragraphs 1 and 2 in the final rule to specify that the retroreflectivity levels apply to dry conditions.

One pavement marking manufacturer suggested that while the SNPA specified dry conditions, wet-weather visibility of pavement markings at night is a problem. This commenter also suggested that with more connected and automated vehicles using the roads, the ability to see markings under wet conditions will become more important. As a result, this commenter suggested that future rulemakings incorporate wet-weather retroreflectivity requirements, similar to the European standard EN1436. FHWA recognizes the importance of nighttime retroreflectivity during wet conditions. Pavement

markings that are to be visible at night are required to be retroreflective, but minimum maintained levels of retroreflectivity under wet conditions are not the subject of this rulemaking and could be considered at a later date when applicable research is available.

One local county questioned whether the 30-meter measurement upon which the research was based would be applicable for ADAS or ADS technology. This commenter also suggested that the scope of the section be expanded to include ADAS and ADS technology. One other commenter suggested that a future revision may be needed to address ADAS. FHWA is very supportive of addressing the infrastructure needs of ADAS and ADS, as shown by requesting information via the **Federal Register** to gain a better understanding of current and future needs, holding dialogue on the subject, providing high-level policy, and conducting research on the integration of ADAS and ADS into the surface transportation system.

In 2018, FHWA published 10 questions in the **Federal Register** (Docket No. FHWA–2017–0049) with the intent to develop a better understanding of what was needed from the infrastructure industry to support ADS. The top theme from the summarized results was “Greater Uniformity and Quality in Road Markings and Traffic Control Devices

Would Enable Automation.” Within this theme, it was specifically noted that having greater consistency in pavement markings and traffic control devices and an improved state of good repair would benefit all road users, including ADS-equipped vehicles.

One of six National Dialogue meetings FHWA conducted in 2018 to facilitate information sharing, identify key issues, and support the transportation community to safely and efficiently integrate ADS-equipped vehicles into the road network focused on infrastructure design and safety. A key takeaway from that meeting was that infrastructure standards should be updated to account for ADS technology. As the testing and development of ADS increases, standards such as the MUTCD may need to be updated to reflect the needs of ADS-equipped vehicles.

In October 2018, DOT released its high-level policy document *AV3.0—Preparing for the Future of Transportation*. The document confirms that DOT recognizes that the quality and uniformity of pavement markings, signage, and other traffic control devices support safe and efficient driving by both human drivers and ADS-equipped vehicles.

The research FHWA conducted on the impacts of ADS-equipped vehicles on highway infrastructure included literature reviews, ADS industry interviews, and national stakeholder workshops. During two workshops held

in 2019<sup>17</sup> that presented the research findings and sought to obtain feedback and input, the highway infrastructure element that was mentioned the most and that received a high level of support was pavement markings. Most participants were aware of the value of uniform, well-maintained pavement marking practices. The key reason for their support, in the context of new technologies, is that pavement markings provide assistance to the camera/machine vision systems that detect and track pavement markings for ADAS features such as lane departure warning, lane-keeping assist, and lane-centering control, and some ADS technologies.

FHWA believes this final rule will result in more consistent maintenance of pavement markings, which will benefit both human and machine/camera vision, despite the fact that this rule is based on nighttime visibility needs of older drivers. However, as more definitive research on the needs of machine/camera vision becomes available, FHWA may consider additional revisions to retroreflectivity requirements along with other revisions to pavement marking standards during future updates to the MUTCD.

In consideration of the foregoing, FHWA revises the 2009 MUTCD text as follows.

Add a row to Table I–2 Target Compliance Dates Established by FHWA:

2009 MUTCD section No.(s)	2009 MUTCD section title	Specific provision	Compliance date
3A.03 .....	Maintaining Minimum Retroreflectivity.	Implementation and continued use of a method that is designed to maintain retroreflectivity of longitudinal pavement markings (see Paragraph 1).	4 years from the effective date of this revision of the MUTCD.

Add a new reference document to Section 1A.11 Relation to Other Publications:

Section 1A.11 “Methods for Maintaining Pavement Marking Retroreflectivity,” (FHWA–SA–22–028), 2020 Edition (FHWA) Revise Section 3A.03 as follows:

Section 3A.03 *Maintaining Minimum Retroreflectivity*

*Standard:*

<sup>01</sup> Except as provided in Paragraph 5, a method designed to maintain retroreflectivity at or above 50 mcd/m<sup>2</sup>/lx under dry conditions shall be used for longitudinal markings on roadways with speed limits of 35 mph or greater.

*Guidance:*

<sup>02</sup> Except as provided in Paragraph 5, a method designed to maintain retroreflectivity at or above 100 mcd/m<sup>2</sup>/lx under dry conditions should be used for longitudinal markings on roadways with speed limits of 70 mph or greater.

<sup>03</sup> The method used to maintain retroreflectivity should be one or more of those described in “Methods for Maintaining Pavement Marking Retroreflectivity” (see Section 1A.11) or developed from an engineering study based on the values in Paragraphs 1 and 2.

*Support:*

<sup>04</sup> Retroreflectivity levels for pavement markings are measured with an entrance angle of 88.76 degrees and an observation angle of 1.05 degrees. This geometry is also referred to as 30-meter geometry. The units of pavement marking retroreflectivity are reported in mcd/m<sup>2</sup>/lx, which means millicandelas per square meter per lux.

*Option:*

<sup>05</sup> The following markings may be excluded from the provisions established in Paragraphs 1 and 2:

A. Markings where ambient illumination assures that the markings are adequately visible;

<sup>17</sup> Proceedings for these workshops can be viewed at the following Web link: <https://ops.fhwa.dot.gov/automationdialogue/>.

B. Markings on streets or highways that have an ADT of less than 6,000 vehicles per day;

C. Dotted extension lines that extend a longitudinal line through an intersection, major driveway, or interchange area (see Section 3B.08);

D. Curb markings;

E. Parking space markings; and

F. Shared-use path markings.

**Support:**

<sup>06</sup> The provisions of this Section do not apply to non-longitudinal pavement markings including, but not limited to, the following:

A. Transverse markings;

B. Word, symbol, and arrow markings;

C. Crosswalk markings; and

D. Chevron, diagonal, and crosshatch markings.

<sup>07</sup> Special circumstances will periodically cause pavement marking retroreflectivity to be below the minimum levels. These circumstances include, but are not limited to, the following:

A. Isolated locations of abnormal degradation;

B. Periods preceding imminent resurfacing or reconstruction;

C. Unanticipated events such as equipment breakdowns, material shortages, and contracting problems; and

D. Loss of retroreflectivity resulting from snow maintenance operations.

When such circumstances occur, compliance with Paragraphs 1 and 2 is still considered to be achieved if a reasonable course of action is taken to resume maintenance of minimum retroreflectivity in a timely manner according to the maintaining agency's method(s), policies, and procedures.

### Discussion Under 1 CFR Part 51

FHWA is incorporating by reference herein Revision 3, dated May 2022.

The document that FHWA is incorporating by reference is reasonably available to interested parties, primarily State DOTs, local agencies, and Tribal governments carrying out Federal-aid highway projects. The documents incorporated by reference are available on the docket of this rulemaking and at the sources identified in the regulation at § 655.601(d)(2). The specific standard is discussed in greater detail throughout this preamble.

### Rulemaking Analyses and Notices

#### Rulemaking Analyses and Notices

FHWA considered all comments received before the close of business on the comment closing date. The comments are available for examination in the docket (FHWA-2009-0139) at

[www.regulations.gov](http://www.regulations.gov). FHWA also considered comments received after the comment closing date to the extent practicable.

### Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Rulemaking Policies and Procedures

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

The Office of Information and Regulatory Affairs has determined that this action is a significant regulatory action within the meaning of Executive Order 12866 and within the meaning of U.S. DOT regulatory policies and procedures because of significant public interest. Additionally, this action complies with the principles of Executive Order 13563. FHWA has considered the costs and potential benefits of this rulemaking and believes the rulemaking is being implemented in a manner that fulfills FHWA's obligation under Section 406 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Pub. L. 102-388; October 6, 1992), and provides flexibility for agencies. Details on the estimated national costs are documented in the updated economic analysis report, which is available as a separate document under the docket number noted in the title of this document at <http://www.regulations.gov>. The flexibility is documented in the new publication titled *Methods for Maintaining Pavement Marking Retroreflectivity*, to which the MUTCD refers readers.

The MUTCD already requires that pavement "markings that must be visible at night shall be retroreflective unless ambient illumination assures that the markings are adequately visible" and that "all markings on interstate highways shall be retroreflective." This final rule includes changes to the MUTCD to provide additional guidance and clarification, while allowing flexibility in maintaining pavement marking retroreflectivity. The pavement markings excluded from the final rule

are not to be excluded from any other MUTCD standards. FHWA believes that the uniform application of traffic control devices will greatly improve traffic operations efficiency and roadway safety. The standards, guidance, and support are also used to create uniformity and to enhance safety and mobility at little additional expense to public agencies or the motoring public.

Since the SNPA was published, the quality of the economic analysis has been improved. This has resulted in revised assumptions that lowered the estimated costs. The analysis provides a national estimate of the costs to implement this final rule and to replace markings. Costs for individual agencies were not computed because they would vary based on factors such as the amount of pavement marking mileage subject to the standards and current pavement marking practices. The analysis estimates national first year implementation costs of \$16.17 million for all affected State and local agencies to develop maintenance methods, purchase necessary equipment, and use their method the first time. Cost impacts to manage pavement markings per this rule took into consideration that States already have processes in place to manage pavement markings, and some States will require only minor revisions to implement the required standard. Costs associated with staff time for smaller local agencies to develop and manage the method were reduced from the SNPA analysis estimates based on scrutiny of the quantity of pavement markings affected by this rulemaking that are under the jurisdiction of these agencies. In addition, the smallest agencies affected were determined to be more likely to have a technician managing this technical program than an engineer.

In subsequent years, State and local agencies are expected to incur increased costs nationwide totaling \$29.07 million annually as a result of this rule. These annual costs include \$3.44 million in assessment and management activities nationwide to determine which markings require replacement in the following year. This final rule does not establish compliance dates by which agencies must replace deficient markings. However, as outlined in the economic analysis,<sup>18</sup> FHWA expects all State agencies and most other roadway agencies will replace markings found to be deficient, so these annual costs also include an estimated increase of

<sup>18</sup>The report titled *Economic Impacts of Minimum Maintained Levels of Pavement Marking Retroreflectivity in the MUTCD* can be viewed on the docket.



approximately \$25.63 million per year nationally from current estimated pavement marking replacement expenditures. These replacement costs are lower than estimated in the SNPA analysis due to a recognition that the variation in pavement marking practice and material usage by roadway classification was not adequately addressed. Additional review of available research also indicated the analysis should further stratify service life based on factors such as traffic volume.

Therefore, this final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any single year. These changes are not anticipated to affect, in any material way, any sector of the economy adversely. In addition, these changes would not create a serious inconsistency with any other Federal agency's action or materially alter the budgetary impact of any entitlements, grants, user-fees, or loan programs. FHWA has prepared an economic analysis, which has been placed in the docket.

Safety studies show that adding edge lines to two-lane highways where they were not present reduces nighttime crashes,<sup>19 20</sup> which is likely a result of those markings providing enough retroreflectivity to be visible to drivers at night. Therefore, FHWA believes that lives will be saved and injuries reduced by the improved maintenance of pavement marking retroreflectivity. What is not clear from the research is what safety benefit is associated with specific levels of retroreflectivity; this is where the research provides significant contradictions. A rigorous review of the safety research seems to indicate that no study has yet been completed where a significant portion of the pavement markings in the study had low enough retroreflectivity to answer conclusively the question as to a minimum recommended retroreflectivity level. Therefore, FHWA continues to base the minimum retroreflectivity levels in this final rule on research indicating the driver needs for retroreflectivity rather than on crash reduction research. As indicated in the economic analysis, reliable crash reduction factors are not available to estimate the safety benefits of maintaining pavement marking retroreflectivity at or near certain

minimum levels of retroreflectivity. The analysis, therefore, calculated the number of fatalities that would need to be reduced annually to result in benefits equal to the calculated costs of this final rule. This break-even analysis indicated that the final rule will achieve benefits equal to costs if it saves three lives annually. For these reasons, FHWA finds that the expected economic benefits of the rule will outweigh the estimated costs of the rule.

#### **Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), FHWA has evaluated the effects of this final rule on small entities, including small governments. This final rule applies to State and local DOTs in the execution of their highway programs, specifically with respect to the retroreflectivity of pavement markings. In addition, pavement marking improvement is eligible for up to 100 percent Federal-aid funding. This also applies to local jurisdictions and Tribal governments, pursuant to 23 U.S.C. 120(c).

I hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

#### **Unfunded Mandates Reform Act of 1995**

This final rule would not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48). The economic impacts analysis shows that in the first year, before annual replacement begins, State and local agencies are estimated to have nationwide costs of \$16.17 million to develop maintenance methods, purchase equipment, and use their method for the first time. These are non-recurring costs. In subsequent years, these agencies are expected to incur increased costs nationwide totaling \$29.07 million annually as a result of this rule. These annual costs include \$3.44 million in assessment and management activities along with pavement marking replacement expenditures of approximately \$25.63 million per year beyond current expenditures. There are no compliance dates to replace markings that do not meet the minimum retroreflectivity. Although agencies will still need to replace these markings, and those costs are included in this estimate, their schedules would be based on their method for maintaining retroreflectivity and their resources and relative priorities. Therefore, this action will not result in the expenditure by State, local,

and Tribal governments, in the aggregate, or by the private sector, of \$155 million or more in any single year. In addition, pavement marking replacement is eligible for up to 100 percent Federal-aid funding. This applies to local jurisdictions and Tribal governments, pursuant to 23 U.S.C. 120(c). Further, the definition of “Federal Mandate” in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

#### **Executive Order 13132 (Federalism Assessment)**

E.O. 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may 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. FHWA analyzed this action in accordance with the principles and criteria contained in E.O. 13132 and determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this final rule would not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

The MUTCD is incorporated by reference in 23 CFR part 655, subpart F. This final rule is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the highway.

#### **Executive Order 13175 (Tribal Consultation)**

FHWA has analyzed this action under E.O. 13175 and determined that it would not have substantial direct effects on one or more Indian Tribes, would not impose substantial direct compliance costs on Indian Tribal governments, and would not preempt Tribal law. Therefore, a Tribal summary impact statement is not required.

#### **Executive Order 12898 (Environmental Justice)**

E.O. 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate,

<sup>19</sup> Sun, X., and S. Das. *A Comprehensive Study on Pavement Edge Line Implementation*. FHWA/LA.13/508, April 2014.

<sup>20</sup> Tsyganov, A., R. Machemehl, and N. Warrenchuk. *Safety Impact of Edge Lines on Rural Two-Lane Highways in Texas*. FHWA/TX–05/0–5009–1, September 2005.

disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. FHWA has determined that this rule does not raise any environmental justice issues.

#### Executive Order 13211 (Energy Effects)

FHWA has analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. FHWA has determined that this action is not a significant energy action under E.O. 13211 because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects under E.O. 13211 is not required.

#### Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. FHWA has determined that this final rule does not contain collection of information requirements for the purposes of the PRA.

#### National Environmental Policy Act

FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it will not have any significant effect on the quality of the environment and is categorically excluded under 23 CFR 771.117(c)(20).

#### Regulation Identifier Number

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

#### List of Subjects in 23 CFR Part 655

Design Standards, Grant programs—Transportation, Highways and roads, Incorporation by reference, Pavement Markings, Traffic regulations.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85:

#### Stephanie Pollack,

Deputy Administrator, Federal Highway Administration.

For the reasons stated in the preamble, FHWA amends title 23, Code

of Federal Regulations, part 655, subpart F as follows:

#### PART 655—TRAFFIC OPERATIONS

■ 1. The authority for part 655 is revised to read as follows:

**Authority:** 23 U.S.C. 101(a), 104, 109(d), 114(a), 217, 315 and 402(a); 23 CFR 1.32; and 49 CFR 1.85.

#### Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

■ 2. Amend § 655.601 by revising paragraphs (d) introductory text and (d)(2)(i) to read as follows:

#### § 655.601 Purpose.

\* \* \* \* \*

(d) The material listed in this paragraph (a) of this section is incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the FHWA must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the FHWA and at the National Archives and Records Administration (NARA). Contact Federal Highway Administration, Office of Transportation Operations, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–8043; <https://ops.fhwa.dot.gov/contactus.htm>. For information on the availability of this material at NARA, email: [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). The material may be obtained from the following source(s) in this paragraph (d).

\* \* \* \* \*

(2) \* \* \*

(i) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), as follows:

- (A) 2009 edition, November 4, 2009.
- (B) Revision No. 1, dated May 2012.
- (C) Revision No. 2, dated May 2012.
- (D) Revision No. 3, dated June 2022.
- (ii) [Reserved]

[FR Doc. 2022–16781 Filed 8–4–22; 8:45 am]

BILLING CODE 4910–22–P

#### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Part 1

[TD 9963]

RIN 1545–BN94

#### Streamlining the Section 754 Election Statement

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to the requirements for making a valid election to adjust the basis of partnership property in the case of a distribution of property by the partnership or a transfer of an interest in the partnership. These regulations affect partnerships and their partners by removing a regulatory burden in making an election to adjust the basis of partnership property.

#### DATES:

*Effective date:* These regulations are effective on August 5, 2022.

*Applicability date:* For dates of applicability, see § 1.754–1(d).

#### FOR FURTHER INFORMATION CONTACT:

Charles D. Wien, at (202) 317–5279 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

#### Background

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under section 754 of the Internal Revenue Code (Code). Section 754 provides that if a partnership files an election (section 754 election), in accordance with regulations prescribed by the Secretary of the Treasury or her delegate (Secretary), the basis of partnership property shall be adjusted, in the case of a distribution of property, in the manner provided in section 734 and, in the case of a transfer of a partnership interest, in the manner provided in section 743. The section 754 election applies with respect to all distributions of property by the partnership and to all transfers of interests in the partnership during the taxable year with respect to which the election was filed and all subsequent taxable years. The section 754 election may be revoked by the partnership, subject to such limitations as may be provided by regulations prescribed by the Secretary.

Section 1.754–1(b) prescribes the requirements for making the section 754 election. Generally, a partnership makes the section 754 election in a written statement (section 754 election

statement) filed with the partnership return (whether filed electronically or on paper) for the taxable year during which the distribution or transfer occurs. For the section 754 election to be valid, the return must be filed not later than the time prescribed for filing the return for such taxable year, including extensions. Under § 1.754-1(b) of the existing regulations, one of the partners must sign the section 754 election statement.

On October 12, 2017, the Department of the Treasury (Treasury Department) and the IRS published a notice of proposed rulemaking (REG-116256-17) in the **Federal Register** (82 FR 47408) to remove the signature requirement from § 1.754-1(b). The IRS did not receive any substantive written public comments in response to the notice of proposed rulemaking. No public hearing was requested or held. Therefore, the proposed regulations are adopted by this Treasury decision without change.

**Special Analyses**

*I. Regulatory Planning and Review*

These regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

*II. Regulatory Flexibility Act*

It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. chapter 6). This certification is based on the fact that these regulations reduce the information currently required to be collected in making an election to adjust the basis of partnership property and thereby will reduce burden on small entities. Accordingly, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received from the Chief Counsel for the Office of Advocacy of the Small Business Administration.

*III. Unfunded Mandates Reform Act*

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that

includes any Federal mandate that may result in expenditures in any one year by a state, local, or tribal government, in the aggregate, or by the private sector, of \$100 million in 1995 dollars, updated annually for inflation. This rule does not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

*IV. Executive Order 13132 Federalism*

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state and local governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. These proposed regulations do not have federalism implications and do not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

*V. Paperwork Reduction Act*

Under the Paperwork Reduction Act (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 control number assigned by the Office of Management and Budget. The information collection described in this final rule has been assigned control number 1545-0123.

**Drafting Information**

The principal author of these regulations is Charles D. Wien of the Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR part 1 is amended as follows:

**PART 1—INCOME TAXES**

■ Par. 1. The authority citation for part 1 is amended by adding an entry for § 1.754-1 in numerical order to read as follows:

\* \* \* \* \*

Section 1.754-1 also issued under 26 U.S.C. 754.

\* \* \* \* \*

■ Par. 2. Section 1.754-1 is amended by revising the fourth sentence of paragraph (b)(1) and adding paragraph (d) to read as follows:

**§ 1.754-1 Time and manner of making election to adjust basis of partnership property.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \* The statement required by this paragraph (b)(1) must set forth the name and address of the partnership making the election and contain a declaration that the partnership elects under section 754 to apply the provisions of section 734(b) and section 743(b). \* \* \*

\* \* \* \* \*

(d) *Applicability date.* The fourth sentence of paragraph (b)(1) of this section applies to taxable years ending on or after August 5, 2022. Taxpayers may, however, apply the fourth sentence of paragraph (b)(1) of this section to taxable years ending before August 5, 2022.

Approved: June 7, 2022.

**Douglas W. O’Donnell,**  
*Deputy Commissioner for Services and Enforcement.*

**Lily Batchelder,**  
*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2022-16271 Filed 8-4-22; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF THE TREASURY**

**Office of Foreign Assets Control**

**31 CFR Parts 542, 560, 591, and 594**

**Publication of Covid-Related Web General Licenses Related to Syria Sanctions Regulations, Iran Transactions and Sanctions Regulations, Global Terrorism Sanctions Regulations, and Venezuela Sanctions Regulations**

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Publication of web general licenses.

**SUMMARY:** The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is publishing three web general licenses (GLs) issued in the Syria Sanctions Regulations, Iran Transactions and Sanctions Regulations and Global Terrorism Sanctions Regulations, and Venezuela Sanctions

Regulations, respectively: Syria GL 21A, Iran GL N-1, and Venezuela GL 39A, each of which was previously made available on OFAC's website and expires on June 17, 2023.

**DATES:** Syria GL 21A, Iran GL N-1, and Venezuela GL 39A, were each issued on June 10, 2022. See **SUPPLEMENTARY INFORMATION** of this rule for additional relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Assistant Director for Licensing, 202-622-2480; Assistant Director for Regulatory Affairs, 202-622-4855; or Assistant Director for Sanctions Compliance & Evaluation, 202-622-2490.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

This document and additional information concerning OFAC are available on OFAC's website: [www.treasury.gov/ofac](http://www.treasury.gov/ofac).

**Background**

On June 10, 2022, OFAC issued Syria GL 21A, Iran GL N-1, and Venezuela GL 39A to extend the authorization for certain transactions otherwise prohibited by, respectively: the Syria Sanctions Regulations, 31 CFR part 542; the Iranian Transactions and Sanctions Regulations, 31 CFR parts 560, and the Global Terrorism Sanctions Regulations, 31 CFR part 594; and the Venezuela Sanctions Regulations, 31 CFR part 591. At the time of issuance, OFAC made Syria GL 21A, Iran GL N-1, and Venezuela GL 39A, each of which has an expiration date of June 17, 2023, available on its website ([www.treas.gov/ofac](http://www.treas.gov/ofac)). The texts of the following three GLs are provided below:

**OFFICE OF FOREIGN ASSETS CONTROL**

**Syrian Sanctions Regulations**

31 CFR Part 542

**GENERAL LICENSE NO. 21A**

**Authorizing Certain Activities To Respond to the Coronavirus Disease 2019 (COVID-19) Pandemic**

(a) *Authorizing certain COVID-19-related transactions prohibited by the Syrian Sanctions Regulations.* Except as provided in paragraph (b) of this general license, the following transactions and activities that are prohibited by the Syrian Sanctions Regulations, 31 CFR part 542 (SySR), are authorized through 12:01 a.m. eastern daylight time, June 17, 2023:

(1) *Exportation of services related to COVID-19.* All transactions and activities related to the exportation,

reexportation, sale, or supply, directly or indirectly, of services to Syria that are related to the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies relating to COVID-19); and

(2) *COVID-19-related transactions involving certain blocked persons.* All transactions and activities involving the Government of Syria, Polymedics LLC, Letia Company, or any entity in which Polymedics LLC or Letia Company owns, whether individually or in the aggregate, directly or indirectly, a 50 percent or greater interest, that are related to the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies relating to COVID-19), provided that any exportation or reexportation of items to Syria must be licensed or otherwise authorized by the Department of Commerce.

(b) This general license does not authorize:

(1) The exportation or reexportation of any goods, technology, or services to military, intelligence, or law enforcement purchasers or importers;

(2) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V; or

(3) Any transactions or activities otherwise prohibited by the SySR, or prohibited by any other part of 31 CFR chapter V, statute, or Executive order, or involving any blocked persons other than the blocked persons identified in paragraph (a) of this general license.

(c) Effective June 17, 2022, General License 21, dated June 17, 2021, is replaced and superseded in its entirety by this General License 21A.

**Note 1 to General License 21A.** Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security or the Department of State's Directorate of Defense Trade Controls.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

Dated: June 10, 2022.

**OFFICE OF FOREIGN ASSETS CONTROL**

**Iranian Transactions and Sanctions Regulations**

31 CFR Part 560

**Global Terrorism Sanctions Regulations**

31 CFR Part 594

**Executive Order 13224 of September 23, 2001**

**Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism, as Amended**

**GENERAL LICENSE N-1**

**Authorizing Certain Activities To Respond to the Coronavirus Disease 2019 (COVID-19) Pandemic**

(a) *Authorizing certain COVID-19-related transactions prohibited by the Iranian Transactions and Sanctions Regulations.* Except as provided in paragraphs (d) and (e) of this general license, the following transactions and activities that are prohibited by the Iranian Transactions and Sanctions Regulations, 31 CFR part 560 (ITSR), are authorized through 12:01 a.m. eastern daylight time, June 17, 2023:

(1) *Exportation of goods or technology.* All transactions and activities related to the exportation, reexportation, sale, or supply, directly or indirectly, of goods or technology for use in connection with the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies related to COVID-19) to Iran or the Government of Iran, or to persons in third countries purchasing specifically for resale to Iran or the Government of Iran;

(2) *Importation of or dealings in certain COVID-19-related goods.* All transactions and activities related to the importation into the United States of, or dealings in or related to, goods that previously were exported or reexported to Iran or the Government of Iran pursuant to this general license and that are broken, defective, or non-operational, or are connected to product recalls, adverse events, or other safety concerns, or for routine maintenance or the permanent return of such items to the United States or a third country; and

(3) *Exportation or importation of services.* All transactions and activities related to the exportation, reexportation, sale, or supply, directly or indirectly, of services to Iran or the Government of Iran, or the importation into the United States of, or dealings in or related to, Iranian-origin services, in each case that are related to the prevention, diagnosis,

or treatment of COVID-19 (including research or clinical studies relating to COVID-19).

(b) *Authorizing certain transactions involving the Central Bank of Iran (CBI) or the National Iranian Oil Company (NIOC).* Except as provided in paragraph (e) of this general license, all transactions and activities described in paragraph (a) of this general license involving CBI, NIOC, or any entity in which NIOC owns, directly or indirectly, a 50 percent or greater interest, that are prohibited by the ITSR, the Global Terrorism Sanctions Regulations, 31 CFR part 594 (GTSR), or Executive Order (E.O.) 13224, as amended, are authorized through 12:01 a.m. eastern daylight time, June 17, 2023.

(c) *Authorizing certain financial transactions.* Except as provided in paragraph (e) of this general license, the processing of funds transfers or trade finance transactions that are ordinarily incident and necessary to give effect to the transactions and activities authorized in paragraphs (a) and (b) of this general license that are prohibited by the ITSR, GTSR, or E.O. 13224, as amended, are authorized through 12:01 a.m. eastern daylight time, June 17, 2023.

(d) Any exportation or reexportation of goods or technology pursuant to paragraph (a) of this general license is subject to the following conditions:

(1) Any goods or technology exported or reexported must:

(i) Be designated as EAR99 under the Export Administration Regulations, 15 CFR parts 730 through 774 (EAR); or

(ii) In the case of goods or technology that are not subject to the EAR, not be listed on any multilateral export control regime; and

(2) All exports or reexports made pursuant to this general license must be concluded prior to the expiration date of this general license.

(e) This general license does not authorize:

(1) The exportation or reexportation of goods or technology to CBI, NIOC, or any entity in which NIOC owns, directly or indirectly, a 50 percent or greater interest;

(2) The exportation or reexportation of any goods, technology, or services to military, intelligence, or law enforcement purchasers or importers;

(3) The exportation or reexportation of any goods, technology, or services used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction;

(4) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V; or

(5) Any transactions or activities otherwise prohibited by the ITSR, the GTSR, or E.O. 13224, as amended, or prohibited by any other part of 31 CFR chapter V, or involving any person blocked pursuant to the GTSR or E.O. 13224, as amended, except as identified in paragraph (b) of this general license.

(f) Effective June 17, 2022, General License N, dated June 17, 2021, is replaced and superseded in its entirety by this General License N-1.

**Note 1 to General License N-1.** The export or reexport to Iran of certain food, medicine, medical devices, and agricultural commodities, as well as certain related transactions such as payments and brokering, are broadly authorized under sections 560.530, 560.532, and 560.533 of the ITSR, subject to certain conditions. In addition, transactions or activities authorized under those provisions that involve CBI, NIOC, or any entity in which NIOC owns, directly or indirectly, a 50 percent or greater interest, are also authorized pursuant to Counter Terrorism- and Iran-related General License No. 8A. Those authorizations remain in effect, including with respect to exports or reexports of food, medicine, medical devices, and agricultural commodities intended to respond to the COVID-19 pandemic that satisfy the applicable criteria of those authorizations.

**Note 2 to General License N-1.** Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security or the Department of State's Directorate of Defense Trade Controls.

Andrea M. Gacki,

*Director, Office of Foreign Assets Control.*

Dated: June 10, 2022.

## OFFICE OF FOREIGN ASSETS CONTROL

### Venezuela Sanctions Regulations

31 CFR Part 591

#### GENERAL LICENSE NO. 39A

#### Authorizing Certain Activities To Respond to the Coronavirus Disease 2019 (COVID-19) Pandemic

(a) *Authorizing certain COVID-19-related transactions involving the Government of Venezuela.* Except as provided in paragraph (c) of this general license, all transactions and activities involving the Government of Venezuela that are related to the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies relating to COVID-19), that are prohibited by Executive Order (E.O.) 13808 of August 27, 2017, as amended by E.O. 13857 of January 25, 2019, or E.O. 13884 of August 5, 2019, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591

(the VSR), are authorized through 12:01 a.m. eastern daylight time, June 17, 2023.

(b) *Authorizing certain COVID-19-related transactions involving certain banks.* Except as provided in paragraph (c) of this general license, all transactions and activities described in paragraph (a) of this general license involving Banco Central de Venezuela (BCV), Banco de Venezuela, S.A. Banco Universal (Banco de Venezuela), Banco Bicentenario del Pueblo, de la Clase Obrera, Mujer y Comunas, Banco Universal C.A. (Banco Bicentenario del Pueblo), or any entity in which BCV, Banco de Venezuela, or Banco Bicentenario del Pueblo owns, whether individually or in the aggregate, directly or indirectly, a 50 percent or greater interest, that are prohibited by E.O. 13850 of November 1, 2018, as amended by E.O. 13857, each as incorporated into the VSR, are authorized through 12:01 a.m. eastern daylight time, June 17, 2023.

(c) This general license does not authorize:

(1) The exportation or reexportation of any goods, technology, or services to military, intelligence, or law enforcement purchasers or importers;

(2) Any transactions or activities involving Petróleos de Venezuela, S.A. (PdVSA), Banco de Desarrollo Económico y Social de Venezuela (BANDES), or Banco Bandes Uruguay S.A. (Bandes Uruguay), or any entity in which PdVSA, BANDES, or Bandes Uruguay owns, whether individually or in the aggregate, directly or indirectly, a 50 percent or greater interest;

(3) The unblocking of any property blocked pursuant to any part of 31 CFR chapter V; or

(4) Any transactions or activities otherwise prohibited by the VSR, or prohibited by any other part of 31 CFR chapter V, statute, or other E.O., or involving any blocked persons other than Government of Venezuela persons blocked solely pursuant to E.O. 13884 or the blocked persons identified in paragraph (b) of this general license.

(d) Effective June 17, 2022, General License 39, dated June 17, 2021, is replaced and superseded in its entirety by this General License 39A.

**Note 1 to General License 39A.** Nothing in this general license relieves any person from compliance with the requirements of other Federal agencies, including the Department of Commerce's Bureau of Industry and Security or the Department of State's Directorate of Defense Trade Controls.

Andrea M. Gacki,

*Director, Office of Foreign Assets Control.*

Dated: June 10, 2022.

**Andrea M. Gacki,**  
Director, Office of Foreign Assets Control.  
[FR Doc. 2022-16784 Filed 8-4-22; 8:45 am]  
BILLING CODE 4810-AL-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2022-0530]

RIN 1625-AA00

#### Safety Zone; Port Huron Float Down, St. Clair River, Port Huron, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters of the St. Clair River in the vicinity of Port Huron, MI. This zone is intended to restrict and control movement of vessels in a portion of the St. Clair River. Though this is an unsanctioned, non-permitted marine event, this zone is necessary to provide for the safety of life on the navigable waters during a float down event near Port Huron, MI.

**DATES:** This rule is effective from 12 p.m. through 8 p.m. on August 21, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2022-0530 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Tracy Girard, U.S. Coast Guard; (313) 568-9564, [Tracy.M.Girard@uscg.mil](mailto:Tracy.M.Girard@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

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

##### II. Background Information and Regulatory History

During the afternoon of August 21, 2022, a non-sanctioned public event is scheduled to take place. The event is advertised over various social-media sites, in which a large number of persons float down a segment of the St.

Clair River, using inner tubes and other similar floatation devices. The 2022 float down event will occur from approximately 12 noon through 8 p.m. on August 21, 2022. This non-sanctioned event has taken place on the third Sunday in August annually since 2009.

No private or municipal entity requested a marine event permit from the Coast Guard for this event, and it has not received state or federal permits since its inception. The event has drawn over 5,000 participants of various ages annually. Despite plans put together by federal, state and local officials, emergency responders and law enforcement officials have been overburdened pursuing safety during this event. Medical emergencies, people drifting across the international border, and people trespassing on residential property when trying to get out of the water before the designated finish line are some of the numerous difficulties encountered during the float down event.

During the 2014 float-down event, a 19-year-old participant died. During the 2016 float down, a wind shift caused thousands of U.S. citizen rafters with no passports to drift into Canadian waters. The current and wind made it impossible for the rafters to paddle back into U.S. waters, necessitating significant coordination with the Canadian authorities. Despite these events, promotional information for the event continues to be published. More than 5,000 people are again anticipated to float down the river this year. No public or private organization holds themselves responsible as the event sponsor.

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 doing so is impracticable. The organizers of this event are very secretive, and careful not to be found out as the event has "no sponsor." The Coast Guard could not receive notice of the float down with sufficient time to undergo notice and comment because the date of the event varies from year to year. The Coast Guard was not made aware the float

down would occur in 2022 until there was insufficient time to allow for a comment period to run. We must establish this safety zone by August 21, 2022 in order to protect the public from the hazards listed above associated with the float down.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Detroit (COTP) has determined the float down poses significant risk to public safety and property from 12 noon through 8 p.m. on August 21, 2022. The likely combination of large numbers of participants, strong river currents, limited rescue resources, and difficult emergency response scenarios could easily result in serious injuries or fatalities to float down participants and spectators. Therefore, the COTP is establishing a safety zone around the event location to help minimize risks to safety of life and property during this event.

##### IV. Discussion of the Rule

This rule establishes a safety zone from 12 noon through 8 p.m. on August 21, 2022. The safety zone will begin at Lighthouse Beach and encompass all U.S. waters of the St. Clair River bound by a line starting at a point on land north of Coast Guard Station Port Huron at position 43°00.416' N; 082°25.333' W, extending east to the international boundary to a point at position 43°00.416' N; 082°25.033' W, following south along the international boundary to a point at position 42°54.500' N; 082°27.683' W, extending west to a point on land just north of Stag Island at position 42°54.500' N; 082°27.966' W, and following north along the U.S. shoreline to the point of origin (WGS 84). No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Vessel operators must contact the COTP or his or her on-scene representative to obtain permission to transit through this safety zone. Additionally, no one under the age of 18 will be permitted to enter the safety zone if they are not wearing a Coast Guard approved personal floatation device. The COTP or his or her on-scene representative may be contacted via VHF Channel 16.

##### V. Regulatory Analyses

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

Executive orders, and we discuss First Amendment rights of protestors.

#### A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will not be able to safely transit around this safety zone which will impact a designated area of the St. Clair River for 8 hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

#### B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast

Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 8 hours that will prohibit entry to a designated portion of the St. Clair River is categorically excluded from further review under paragraph L[60] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

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

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165: REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.2.

- 2. Add § 165.T09–0530 to read as follows:

#### § 165.T09–0530 Safety Zones; Port Huron Float Down, St. Clair River, Port Huron, MI.

(a) *Location.* A safety zone is established to include all U.S. navigable waters of southern Lake Huron and the St. Clair River adjacent to Port Huron, MI, beginning at Lighthouse Beach and encompassing all U.S. waters of the St. Clair River bound by a line starting at a point on land north of Coast Guard Station Port Huron at position 43°00.416′ N; 082°25.333′ W, extending east to the international boundary to a point at position 43°00.416′ N; 082°25.033′ W, following south along the international boundary to a point at

position 42°54.500' N; 082°27.683' W, extending west to a point on land just north of Stag Island at position 42°54.500' N; 082°27.966' W, and following north along the U.S. shoreline to the point of origin (NAD 83). (WGS 84).

(b) *Enforcement period.* The safety zone described in paragraph (a) will be enforced from 12 p.m. through 8 p.m. on August 21, 2022.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within these safety zones is prohibited unless authorized by the COTP Detroit or a designated on-scene representative.

(2) The safety zones are closed to all vessel traffic, except as may be permitted by the COTP Detroit or a designated on-scene representative.

(3) The “on-scene representative” of the COTP Detroit is any Coast Guard commissioned, warrant or petty officer or a federal, state, or local law enforcement officer designated by the COTP Detroit to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zones must contact the COTP Detroit or an on-scene representative to obtain permission to do so. The COTP Detroit or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Detroit or an on-scene representative.

Dated: August 1, 2022.

**Brad W. Kelly,**  
Commander, U.S. Coast Guard, Captain of the Port Detroit.

[FR Doc. 2022-16802 Filed 8-4-22; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2022-0619]

#### Security Zones; Seattle's Seafair Fleet Week Moving Vessels, Puget Sound, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce Seattle's Seafair Fleet Week Moving Vessels security zones from 11:30 a.m. on August 1, 2022, through 5 p.m. on August 7, 2022. These security zones are necessary to help ensure the security of the vessels from sabotage or other

subversive acts during Seafair Fleet Week Parade of Ships. The designated participating vessels are: USS LAKE CHAMPLAIN (CG-57), USS JOHN PAUL JONES (DDG-53), USCGC HENRY BLAKE (WLM-563), USCGC ANACAPA (WPB-1335), USCGC TERRAPIN (WPB-87366), USCGC OSPREY (WPB-87307), HMCS SASKATOON (MM-709), HMCS YELLOWKNIFE (MM-706), and Fireboat LESCHI. During the enforcement period, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port (COTP), Puget Sound or her designated representative. The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules.

**DATES:** The regulations in 33 CFR 165.1333 will be enforced without actual notice from August 5, 2022 through 5 p.m. on August 7, 2022, unless cancelled sooner by the Captain of the Port Puget Sound or her designated representative. For the purposes of enforcement, actual notice will be used from 11:30 a.m. August 1, 2022, until August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Chief Warrant Officer William Martinez, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206-217-6051, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the security zones for Seattle's Seafair Fleet Week Moving Vessels in 33 CFR 165.1333 from 11:30 a.m. on August 1, 2022, through 5 p.m. on August 7, 2022.

In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or remain in the security zones without the permission of the Captain of the Port, Puget Sound or her designated representative. For 2022, the following areas are § 165.1333 security zones: all navigable waters within 500 yards of USS LAKE CHAMPLAIN (CG-57), USS JOHN PAUL JONES (DDG-53), USCGC HENRY BLAKE (WLM-563), USCGC ANACAPA (WPB-1335), USCGC TERRAPIN (WPB-87366), USCGC OSPREY (WPB-87307), HMCS SASKATOON (MM-709), HMCS YELLOWKNIFE (MM-706), and Fireboat LESCHI, while each such

vessel is in the Sector Puget Sound COTP Zone.

The COTP has granted general permission for vessels to enter the outer 400 yards of the security zones as long as those vessels within the outer 400 yards of the security zones operate at the minimum speed necessary to maintain course unless required to maintain speed by the navigation rules. The COTP may be assisted by other federal, state or local agencies with the enforcement of the security zones.

All vessel operators who desire to enter the inner 100 yards of the security zones or transit the outer 400 yards at greater than minimum speed necessary to maintain course must obtain permission from the COTP or her designated representative by contacting the on-scene patrol craft on VHF Ch 13 or Ch 16. Requests must include the reason why movement within this area is necessary. Vessel operators granted permission to enter the security zones will be escorted by the on-scene patrol craft until they are outside of the security zones.

In addition to this notice of enforcement, the Coast Guard will provide the maritime community with notification of the security zones via the Local Notice to Mariners and marine information broadcasts on the day of the event. In the event that there are changes to the participating vessels, due to operational requirements, the Coast Guard will provide actual notice for any additional designated participating vessels not covered in this document.

Members of the public may contact Sector Puget Sound COTP at 206-217-6002 for an up-to-date list of designated participating vessels. If the COTP determines that the security zones need not be enforced for the full duration stated in this notice of enforcement, a Broadcast Notice to Mariners may be used to grant general permission to enter all portions of the regulated areas.

Dated: July 29, 2022.

**P.M. Hilbert,**  
Captain, U.S. Coast Guard, Captain of the Port, Sector Puget Sound.

[FR Doc. 2022-16793 Filed 8-4-22; 8:45 am]

**BILLING CODE 9110-04-P**



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2022–0639]

RIN 1625–AA00

#### Safety Zone; Conventions Services Unlimited Firework; Detroit River; Detroit, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for navigable waters near the Downtown Detroit, Detroit, MI. The safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with fireworks displays created by the Conventions Services Unlimited Fireworks display. Entry of vessels or persons into this safety zone is prohibited unless specifically authorized by the Captain of the Port Detroit or his designated representative.

**DATES:** This rule is effective from 9:30 p.m. through 10:30 p.m. on August 24, 2022.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0639 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Ms. Tracy Girard, Waterways Department, Coast Guard Sector Detroit, telephone (313) 568–9564, email [Tracy.M.Girard@uscg.mil](mailto:Tracy.M.Girard@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 doing so would be impracticable. The event sponsor notified the Coast Guard with insufficient time to accommodate the comment period. This safety zone must be established by August 24, 2022 in order to protect the public and vessels from the hazards associated with a maritime fireworks display.

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 rule’s objectives of protecting the public and vessels on the navigable waters in the vicinity of the fireworks display.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Detroit (COTP) has determined that potential hazards associated with fireworks displays will be a safety concern for anyone within a 420-foot radius of the launch site. The likely combination of recreational vessels, darkness punctuated by bright flashes of light, and fireworks debris falling into the water presents risks of collisions which could result in serious injuries or fatalities. This rule is necessary to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks display.

##### IV. Discussion of the Rule

This rule establishes a safety zone that will be enforced from 9:30 p.m. through 10:30 p.m. on August 24, 2022. The safety zone will encompass all U.S. navigable waters of the Detroit River within a 420-foot radius of the fireworks launch site located at the GM Plaza Promenade in downtown Detroit, MI. The duration of the safety zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the fireworks display. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the COTP Detroit or his designated representative. The COTP Detroit or his designated representative may be contacted via VHF Channel 16.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and

Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

##### A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of the Detroit River for approximately 1 hour during the evening when vessel traffic is normally low. Moreover, under certain conditions vessels may still transit through the safety zone when permitted by the COTP Detroit or his designated representative.

##### 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 above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

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

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule creates a safety zone lasting approximately 1 hour that will prohibit entry within a 420-foot radius of where the fireworks display will be conducted. It is categorically excluded from further review under paragraph L[60] of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

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

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

- 2. Add § 165.T09-0639 to read as follows:

**§ 165.T09-0639 Safety Zone; Convention Services Unlimited Fireworks; Detroit River, Detroit, MI.**

(a) *Location.* The following area is a temporary safety zone: all U.S. navigable waters of the Detroit River within a 420-foot radius of the fireworks launch site located at position

42°19.576' N, 83°02.28' W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Enforcement period.* This regulation will be enforced from 9:30 p.m. through 10:30 p.m. on August 24, 2022. The COTP Detroit or his designated representative may suspend enforcement of the safety zone at any time.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP Detroit or his designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP Detroit or his designated representative.

(3) The "designated representative" of the COTP Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP Detroit to act on his behalf. The designated representative of the COTP Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The COTP Detroit or his designated representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the COTP Detroit or his designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Detroit or his designated representative.

Dated: August 1, 2022.

**Brad W. Kelly,**

*Captain, U.S. Coast Guard, Captain of the Port Detroit.*

[FR Doc. 2022-16801 Filed 8-4-22; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 220801-0167]

RIN 0648-BK82

#### International Fisheries; Pacific Tuna Fisheries; 2022-2024 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing regulations under the Tuna Conventions Act of 1950, as amended (TCA), to implement Inter-American Tropical Tuna Commission (IATTC) Resolution C-21-05 ("Measures for the Conservation and Management of Bluefin Tuna in the Eastern Pacific Ocean"). This final rule implements annual limits on commercial catch of Pacific bluefin tuna (*Thunnus orientalis*) in the eastern Pacific Ocean (EPO) for 2022–2024. This action is necessary to conserve Pacific bluefin tuna and for the United States (U.S.) to satisfy its obligations as a member of the IATTC.

**DATES:** This rule is effective August 12, 2022.

**ADDRESSES:** Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: <http://www.regulations.gov>, docket NOAA-NMFS-2022-0011 or contact the Highly Migratory Species Branch Chief, Lyle Enriquez, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802, or [WCR.HMS@noaa.gov](mailto:WCR.HMS@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Celia Barroso, NMFS, 562-432-1850, [Celia.Barroso@noaa.gov](mailto:Celia.Barroso@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On March 4, 2022, NMFS published a proposed rule in the **Federal Register** to revise regulations at 50 CFR part 300, subpart C, for the commercial catch of Pacific bluefin tuna applicable to U.S. commercial fishing vessels in the IATTC Convention Area (Convention Area)<sup>1</sup> for 2022–2024 (87 FR 12409). The comment period was open for 30 days. NMFS received one public comment on the proposed rule, which is addressed later in this preamble.

This final rule is implemented under the authority of the TCA (16 U.S.C. 951 *et seq.*), which directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate regulations as necessary to implement resolutions adopted by the IATTC. The Secretary of Commerce has delegated this authority to NMFS.

Additional background information on the IATTC, the international obligations of the United States as a member of the IATTC, and the need for regulations to manage the Pacific Bluefin tuna stock was included in the proposed rule and is not repeated in this rule.

<sup>1</sup> The Convention Area is defined as waters of the EPO within the area bounded by the west coast of the Americas and by 50° N latitude, 150° W longitude, and 50° S latitude.

### New Regulations for Commercial Pacific Bluefin Tuna for 2022–2024

This rule establishes catch and trip limits for U.S. commercial vessels that catch Pacific bluefin tuna in the Convention Area and landing receipt submission deadlines for 2022–2024.

#### Catch Limits

The catch limit for the entire U.S. fleet will be 523 mt in 2022. The biennial limit in 2023–2024 will be 1,017 mt and not to exceed 720 mt in a single year; therefore, the 2023 catch limit will be 720 mt, and the 2024 limit will be the lesser of the amount caught in 2023 subtracted from the biennial limit or 720 mt.

Over-harvest and under-harvest of the previous biennial catch limit will be accounted for in the subsequent biennial catch limit. Any over-harvest of the previous catch limit will be deducted from the subsequent catch limit, and up to 5 percent of any under-harvest of the previous catch limit will be added to the subsequent catch limit. Consequently, the 2023–2024 biennial limit will be adjusted if there is an over-harvest or under-harvest of the 2021–2022 biennial limit. The regulations refer to the 2021–2022 biennial limit established in Resolution C-21-05 for the purpose of clarifying its role in determining the 2023–2024 biennial limit.

NMFS will announce the 2023–2024 biennial limit in a notice published in the **Federal Register** in January or early February 2023. NMFS will announce the 2024 catch limit in a notice published in the **Federal Register** in January or early February 2024. These notices will also be posted on the NMFS website: <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-bluefin-tuna-commercial-harvest-status>.

#### Trip Limits and Landing Receipt Submission Deadlines

At the beginning of each period (semi-annual or quarter), the initial trip limit will be imposed unless at the start of the period, the threshold for the intermediate or lower trip limit is met. Similarly, if the intermediate trip limit has been imposed during the previous period, the intermediate trip limit will remain in effect unless at the start of the next period the threshold to reduce the trip limit to the lower trip limit has been met. In each year, if the annual limit is estimated to be met, the fishery will be closed.

#### 2022

The annual limit will be 523 mt with an initial trip limit of 20 mt. The trip limit will be reduced as follows:

- January–June: If cumulative catch is within 323 mt of the annual limit (*i.e.*, cumulative catch reaches 200 mt), the trip limit will be 15 mt. If cumulative catch is within 223 mt of the annual limit (*i.e.*, cumulative catch reaches 300 mt), the trip limit will be 3 mt.

- July–September: If cumulative catch is within 273 mt of the annual limit (*i.e.*, cumulative catch reaches 250 mt), the trip limit will be 15 mt. If cumulative catch is within 198 mt of the annual limit (*i.e.*, cumulative catch reaches 325 mt), the trip limit will be 3 mt.

- October–December: If cumulative catch is within 223 mt of the annual limit (*i.e.*, cumulative catch reaches 300 mt), the trip limit will be 15 mt. If cumulative catch is within 100 mt of the annual limit (*i.e.*, cumulative catch reaches 423 mt), the trip limit will be 3 mt.

#### 2023

The annual limit will be 720 mt with an initial trip limit of 30 mt. The trip limit will be reduced as follows:

- January–June: If cumulative catch is within 320 mt of the annual limit (*i.e.*, cumulative catch reaches 400 mt), the trip limit will be 20 mt. If cumulative catch is within 220 mt of the annual limit (*i.e.*, cumulative catch reaches 500 mt), the trip limit will be 3 mt.

- July–September: If cumulative catch is within 290 mt of the annual limit (*i.e.*, cumulative catch reaches 430 mt), the trip limit will be 20 mt. If cumulative catch is within 200 mt of the annual limit (*i.e.*, cumulative catch reaches 520 mt), the trip limit will be 3 mt.

- October–December: If cumulative catch is within 250 mt of the annual limit (*i.e.*, cumulative catch reaches 470 mt), the trip limit will be 20 mt. If cumulative catch is within 100 mt of the annual limit (*i.e.*, cumulative catch reaches 620 mt), the trip limit will be 3 mt.

#### 2024

If the annual limit is between 525 and 720 mt, the initial trip limit will 30 mt, and the trip limit will be reduced as follows:

- January–June: If cumulative catch is within 320 mt of the annual limit, the trip limit will be 20 mt. If cumulative catch is within 220 mt of the annual limit, the trip limit will be 10 mt. If cumulative catch is within 150 mt of the annual limit, the trip limit will be 3 mt.

- July–September: If cumulative catch is within 300 mt of the annual limit, the trip limit will be 20 mt. If cumulative catch is within 200 mt of the annual limit, the trip limit will be 10 mt. If cumulative catch is within 140 mt of the annual limit, the trip limit will be 3 mt.

- October–December: If cumulative catch is within 250 mt of the annual limit, the trip limit will be 20 mt. If cumulative catch is within 100 mt of the annual limit, the trip limit will be 3 mt.

If the annual limit is between 400 mt and 524 mt, the initial trip limit will be 20 mt, and the trip limit will be reduced as follows:

- January–June: If cumulative catch is within 300 mt of the annual limit, the trip limit will be 15 mt. If cumulative catch is within 200 mt of the annual limit, the trip limit will be 3 mt.

- July–September: If cumulative catch is within 250 mt of the annual limit, the trip limit will be 15 mt. If cumulative catch is within 150 mt of the annual limit, the trip limit will be 3 mt.

- October–December: If cumulative catch is within 200 mt of the annual limit, the trip limit will be 15 mt. If catch is within 100 mt of the annual limit, the trip limit will be 3 mt.

If the annual limit is between 297–399 mt, the initial trip limit will 15 mt, and the trip limit will be reduced as follows:

- January–June: If cumulative catch is within 220 mt of the annual limit, the trip limit will be 3 mt.

- July–September: If cumulative catch is within 200 mt of the annual limit, the trip limit will be 3 mt.

- October–December: If cumulative catch is within 100 mt of the annual limit, the trip limit will be 3 mt.

If the annual limit is 296 mt or less, the trip limit will be 5 mt for the entire year.

Under California law and regulations, electronic landing receipts (*i.e.*, e-tickets) are required for landings in California and are required to be submitted to the California Department of Fish and Wildlife within three business days (*see* California Fish and Game Code section 8046 and 14 California Code of Regulations § 197). Under this final rule, e-tickets must be submitted within 24 hours if any Pacific bluefin tuna is included in a landing into California. This accelerated submission deadline is required in order to better monitor catch limits.

NMFS will estimate when the overall catch is expected to reach the thresholds to reduce the trip limit (*e.g.*, from 30 mt to 20 mt, from 20 mt to 15 mt, or from 15 mt to 2 mt) or the annual limit based on available fishery information, such as landing receipts. NMFS will then make decisions on in-season actions based on those estimates. NMFS encourages owners or operators of purse seine vessels to call NMFS at 562–432–1850 in advance of landing with an estimate of how much Pacific bluefin tuna was caught on each trip.

#### *In-Season Action Announcements*

In-season actions to reduce trip limits imposed by NMFS will be effective upon the time and date published in a notice in the **Federal Register**. In-season actions will also be announced by posting on the NOAA Fisheries website (<https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-bluefin-tuna-commercial-harvest-status>). This represents a change from the in-season action procedures described in the proposed rule, which included notice by a United States Coast Guard Notice to Mariners broadcast three times per day for 4 days; the proposed procedures would also have made the in-season actions effective on the date specified in the actual notice by broadcast and website posting or at the time specified in the **Federal Register**, whichever came first. After the public comment period for the proposed rule closed, however, the United States Coast Guard notified NMFS WCR that they would not provide a Broadcast Notice to Mariners, indicating that using it for in-season actions for Pacific bluefin tuna is inconsistent with its use in accordance with regulations at 33 CFR 72.01.

Taking in-season actions quickly is essential because the Pacific bluefin tuna fishery may catch much of the catch limit in a short period; therefore, NMFS intends to replace notice of in-season actions by Broadcast Notice to Mariners with notice by emails to the affected public. Because this was not contemplated in the proposed rule, NMFS intends to publish another proposed rule that would propose adding notice of in-season action by email, such that the procedures would require in-season actions to be posted on the NMFS website, sent by emails to the affected public, and published in the **Federal Register** as soon as practicable (RIN 0648–BL59). In the meantime, to ensure NMFS is able to take in-season actions as necessary, this rule is finalizing the other components of the proposed in-season action procedures, namely, notice by publication in the **Federal Register** and by posting on the NMFS website.

In 2022–2024, if NMFS determines that cumulative catch is expected to meet any of the thresholds described previously (based on landing receipts, or other available information) during the applicable months, an intermediate or lower trip limit will be imposed by NMFS using the in-season action procedures described in the previous paragraph.

When NMFS determines that the annual catch limit is expected to be reached in each year (based on landings

receipts or other available fishery information), U.S. commercial fishing vessels will be prohibited from targeting, retaining, transshipping or landing Pacific bluefin tuna captured in the Convention Area for the remainder of the calendar year (*i.e.*, fishery closure). NMFS will publish a notice in the **Federal Register** and on the NMFS website announcing that targeting, retaining, transshipping or landing of Pacific bluefin tuna captured in the Convention Area will be prohibited on an effective time and date specified in the **Federal Register** Notice through the end of that calendar year. Upon that effective date, a commercial fishing vessel of the U.S. cannot not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area. However, any Pacific bluefin tuna already on board a fishing vessel on the effective date can be retained on board, transshipped, and/or landed within 14 days of the effective date, to the extent authorized by applicable laws and regulations. In the event a trip limit was reduced early or the fishery was closed due to an overestimation of catch, NMFS will reverse the prior in-season action to increase the trip limit or re-open the fishery after landing receipts have been received and the landed catch quantity confirmed. NMFS will announce these actions in the **Federal Register** and on the NMFS website.

#### **Catch Reporting**

NMFS will continue to provide updates on Pacific bluefin tuna catches in the Convention Area to the public via the NMFS website: <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-bluefin-tuna-commercial-harvest-status>. NMFS will update the NMFS website provided the updates do not disclose confidential information. These updates are intended to help participants in the U.S. commercial fishery plan for reduced trip limits and attainment of the annual limits.

#### **Comments and Response**

NMFS received one public comment on the proposed rule. The comment was supportive of actions to limit catch of Pacific bluefin tuna, and suggested further limits than agreed to in Resolution C–21–05. The U.S. agreed to the limits imposed in this final rule, which are part of an internationally-agreed rebuilding plan that is effectively rebuilding Pacific bluefin tuna per the 2020 stock assessment. Consequently, NMFS intends to implement catch limits consistent with the IATTC Resolution.

**Classification**

The NMFS Assistant Administrator has determined that this rule is consistent with the Tuna Conventions Act and other applicable laws.

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

*Good Cause To Shorten Delay in Effective Date*

Under section 553(d) of the Administrative Procedure Act, an agency must delay the effective date of regulations for 30 days after publication, unless the agency finds good cause to make the regulations effective sooner. The NOAA Assistant Administrator for Fisheries has determined that good cause exists to make this rule effective 7 days after publication.

A stock assessment completed in July 2020 by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean showed that Pacific bluefin tuna is overfished and subject to overfishing when compared to commonly used reference points; NMFS subsequently concurred with the assessment (86 FR 9910, February 17, 2021). The main objective of IATTC Resolution C-21-05 is to reduce overfishing and aid in rebuilding of the stock by setting limits on catch in the Convention Area during 2022-2024. As a member of the IATTC, the United States is legally bound to implement that Resolution.

In recent years, Pacific bluefin tuna have remained in significant numbers in waters off of southern California, and U.S. commercial vessels currently have a greater opportunity to fish for Pacific bluefin tuna off of the U.S West Coast than in previous years. If the trip limits implemented by this rule were subject to the 30-day delay in effectiveness, and taking into account that a single trip could catch up to 75 mt (nearly four times the initial 20-mt trip limit), there is potential for a derby-style fishery that would result in exceeding the 523-mt catch limit for 2022 before this rule goes into effect. Delaying the effective date of this rule for a full 30 days after publication would therefore be contrary to the public's interest in ensuring conservation of Pacific bluefin tuna stock in the EPO. Such a delay would also be contrary to the public's interest in ensuring the United States is in compliance with its international obligations to implement the catch limits in IATTC Resolution C-21-05.

Although justification exists to make the rule effective immediately upon publication, NMFS is implementing a 7-day delay in effectiveness to provide sufficient time for currently-operating vessels to comply with the new regulations. Seven days is sufficient because vessels that target Pacific bluefin tuna in large quantities (i.e., purse seine vessels) typically complete their fishing trips within 1 to 2 days. Therefore, to conserve Pacific bluefin tuna, which are overfished, and to remain in compliance with IATTC Resolution C-21-05, NMFS has determined that making these measures effective 7 days after publication in the **Federal Register** is in the public's interest. As soon as the rule is published, additional notice will be given to fishery participants through an email sent to the IATTC distribution list.

*Economic Analysis*

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that, for purposes of the Regulatory Flexibility Act, this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. The changes to in-season action procedures from proposed to final rule, while considering a proposed rule currently in development to address the changes to in-season action procedures, are not expected to result in a change in the certification published in the proposed rule.

*Paperwork Reduction Act*

This rule does not contain a change to a collection of information requirement for purposes of the Paperwork Reduction Act of 1995 (PRA). The existing collection of information requirements would continue to apply under the following Office of Management and Budget (OMB) Control Number(s): 0648-0778, Reporting and Notification Requirements in West Coast Pacific Bluefin Tuna Fishery.

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 300**

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: August 1, 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 300 is proposed to be amended as follows:

**PART 300—INTERNATIONAL FISHERIES REGULATIONS**

- 1. The authority citation for part 300, subpart C, continues to read as follows:

**Authority:** 16 U.S.C. 951 *et seq.*

- 2. In § 300.24, revise paragraph (u) to read as follows:

**§ 300.24 Prohibitions.**

\* \* \* \* \*

(u) Use a United States commercial fishing vessel in the Convention Area to target, retain on board, transship, or land Pacific bluefin tuna in contravention of § 300.25(g)(2) through (6).

\* \* \* \* \*

- 3. In § 300.25, revise paragraph (g) to read as follows:

**§ 300.25 Fisheries management.**

\* \* \* \* \*

(g) *Pacific bluefin tuna (Thunnus orientalis) commercial catch limits in the eastern Pacific Ocean for 2022-2024—(1) Biennial catch limit for 2021-2022.* The biennial catch limit for 2021-2022 is 739 metric tons.

(2) *Biennial catch limit for 2023-2024.* The biennial catch limit for 2023-2024 is either:

(i) 1,017 metric tons increased by the amount, not to exceed 37 metric tons, of Pacific bluefin tuna catch remaining from the 2021-2022 U.S. commercial catch limit; or,

(ii) 1,017 metric tons reduced by the amount of Pacific bluefin tuna caught in excess of the 2021-2022 U.S. commercial biennial catch limit.

(3) *Annual catch and trip limits for 2022.* For the calendar year 2022, all commercial fishing vessels of the United States combined may capture, retain, transship, or land no more than 523 metric tons. A 20-metric ton trip limit will be in effect until any of the following criteria are met:

If the time of year is . . .	And NMFS anticipates cumulative catch will be . . . (mt)	Then the trip limit will be . . . (mt)
(i) January through June .....	200 300	15 3
(ii) July through September .....	250 325	15 3
(iii) October through December .....	300 423	15 3

(4) *Annual catch and trip limits for 2023.* For the calendar year 2023, all commercial fishing vessels of the United States combined may capture, retain, transship, or land no more than 720 metric tons. A 30-metric ton trip limit will be in effect until any of the following criteria are met:

If the time of year is . . .	And NMFS anticipates cumulative catch will be . . . (mt)	Then the trip limit will be . . . (mt)
(ii) January through June .....	400 500	20 3
(ii) July through September .....	430 520	20 3
(iii) October through December .....	470 620	20 3

(5) *Annual catch and trip limits for 2024.* (i) If the 2024 catch limit is between 525 and 720 metric tons, a 30-metric ton trip limit will be in effect until any of the following criteria are met:

If the time of year is . . .	And NMFS anticipates the cumulative catch is within . . . (mt of the annual catch limit)	Then the trip limit will be . . . (mt)
(A) January through June .....	320 220 150	20 10 3
(B) July through September .....	300 200 140	20 10 3
(C) October through December .....	250 100	20 3

(ii) If the 2024 catch limit is between 400 and 524 metric tons, a 20-metric ton trip limit will be in effect until any of the following criteria are met:

If the time of year is . . .	And NMFS anticipates cumulative catch is within . . . (mt of the annual catch limit)	Then the trip limit will be . . . (mt)
(A) January through June .....	300 200	15 3
(B) July through September .....	250 150	15 3
(C) October through December .....	200 100	15 3

(iii) If the 2024 catch limit is between 297 and 399 metric tons, a 15-metric ton trip limit will be in effect until any of the following criteria are met:

If the time of year is . . .	And NMFS anticipates cumulative catch is within . . . (mt of the annual catch limit)	Then the trip limit will be . . . (mt)
(A) January through June .....	220	3

If the time of year is . . .	And NMFS anticipates cumulative catch is within . . . (mt of the annual catch limit)	Then the trip limit will be . . . (mt)
(B) July through September .....	200	3
(C) October through December .....	100	3

(iv) If the 2024 catch limit is 296 metric tons or less, the trip limit will be 5 metric tons for the entire calendar year.

(6) *Closure of the fishery.* After NMFS determines that the annual catch limits under paragraphs (g)(3) through (5) of this section are expected to be reached, NMFS will close the fishery effective upon the date provided in the notice in accordance with paragraph (g)(7) of this section. Upon the effective date in the notice, targeting, retaining on board, transshipping or landing Pacific bluefin tuna in the Convention Area shall be prohibited through the end of the calendar year, with the exception that any Pacific bluefin tuna already on board a fishing vessel on the effective date of the notice may be retained on board, transshipped, and/or landed within 14 days after the effective date published in the fishing closure notice, to the extent authorized by applicable laws and regulations.

(7) *Announcement and effective dates of in-season actions.* In-season actions taken under paragraphs (g)(2) through (6) of this section will be by notice in the **Federal Register**. The action will also be posted on the National Marine Fisheries Service West Coast Region website (<https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-bluefin-tuna-commercial-harvest-status>). In-season actions will be effective from the date and time specified in the **Federal Register** Notice.

(8) *Reversal of in-season actions.* If an in-season action taken under paragraphs (g)(2) through (6) of this section is based on overestimate of actual catch, NMFS will reverse that action in the timeliest possible manner, provided NMFS finds that reversing that action is consistent with the management objectives for the affected species. The fishery will be subject to the change in trip limit or reopened effective on the date provided in the notice in accordance with paragraph (g)(7) of this section.

(9) *State of California fish landing receipts.* If landing Pacific bluefin tuna into the State of California, fish landing receipts must be submitted within 24 hours to the California Department of Fish and Wildlife in accordance with

the requirements of applicable State regulations.

[FR Doc. 2022-16824 Filed 8-4-22; 8:45 am]

BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[Docket No. 220325-0079]

RTID 0648-XC203

**Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action**

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

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

**SUMMARY:** This document announces additional season dates for Pacific halibut recreational fisheries in the International Pacific Halibut Commission’s regulatory Area 2A off Washington, Oregon, and California. Specifically, this action adds the following dates: the Washington Puget Sound subarea to open 7 days per week from August 11 through September 30; Washington North Coast subarea to open Thursday through Monday from August 11 through September 5, and 7 days per week from September 6 through September 30; Washington South Coast and Columbia River subareas to open August 19, 25, 28, September 3, 4, and 23; and Oregon Central Coast subarea to open every Thursday through Saturday from August 4 through October 31. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

**DATES:** This action is effective August 4, 2022, through October 31, 2022. Submit comments on or before August 22, 2022.

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

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter

NOAA-NMFS-2022-0003 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Joshua Lindsay, phone: 562-980-4034, fax: 562-980-4018, or email: [joshua.lindsay@noaa.gov](mailto:joshua.lindsay@noaa.gov).

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

halibut management measures include recreational fishery season dates and subarea allocations.

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

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

#### **Inseason Action**

##### **Washington and Columbia River Subareas**

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

*Reason for the action:* The purpose of this inseason action is to provide additional opportunity for anglers in the Washington and Columbia River subareas by opening fishing on the following dates: for the Washington Puget Sound subarea, 7 days per week from August 11 through September 30; for the Washington North Coast subarea,

Thursday through Monday starting August 11 through September 5, and 7 days per week from September 6 through September 30; for the Washington South Coast and Columbia River subareas, August 19, 25, 28, and September 3, 4, and 23. The subareas are open on the dates listed above, or until there is not sufficient allocation for another full day of fishing, and the area is therefore closed. The recreational fishery in the Washington Puget Sound subarea opened April 7, and the other Washington subareas and the Columbia River subarea opened on May 5, 2022. NMFS has determined that these additional dates are warranted due to lower than expected landings through June 2022 (the Washington and Columbia River subareas were not open in July), and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. NMFS previously published an inseason action on June 14, 2022 (87 FR 35901) to add the dates of June 10, 17 and 24 for the Washington North Coast subarea, June 28 and 30 for the Washington South Coast subarea, and June 13 and 20 for the Columbia River subarea. As of July 15, anglers in the Washington and Columbia River subareas combined have harvested 173,372 lb (78.64 mt) of the 304,649 lb (138.19 mt) allocation (57 percent), leaving 131,277 lb (59.55 mt) remaining (43 percent of the subarea allocation). This is a result of poor weather and ocean conditions preventing anglers from safely participating in the recreational fishery off the coast of Washington and the area off of the Columbia River. For reference, by the end of June 2021, fishery participants in the Washington Puget Sound, North Coast, South Coast, and Columbia River subareas had attained 68 percent of the available recreational allocation. Without the additional fishing days being implemented through this action, there is likely to be substantial unharvested allocation in this subarea.

##### **Oregon Central Coast Subarea**

*Description of the action:* This inseason action implements additional dates for summer all-depth fishing in the Oregon Central Coast subarea during the 2022 recreational fishery.

*Reason for the action:* The purpose of this inseason action is to provide additional opportunity for anglers in the Oregon Central Coast subarea every Thursday through Saturday from August 4 through October 31. The fishery was already scheduled to be open every other Thursday through Saturday starting August 4. The recreational

fishery in this subarea opened on May 12, 2022. NMFS has determined that these additional dates are warranted due to lower than expected landings through July 2022, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. As of July 13, anglers in the Oregon Central Coast subarea have harvested 110,918 lb (50.31 mt) of the 269,782 lb (122.37 mt) allocation (41 percent), leaving 158,864 lb (72.06 mt) remaining (59 percent of the subarea allocation). This is a result of poor weather and ocean conditions preventing anglers from safely participating in the recreational fishery off the coast of Oregon. After 163,231 lb (74.04 mt) of the subarea allocation went unharvested in 2021, NMFS included more season days in 2022 compared to 2021. NMFS previously published an inseason action on July 7, 2022 (87 FR 41259) to add additional fishing dates in this subarea. However, catch information to date shows that even with the increased fishing dates provided for in the final rule and inseason action, participants in the fishery are unlikely to harvest the full subarea allocation. Without the additional fishing days in this action, there is likely to be substantial unharvested allocation in this subarea.

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

Weekly catch monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures until NMFS has determined there is not sufficient allocation for another full day of fishing, and the area is closed by the IPHC, or the season closes for Washington on September 30, and for Oregon on October 31, whichever is earlier.

#### **Classification**

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

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. WDFW and ODFW provided updated landings data to NMFS on July 15, 2022, showing that the fishery participants in the recreational fishery off of the



Washington and Columbia River subareas had only caught 57 percent of the allocation, while anglers in the Oregon Central Coast had only caught 41 percent of the subarea allocation. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2022 is substantially lower than anticipated when the 2022 final rule setting the 2022 recreational fishery season dates was developed. This action should be implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery in Washington closes on September 30 and the fishery in Oregon closes on October 31, 2022, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, a significant portion of the Washington and Oregon subarea allocations are unlikely to be harvested, limiting economic benefits to the participants and not meeting the goals of the Catch Sharing Plan and the 2022

management measures. It is necessary that this rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing for public inspection, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch

Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational fisheries in the Washington and Oregon subareas, indicating additional dates should be added to the fishery to ensure optimal and sustainable harvest of the subarea allocation. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of the recreational Pacific halibut fishery to be met.

Dated: August 1, 2022.

**Jennifer M. Wallace,**

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

[FR Doc. 2022-16852 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 87, No. 150

Friday, August 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.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30 and 70

[Docket No. NRC-2017-0031]

RIN 3150-AK52

### Decommissioning Financial Assurance for Sealed and Unsealed Radioactive Materials; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory basis; correction.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is correcting the notification published in the **Federal Register** on July 19, 2022, regarding reopening the comment period and correcting a publication error for a regulatory basis to support a rulemaking that would amend its regulations for decommissioning financial assurance for sealed and unsealed radioactive materials. This action is necessary to correct the information for the NRC's Public Document Room.

**DATES:** The correction is effective August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Gregory Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6244; email: [Gregory.Trussell@nrc.gov](mailto:Gregory.Trussell@nrc.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** (FR) on July 19, 2022, in FR Doc. 2022-15320, on page 42969, the following correction is made:

On page 42969, second column, Section I.A, "Obtaining and Submitting Comments," the third bullet:

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

is corrected to read:

- *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](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. (ET), Monday through Friday, except Federal holidays.

Dated: August 1, 2022.

For the Nuclear Regulatory Commission.

**Cindy K. Bladey,**

*Chief, Regulatory Analysis and Rulemaking Support Branch, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2022-16777 Filed 8-4-22; 8:45 am]

BILLING CODE 7590-01-P

## FEDERAL TRADE COMMISSION

### 16 CFR Chapter I

#### Regulatory Review Schedule

**AGENCY:** Federal Trade Commission.

**ACTION:** Notification of intent to request public comments.

**SUMMARY:** As part of its ongoing, systematic review of all Federal Trade Commission rules and guides, the Commission announces a modified ten-year regulatory review schedule. No Commission determination on the need for, or the substance of, the rules and guides listed below should be inferred from this notification.

**DATES:** August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Further details about particular rules or guides may be obtained from the contact person listed below for the rule or guide. For information about this document, please contact Jock Chung (202-326-2984), Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** To ensure its rules and industry guides remain relevant and not unduly burdensome, the Commission reviews them on a ten-year schedule. Each year the Commission publishes its review schedule, with adjustments made in response to public input, changes in the marketplace, and resource demands.

When the Commission reviews a rule or guide, it publishes a document in the **Federal Register** seeking public comment on the continuing need for the rule or guide, as well as the rule's or

guide's costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden.

The Commission posts information about its review schedule on its website<sup>1</sup> to facilitate comment. This website contains an updated review schedule, a list of rules and guides previously eliminated in the regulatory review process, and the Commission's regulatory review plan.

#### Modified Ten-Year Schedule for Review of FTC Rules and Guides

For 2022, the Commission intends to initiate a review of, and solicit public comments on, the following guide and rule:

(1) *Guides for the Use of Environmental Marketing Claims*, 16 CFR Part 260. Agency Contacts: Hampton Newsome, (202) 326-2889, Julia Ensor, (202) 326-2377, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave. NW, Washington, DC 20580.

(2) *Business Opportunity Rule*, 16 CFR Part 437. Agency Contact: Christine Todaro, (202) 326-3711, Federal Trade Commission, Bureau of Consumer Protection, Division of Marketing Practices, 600 Pennsylvania Ave. NW, Washington, DC 20580.

The Commission is currently reviewing 16 of the 63 rules and guides within its jurisdiction. During 2021, it completed reviews of eight rules: 16 CFR part 313, Privacy of Consumer Financial Information; 16 CFR part 317, Prohibition of Energy Market Manipulation Rule; 16 CFR part 640, Duties of Creditors Regarding Risk-Based Pricing; 16 CFR part 641, Duties of Users of Consumer Reports Regarding Address Discrepancies; 16 CFR 642, Prescreen Opt-Out Notice; 16 CFR 660, Duties of Furnishers of Information to Consumer Reporting Agencies; 16 CFR part 680, Affiliate Marketing; and 16 CFR part 698, Model Forms and Disclosures. Additionally, in 2021, the Commission issued a new rule, 16 CFR part 323, Made in USA Labeling. The Commission is scheduling these rules for review in 2031. The Commission is postponing review of the following

<sup>1</sup> <https://www.ftc.gov/enforcement/rules/retrospective-review-ftc-rules-guides>.

matters previously scheduled for review in 2022 until 2027: Guides Against Deceptive Pricing, 16 CFR part 233; Guides Against Bait Advertising, 16 CFR part 238; and Guide Concerning Use of the Word “Free” and Similar Representations, 16 CFR part 251.

The Commission has appended a copy of its modified regulatory review schedule, indicating initiation dates for reviews through 2031. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external

factors (such as changes in the law) or other considerations.

**Authority:** 15 U.S.C. 41–58.

By direction of the Commission.

**Joel Christie,**  
*Acting Secretary.*

**Appendix**

REGULATORY REVIEW—MODIFIED TEN-YEAR SCHEDULE

16 CFR part	Topic	Year to initiate review
24	Guides for Select Leather and Imitation Leather Products	Currently Under Review.
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	Currently Under Review.
308	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 [Pay Per Call Rule].	Currently Under Review.
310	Telemarketing Sales Rule	Currently Under Review.
312	Children’s Online Privacy Protection Rule	Currently Under Review.
314	Standards for Safeguarding Customer Information	Currently Under Review.
318	Health Breach Notification Rule	Currently Under Review.
423	Care Labeling of Textile Wearing Apparel and Certain Piece Goods	Currently Under Review.
432	Power Output Claims for Amplifiers Utilized in Home Entertainment Products	Currently Under Review.
436	Disclosure Requirements and Prohibitions Concerning Franchising	Currently Under Review.
453	Funeral Industry Practices	Currently Under Review.
456	Ophthalmic Practice Rules (Eyeglass Rule)	Currently Under Review.
681	Identity Theft [Red Flag] Rules	Currently Under Review.
698	Model Forms and Disclosures	Currently Under Review.
801	[Hart-Scott-Rodino Antitrust Improvements Act] Coverage Rules	Currently Under Review.
802	[Hart-Scott-Rodino Antitrust Improvements Act] Exemption Rules	Currently Under Review.
803	[Hart-Scott-Rodino Antitrust Improvements Act] Transmittal Rules	Currently Under Review.
437	Business Opportunity Rule	2022.
260	Guides for the Use of Environmental Marketing Claims	2022.
254	Guides for Private Vocational and Distance Education Schools	2023.
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2023
429	Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations	2023.
20	Guides for the Rebuilt, Reconditioned, and Other Used Automobile Parts Industry	2024.
240	Guides for Advertising Allowances and Other Merchandising Payments and Services [Fred Meyer Guides].	2024.
300	Rules and Regulations under the Wool Products Labeling Act of 1939	2024.
301	Rules and Regulations under Fur Products Labeling Act	2024
303	Rules and Regulations under the Textile Fiber Products Identification Act	2024.
425	Use of Prenotification Negative Option Plans	2024.
435	Mail, Internet, or Telephone Order Merchandise	2024.
424	Retail Food Store Advertising and Marketing Practices [Unavailability Rule]	2024.
239	Guides for the Advertising of Warranties and Guarantees	2025.
306	Automotive Fuel Ratings, Certification and Posting	2025.
305	Energy Labeling Rule	2025.
444	Credit Practices	2025.
500	Regulations under Section 4 of the Fair Packaging and Labeling Act	2025.
501	Exemptions from Requirements and Prohibitions under Part 500	2025.
502	Regulations under Section 5(c) of the Fair Packaging and Labeling Act	2025.
503	Statements of General Policy or Interpretation [under the Fair Packaging and Labeling Act]	2025.
700	Interpretations of Magnuson-Moss Warranty Act	2025.
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	2025.
702	Pre-Sale Availability of Written Warranty Terms	2025.
703	Informal Dispute Settlement Procedures	2025.
304	Rules and Regulations under the Hobby Protection Act	2026.
455	Used Motor Vehicle Trade Regulation Rule	2026.
233	Guides Against Deceptive Pricing	2027.
238	Guides Against Bait Advertising	2027.
251	Guide Concerning Use of the Word “Free” and Similar Representations	2027.
259	Guide Concerning Fuel Economy Advertising for New Automobiles	2027.
682	Disposal of Consumer Report Information and Records	2027.
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2028.
311	Test Procedures and Labeling Standards for Recycled Oil	2028.
460	Labeling and Advertising of Home Insulation	2028.
316	CAN–SPAM Rule	2029.
433	Preservation of Consumers’ Claims and Defenses [Holder in Due Course Rule]	2029.
315	Contact Lens Rule	2030.
313	Privacy of Consumer Financial Information	2031.
317	Prohibition of Energy Market Manipulation Rule	2031.
323	Made in USA Labeling	2031.
640	Duties of Creditors Regarding Risk-Based Pricing	2031.
641	Duties of Users of Consumer Reports Regarding Address Discrepancies	2031.

REGULATORY REVIEW—MODIFIED TEN-YEAR SCHEDULE—Continued

16 CFR part	Topic	Year to initiate review
642 .....	Prescreen Opt-Out Notice .....	2031.
660 .....	Duties of Furnishers of Information to Consumer Reporting Agencies .....	2031.
680 .....	Affiliate Marketing .....	2031.
698 .....	Model Forms and Disclosures .....	2031.

[FR Doc. 2022–16863 Filed 8–4–22; 8:45 am]

BILLING CODE 6750–01–P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 165**

[Docket Number USCG–2022–0638]

RIN 1625–AA00

**Safety Zone; Cumberland River, Nashville, TN**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to a temporary safety zone from mile marker (MM) 191.1 to 191.5 of the Cumberland River. This action is necessary to provide for the safety of life on these navigable waters near Riverfront Park, Nashville, TN, during Pro Wakeboard Tour on September 23 through September 24, 2022. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Ohio Valley or a designated representative. We invite your comments on this proposed rulemaking.

**DATES:** Comments and related material must be received by the Coast Guard on or before August 19, 2022.

**ADDRESSES:** You may submit comments identified by docket number USCG–2022–0638 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Petty Officer Third Class Benjamin Gardner and Marine Safety Detachment Nashville, U.S. Coast Guard; telephone 615–736–5421, email [Benjamin.t.gardner@uscg.mil](mailto:Benjamin.t.gardner@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

**I. Table of Abbreviations**

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

**II. Background, Purpose, and Legal Basis**

The Coast Guard was notified by Pro Wakeboard Tour of a proposed wakeboard event that occurs on the Cumberland River. The event would take place from September 23, 2022 to September 24, 2022. The river closure would be from 9:00 a.m. to 9:00 p.m. on both days. The COTP has determined that there is a need to protect the river users while the wakeboarders are performing between MM 191.1 and MM 191.5 on the Cumberland River. This proposed rule is needed to protect life and the marine environment in the navigable waters within the temporary safety zone during the wakeboarding portion of the event.

The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231).

**III. Discussion of Proposed Rule**

The COTP is proposing to establish a safety zone from 9:00 a.m. to 9:00 p.m. on September 23 and September 24, 2022. The safety zone would cover all navigable waters within 0.4 miles of Riverfront Park on the Cumberland River in Nashville, TN. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled Pro Wakeboard Tour. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

**IV. Regulatory Analyses**

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

*A. Regulatory Planning and Review*

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zone will be 24 hours spread over the course of 2 days during daylight hours in Nashville, TN. The safety zone will only encompass .4 miles of the Cumberland River. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of the Cumberland River before or after the time of the events on each day. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

*B. Impact on Small Entities*

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement

Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. Unfunded Mandates Reform Act

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

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting 24 hours spread over the course of 2 days that would prohibit entry within 0.4 miles of Riverfront Park. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

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

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

**Submitting comments.** We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2022–0638 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the

Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

**Viewing material in docket.** To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select “Supporting & Related Material” in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

**Personal information.** We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

#### List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1. Revision No. 01.2.

■ 2. Add § 165.T08–0638 to read as follows:

#### § 165.T08–0638 Safety Zone; Cumberland River, Nashville, TN.

(a) *Location.* The following area is a safety zone: all navigable waters of the Cumberland River from mile marker 191.1 to mile marker 191.5.

(b) *Definitions:* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of

the Port Sector Ohio Valley (COTP) in the enforcement of the safety zone.

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

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

(d) *Enforcement periods.* This rule will be enforced from 9 a.m. until 9:00 p.m. on September 23, 2022 and September 24, 2022.

Dated: August 02, 2022.

**H.R. Mattern,**

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

[FR Doc. 2022-16861 Filed 8-4-22; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 40

[Docket DOT-OST-2022-0027]

RIN 2105-AF01

#### Electronic Signatures, Forms and Storage for Drug and Alcohol Testing Records

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Advance Notice of Proposed Rulemaking (ANPRM); request for public comments.

**SUMMARY:** The Department of Transportation (DOT) requests public comment on how its regulations for conducting workplace drug and alcohol testing for the federally regulated transportation industry could be amended to allow electronic signatures on documents required to be created and utilized under the regulations, to be able to use electronic versions of forms, and to electronically store forms and data. The regulatory changes would apply to DOT-regulated employers and their contractors ("service agents") who administer their DOT-regulated drug and alcohol testing programs. Currently, employers and their service agents must use, sign and store paper documents exclusively, unless the employer is utilizing a laboratory's electronic Federal Drug Testing Custody and Control Form (electronic CCF) system

that has been approved by the Department of Health and Human Services (HHS). DOT is required by statute to amend its regulations to authorize, to the extent practicable, the use of electronic signatures or digital signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms. This rulemaking also responds to an April 2, 2020, petition for rulemaking from DISA Global Solutions, Inc. (DISA), requesting that part 40 be amended to allow the use of an electronic version of the alcohol testing form (ATF) for DOT-authorized alcohol testing. The information received in response to this ANPRM will assist DOT in the development of proposed regulatory amendments intended to provide additional flexibility and reduced costs for the industry while maintaining the integrity and confidentiality requirements of the drug and alcohol testing regulations.

**DATES:** Comments on this notice must be received on or before October 4, 2022.

**ADDRESSES:** You may submit comments identified by Docket Number DOT-OST-2022-0027 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/docket/DOT-OST-2022-0027/document>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, 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.

- *Fax:* 202-493-2251.

To avoid duplication, please use only one of these methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

**FOR FURTHER INFORMATION CONTACT:** Mike Huntley, Office of Drug and Alcohol Policy and Compliance, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone number 202-366-3784; [ODAPCwebmail@dot.gov](mailto:ODAPCwebmail@dot.gov). If you have questions on viewing or submitting

material to the docket, contact Docket Services, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** This ANPRM is organized as follows:

- I. Public Participation and Request for Comments
  - A. Submitting Comments
  - B. Viewing Comments and Documents
  - C. Privacy Act
- II. Legal Basis for the Rulemaking
- III. Purpose of Rulemaking
- IV. Adoption of an Electronic CCF
- V. General Comments and Questions
- VI. Specific Sections of Part 40 that would be Affected
  - A. Employee Drug and Alcohol Testing Record
  - B. Medical Review Officer (MRO) reporting of verified results
  - C. Substance Abuse Professional (SAP) reports
  - D. Electronic Alcohol Testing Form (electronic ATF)

### I. Public Participation and Request for Comments

#### A. Submitting Comments

If you submit a comment, please include the docket number for this ANPRM (Docket No. DOT-OST-2022-0027), 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. OST recommends that you include your name and a mailing address, an email address, or a phone number in a cover letter or an email so that OST can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/DOT-OST-2022-0027/document>, click on this ANPRM, click "Comment," and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

OST will consider all comments and material received during the comment period and may initiate a proposed rule based on the comments received.

#### B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>. Insert the docket number, DOT-OST-2022-0027, in the keyword box, and click "Search."

Next, click the “Open Docket Folder” button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility 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 the Docket Management Facility.

### C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

## II. Legal Basis for the Rulemaking

This rulemaking is promulgated under the authority enacted in the Omnibus Transportation Employee Testing Act (OTETA) of 1991 (Pub. L. 102–143, tit. V, 105 Stat. 952) and codified at 49 U.S.C. 45102 (aviation industry testing), 49 U.S.C. 20140 (rail), 49 U.S.C. 31306 (motor carrier), and 49 U.S.C. 5331 (public transportation).

The Secretary of Transportation is required by law to “issue a final rule revising part 40 of title 49, Code of Federal Regulations, to authorize, to the extent practicable, the use of electronic signatures or digital signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms.” (49 U.S.C. 322 note).<sup>1</sup> The deadline for this action is not later than 18 months after HHS establishes a deadline for a certified laboratory to request approval for fully electronic CCFs (*Id.*) On April 7, 2022, HHS set that deadline as August 31, 2023 (87 FR 20528). The deadline for DOT’s regulatory amendments would therefore be February 28, 2025. DOT is issuing this ANPRM now to facilitate the timely proposal and adoption of the necessary amendments to part 40 to meet the statutory deadline.

There are two additional Federal statutes relevant to the implementation of electronic document and signature requirements.

<sup>1</sup> This provision was enacted as Section 8108 of the Fighting Opioids in Transportation Act of 2018, part of the SUPPORT for Patients and Communities Act, Public Law 115–271.

The Government Paperwork Elimination Act (GPEA), codified at 44 U.S.C. 3504 note,<sup>2</sup> was enacted to improve customer service and governmental efficiency through the use of information technology. The GPEA defines an electronic signature as a method of signing an electronic communication that: (a) identifies and authenticates a particular person as the source of the electronic communication; and (b) indicates such person’s approval of the information contained in the electronic communication. *Id.* It also requires OMB to ensure Federal agencies provide: (a) for the option of maintaining, submitting; or disclosing information electronically, when practicable; and (b) for the use and acceptance of electronic signatures when practicable. The GPEA states that electronic records and electronic signatures shall not be denied legal effect, validity or enforceability merely because they are in electronic form. *Id.*

The Electronic Signatures in Global and National Commerce Act (E–SIGN), codified at 15 U.S.C. 7001–7031,<sup>3</sup> was designed to promote the use of electronic contract formation, signatures, and recordkeeping in private commerce by establishing legal equivalence between traditional paper-based methods and electronic methods. The E–SIGN Act allows the use of electronic records to satisfy any statute, regulation, or rule of law requiring that such information be provided in writing, if the consumer has affirmatively consented to such use and has not withdrawn such consent. Specifically, the statute establishes the legal equivalence of the following types of documents with respect to any transaction in or affecting interstate or foreign commerce, whether in traditional paper or electronic form: (a) contracts, (b) signatures, and (c) other records (15 U.S.C. 7001(a)(1)).

In addition to these Federal statutes, the Uniform Electronic Transactions Act (UETA) is a uniform state law that was finalized by the National Conference of Commissioners on Uniform State Laws in 1999, and that has been adopted by 48 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.<sup>4</sup> It provides States a framework for determining the legality of an

<sup>2</sup> Division C, Title XVII (Sec. 1701–1710) of Public Law 105–277, 112 Stat. 2681–749, enacted on October 21, 1998.

<sup>3</sup> Public Law 106–229, 114 Stat. 464, enacted on June 30, 2000.

<sup>4</sup> Illinois and New York have not adopted the UETA, however similar legislation that governs how electronic transactions are handled have been enacted in those States.

electronic signature in both commercial and government transactions.

## III. Purpose of Rulemaking

The Department’s drug and alcohol testing regulations were promulgated at a time when the ability to sign and retain official records electronically—now commonplace in many business segments—was not available. Over the course of several years, we have sought ways to reduce the paper documentation associated with the drug and alcohol testing program without compromising the integrity and confidentiality requirements of the program. In 2000, we permitted greater use of faxed and scanned computer images for reporting test results. We also permitted laboratories to send electronic reports to MROs.

From June of 2002 through March of 2003, the Department’s Office of Drug and Alcohol Policy and Compliance (ODAPC) established the Electronic Transmission and Storage of Drug Testing Information Federal Advisory Committee, in accordance with the Federal Advisory Committee Act (FACA).<sup>5</sup> The purpose of the Committee was to “recommend to the Department the type and level of electronic security that should be used for the transmission and storage of drug testing information generated [under part 40]. . . . Additionally, the Committee may examine and provide advice to the DOT related to the format and methodology used in transmitting this type of information as well as the levels and procedures to use in implementing electronic signature technology within the context of the drug and alcohol program.” (67 FR 12077; March 18, 2002). The participants included representatives from the transportation industries, trade associations, labor unions, consortia/third party administrators (C/TPAs), laboratories certified by the Department of Health and Human Services, MROs, and private computer companies. The group held three open-session public meetings.

Also in 2003, we standardized the format for employers to report their Management Information System (MIS) aggregate drug and alcohol testing data, as well as the specific data collected. Before that time, each DOT Agency required different data in a different format. When creating a ONE–DOT MIS Form, we then authorized employers to submit the form via a web portal.

<sup>5</sup> To view the documents associated with the Electronic Transmission and Storage of Drug Testing Information Federal Advisory Committee, go to <https://www.regulations.gov/docket/DOT-OST-2002-12148>.

In 2015, we issued a final rule to allow employers, collectors, laboratories, and MROs to use the electronic version of the Federal Drug Testing CCF in the DOT-regulated drug testing program. That final rule also incorporated into the regulations the requirement to establish adequate confidentiality and security measures to ensure that confidential employee records are not available to unauthorized persons. We also included language regarding protecting the physical security of records, access controls, and computer security measures to safeguard confidential data in electronic form.

Consistent with the statutory mandate in 49 U.S.C. 322 note, we are now considering additional amendments to part 40 to permit the use of electronic signatures, forms, and records storage for drug and alcohol testing records throughout the regulations (*e.g.*, drug and alcohol background checks, MRO reporting of verified results, SAP reports, electronic ATF), while at the same time continuing to allow paper, or hard-copy use with traditional "wet signatures." These amendments would establish parity between paper and electronic collection and submission of information required under our regulations (and in keeping with applicable OMB regulations) by allowing further use of electronic means and methods to comply with part 40 requirements. We believe that many employers and their service agents have already instituted the use of electronic signatures, forms, and records storage for the non-DOT regulated testing that they conduct. DOT supports this transition to a paperless system and is committed to ensure that the movement to a partially, or fully electronic part 40 is done to maximize program efficiencies and reduce costs, while maintaining the integrity and confidentiality requirements of the program.

Electronic documents will have a high degree of forensic defensibility as long as any changes that are made to the document are in the document's electronic footprint, which shows when changes were made, and who made them. The use of electronic forms and signatures in part 40 will help DOT-regulated employers and their service agents improve their workflow efficiency through faster turnaround times for required documents. Cost savings will result through reduced printing and delivery/shipping costs. We believe this will also mitigate the longstanding problems (*e.g.*, delays in processing times of test results, cancelling of test results etc.) associated

with illegible and lost copies of paper documents.

#### IV. Adoption of an Electronic CCF

As stated earlier in this notice, we have continually sought ways to reduce the paperwork burden associated with drug and alcohol testing without compromising the integrity and confidentiality requirements of the program.

Initially, the CCF was only available for use in paper form. In accordance with GPEA, and in an effort to reduce the Paperwork Reduction Act (PRA) burden, HHS authorized the use of an electronic CCF for Federal workplace drug testing programs. As with the paper CCF, HHS established standards and oversight procedures to ensure the authenticity, integrity, and confidentiality of drug test information when a Federal electronic CCF is used. On May 28, 2014, the Office of Management and Budget (OMB) approved the use of both a paper form CCF and an electronic CCF under the HHS Mandatory Guidelines. To permit the use of an electronic CCF in the DOT drug testing program, the DOT's April 13, 2015, final rule expanded the definition of the CCF in part 40 to include the electronic CCF. (80 FR 19551). The final rule did not require entities to use an electronic CCF—rather, it authorized employers to utilize electronic CCFs if the laboratory they use was approved by HHS for an electronic CCF. Thus, the ODAPC final rule presented another means of compliance for all entities, as permitted under the HHS mandatory guidelines.

Similarly, we do not envision publishing a proposed rulemaking to *require* the use of electronic means for signatures, records, and record retention. Instead, we anticipate proposing to *allow* employers to use electronic means for signatures, records, record retention, and other purposes within the DOT drug testing program, and an employer could choose not to utilize electronic means in any or all of the available categories.

Implementation of the electronic CCF has improved the efficiency and accuracy of documenting the urine specimen collection process. The accuracy and legibility of the information recorded on an electronic CCF is improved over that provided on the paper CCF, as employers are able to preprint information and the testing donor is able to verify the personally identifiable information (PII) within this clearly printed information. The timeframes for the verifications and reporting of results also improved with the electronic transmission of the

appropriate copies to the parties. Prior to use of an electronic CCF, the most common method of transmitting the Federal CCF was via fax, but some fax machines were able to generate better quality faxes than others, and not all collection facilities had fax machines. As a result, Federal CCF copies had to be mailed, increasing the timeframes for the testing verification and the reporting of results to employers. The paper-based process also increased the risk of lost or illegible forms.

Another advantage of the electronic CCF is that the amount of space allotted for the collector's "remarks" is greatly increased. The collector can now enter more descriptive information for the benefit of the MRO or employer, and to document any shy bladder collections, refusals to test, and other relevant information.

Just as use of the electronic CCF has improved the efficiency and accuracy of documenting the urine specimen collection process, we expect that allowing the use of electronic signatures, records, and record retention throughout the entirety of part 40 will be a significant improvement. We expect advances in workflow efficiency, cost savings, and a reduction in longstanding problems associated with drug and alcohol testing program documentation and recordkeeping, as noted above.

#### V. General Comments and Questions

We are initiating this ANPRM to gather information from DOT-regulated employers and their service agents regarding if and how they are already handling electronic signatures, records transmission, and records storage in their non-DOT testing programs. We request comments and information on appropriate performance standards, and on whether particular methods or performance standards have been successful or unsuccessful. Additionally, we request comments and information on whether to follow industry standards, NIST standards, or something else?

In addition, the ANPRM will allow us to use the information gathered to subsequently propose a notice of proposed rulemaking (NPRM) that considers current industry standards and practices to the maximum extent practicable in developing our own performance standards for electronic signatures and records. We anticipate significant cost savings for employers and their service agents. We do not want to cause an unreasonable increase in costs by requiring inefficient or expensive systems. Beginning this



rulemaking action as an ANPRM will help us to achieve these goals.

We want to ensure that we put forth viable minimum standards for the use of technology, so that the integrity and confidentiality requirements of the program can continue to be met. The importance of ensuring the confidentiality, integrity, and availability of the data, and limiting access to any data transmission, storage, and retrieval systems, cannot be overemphasized. Even as we amend part 40 to permit the use of electronic methods, we will retain the option for regulated entities to use a paper-based system. We recognize that many of our program participants, such as small transportation employers, may not be equipped to participate in a fully electronic system. Therefore, we seek comment on the potential, advantages, risks, ramifications, and required safeguards associated with use of electronic forms, signatures, and records in the DOT drug and alcohol testing program.

Given the above, we request information regarding the following general questions:

(1) What are the practical impacts of authorizing a fully or partially electronic system?

(2) What are the economic impacts of authorizing a fully or partially electronic system?

(3) How would confidentiality and system security be maintained to prevent against data breach and data loss?

(4) How many levels of authentication should be utilized to ensure the reliability and security of the signatures of program participants?

(5) How is the non-repudiation<sup>6</sup> of a system ensured?

(6) Are there any lessons learned or shared best practices available related to paperless non-DOT regulated testing?

(7) Are there any limitations in either a paperless or electronic environment that impact program efficiency?

(8) Would moving to a paperless system involve the creation of more labels and bar codes and use of additional packaging, etc., not required in a paper-based system. If so, are there any cost and/or efficiency impacts as a result?

(9) What additional definitions would need to be added to part 40 to accommodate any electronic capabilities or a fully electronic system?

<sup>6</sup>In a general information security context, non-repudiation is assurance that the sender of information is provided with proof of delivery, and the recipient is provided with proof of the sender's identity, so neither can later deny having processed the information.

(10) What measures need to be established to ensure that, when documents are transmitted to multiple parties, each party is able to properly access and use the electronic system?

(11) Part 40 requires urine collectors and breath alcohol technicians (BAT) to prepare a memorandum for the record (MFR) when certain problems are encountered during the conduct of a drug or alcohol test under part 40. How would the MFR be created and transmitted to MROs, laboratories, and employers electronically?

(12) Part 40 requires communication between MROs and the employee's physician regarding shy bladder situations, certain safety concerns, and opioids evaluations. Could these communications be handled electronically? If so, how?

(13) Should third parties (*i.e.*, IT and security consultants, data management firms, etc.) play a role in maintaining electronic systems and transmitting data for employers? If so, to what degree?

(14) If records are kept electronically, and the business relationship ends, how would employers ensure that they have access to their electronic records if switching recordkeeping services, or if the service agent maintaining their electronic records goes out of business? Relatedly, how can employers ensure that records are not deleted, potentially leaving the DOT program participant without the records they are required to maintain under part 40?

## VI. Specific Sections of Part 40 That Would Be Affected

### A. Employee Drug and Alcohol Testing Record

DOT regulations at 49 CFR 40.25 establish requirements for employers to check on the drug and alcohol testing record of employees who the employer intends will perform safety-sensitive duties. This section requires an employer, after obtaining an employee's written consent, to request certain information regarding the employee's drug and alcohol testing history from DOT-regulated employers that have employed the employee during any period during a minimum of the 2 years before the date of the employee's application or transfer. This section also requires the previous employer to maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information released. Further, the employer requesting the information required under this section must maintain a written, confidential record of the information obtained.

We note that the Federal Motor Carrier Safety Administration (FMCSA) published a final rule on December 5, 2016 (81 FR 87686) to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse), a database under the Agency's administration that contains information about violations of FMCSA's drug and alcohol testing program for the holders of commercial driver's licenses (CDLs).<sup>7</sup> This rule was mandated by 49 U.S.C. 31306a.<sup>8</sup> The Clearinghouse is a secure online database that gives employers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about CDL driver drug and alcohol program violations, thereby enhancing safety on our Nation's roadways.

Beginning on January 6, 2020, employers were required to conduct both electronic queries and traditional manual inquiries with previous employers to meet the 3-year timeframe, required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Beginning on January 6, 2023, once 3 years of violation data are stored in the Clearinghouse, FMCSA-regulated employers must conduct a pre-employment query of the Clearinghouse to comply with the requirements in 49 CFR 40.25 and 49 CFR 391.23(e) with respect to FMCSA-regulated employers. An FMCSA-regulated employer must continue to directly request information from the driver's previous employers regulated by a DOT agency other than FMCSA.

We seek information regarding how the requirements in § 40.25, along with record keeping requirements, can be satisfied for employers who are not required to enter data into the FMCSA's Clearinghouse. If part 40 is amended to authorize the use of electronic forms, signatures, and record retention, how can DOT structure regulatory provisions to protect an employee's personal information and related drug test information?

### B. MRO Reporting of Verified Results

DOT regulations at 49 CFR 40.163 require MROs to report all drug test results to the employer using either (1)

<sup>7</sup>In a final rule dated October 7, 2021, FMCSA expanded the scope of the State Driver Licensing Agencies' Clearinghouse query requirement to also include drivers that hold Commercial Learner's Permits in addition to drivers that hold CDLs (86 FR 55718).

<sup>8</sup>This provision was enacted into law in the Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, 126 Stat. 405.

a signed or stamped and dated legible photocopy of Copy 2 of the CCF, or (2) a written report that must include, at a minimum, the information listed in § 40.163(c)(1)–(9) (which includes much of the information provided on Copy 2 of the CCF).<sup>9</sup> This section also requires MROs to maintain reports and records related to negatives and cancelled results for one year, and records and reports related to positives and refusals for five years, unless otherwise specified by applicable DOT agency regulations.

In addition, § 40.167 requires MROs or C/TPAs to transmit the MRO's report(s) of verified tests to the designated employer representative (DER) so that the DER receives the report within 2 days of verification by the MRO. The MRO or C/TPA must fax, courier, mail, or electronically transmit a legible image or copy of either the signed or stamped and dated Copy 2 of the CCF or the written report as required by § 40.163. In transmitting the test results, the MRO or the C/TPA and the employer must ensure the security of the transmission and limit access to any transmission, storage, or retrieval systems.

We seek information regarding how the requirements in §§ 40.163 and 40.167 can be satisfied if part 40 is amended to authorize the use of electronic forms, signatures, and record retention.

We also seek information on how MROs, C/TPAs, and employers currently ensure the security of the transmission and limit access to any transmission, storage, or retrieval systems when transmitting test results. Would additional requirements be needed in any amendments to part 40?

We recognize that many occupational medical practices, hospitals and other medical groups conduct collections, perform MRO and C/TPA functions, along with their medical practices. However, the DOT drug and alcohol testing records of donors must not be combined with systems with patient medical records because only those persons with a need to know about the DOT drug and alcohol testing programs can have access to the records. Would additional requirements be needed to ensure that separate systems are maintained?

<sup>9</sup> As an exception to the reporting requirements listed, the regulation permits an MRO to report negative results using an electronic data file provided that the report includes, at a minimum, (1) the information specified in § 40.163(c)(1)–(9), and (2) the MRO's name, address, and phone number, the name of any other person reporting the results, and the date the electronic results report is released.

### C. SAP Reports

DOT regulations at 49 CFR 40.311 require SAPs to provide written reports, directly to a DER, following the SAP's (1) initial evaluation that determines what level of assistance is needed to address the employee's drug and/or alcohol problems, and (2) follow-on evaluation that determines whether the employee has or has not demonstrated successful compliance with the conditions outlined as a result of the initial evaluation. This section requires that these written reports be on the SAP's own letterhead (and not the letterhead of another service agent), be signed and dated by the SAP, and contain the information contained in § 40.311(c)–(e) as appropriate. SAPs are required to maintain copies of reports to employers for 5 years, and must maintain employee clinical records in accordance with Federal, state, and local laws regarding record maintenance, confidentiality, and release of information.

We seek information regarding how the requirements in § 40.311 can be satisfied if part 40 is amended to authorize the use of electronic forms, signatures, and record retention. As with all other information relating to drug and alcohol testing and results, how can the confidentiality of information be protected? What provisions are needed to ensure that the SAP reports are transmitted only to the DER?

### D. Electronic Alcohol Testing Form (Electronic ATF)

The ATF has been in use in the DOT alcohol testing program since 1994 (*see* 59 FR 7349; Feb. 15, 1994). The ATF must be used for every DOT alcohol test. DOT regulations at 49 CFR 40.225 set forth the implementing regulations, and 49 CFR part 40, Appendix G contains a facsimile (reference copy) of the form. The ATF is a three-part carbonless manifold form used by DOT-regulated employers to document the testing event when testing employees subject to DOT alcohol testing. When the employee is tested, both the employee and the Screening Test Technician (STT) and/or a BAT will complete the ATF in various sections. The BAT/STT documents the result(s) by either writing in the screening result or attaching the screening and/or confirmation result printed by the EBT onto the ATF, and then sends Copy 1 to the employer, provides Copy 2 to the employee, and retains Copy 3 for their records.

On April 2, 2020, DISA submitted a petition for rulemaking to DOT requesting that part 40 be amended to

allow for the use of an electronic version of the ATF for DOT-mandated alcohol testing. In its petition, DISA states that it has worked collaboratively with software companies and evidential breath testing device manufacturers over the past five years in developing and deploying the use of an electronic alcohol testing form for documentation of alcohol testing conducted under employers' policy authority. DISA believes that its benefits are applicable and appropriate to DOT-mandated alcohol testing of safety-sensitive employees. DISA contends that use of an electronic ATF will result in (1) an increase in the efficiency, security, and accuracy in documenting DOT alcohol tests, (2) a reduction in paperwork, (3) an improved process for conducting a DOT alcohol test in conjunction with a DOT drug test when an electronic CCF is used for the drug test, (4) a reduction of errors and omissions in the completion of the ATF, (5) an improvement in the efficiency and efficacy in the transmission and record retention of alcohol test results, and (6) a substantial cost savings by eliminating the requirement for the printing and distribution of carbonless three-ply paper ATFs.

We agree that employers and MROs have seen the benefits of using the electronic CCF (*e.g.*, legible information on all copies, reduced collector error, expedited reporting), and the corresponding improvements and efficiencies in the DOT drug testing program. Given these benefits, along with the DISA petition for rulemaking and the statutory mandate, we believe that it is feasible, and preferable, to align the DOT drug and alcohol testing programs by enabling the use of an electronic ATF. It should be noted that in requesting comments on the implementation of an electronic ATF in the DOT alcohol testing program, we are not seeking comments on changes to (1) the existing alcohol testing procedures, (2) the existing alcohol testing device specifications, or (3) the content of the current approved ATF.

Similar to the steps taken in HHS's establishment and adoption of the electronic CCF, we must consider the necessary components and processes associated with an electronic ATF, including the associated procedures and systems that would need to be developed and maintained to appropriately safeguard stored information. Additionally, and similar to what was done in establishing the electronic CCF, we would not contemplate making use of the electronic ATF mandatory, nor would we seek to make any revisions to the

information collected on the existing alcohol testing form.

In considering the factors involved with providing for an electronic ATF in the alcohol testing program regulations, we seek specific information from affected entities and other interested parties about any impact the potential use of an electronic ATF might have.

Even though use of the electronic ATF (like the electronic CCF) would be voluntary, we are interested in discerning the cost impact and any and all factors that would need to be considered to enable use of an electronic ATF including, but not limited to: (1) necessary documentation

and procedures needed to establish the electronic ATF; (2) necessary system components (hardware and software requirements); (3) compatibility of the form and associated systems between alcohol testing program participants (such as between an STT and a BAT and employer); (4) training considerations; (5) system maintenance; (6) system security (protection of an employee's personal information and related test result); and (7) archival and audit trail considerations.

#### **Conclusion**

With this ANPRM, the Department seeks input on the questions set forth above. We welcome comments on all

aspects of the ANPRM, and all interested parties are encouraged to provide their views.

#### **Delegation**

This ANPRM is issued through authority delegated to the General Counsel through a memorandum that has been placed in the docket for the rulemaking action. (See <https://www.regulations.gov/document/DOT-OST-2022-0027-0001>.)

#### **John E. Putnam,**

*General Counsel, U.S. Department of Transportation.*

[FR Doc. 2022-16862 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-9X-P**

# Notices

Federal Register

Vol. 87, No. 150

Friday, August 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.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

[Docket ID FCIC-22-0005]

#### Notice of Request for Revision of an Approved Information Collection

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Revision of an approved information collection; comment request.

**SUMMARY:** This notice announces a public comment period on the information collection request associated with the Multiple Peril Crop Insurance.

**DATES:** Comments that we receive on this notice will be accepted until close of business October 4, 2022.

**ADDRESSES:** We invite you to submit comments on this notice. You may submit comments identified by Docket ID: FCIC-22-0005, in the Federal eRulemaking Portal: Go to <https://www.regulations.gov> Go to <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments will be available for viewing online at [regulations.gov](https://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Francie Tolle, telephone (816) 926-7829; or email [francie.tolle@usda.gov](mailto:francie.tolle@usda.gov). Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice) or (844) 433-2774 (toll-free nationwide).

#### SUPPLEMENTARY INFORMATION:

*Title:* Multiple Peril Crop Insurance.  
*OMB Number:* 0563-0053.

*Expiration Date of Approval:*  
December 31, 2022.

*Type of Request:* Renewal of a currently approved information collection.

*Abstract:* The information collection requirements for this renewal package are necessary for administering the

Federal crop insurance program. Producers are required to report specific data when they apply for Federal crop insurance and report acreage, yields, and notices of loss. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required in Appendix III/M13 Handbook. Commodities for which Federal crop insurance is available are included in this information collection package.

FCIC is requesting that the Office of Management and Budget (OMB) extend the approval of this information collection for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

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

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

(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 (such as through the use of appropriate automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses).

*Estimate of Burden:* The public reporting burden for this collection of information is estimated to average 0.76 hour per response.

*Respondents/Affected Entities:* Producers and insurance companies reinsured by FCIC.

*Estimated Annual Number of Respondents:* 534,374.

*Estimated Annual Number of Responses per Respondent:* 19.9.

*Estimated Annual Number of Responses:* 10,622,053.

*Estimated Total Annual Burden on Respondents:* 8,067,906.

All responses to this notice will be summarized and included in the request

for OMB approval. All comments will also become a matter of public record.

**Marcia Bunger,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2022-16840 Filed 8-4-22; 8:45 am]

**BILLING CODE 3410-08-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Sites

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Prescott National Forest is proposing to charge new fees at multiple recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Prescott National Forest, 344 S Cortez St., Prescott, AZ 86303.

**FOR FURTHER INFORMATION CONTACT:** Julie Rowe, Recreation Program Manager, 928-856-2687 or [julie.rowe@usda.gov](mailto:julie.rowe@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

This proposal includes new fees at two recreation rentals: Mingus Mountain and Palace Station Cabin for \$100 per night. In addition, this proposal would implement a \$75 per night for a group size of 50 people at Mingus Mountain Group Campground.

A \$5 Day-use fee per vehicle is being proposed at Mingus Campground Vista B and Summit Day use sites. The Prescott National Forest Pass and the full suite of interagency passes will be honored at these new Forest Service Day use sites.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for the group campground and cabins will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16767 Filed 8-4-22; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Sites

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Coronado National Forest is proposing to charge new fees at multiple recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Coronado National Forest, 711 S 14th Avenue, Safford, AZ 85546.

**FOR FURTHER INFORMATION CONTACT:** George Garcia, Safford District Ranger, 928-348-1974 or [george.garcia2@usda.gov](mailto:george.garcia2@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new

recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

This proposal includes two recreation rentals: Canelo Ranger Station Cabin proposed at \$125 a night and Canelo Ranger Residence proposed at \$175 per night. In addition, this proposal would implement new fees at \$8 day-use fee per vehicle or \$10 per week per vehicle at Arcadia and Hospital Flat. The Coronado National Forest Annual Pass as well as the full suite of Interagency passes would be honored at the day use sites.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for the cabins will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16764 Filed 8-4-22; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Sites

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Gifford Pinchot National Forest is proposing to charge new fees at multiple recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. Many sites have recently been reconstructed or amenities are being added to improve services and experiences. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Gifford Pinchot National Forest, 987 McClellan Rd., Vancouver, WA 98661.

**FOR FURTHER INFORMATION CONTACT:** Kyung Koh Willis, Recreation Program Manager, 360-891-5177 or [kyung.willis@usda.gov](mailto:kyung.willis@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Cat Creek Chimney and Chambers Lake Campgrounds are proposed at \$15 per single site and \$30 per double site, Chambers Lake will also have a \$5 extra vehicle fee. The Marble Mountain Group Shelter is proposed for \$100 per day for a group size of 100 people, Orr Creek and Wakepish Group Campground are proposed at \$100 per night with group sizes of 75 and 100 people respectively. Twin Falls Group Campground is proposed at \$50 per night, group size of 50 people. In addition, this proposal would implement new fees at five recreation rentals: Gotchen and Nisqually (Big Creek) Guard Stations is proposed at \$85 per night, Red Mountain and Burley Mountain Lookouts are proposed at \$90 per night, and La Wis Wis Guard Station is proposed at \$150 per night. The Cat Creek OHV Area Permit is proposed at \$10 per non-highway legal vehicle operator 16 and older for a two-day pass, or a \$50 annual pass in Phase 1, and increasing prices to \$20 for the two-day pass and \$100 for the annual pass in Phase 2. The Mount Margaret Backcountry Permit is proposed at \$10 per person 16 and older, per night.

A \$5 Day Use fee per vehicle at Cascade Peaks, Cedar Creek, Chambers Lake, Coldwater Lake Picnic and Boating, Coldwater Science and Learning Center (winter operation only), Crest Camp, Donnybrook, Falls Creek Falls, Hemlock Recreation Area, Hummocks, June Lake, Loowit, Marble Mountain, Middle Falls, Siouxan, Snowgrass Trailhead, and South Coldwater Day Use Sites would be

added to improve services and facilities. The Northwest Forest Pass and the full suite of interagency passes will be honored at these Day Use sites

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and cabins will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16769 Filed 8-4-22; 8:45 am]

BILLING CODE 3411-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Site

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee site.

**SUMMARY:** The Cleveland National Forest is proposing to charge a new fee at one recreation site listed in

**SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of this recreation site. An analysis of nearby developed recreation sites with similar amenities shows the proposed fee is reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Cleveland National Forest, 10845 Rancho Bernardo Road, Suite 200, San Diego, CA 92127.

**FOR FURTHER INFORMATION CONTACT:** Joseph Raffaele, Forest Recreation Program Manager, at 858-674-2961 or [joseph.a.raffaele@usda.gov](mailto:joseph.a.raffaele@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further

analysis and public comment.

Reasonable fees, paid by users of this site, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Boulder Oaks Campground is proposing a \$5 per person/per night backpacker walk-in campsite fee.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, this new fee will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16770 Filed 8-4-22; 8:45 am]

BILLING CODE 3411-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Sites

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Arapaho and Roosevelt National Forests are proposing to charge new fees at multiple recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Arapaho-Roosevelt National Forest, 2150 Centre Avenue, Building E, Fort Collins, CO 80526.

**FOR FURTHER INFORMATION CONTACT:** Hallie Groff, District Recreation Staff Officer, 970-217-6950 or [comments-rm-arapaho-roosevelt-canyon-lakes@usda.gov](mailto:comments-rm-arapaho-roosevelt-canyon-lakes@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement

Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment.

Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal, the Buckhorn Work Center group site is proposed at \$200 per day for a group size of 100 people. In addition, this proposal would implement new fees at seven recreation rentals: Corral Park Cabin for \$100 per night; Buckhorn Assistant Ranger, Buckhorn Office, and Buckhorn Bunkhouse Cabin for \$150 per night or \$100 per night during winter; Redfeather Assistant Ranger Cabin and Buckhorn Ranger Cabin for \$175 per night or \$125 per night during winter; and the Redfeather Ranger Cabin for \$200 per night or \$150 per night during winter.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by the Rocky Mountain Regional Office prior to a final decision and implementation.

Advanced reservations will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16768 Filed 8-4-22; 8:45 am]

BILLING CODE 3411-15-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Notice of Proposed New Fee Sites

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Uinta-Wasatch-Cache National Forest is proposing to charge new fees at multiple recreation sites listed in **SUPPLEMENTARY INFORMATION** of this notice. Funds from fees would be used for operation, maintenance, and improvements of these recreation sites.

Many sites have recently been reconstructed or amenities are being added to improve services and experiences. An analysis of nearby developed recreation sites with similar amenities shows the proposed fees are reasonable and typical of similar sites in the area.

**DATES:** If approved, the new fees would be implemented no earlier than six months following the publication of this notice in the **Federal Register**.

**ADDRESSES:** Uinta-Wasatch-Cache National Forest, 857 West South Jordan Parkway, South Jordan, UT 84095.

**FOR FURTHER INFORMATION CONTACT:** Renee Flanagan, Recreation, Heritage, Wilderness, and Lands Staff Officer, 801-999-2157 or [renee.flanagan@usda.gov](mailto:renee.flanagan@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108-447) directed the Secretary of Agriculture to publish a six-month advance notice in the **Federal Register** whenever new recreation fee areas are established. The fees are only proposed at this time and will be determined upon further analysis and public comment. Reasonable fees, paid by users of these sites, will help ensure that the Forest can continue maintaining and improving recreation sites like this for future generations.

As part of this proposal the Cottonwood, Dry Canyon, East Fork Black's Fork, Elk Camp, National Guard, Sawmill Hollow, Unicorn Ridge, and Vernon Reservoir Campgrounds are proposed at \$10 for a three-day pass, \$20 for seven-days, and \$60 for annual pass per vehicle. The Middle Fork Blacks Group Campground is proposed at \$50 per group per night when reserved. In addition, this proposal would implement new fees at five recreation rentals: Right Hand Fork Guard Station proposed at \$150 a night, Timpooneke Guard Station proposed at \$125 a night, Mill Creek Guard Station at \$100 a night, and the Hewinta and Elk Valley Guard Stations are proposed at \$75 a night. Special Recreation Permits are proposed for Clyde Winter, Co Op Winter, Strawberry Winter, Lower Green Canyon, Smithfield Canyon Winter, Tony Grove Winter Sports, and Sinks Winter trailheads for \$10 for a three-day pass, \$20 for seven-days, and \$60 for annual pass per vehicle.

The following day use sites are being proposed at \$10 for a three-day pass, \$20 for seven-days, and \$60 for annual pass per vehicle: Cardiff Fork/Mill D North Trailhead, Causey Reservoir, Devil's Kitchen, Donut Falls Trailhead,

Dry Creek Trailhead, Fifth Water Trailhead, Granite Rock Trailhead, Grit Mill Trailhead, Lower Grotto Trailhead, Henry's Fork Trailhead, Jenkins Flat, Mill B Trailhead (North & South), Monks Hollow Trailhead, Monument Trailhead, Murray Farm Trailhead, National Guard Trailhead, Quarter Corner Trailhead, Red Ledges, Silver Lake Recreation Complex, Skull Crack Trailhead, Soapstone Trailhead, Spruces Winter Trailhead, Temple Quarry Trailhead, Three Forks Trailhead, Upper Grotto Trailhead, Wheat Grass Trailhead, White Pine Trailhead, and Yellow Pine Day Use Sites. The full suite of Interagency passes would be honored at these day use sites.

New fees would provide increased visitor opportunities, as well as increased staffing to address operations and maintenance needs and enhance customer service. Once public involvement is complete, these new fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation.

Advanced reservations for campgrounds and cabins will be available through [www.recreation.gov](http://www.recreation.gov) or by calling 1-877-444-6777. The reservation service charges an \$8.00 fee for reservations.

Dated: August 1, 2022.

**Sandra Watts,**

*Acting Associate Deputy Chief, National Forest System.*

[FR Doc. 2022-16766 Filed 8-4-22; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

[Docket No. RHS-22-NONE-0015]

#### 60-Day Notice of Proposed Information Collection: Environmental Policies and Procedures OMB Control No.: 0575-0197

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, as amended, the Rural Utilities Service, Rural Business-Cooperative Service, and Rural Housing Service, agencies that comprise the Rural Development Mission Area within the United States Department of Agriculture, announce their intention to request an extension of a currently approved information collection and invites comments on this information collection.

**DATES:** Comments on this notice must be received by October 4, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically by the Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the "Search Field" box, labeled "Search for Rules, Proposed Rules, Notices or Supporting Documents," enter the following docket number: (RHS-22-NONE-0015). To submit or view public comments, click the "Search" button, select the "Documents" tab, then select the following document title: (60-Day Notice of Proposed Information Collection: Environmental Policies and Procedures OMB Control No.: 0575-0197) from the "Search Results" and select the "Comment" button. Before inputting your comments, you may also review the "Commenter's Checklist" (optional). Insert your comments under the "Comment" title, click "Browse" to attach files (if available). Input your email address and select "Submit Comment."

Information on using [Regulations.gov](http://Regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "FAQ" link.

*Other Information:* Additional information about Rural Development and its programs is available on the internet at <https://www.rd.usda.gov>.

All comments will be available for public inspection online at the Federal eRulemaking Portal (<https://www.regulations.gov>).

#### FOR FURTHER INFORMATION CONTACT:

Crystal Pemberton, Management Analyst Branch 1, Rural Development Innovation Center—Regulations Management Division, United States Department of Agriculture, 1400 Independence Avenue SW, South Building, Washington, DC 20250-1522. Telephone: (202) 260-8621, Email: [Crystal.Pemberton@usda.gov](mailto:Crystal.Pemberton@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see, 5 CFR 1320.8(d)). This notice identifies the following information collection that the Agencies are submitting to OMB as extension to an existing collection with Agency adjustment.

*Title:* Environmental Policies and Procedures.

*OMB Control Number:* 0575-0197.

*Expiration Date of Approval:* December 31, 2022.

*Type of Request:* Extension of a currently approved information collection.

*Estimate of Burden:* 4.98 hours.

*Respondents:* Not-for-profit institutions and other businesses.

*Estimated Number of Respondents:* 92,597.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 461,736 hours.

**Abstract:** The National Environmental Policy Act (NEPA) and other applicable environmental and historic preservation statutes require all Federal agencies to consider the potential environmental consequences of their actions on the quality of the human environment and historic properties before agency decisions are made and prior to it taking an action; in RD's case the "action" is the approval of financial assistance and obligation of Federal funds. To comply with NEPA and other environmental laws, regulations and Executive Orders, RD requires applicants submitting applications for financial assistance to include project-specific environmental information along with other underwriting requirements. The purpose of this information is to evaluate and document the environmental implications of applicant's proposals. The reporting burden covered by this collection of information consists of documents and written burden to support Environmental Policies and Procedures.

*Comments are invited on:*

(a) Whether the collection of information is necessary for the performance of the functions of the agency, including whether the information will have practical utility;

(b) the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Copies of this information collection can be obtained from Crystal Pemberton, Management Analyst, Branch 1, Rural Development Innovation Center—Regulations Management Division, United States Department of

Agriculture, 1400 Independence Avenue SW, South Building, Washington, DC 20250–1522. Telephone: (202) 260–8621, Email: [Crystal.Pemberton@usda.gov](mailto:Crystal.Pemberton@usda.gov). All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

**Joquin Altoro,**

*Rural Housing Service, Administrator.*

[FR Doc. 2022–16794 Filed 8–4–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–30–2022]

#### **Foreign-Trade Zone (FTZ) 167—Green Bay, Wisconsin; Notification of Proposed Production Activity, Shipbuilders of Wisconsin, Inc., d/b/a Burger Boat Company, (Construction and Repair of Vessels and Hulls), Manitowoc, Wisconsin**

Shipbuilders of Wisconsin, Inc., d/b/a Burger Boat Company (Burger Boat) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Manitowoc, Wisconsin within FTZ 167. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 28, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished products include passenger/vehicle ferries, motor yachts and pleasure or sports vessels of a length exceeding 7.5 meters, research vessels, and aluminum hulls and hull modules (duty rate ranges from duty-free to 1.5%).

The proposed foreign-status materials and components include: carpeting and rugs (wool; man-made textile material); natural stone tiles with height and width less than seven centimeters; marble, granite, and onyx for floors, countertops, or walls; quartz slabs for countertops; China tableware; window glass (tempered; laminated); lead crystal glassware and barware; silverware sets;

weathertight and watertight marine doors (iron; steel; aluminum); anchor chains; anchors and grapnels (iron; steel); mooring bollards; aluminum passerelles/walkways; spark-ignition reciprocating or rotary internal combustion piston marine propulsion engines; engine mounts for marine propulsion engines with spark-ignition internal combustion pistons; hydraulic power units (linear acting; non-linear acting); pumps (lubricating oil; hydraulic; fresh water system); ventilation fans, hoods not exceeding 120 centimeter width, fan blades, and motors; HVAC central air conditioning machines with refrigerating units; HVAC motor-driven fans, chassis, chassis bases, outer cabinets, and evaporator coils; fire dampers; water mist extinguisher systems; winches and capstans (electric; non-electric); davits/cranes; propellers and blades; DC electric motors of an output exceeding 750W but not exceeding 375 kW; AC generators; liquid dielectric transformers; non-liquid dielectric transformers having a power handling capacity exceeding 1 kVA; motor boat tenders; aluminum hull modules (bow and stern) and super structures for yachts of a length exceeding 7.5 meters; aluminum hulls and hull modules; wood furniture; LED chandeliers and electric ceiling or wall lighting fittings (made of base or non-base metals); chandeliers and electric ceiling or wall lighting fittings (made of brass, or non-base metals); chandeliers and electric ceiling or wall lighting fittings not designed exclusively for LED (made of base metals other than brass); LED search lights and spotlights (made of base or non-base metals); and, search lights and spotlights not designed exclusively for LED (duty rate ranges from duty-free to 7.6%). The request indicates that certain materials/ components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is September 14, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov).



Dated: August 1, 2022.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2022–16810 Filed 8–4–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–29–2022]

#### **Foreign-Trade Zone (FTZ) 57— Mecklenburg County, North Carolina; Notification of Proposed Production Activity, Exela Pharma Sciences, LLC, (Pharmaceutical Products), Lenoir, North Carolina**

The Charlotte Regional Business Alliance, grantee of FTZ 57, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Exela Pharma Sciences, LLC, located in Lenoir, North Carolina within Subzone 57D. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 28, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status components and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished product is a Covid–19 vaccine (duty-free).

The proposed foreign-status components are type 1 borosilicate glass vials (2 milliliters) and rubber stoppers for vials (duty rate ranges from duty-free to 2.7%). The request indicates the components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is September 14, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Christopher Wedderburn at [Chris.Wedderburn@trade.gov](mailto:Chris.Wedderburn@trade.gov).

Dated: August 1, 2022.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2022–16812 Filed 8–4–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S–91–2022]

#### **Approval of Expansion of Subzone 168G; Sager Electronics, Lewisville, Texas**

On June 8, 2022, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by Metroplex International Trade Development Corporation, grantee of FTZ 168, requesting expanded subzone status subject to the existing activation limit of FTZ 168, on behalf of Sager Electronics, in Lewisville, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (87 FR 35967, June 14, 2022). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to expand Subzone 168G was approved on August 2, 2022, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 168's 1,955.59-acre activation limit.

Dated: August 2, 2022.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2022–16842 Filed 8–4–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–32–2022]

#### **Foreign-Trade Zone (FTZ) 27—Boston, Massachusetts; Notification of Proposed Production Activity, Wyeth Pharmaceuticals, LLC, (COVID–19 Vaccine), Andover, Massachusetts**

Wyeth Pharmaceuticals, LLC (Wyeth) submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Andover, Massachusetts within Subzone 27R. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 27, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). The proposed finished product and materials/components would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product is COVID–19 vaccine (duty-free).

The proposed foreign-status materials and components include mRNA drug substance, PF-07311356 ALC-0315 Lipid, 2-[(Polyethylene Glycol)-2000]-N,N-Ditetradecylacetamide (PEG Lipid ALC-0159), and 1,2-Distearoyl-sn-glycero-3-phosphocoline (DSPC) (duty rate ranges from 3.7% to 6.5%). The request indicates that certain materials/components are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is September 14, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Diane Finver at [Diane.Finver@trade.gov](mailto:Diane.Finver@trade.gov).

Dated: August 1, 2022.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2022–16811 Filed 8–4–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–31–2022]

#### **Foreign-Trade Zone (FTZ) 222— Birmingham, Alabama; Notification of Proposed Production Activity, Hyundai Motor Manufacturing Alabama, LLC (Passenger Automobiles, Trucks, and Cargo Trucks), Montgomery, Alabama**

Hyundai Motor Manufacturing Alabama, LLC (HMMA) submitted a

notification of proposed production activity to the FTZ Board (the Board) for its facility in Montgomery, Alabama, within Subzone 222A. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 22, 2022.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). The proposed finished product(s) and material(s)/component(s) would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished products include: passenger, passenger hybrid, and passenger plug-in hybrid automobiles (gasoline and electric motor) and, passenger and cargo trucks (gasoline) (duty rate ranges from 2.5% to 25%).

The proposed foreign-status materials and components include: sealing agents; thermal compounds; plastic components (rear washer hoses; intercooler outlet hoses; labels; seal tape; black tape; anti-chipping film; anti-noise pads; cases for tire mobility kit; plugs; handles; hooks; brackets; caps; clips; covers; retainers; moldings; weather stripping; clips; emblems; retainers; nuts; rivets; spacers); assemblies (plastic water inlet fitting; rubber seal strip; luggage floor mat; car mat complete; mirror; aluminum compressor elbow; sunroof wrench; tailgate and trunk latch; piston and conrod; camshaft bearing cap; camshaft carrier; cylinder head cover; lower crankcase; ladderframe; intake and exhaust manifold; balance shaft; oil jet; oil pan; cylinder and tube; power steering oil pump; window washer reservoir and pump; fuel pump cover, master cylinder and booster; cooler; warmer; jack and hook owner's vehicle maintenance tool; jack; continuous variable valve timing and center bolt; fuel rail; thermostat; inlet and exhaust camshaft; wiper motor and link; inverter unit; battery housings and ventilation; starter; alternator; license plate lamp; luggage lamp; combination lamp; horn; piezo buzzer; back view camera; keyless entry transmitter; resistor; switch; navigation cable; electrical resistance junction box case; side crash pad switch; audio/visual (A/V) tuner unit;

A/V video jack; head lamp electronic control unit; door; under cover panel; center fascia panel; quarter inner panel; fuel tank; fuel pump cover; roof rack cover; console complete; fender side cover; spare tire well cover; C-pillar garnish; front mud guard; door frame molding; glass molding; sunvisor; luggage floor tray; sliding and tilting sunroof; sunroof sunshade; rear spoiler; cargo screen; panorama roof; drive shaft; wheel hub cap; rear trailing arm; timing chain tensioner; radiator reservoir tank; integrated bracket tensioner; air duct; fuel tank band; manual transmission lever; knob and boot; propeller shaft; cargo screen); covers (vinyl; engine; starter; speaker; junction block; back view camera; outside mirror; sunroof decoration); tire sealant; bolt mounting tape; breather hoses; rubber components (hoses; tubes; pipes; nozzles; belts; license plate supporters; oil seals; gaskets; O-rings; caps; plugs; pads; packaging; bumpers; grommets); owner's manuals; battery insulation pads; steel components (bypass nipples; threaded couplings; heater nipples; tapping screws; bolts; machining screws; studs; nuts; ball studs; spring washers; plain washers; cotter pins; pin dowels; clamps; clips; hangers; gaskets; balls; service cover plates for battery access); springs (rear helical; valve); trunk lid hinge torsion bars; wheel nut wrenches; key sets; hinges; tailgate and hood lifters; metal components (brackets and mountings for vehicles; hook holders for child seat; rivets; VIN labels; gaskets); cylinder heads; mechanical tappets; cylinder blocks; plugs (taper; high voltage; cigar lighter); adapter plates; valve exhaust and inlet seats; piston rings; valve spring retainers; modules (surge tank; turbo manifold; exhaust manifold; exhaust gas recirculation valve; thermal management); water jacket inserts; oil drain cover gaskets; pumps (high pressure; balance shaft and oil; water and oil); tire mobility kits; automotive air conditioner parts; filters (fuel; oil); air cleaners; catalytic converters; washer nozzles; valves (tire check; oil control; solenoid); thermostat housing gaskets; bearing pilots; connecting rod and crankshaft bearings; flywheels; pulleys (damper; water pump); crankshaft sprockets; actuators; lithium-ion components (cell blocks; batteries); rupture disks; units (blind spot detection; electronic control; battery management; battery cell monitor; front view camera; head light auto leveling); key fobs; antennas; condensers; resistors with diodes; sensors (memory seat; crankshaft position; oil and water temperature; oxygen; battery; knock);

high voltage battery fuse links; battery fuse links; pyrotechnical switches; relays (power; electrical); contactors; carrier plates; junction boxes, busbars and controllers; occupant passenger detection systems; DC/DC (direct current) convertors; crankshaft position sensor wheel and plate assembly drives; antenna extension feeder cables; wiring harnesses; dosing injector extension wiring; coils and capacitors; vehicle bodies; bumpers; bumper brackets; safety seat belts; windshields; rear windows; windows; door body stampings; panels (fender; cowl and dash; fender apron; rear floor; tailgate inner and outer; hood inner and outer; trunk lid inner and outer); body trim garnishes; roof rails; roof antenna dummies; foot rests; roof assembly moldings; roof pads; transmissions; transmission shift levers; drive axles; road wheels; struts; front shock absorber mounting forks; rear spring upper and lower pads; radiators; mufflers; resonators; exhaust pipes; steering wheels and columns; safety airbags; cable ducts; cooler lines; timing chain guides; heat protectors; oil level gauges; and, cigarette lighter sockets (duty rate ranges from duty-free to 9.0%). The request indicates that certain materials/components are subject to duties under Section 232 of the Trade Expansion Act of 1962 (Section 232) or Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 232 and Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is September 14, 2022.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov).

Dated: August 2, 2022.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2022-16850 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**Empresa de Transporte Aérocargo del Sur, S.A., a/k/a Aerocargo del Sur Transportation Company a/k/a EMTRASUR, Avenida Intercomunal, Edificio Sede, Sector 6.3, Maiquetia, Distrito Federal, Venezuela; Avenida Lecuna Torre Oeste Piso 49, Libertador, Caracas, Venezuela; Order Temporarily Denying Export Privileges**

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730 through 774 (2021) (“EAR” or “the Regulations”),<sup>1</sup> the Bureau of Industry and Security (“BIS”), U.S. Department of Commerce, through its Office of Export Enforcement (“OEE”), has requested the issuance of an Order temporarily denying, for a period of 180 days, the export privileges under the Regulations of Venezuela-based cargo airline Empresa de Transporte Aérocargo del Sur, S.A., a/k/a Aerocargo del Sur Transportation Company, a/k/a EMTRASUR (“EMTRASUR”). OEE’s request and related information indicates that EMTRASUR is a subsidiary of Consorcio Venezolano de Industrias Aeronauticas Y Servicios Aereos, S.A., a/k/a CONVIASA (“CONVIASA”), a Venezuelan state-owned airline. On or about February 7, 2020, U.S. Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) added CONVIASA to the list of Specially Designated Nationals (“SDN”) pursuant to Executive Order (E.O.) 13884.<sup>2</sup>

#### I. Legal Standard

Pursuant to Section 766.24, BIS may issue an order temporarily denying a

<sup>1</sup> On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (“ECRA”). While Section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. App. § 2401 *et seq.* (“EAA”), (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* (“IEEPA”), and were in effect as of ECRA’s date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

<sup>2</sup> See <https://home.treasury.gov/news/press-releases/sm903>.

respondent’s export privileges upon a showing that the order is necessary in the public interest to prevent an “imminent violation” of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). “A violation may be ‘imminent’ either in time or degree of likelihood.” 15 CFR 766.24(b)(3). BIS may show “either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations.” *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge “is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]” *Id.* A “lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.” *Id.*

#### II. OEE’s Request for a Temporary Denial Order (“TDO”)

OEE’s request is based upon facts indicating that EMTRASUR engaged in conduct prohibited by a BIS-issued temporary denial order (“TDO”) against Iranian airline Mahan Air a/k/a Mahan Airlines a/k/a Mahan Airways (“Mahan Air”) and the Regulations by acquiring custody and/or control from Mahan Air of a U.S.-origin Boeing 747 aircraft bearing manufacturer’s serial number 23413 (“MSN 23413”), an item subject to the EAR and classified under ECCN 9A991. In or around October 2021, Mahan Air transferred custody and control of MSN 23413 to EMTRASUR’s parent company, CONVIASA, through an intermediary. Open source evidence, including flight tracking data, reveals the aircraft, which was operating under Iranian tail number EP–MND, has now been painted in EMTRASUR’s livery and logo and bears Venezuelan tail number YV–3531.

Mahan Air has been on BIS’s Denied Persons List since March 2008, due to numerous significant, continuing, deliberate, and covert violations of the Regulations. The BIS-issued TDO against Mahan Air (“Mahan Air TDO”) has been renewed on or about every six months thereafter and remains in effect.<sup>3</sup> Any named parties to the TDO,

<sup>3</sup> Mahan Airways’ status as a denied person was most recently renewed by BIS through a TDO

which further encompasses any related parties, agents, representatives or those acting for or on their behalf, are broadly prohibited from directly or indirectly participating “in any way” in a transaction involving U.S.-origin commodities or those subject to the EAR. The TDO also prohibits third-parties from engaging in a broad range of conduct subject to the Regulations with denied persons.

Since October 2011, Mahan Air also has been designated as a Specially Designated Global Terrorist (“SDGT”) by OFAC pursuant to Executive Order 13224 for providing financial, material and technological support to Iran’s Islamic Revolutionary Guard Corps-Qods Force (IRGC–QF). See 77 FR 64,427 (October 18, 2011).

In addition to the prohibited conduct arising from EMTRASUR acquiring custody and/or control of the aircraft from Mahan Air, EMTRASUR’s continued use of MSN 23413 on flights into Iran and Russia runs afoul of General Prohibition 10, which (among other restrictions) prohibits the continued use of an item that was known to have been exported or reexported in violation of the EAR. See General Prohibition 10 of the EAR at 15 CFR 736.2(b)(10). Moreover, there are no license exceptions available for this General Prohibition.<sup>4</sup> Specifically, OEE’s investigation, including publicly available flight tracking information, indicates that EMTRASUR operated MSN 23413 on flights into and out of Tehran, Iran and Moscow, Russia. The information about those flights includes the following:

issued on May 12, 2022. See 87 FR 30,173 (May 18, 2022). The May 12, 2022 renewal order summarizes the initial TDO issued against Mahan in March 2008, and the other renewal orders prior to May 12, 2022. See *id.*

<sup>4</sup> Section 736.2(b)(10) of the EAR provides: General Prohibition Ten—Proceeding with transactions with knowledge that a violation has occurred or is about to occur (Knowledge Violation to Occur). You may not sell, transfer, export, reexport, finance, order, buy, remove, conceal, store, use, loan, dispose of, transport, forward, or otherwise service, in whole or in part, any item subject to the EAR and exported or to be exported with knowledge that a violation of the Export Administration Regulations, the Export Administration Act or any order, license, License Exception, or other authorization issued thereunder has occurred, is about to occur, or is intended to occur in connection with the item. Nor may you rely upon any license or License Exception after notice to you of the suspension or revocation of that license or exception. There are no License Exceptions to this General Prohibition Ten in part 740 of the EAR.

Tail No.	Serial No.	Aircraft type	Departure/arrival cities	Dates
YV-3531 .....	23413	747-300M	Caracas, VZ/Tehran, IR .....	February 19, 2022.
YV-3531 .....	23413	747-300M	Caracas, VZ/Tehran, IR .....	March 13, 2022.
YV-3531 .....	23413	747-300M	Caracas, VZ/Tehran, IR .....	April 17, 2022.
YV-3531 .....	23413	747-300M	Caracas, VZ/Tehran, IR .....	May 21, 2022.
YV-3531 .....	23413	747-300M	Tehran, IR/Moscow, RU .....	May 24, 2022.
YV-3531 .....	23413	747-300M	Moscow RU/Tehran, IR .....	May 25, 2022.

BIS has become aware that, on or about June 6, 2022, MSN 23413 landed at Ezeiza International Airport in Buenos Aires, Argentina. On or about June 8, 2022, MSN 23413 departed to Uruguay to refuel. But Uruguay refused to grant MSN 23413 access to its airspace due to its association with multiple sanctioned entities. That same day, on or about June 8, 2022, MSN 23413 landed a second time at Ezeiza International Airport in Buenos Aires, Argentina. After MSN 23413 landed a second time, the Government of Argentina temporarily detained the aircraft. Based upon the on-going violations by EMTRASUR, and the potential release of the MSN 23413 from detention, there are heightened concerns of future violations of the EAR, especially given that any subsequent actions taken with regard to MSN 23413 may violate the EAR. Such actions include, but are not limited to, refueling, maintenance, repair, or the provision of spare parts or services. *Id.*

### III. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that a violation of the Mahan Air TDO occurred in connection with Mahan Air's transfer of custody and/or control of MSN 23413 to EMTRASUR in or about October 2021. EMTRASUR also took subsequent actions in apparent violation of the Regulations by operating the aircraft on flights into Iran as well as flights into Russia after February 24, 2022, without the required BIS authorization. Moreover, the continued operation of MSN 23413 by EMTRASUR, and the company's on-going need to acquire replacement parts and components, many of which are U.S.-origin, presents a high likelihood of imminent violations warranting imposition of a TDO. I further find that the violations under investigation have been "significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]" Therefore, issuance of the TDO is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to

companies and individuals in the United States and abroad that they should avoid dealing with EMTRASUR in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

This Order is being issued on an *ex parte* basis without a hearing based upon BIS's showing of an imminent violation in accordance with Section 766.24 and 766.23(b) of the Regulations.

### IV. Order

*It is therefore ordered:*

*First*, Empresa de Transporte Aéreo cargo del Sur, S.A., a/k/a Aerocargo del Sur Transportation Company, a/k/a EMTRASUR, Avenida Intercomunal, Edificio Sede, Sector 6.3, Maiquetia, Distrito Federal, Venezuela, and Avenida Lecuna Torre Oeste Piso 49, Libertador, Caracas, Venezuela, and when acting for or on its behalf, any successors or assigns, agents, or employees may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any

other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations.

*Second*, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of EMTRASUR any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by EMTRASUR of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby EMTRASUR acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from EMTRASUR of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

D. Obtain from EMTRASUR in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by EMTRASUR, or service any item, of whatever origin, that is owned, possessed or controlled by EMTRASUR if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

*Third*, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to EMTRASUR by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of Sections 766.24(e) of the EAR, EMTRASUR may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by EMTRASUR as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to EMTRASUR and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: August 2, 2022.

**Matthew S. Axelrod,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 2022-16851 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-856]

#### **Certain Corrosion-Resistant Steel Products From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020-2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2020, through June 30, 2021. We further preliminarily determine that Synn Industrial Co., Ltd. (Synn) had no

shipments during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Kate Sliney or Matthew Palmer, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2437 and (202) 482-1678, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Commerce is conducting an administrative review of the antidumping duty (AD) order<sup>1</sup> on certain corrosion-resistant steel products (CORE) from Taiwan,<sup>2</sup> covering the following four exporters/producers: Prosperity Tieh Enterprise, Co., Ltd. (Prosperity); Sheng Yu Steel Co., Ltd. (SYSCO); Synn; and Yieh Phui Enterprise Co., Ltd. (YP). On March 29, 2022, we extended the preliminary results of this review to no later than July 29, 2022.<sup>3</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>4</sup> A list of topics included in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, the complete Preliminary Decision Memorandum can be accessed directly

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 86 FR 35065, 35066 (July 1, 2021); see also *Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390 (July 25, 2016) (Order).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034, 50042-43 (September 7, 2021).

<sup>3</sup> See Memorandum, "Certain Corrosion-Resistant Steel Products from Taiwan: Extension of Time Limit for Preliminary Results of 2020-2021 Antidumping Duty Administrative Review," dated March 29, 2022.

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the 2020-2021 Antidumping Duty Administrative Review: Certain Corrosion-Resistant Steel Products from Taiwan," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

at <https://enforcement.trade.gov/frn/index.html>.

##### **Scope of the Order**

The products covered by the *Order* are flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. For a full description of the scope of the *Order*, see the Preliminary Decision Memorandum.

##### **Preliminary Determination of No Shipments**

On October 7, 2021, Synn submitted a letter certifying that it had no exports or sales of subject merchandise into the United States during the POR.<sup>5</sup> Currently, the record contains no information which contradicts Synn's claim, and we will revisit this issue following these preliminary results if we receive additional information from U.S. Customs and Border Protection (CBP). Therefore, we preliminarily determine that Synn did not have any reviewable transactions during the POR. Consistent with Commerce's practice, we will not rescind the review with respect to Synn, but rather will complete the review and issue instructions to CBP based on the final results.<sup>6</sup>

##### **Methodology**

Commerce is conducting this review in accordance with section 751(a)(1) and (2) of Tariff Act of 1930, as amended (the Act). Export price and constructed export price were calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

##### **Rate for Non-Selected Company**

For the rate for companies not selected for individual examination in an administrative review, generally, Commerce looks to section 735(c)(5) of

<sup>5</sup> See Synn's Letter, "Corrosion-Resistant Steel Products from Taiwan; No Shipment Certification," dated October 7, 2021.

<sup>6</sup> See, e.g., *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306, 51307 (August 28, 2014).

the Act, which provides instructions for calculating the all-others rate in a less-than-fair-value (LTFV) investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” In this administrative review, we calculated a weighted-average dumping margin each for Prosperity and YP that is not zero, *de minimis*, or based on total facts available. The weighted-average dumping margin calculated for SYSCO, the non-selected company, is an average of the weighted-average dumping margins of the two mandatory respondents weighted by the publicly ranged U.S. sales values of the mandatory respondents.<sup>7</sup>

### Preliminary Results of Review

Commerce preliminarily determines the following weighted-average dumping margins exist for the period July 1, 2020, through June 30, 2021:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Prosperity Tieh Enterprise Co., Ltd .....	6.46
Sheng Yu Steel Co., Ltd .....	5.83
Yieh Phui Enterprise Co., Ltd .....	4.63

### Assessment Rates

Upon issuance of the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. For any individually examined respondents whose weighted-average dumping margin is above *de minimis* (*i.e.*, 0.50 percent), we will calculate importer-specific *ad valorem* AD assessment rates based on the ratio of the total amount of dumping calculated for the importer’s examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>8</sup> We will instruct CBP to

<sup>7</sup> See Memorandum, “Calculation of Non-Selected Rate in Preliminary Results,” dated concurrently with this notice; see also *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

<sup>8</sup> In these preliminary results, Commerce applied the assessment rate calculation method adopted in

assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.*, 0.50 percent). Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to ADs. The assessment rate for ADs for SYSCO, which was not selected for individual examination, will be equal to the weighted-average dumping margin identified in the final results of review. The final results of this review shall be the basis for the assessment of ADs on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>9</sup>

In accordance with Commerce’s “automatic assessment” practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know their merchandise was destined for the United States, or for entries associated with Synn, which had no shipments during the POR, we will instruct CBP to liquidate entries not reviewed at the all-others rate of 3.66 percent established in the LTFV investigation<sup>10</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>11</sup> We intend to issue assessment instructions to CBP no earlier than 35 days after date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of CORE from

*Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>9</sup> See section 751(a)(2)(C) of the Act.

<sup>10</sup> See *Corrosion-Resistant Steel Products from Taiwan: Notice of Court Decision Not in Harmony with Final Determination of Antidumping Duty Investigation and Notice of Amended Final Determination of Investigation*, 84 FR 6129 (February 26, 2019) (*Amended Final Determination*).

<sup>11</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for each company listed above will be equal to the dumping margins established in the final results of this review except if the ultimate rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.66 percent, the all-others rate established in the *Amended Final Determination*.<sup>12</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.<sup>13</sup>

Case briefs may be submitted to the Assistant Secretary for Enforcement and Compliance. Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>14</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the date for filing case briefs.<sup>15</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with the argument: (1) a statement of the issue; (2) a summary of the argument; and (3) a table of authorities.<sup>16</sup> All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce’s electronic records system, ACCESS. Note that

<sup>12</sup> See *Amended Final Determination*.

<sup>13</sup> See 19 CFR 351.224(b).

<sup>14</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>15</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

<sup>16</sup> See 19 CFR 351.309(c)(2) and (d)(2).

Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>17</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.<sup>18</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing at a time and location to be determined.<sup>19</sup> Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

These preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No

- V. Shipments
- V. Rate for Respondent Not Selected for Individual Examination
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

[FR Doc. 2022-16821 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-824]

#### **Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2020-2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from India. The period of review (POR) is July 1, 2020, through June 30, 2021. This review covers two producers and exporters of PET film from India, Jindal Poly Films (Jindal) and SRF Limited (SRF). We preliminarily determine that neither company made sales of subject merchandise below normal value (NV) during the POR. We are also rescinding the review with respect to six companies because all requests for review for these companies have been withdrawn. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Arrowsmith and Jacob Saude, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5255 and (202) 482-0981, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On July 1, 2002, Commerce published the antidumping duty order on PET film from India.<sup>1</sup> On September 7, 2021, based on timely requests for a review, in accordance with 19 CFR

<sup>1</sup> See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 44175 (July 1, 2002) (*Order*).

351.221(c)(1)(i), Commerce initiated an administrative review of the *Order*, covering eight companies.<sup>2</sup>

On June 27, 2022, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.213(h)(2), Commerce extended the due date for the preliminary results to July 29, 2022.<sup>3</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>4</sup>

#### **Scope of the Order**

The merchandise subject to the *Order* is PET film. The PET film subject to the *Order* is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS number is provided for convenience and for customs purposes, the written product description, remains dispositive. For a full description of the scope of the *Order*, see the Preliminary Decision Memorandum.<sup>5</sup>

#### **Partial Rescission of Administrative Review**

Commerce initiated a review of eight companies in this proceeding. We are rescinding this administrative review with respect to six of these companies: (1) Ester Industries Ltd.; (2) Garware Polyester Ltd.; (3) MTZ Polyesters Ltd.; (4) Polyplex Corporation; (5) Uflex Ltd.; and (6) Vacmet India, pursuant to 19 CFR 351.213(d)(1), because all review requests for these companies were timely withdrawn.<sup>6</sup> Accordingly, the companies that remain subject to the instant review are Jindal and SRF.<sup>7</sup>

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (September 7, 2021) (*Initiation Notice*).

<sup>3</sup> See Memorandum, "Polyethylene terephthalate (PET) film, sheet, and strip from India: Second Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review (2020-2021)," dated June 27, 2022.

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2020-2021" dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at "Partial Rescission of Administrative Review."

<sup>7</sup> In the *Initiation Notice*, we initiated a review with respect to SRF Ltd., which is also known as SRF Limited of India and SRF Limited. See *Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2019-2020* 86 FR 41949 (August 4, 2021), at footnote 7, unchanged in *Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Antidumping Duty Administrative Review; 2019-2020* 87 FR 5461 (February 1, 2022).

<sup>17</sup> See *Temporary Rule*.

<sup>18</sup> See 19 CFR 351.310(c).

<sup>19</sup> See 19 CFR 351.310.

## Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price has been calculated in accordance with section 772 of the Act. NV has been calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

## Company Not Selected for Individual Review

The Act and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally "an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}." However, where the dumping margins for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated."

In this review, we have preliminarily calculated a weighted-average dumping margin for SRF, the sole mandatory respondent, that is zero. Accordingly, Commerce preliminarily has assigned to Jindal, the company not individually examined, a margin of 0.00 percent.

## Preliminary Results of Review

As a result of this review, Commerce preliminarily determines that the following weighted-average dumping margins for the period July 1, 2020, through June 30, 2021:

Exporter/producer	Weighted-average dumping margin (percent)
Jindal Poly Films Ltd .....	0.00
SRF Limited <sup>8</sup> .....	0.00

## Disclosure and Public Comment

Commerce intends to disclose its calculations performed in connection with these preliminary results to interested parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>9</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>10</sup> Executive summaries should be limited to five pages total, including footnotes.<sup>11</sup> Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.<sup>12</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>13</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An

<sup>8</sup> As noted above, SRF Limited is also known as SRF Limited of India and SRF Ltd.

<sup>9</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

<sup>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>11</sup> *Id.*

<sup>12</sup> See 19 CFR 351.303.

<sup>13</sup> See *Temporary Rule*.

electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

## Assessment Rates

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If a SRF's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for its importer's examined sales and the total entered value of such sales, in accordance with 19 CFR 351.212(b)(1). Where either the SRF's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by SRF for which SRF did not know its merchandise was destined for the United States, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy, *i.e.*, the assessment rate for such entries will be equal to the all-others rate established at the less-than-fair value investigation (*i.e.*, 5.71 percent *ad valorem*),<sup>14</sup> if there is no rate for the intermediate company(ies) involved in the transaction.

<sup>14</sup> See *Order*, 67 at 44176 (showing the dumping margin computed for "all others" as 24.14 percent); and *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 34899, 34901 (*Final Determination*) (showing an adjustment of 18.43 percent for export subsidies found in the companion CVD investigation). The cash deposit rate for all other exporters is the net of these figures (*i.e.*, 5.71 percent).



For Jindal, which was not selected for individual examination, we intend to assign an assessment rate based on the methodology described in the “Rates for Non-Examined Companies” section. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period July 1, 2020, through June 30, 2021, in accordance with 19 CFR 351.212(c)(1)(i).<sup>15</sup>

Commerce intends to issue assessment instructions to CBP 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET film from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value investigation, but the producer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters is 5.71 percent.<sup>16</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

<sup>15</sup> The companies for which this review is rescinded are: (1) Ester Industries Ltd.; (2) Garware Polyester Ltd.; (3) MTZ Polyesters Ltd.; (4) Polyplex Corporation; Uflex Ltd.; and (6) Vacmet India.

<sup>16</sup> See *Order*, 67 FR at 44176; and *Final Determination*, 67 FR at 34901.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Partial Rescission of Administrative Review
- IV. Company Not Selected for Individual Examination
- V. Scope of the *Order*
- VI. Comparisons to Normal Value
- VII. Date of Sale
- VIII. Export Price
- IX. Normal Value
- X. Currency Conversion
- XI. Recommendation

[FR Doc. 2022–16827 Filed 8–4–22; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–985]

#### Xanthan Gum From the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Partial Rescission of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2020–2021

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that the exporters subject to this antidumping duty (AD) administrative review did not make sales of subject merchandise at less than normal value, and that one company

(Shanghai Smart Chemicals Co., Ltd. (Shanghai Smart)) had no shipments of subject merchandise during the period of review (POR) July 1, 2020, through June 30, 2021. In addition, we are rescinding this review with respect to CP Kelco (Shandong) Biological Company Limited (CP Kelco Shandong). Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Reginald Anadio, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3166.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 1, 2021, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on xanthan gum from the People’s Republic of China (China).<sup>1</sup> Commerce published the *Initiation Notice* of this administrative review on September 7, 2020.<sup>2</sup> For details regarding the events that occurred subsequent to the initiation of the review, see the Preliminary Decision Memorandum.<sup>3</sup> The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of topics discussed in the Preliminary Decision Memorandum is included in the appendix to this notice.

On March 3, 2022, Commerce extended the deadline for these preliminary results to July 29, 2022.<sup>4</sup>

<sup>1</sup> See *Xanthan Gum from the People’s Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 43143 (July 19, 2013) (*Order*); and *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 86 FR 35065 (July 1, 2021).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (September 7, 2021) (*Initiation Notice*).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of the Eighth Antidumping Duty Administrative Review of Xanthan Gum from the People’s Republic of China,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> See Memorandum, “Xanthan Gum from the People’s Republic of China: Extension of Deadline for Preliminary Results of the 2020–2021

## Scope of the Order

The product covered by the *Order* includes dry xanthan gum, whether or not coated or blended with other products. Xanthan gum is included in this order regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber.

Merchandise covered by the scope of the *Order* is classified in the Harmonized Tariff Schedule of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope is dispositive.

A full description of the scope of the *Order* is contained in the Preliminary Decision Memorandum.

## Preliminary Determination of No Shipments

On September 13 and October 7, 2021, Shanghai Smart and Deosen Biochemical Ltd. (Deosen Biochemical), respectively, timely filed certifications that they had no exports, shipments, sales, or entries of subject merchandise to the United States during the POR.<sup>5</sup> Based on an analysis of information from U.S. Customs and Border Protection (CBP) and Shanghai Smart's no shipment certification, Commerce preliminarily determines that Shanghai Smart had no shipments of subject merchandise during the POR.<sup>6</sup>

However, Commerce preliminarily determines that Deosen Biochemical had reviewable transactions during the POR.<sup>7</sup> For additional information regarding this determination, see the Preliminary Decision Memorandum.

Consistent with Commerce's practice in non-market economy (NME) cases, we are not rescinding this administrative review with respect to Shanghai Smart but intend to complete the review and issue appropriate instructions to CBP based on the final results of the review.<sup>8</sup>

## Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested a review withdraw their requests within 90 days of the publication date of the notice of initiation of the requested review in the **Federal Register**. On October 1, 2021, CP Kelco Shandong timely withdrew its request for administrative review.<sup>9</sup> Because no other party requested a review of CP Kelco Shandong, consistent with 19 CFR 351.213(d)(1), Commerce is rescinding this review, in part, with respect to CP Kelco Shandong.

## Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated export price and constructed export price in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, we calculated normal value in accordance with section 773(c) of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum.

## Separate Rates

The statute and Commerce's regulations do not identify the dumping margin to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when determining the dumping margin for respondents that are not individually examined in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for

individually-examined respondents, excluding dumping margins that are zero, *de minimis*, or based entirely on facts available. Where the dumping margins for individually examined respondents are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method" to establish the estimated all-others rate.

We preliminarily calculated a zero percent dumping margin for the sole mandatory respondent, Fufeng.<sup>10</sup> Consistent with the guidance in section 735(c)(5)(B) of the Act, we assigned this rate to the non-examined exporters that qualified for a separate rate. For additional information, see the Preliminary Decision Memorandum.

## China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,<sup>11</sup> the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.*, 154.07 percent) is not subject to change.<sup>12</sup>

Aside from Shanghai Smart, for which we preliminarily find no shipments, and CP Kelco Shandong, for which this review is being rescinded, Commerce considers all other companies for which a review was requested and did not demonstrate separate rate eligibility to be part of the China-wide entity.<sup>13</sup> For these preliminary results, we consider Nanotech Solutions SDN BHD to be part of the China-wide entity because it did not file a separate rate application or certification. For additional information, see the Preliminary Decision Memorandum.

## Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the POR July 1, 2020, through June 30, 2021:

(collectively, Fufeng). For additional information, see the Preliminary Decision Memorandum.

<sup>11</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>12</sup> See *Order*, 78 FR at 43144.

<sup>13</sup> See *Initiation Notice*, 86 FR at 50035 ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below."):

Antidumping Duty Administrative Review," dated March 3, 2022.

<sup>5</sup> See Shanghai Smart's Letter, "Administrative Review of Antidumping Order on Xanthan Gum from the People's Republic of China: No Shipment Certification," dated September 13, 2021; see also Deosen Biochemical's Letter, "Xanthan Gum from the People's Republic of China: No Shipment Certification," dated October 7, 2021.

<sup>6</sup> See Memorandum, "Antidumping Duty Administrative Review of Xanthan Gum from the People's Republic of China: Automated Commercial System Shipment Query," dated September 8, 2021.

<sup>7</sup> *Id.*

<sup>8</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011); and the "Assessment Rates" section, *infra*.

<sup>9</sup> See CP Kelco Shandong's Letter, "Xanthan Gum from the People's Republic of China: CP Kelco (Shandong) Biological Company Limited's Withdrawal of Request for Administrative Review," dated October 1, 2021.

<sup>10</sup> Fufeng refers to a single entity, which includes Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Shandong Fufeng Fermentation Co., Ltd., and Xinjiang Fufeng Biotechnologies Co., Ltd.

Exporter	Weighted-average dumping margin (percent)
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd .....	0.00
Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd./Xinjiang Meihua Amino Acid Co., Ltd .....	0.00
Jianlong Biotechnology Co., Ltd. (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd) .....	0.00
Deosen Biochemical (Ordos) Ltd./Deosen Biochemical Ltd .....	0.00

**Disclosure and Public Comment**

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication.<sup>14</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed with Commerce no later than seven days after the date for filing case briefs.<sup>15</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.<sup>16</sup> Executive summaries should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the **Federal Register**. Requests for a hearing should contain: (1) the requesting party’s name, address, and telephone number; (2) the number of individuals associated with the requesting party that will attend the hearing and whether any of those individuals is a foreign national; and (3) a list of the issues the party intends to discuss at the hearing. If a request for a hearing is made, Commerce will announce the date and time of the hearing. Parties should confirm by telephone the date and time of the hearing two days before the scheduled hearing date.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce’s electronic records system, ACCESS, by 5:00 p.m.

Eastern Time (ET) on the due date.<sup>17</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>18</sup> Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

**Assessment Rates**

Upon issuance of the final results of review, Commerce will determine, and CBP shall assess, ADs on all appropriate entries covered by this review.<sup>19</sup> Commerce intends to issue appropriate assessment instructions to CBP 35 days after the publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

We will calculate importer/customer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales to a particular importer/customer to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).<sup>20</sup> Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total entered value of the merchandise sold to the

importer/customer.<sup>21</sup> Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, Commerce will use the per-unit assessment rate where entered values were not reported.<sup>22</sup> Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*, Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent’s *ad valorem* weighted-average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*,<sup>23</sup> Commerce will instruct CBP to liquidate the appropriate entries without regard to ADs.

For respondents not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margin assigned to the respondent in the final results of this review.<sup>24</sup>

Pursuant to Commerce’s refinement to its practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin assigned to the China-wide entity.<sup>25</sup> Additionally, where Commerce

<sup>21</sup> See 19 CFR 351.212(b)(1).

<sup>22</sup> *Id.*

<sup>23</sup> See 19 CFR 351.106(c)(2).

<sup>24</sup> See *Drawn Stainless Steel Sinks from the People’s Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015*, 81 FR 29528 (May 12, 2016), and accompanying Preliminary Decision Memorandum, at 10–11, unchanged in *Drawn Stainless Steel Sinks from the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments: 2014–2015*, 81 FR 54042 (August 15, 2016).

<sup>25</sup> For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings*:

<sup>17</sup> See 19 CFR 351.303 (for general filing requirements).

<sup>18</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>19</sup> See 19 CFR 351.212(b)(1).

<sup>20</sup> We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>14</sup> See 19 CFR 351.309(c)(1)(ii).

<sup>15</sup> See 19 CFR 351.309(d).

<sup>16</sup> See 19 CFR 351.309(c)(2) and (d)(2).

determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin assigned to the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of ADs on entries of merchandise covered by the final results of this review and for future deposits of estimated ADs, where applicable.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of xanthan gum from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for companies granted a separate rate in the final results of this review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the company (except, if the rate is zero or *de minimis*, then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed China and non-China exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, which is 154.07 percent; and (4) for all non-China exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double ADs.

### Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Sections in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Scope of the *Order*
- V. Partial Rescission of Administrative Review
- VI. Preliminary Determination of No Shipments
- VII. Selection of Respondents
- VIII. Single Entity Treatment
- IX. Discussion of Methodology
- X. Currency Conversion
- XI. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-580-879]

#### Certain Corrosion-Resistant Steel Products From the Republic of Korea: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review, 2020

**AGENCY:** Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain corrosion-resistant steel products (CORE) from the Republic of Korea (Korea). The period of review (POR) is January 1, 2020, through December 31, 2020. Additionally, Commerce is rescinding the review with respect to 31 companies.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure or Zachariah Hall, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-6261, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 21 and 29 and August 2, 2021, we received requests for multiple administrative reviews.<sup>1</sup> On September 7, 2021, Commerce published a notice of initiation of an administrative review of the countervailing duty (CVD) order on CORE from Korea.<sup>2</sup> On September 28, 2021, Commerce selected KG Dongbu Steel Co., Ltd. (KG Dongbu Steel)/Dongbu Incheon Steel Co., Ltd. (collectively, KG Dongbu) and Hyundai Steel Company as mandatory respondents in this administrative review.<sup>3</sup> On March 10, 2022, Commerce extended the deadline for the preliminary results of this review.<sup>4</sup>

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>5</sup> A list of topics discussed in the Preliminary Decision Memorandum is included at the Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed

<sup>1</sup> See Cleveland-Cliffs Inc., Steel Dynamics Inc., Nucor Corporation, and United States Steel Corporation's Letter, "Request for Administrative Review," dated August 2, 2021; see also KG Dongbu Steel's Letter, "Request for Administrative Review," dated July 29, 2021; Hyundai Steel's Letter, "Request for Administrative Review," dated July 20, 2021; SeAH Coated Metal's Letter, "Request for Administrative Review," dated August 2, 2021; and POSCO's and POSCO C&C's Letter, "Request for Administrative Review," dated July 20, 2021.

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (September 7, 2021); see also *Certain Corrosion-Resistant Steel Products from India, Italy Republic of Korea and the People's Republic of China: Countervailing Duty Order*, 81 FR 48387 (July 25, 2016) (*Order*).

<sup>3</sup> On March 27, 2020, KG Dongbu Steel's shareholders changed its name from Dongbu Steel to KG Dongbu Steel. See Dongbu's Letter, "Affiliated Companies Response," dated October 28, 2021.

<sup>4</sup> See Memorandum, "Extension of Deadline for the Preliminary Results of the 2020 Countervailing Duty Administrative Review," dated March 10, 2022.

<sup>5</sup> See Memorandum, "Decision Memorandum for the Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2020: Certain Corrosion-Resistant Steel Products from the Republic of Korea," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx/>.

**Scope of the Order**

The merchandise covered by the Order is certain corrosion-resistant steel products. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.

**Rescission of Administrative Review, In Part**

On February 11, 2022, Commerce notified interested parties that we intended to rescind this administrative review with respect to the 31 companies listed in Appendix III, because there are no reviewable suspended entries for these companies based on the POR entry data from U.S. Customs and Border Protection (CBP).<sup>6</sup> No parties commented on the notification of intent to rescind the review, in part. Therefore, we determine that there were no entries of subject merchandise, during the POR, by these companies based on the CBP data. As a result of our finding, we are rescinding this review, in part, pursuant to 19 CFR 351.213(d)(3) with respect to the 31 companies listed in Appendix III to this notice.

**Methodology**

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>7</sup> For a full description of the methodology underlying our conclusions, see the accompanying Preliminary Decision Memorandum.

**Preliminary Rate for Non-Selected Companies Under Review**

The statute and Commerce’s regulations do not directly address the CVD rates to be applied to companies not selected for individual examination where Commerce limited its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an

<sup>6</sup> See Memorandum, “Notice of Intent to Rescind Review, In Part,” dated February 11, 2022.

<sup>7</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

investigation. Section 777A(e)(2) of the Act provides that “the individual countervailable subsidy rates determined under subparagraph (A) shall be used to determine the all-others rate under section 705(c)(5) {of the Act}.” Section 705(c)(5)(A) of the Act states that for companies not investigated, in general, we will determine an all-others rate by weight-averaging the countervailable subsidy rates established for each of the companies individually investigated, excluding zero and *de minimis* rates or any rates based solely on the facts available.

We preliminarily determine that KG Dongbu is the only mandatory respondent that received countervailable subsidies that are above *de minimis*. Therefore, we preliminarily determine to apply the net subsidy rate calculated for KG Dongbu to the non-selected companies. For a list of the six companies for which a review was requested but are not being rescinded, and which were not selected as mandatory respondents or found to be cross-owned with a mandatory respondent, see Appendix II to this notice.

**Preliminary Results of Review**

As a result of this review, we preliminarily determine the net countervailable subsidy rates to be:

Producer/exporter	Subsidy rate (percent <i>ad valorem</i> )
KG Dongbu Steel Co., Ltd. and its Cross-Owned Affiliate, Dongbu Incheon Steel Co., Ltd. <sup>8</sup> .....	9.51
Hyundai Steel Company, and its Cross-Owned Affiliate, Hyundai Green Power .....	*0.27
Non-Selected Companies Under Review <sup>9</sup> .....	9.51

\* (*de minimis*).

**Verification**

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results.

**Disclosure and Public Comment**

We intend to disclose to interested parties the calculations performed for these preliminary results within five

<sup>8</sup> Note to importers: in the previous administrative review, Commerce found that KG Dongbu Steel Co., Ltd. is the successor-in-interest to Dongbu Steel Co., Ltd. See *Certain Corrosion-Resistant Steel Products from the Republic of Korea: Final Results and Partial Rescission of Countervailing Duty Administrative Review*; 2019, 87 FR 2759, 2760 (January 19, 2022). The name Dongbu Steel Co., Ltd. should no longer be used on entry documentation.

<sup>9</sup> See Appendix II.

days of the date of publication of this notice in accordance with 19 CFR 351.224(b). A timeline for the submission of case and rebuttal briefs and written comments will be provided to interested parties at a later date.<sup>10</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>11</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party’s name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

**Assessment Rate**

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review.

For the companies for which this review is rescinded, we will instruct CBP to assess CVDs on all appropriate entries at a rate equal to the cash deposit

<sup>10</sup> See 19 CFR 351.309(c) and (d).

<sup>11</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

of estimated CVDs required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2020, through December 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue assessment instructions to CBP for these companies no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For the companies remaining in the review, we will instruct CBP to assess CVDs on all appropriate entries at the subsidy rates calculated in the final results of this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix I

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Review
- IV. Scope of the Order
- V. Diversification of Korea's Economy
- VI. Subsidies Valuation Information
- VII. Analysis of Programs
- VIII. Recommendation

#### Appendix II

##### List of Non-Selected Companies

1. POSCO Coated & Color Steel Co., Ltd.
2. POSCO
3. Samsung Electronics Co., Ltd.
4. SeAH Coated Metal
5. SeAH Steel Corporation
6. SY Co., Ltd.

#### Appendix III

##### List of Rescinded Companies

1. Ajin H & S Co., Ltd.
2. AJU Steel Co. Ltd.
3. B&N International
4. CDS Global Logistics
5. Daewon SD Co., Ltd.
6. Dong A Hwa Sung Co., Ltd.
7. Dongkuk International, Inc.
8. Jawon Korea Co., Ltd.
9. Kima Steel Corporation
10. Korea Clad Tech. Co., Ltd.
11. Pantos Logistics Co., Ltd.
12. PL Special Steel Co., Ltd.
13. POSCO Daewoo Corp.
14. Prosperity Tieh Enterprise Co., Ltd.
15. Samsung C&T Corporation
16. Sanglim Steel Co., Ltd.
17. Seajin St. Industry, Ltd.
18. Segye Chemical Industry Co., Ltd.
19. Sejung Shipping Co., Ltd.
20. Seun Steel Co., Ltd.
21. Shengzhou Hanshine Import and Export Trade
22. Soon Hong Trading Co., Ltd.
23. SSangyong Manufacturing
24. Sung A Steel Co., Ltd.
25. SW Co., Ltd.
26. Syon
27. TCC Steel. Co., Ltd.
28. Young Steel Co.
29. Young Steel Korea Co., Ltd.
30. Young Sun Steel Co.
31. Yuchang Air Con Co., Ltd.

[FR Doc. 2022-16825 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-489-829]

##### Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2020–2021

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that producers or exporters of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey) subject to this review made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2020, through June 30, 2021.

Additionally, we preliminarily find that one company made no shipments of subject merchandise to the United States during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Robert Copyak or Jose Rivera, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3642 or (202) 482-0842, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 14, 2017, Commerce published the antidumping duty order on rebar from Turkey.<sup>1</sup> On August 31, 2021, based on timely requests for a review, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the Order, covering six companies.<sup>2</sup> On September 29, 2021, Commerce selected Colakoglu<sup>3</sup> and Kaptan<sup>4</sup> as the mandatory respondents for this review.<sup>5</sup> On March 15, 2021, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR

<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey and Japan: Amended Final Affirmative Antidumping Duty Determination for the Republic of Turkey and Antidumping Duty Orders*, 82 FR 32532 (July 14, 2017), as amended by *Notice of Court Decision Not in Harmony With the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination*, 87 FR 934 (January 22, 2022) (Order).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (August 31, 2021) (Initiation Notice).

<sup>3</sup> Colakoglu is comprised of the collapsed entity Colakoglu Metalurji A.S. (Colakoglu Metal) and Colakoglu Dis Ticaret A.S. (COTAS). See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Preliminary Results of Antidumping Administrative Review and Preliminary Determination of No Shipments; 2019–2020*, 86 FR 43181 (August 6, 2021) (Rebar from Turkey 2019–2020 Preliminary Results), and accompanying Preliminary Decision Memorandum (PDM), at 6–9, unchanged in *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results of Antidumping Administrative Review and Final Determination of No Shipments; 2019–2020*, 87 FR 7118 (February 8, 2022) (Rebar from Turkey 2019–2020 Final Results), and accompanying Issues and Decision Memorandum (IDM), at 5.

<sup>4</sup> Kaptan is comprised of the collapsed entity Kaptan Demir Celik Endustrisi Ve Ticaret A.S. (Kaptan Demir) and Kaptan Metal Dis Ticaret Ve Nakliyat A.S. (Kaptan Metal). See *Rebar from Turkey 2019–2020 Preliminary Results PDM* at 6–9, unchanged in *Rebar from Turkey 2019–2020 Final Results IDM* at 5.

<sup>5</sup> See Memorandum, “Respondent Selection Memorandum for Administrative Review of Antidumping Duty Order on Steel Concrete Reinforcing Bar from the Republic of Turkey; 2020–2021,” dated September 29, 2021.

351.213(h)(2), Commerce extended the time limit for issuing the preliminary results of this administrative review by 118 days to July 29, 2022.<sup>6</sup>

**Scope of the Order**

The product covered by the *Order* is steel concrete reinforcing bar from Turkey. For a full description of the scope, see the Preliminary Decision Memorandum.<sup>7</sup>

**Methodology**

Commerce is conducting this review in accordance with section 751(a) of the Act. Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Preliminary Determination of No Shipments**

On August 25, 2021, Habas Sinai ve Tibbi Gazlar Istihsal Endüstrisi A.S

(Habas), an exporter of rebar named in the *Initiation Notice*, submitted a letter certifying that it made no shipments of subject merchandise to the United States during the POR.<sup>8</sup> Subsequently, Commerce sent an inquiry to U.S. Customs and Border Protection (CBP) to confirm Habas’ no shipment claim.<sup>9</sup> CBP informed Commerce that its data indicated that Habas had no shipments during the POR.<sup>10</sup> Based on the certification of Habas claiming no shipments and the lack of record evidence contradicting its no-shipment claims, we preliminarily determine that Habas did not have any shipments of subject merchandise during the POR. Consistent with our practice, we will not rescind the review with respect to Habas, but rather will complete the review and issue instructions to CBP based on the final results.<sup>11</sup>

**Rates for Companies Not Individually Examined**

The Act and Commerce’s regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted-average of the estimated weighted-average dumping margins

established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely on the basis of facts available.”

In this review, we preliminarily calculated a weighted-average dumping margin of 5.79 percent for Kaptan and a weighted-average dumping margin of 1.13 percent for Colakoglu. With two respondents under individual examination, Commerce normally calculates: (A) a weighted-average of the estimated dumping rates calculated for the examined respondents; (B) a simple average of the estimated dumping rates calculated for the examined respondents; and (C) a weighted-average of the estimated dumping rates calculated for the examined respondents using each company’s publicly-ranged U.S. sale values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters.<sup>12</sup> Consistent with our practice, we have preliminarily determined that 3.92 percent, which is the weighted-average of Kaptan’s margin and Colakoglu’s margin based on publicly ranged data, will be assigned to the non-examined companies under section 735(c)(5)(A) of the Act.<sup>13</sup> These companies are Diler Dis Ticaret A.S., Icdas Celik Enerji Tersane ve Ulasim, and Sami Soybas Demir Sanayi ve Ticaret A.S.

**Preliminary Results of Review**

We preliminarily determine that following weighted-average dumping margins exist for the period July 1, 2020, through June 30, 2021:

Producers/exporters	Weighted-average dumping margin (percent)
Colakoglu Metalurji A. S./Colakoglu Dis Ticaret A.S. (COTAS) <sup>14</sup> .....	1.13
Kaptan Demir Celik Endustrisi ve Ticaret A.S./Kaptan Metal Dis Ticaret Ve Nakliyat A.S. <sup>15</sup> .....	5.79

**Review-Specific Average Rate Applicable to the Following Companies:<sup>16</sup>**

Diler Dis Ticaret A.S .....	3.92
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S .....	3.92

<sup>6</sup> See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,” dated March 21, 2022.

<sup>7</sup> See Memorandum, “Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bar from the Republic of Turkey; 2020–2021,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>8</sup> See Habas’ Letter, “Habas No Shipment Letter,” dated August 25, 2021.

<sup>9</sup> See CBP Instructions, “No Shipments Inquiry for Steel Concrete Reinforcing Bar from the Republic of Turkey Produced and/or Exported by

Habas Sinai ve Tibbi Gazlar Istihsal Endüstri A.S. (A–489–829) (Message No. 2207403),” dated July 26, 2022.

<sup>10</sup> See Memorandum, “Steel Concrete Reinforcing Bar from the Republic of Turkey (A–489–829): No Shipment Inquiry with Respect to the Company Listed Below during the period 07/01/2020 through 06/30/2021,” dated July 29, 2022.

<sup>11</sup> See, e.g., *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014*, 80 FR 32090, 32091 (June 5, 2015), unchanged in *Welded Carbon Steel Standard Pipe and Tube Products from Turkey: Final Results*

*of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2013–2014*, 80 FR 76674 (December 10, 2015).

<sup>12</sup> See, e.g., *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010).

<sup>13</sup> For a complete analysis of the data, see Memorandum, “Calculation of the Cash Deposit Rate for Non-Selected Companies,” dated concurrently with this notice (Non-Selected Companies Memorandum).

Producers/exporters	Weighted-average dumping margin (percent)
Sami Soybas Demir Sanayi ve Tiscaret A.S .....	3.92

### Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs no later than 30 days after the date of publication of this notice.<sup>17</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the time limit for filing case briefs.<sup>18</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>19</sup> Executive summaries should be limited to five pages total, including footnotes.<sup>20</sup> Case and rebuttal briefs should be filed using ACCESS and must be served on interested parties.<sup>21</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>22</sup>

Pursuant to 19 CFR 351.310(c), any interested party who wishes to request a hearing must submit a written request

<sup>14</sup> We collapsed Colakoglu and COTAS in the 2019–2020 administrative review. See *Rebar from Turkey 2019–2020 Preliminary Results PDM*, unchanged in *Rebar from Turkey 2019–2020 Final Results IDM* at 5. Because there is no information on the record of this administrative review that would lead us to revisit this determination, we are continuing to treat these companies as part of a single entity for the purposes of this administrative review.

<sup>15</sup> We collapsed Kaptan Demir and Kaptan Metal in the 2019–2020 administrative review. See *Rebar from Turkey 2019–2020 Preliminary Results PDM* at 6–9, unchanged in *Rebar from Turkey 2019–2020 Final Results IDM* at 5. Because there is no information on the record of this administrative review that would lead us to revisit this determination, we are continuing to treat these companies as part of a single entity for the purposes of this administrative review.

<sup>16</sup> This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis*, or based entirely on facts available. See section 735(c)(5)(A) of the Act; see also Non-Selected Companies Memorandum.

<sup>17</sup> See 19 CFR 351.309(c)(1)(ii); see also 19 CFR 351.303 (for general filing requirements).

<sup>18</sup> See 19 CFR 351.309(d)(1).

<sup>19</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>20</sup> *Id.*

<sup>21</sup> See 19 CFR 351.303.

<sup>22</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

to the Assistant Secretary for Enforcement and Compliance within 30 days of publication of this notice. Hearing requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.<sup>23</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions to Commerce must be filed electronically using ACCESS<sup>24</sup> and must also be served on interested parties.<sup>25</sup> An electronically filed document must be received successfully in its entirety by ACCESS, by 5 p.m. Eastern Time on the date that the document is due.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised by parties in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

### Assessment Rates

Upon issuance of the final results, Commerce will determine, and U.S. CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>26</sup> The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review and for future deposits of estimated duties, where applicable.<sup>27</sup>

Pursuant to 19 CFR 351.212(b)(1), where an examined respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate an importer-specific *ad valorem* duty assessment rate based on the ratio of the total amount of dumping calculated for the U.S. sales for a given importer to the total entered value of those sales. Where

<sup>23</sup> See 19 CFR 351.310(c).

<sup>24</sup> See 19 CFR 351.303.

<sup>25</sup> See 19 CFR 351.303(f).

<sup>26</sup> 19 CFR 351.212(b)(1).

<sup>27</sup> See section 751(a)(2)(C) of the Act.

a mandatory respondent did not report entered value, we calculated the entered value to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual examination, we intend to assign an assessment rate based on the methodology described in the "Rates for Non-Examined Companies" section.

For entries of subject merchandise during the POR produced by each mandatory respondent which it did not know its merchandise was destined for the United States and for all entries attributed to Habas, which we preliminarily find had no shipments during the POR, we will instruct CBP to liquidate such unreviewed entries pursuant to the reseller policy, *i.e.*, the assessment rate for such entries will be equal to the all-others rate established at the investigation (*i.e.*, 3.90 percent *ad valorem*),<sup>28</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>29</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies under review will be the rate established in the final results of this

<sup>28</sup> See *Order*, 87 FR 935.

<sup>29</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).



review (except, if the rate is *de minimis*, within the meaning of 19 CFR 351.106(C)(1), no cash deposit will be required); (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.90 percent, the all-others rate established in the investigation.<sup>30</sup>

These cash deposit instructions, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification to Interested Parties

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Companies Not Selected for Individual Examination
- V. Preliminary Determination of No Shipments
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-557-816]

#### Certain Steel Nails From Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2020–2021

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily finds that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review July 1, 2020, through June 30, 2021. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Emily Bradshaw or John K. Drury, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3896 or (202) 482-0195, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 7, 2021, Commerce published the notice of initiation of the administrative review of the antidumping duty order on certain steel nails from Malaysia.<sup>1</sup> On February 23, 2022, we extended the time limit for completion of these preliminary results to July 29, 2022, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup>

##### Scope of the Order

The products covered by the scope of the Order are certain steel nails from Malaysia. For a complete description of the scope of the Order, see the Preliminary Decision Memorandum.<sup>3</sup>

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (September 7, 2021) (*Initiation Notice*); see also *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 FR 39994 (July 13, 2015) (*Order*).

<sup>2</sup> See Memorandum, “Certain Steel Nails from Malaysia: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,” dated February 23, 2022.

<sup>3</sup> See Memorandum, “Certain Steel Nails from Malaysia: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2020–2021,” dated concurrently with, and hereby adopted by, this notice.

#### Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Rate for Non-Selected Respondents

The statute and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

In this review, we preliminarily calculated weighted-average dumping margins for Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (Inmax) and Region International Co., Ltd. and Region System Sdn. Bhd. (Region) that are not zero, *de minimis*, or determined entirely on the basis of facts available. For Inmax, we do not have publicly ranged data and, therefore, are unable to calculate the weighted-average margin using the publicly-ranged data. Accordingly, Commerce is preliminarily assigning to the companies not individually examined, listed in Appendix II, a margin of 5.32 percent which is the simple average of the calculated weighted-average dumping margins for Inmax and Region.

<sup>30</sup> See *Order*, 87 FR 935.

## Preliminary Determination of No Shipments

On October 4, 2021, we received letters from Trinity Steel Private Limited (Trinity),<sup>4</sup> Geekay Wires Limited (Geekay),<sup>5</sup> and Astrotech Steels Private Limited (Astrotech),<sup>6</sup> timely notifying Commerce that they had no exports, sales, or entries of subject merchandise during the POR. Commerce issued no shipment inquiries to U.S. Customs and Border Protection (CBP), and CBP found no evidence of shipments from any of these companies during the POR.<sup>7</sup> Thus, based on record evidence, we preliminarily determine that Astrotech, Geekay, and Trinity had no shipments during the POR. Consistent with Commerce's practice, we find that it is not appropriate to rescind the review with respect to Astrotech, Geekay, and Trinity, but rather to complete the review and issue appropriate instructions to CBP based on the final results of this review.<sup>8</sup>

## Preliminary Results of Review

We preliminarily determine that the following estimated weighted-average dumping margins exist for the period July 1, 2020, through June 30, 2021:

Producer/exporter	Estimated weighted-average dumping margin (percent)
Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd .....	4.89
Region International Co., Ltd. and Region System Sdn. Bhd	5.74
Non-Selected Respondents <sup>9</sup> .....	5.32

## Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this administrative review within five days after public announcement of the preliminary results, in accordance with 19 CFR 351.224(b).

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>10</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>11</sup> Parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>12</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. An electronically filed hearing request must be received successfully in its entirety by

Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>13</sup>

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, no later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

## Assessment Rates

Upon issuing the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If the weighted-average dumping margin for a mandatory respondent is not zero or *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1).<sup>14</sup> If the weighted-average dumping margin is zero or *de minimis* in the final results of review, or if an importer-specific assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>15</sup> For entries of subject merchandise during the period of review produced by the respondents for which they did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries.<sup>16</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication). The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated antidumping duties, where applicable.

<sup>4</sup> See Trinity's Letter, "Certain Steel Nails—Malaysia, Notice of No sales during the Period of Review (POR)," dated October 4, 2021.

<sup>5</sup> See Geekay's Letter, "Certain Steel Nails—Malaysia, Request for No Shipment during the Period of Review (POR)," dated October 4, 2021.

<sup>6</sup> See Astrotech's Letter, "Certain Steel Nails from Malaysia, Request for No Shipment during the Period of Review (POR)," dated October 4, 2021.

<sup>7</sup> See Memoranda, "Certain Steel Nails from Malaysia; No Shipment Inquiry for Astrotech Steels Private Limited during the period 07/01/2020 through 06/30/2021," dated February 22, 2022; "Certain Steel Nails from Malaysia; No Shipment Inquiry for Geekay Wires Limited during the period 07/01/2020 through 06/30/2021," dated February 22, 2022; and "Certain Steel Nails from Malaysia; No Shipment Inquiry for Trinity Steel Private Limited during the period 07/01/2020 through 06/30/2021," dated February 22, 2022.

<sup>8</sup> See, e.g., *Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR 51306 (August 28, 2014); and *Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review*, 75 FR 56989 (September 17, 2010).

<sup>9</sup> See Appendix II for the list of non-selected respondents.

<sup>10</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19*, 85 FR 17006, 17007 (March 26, 2020) ("To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).")

<sup>11</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>12</sup> See 19 CFR 351.303 (for general filing requirements).

<sup>13</sup> See 19 CFR 351.310(c).

<sup>14</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8103 (February 14, 2012).

<sup>15</sup> *Id.*, 77 FR at 8102–03; see also 19 CFR 351.106(c)(2).

<sup>16</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

## Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication in the **Federal Register** of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for companies subject to this review will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a company not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the producer is, then the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 2.66 percent, the all-others rate established in the less-than-fair-value investigation.<sup>17</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

## Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

## Notification to Interested Parties

Commerce is issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, 19 CFR 351.213(h)(2), and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Rate for Non-Selected Companies
- V. Preliminary Determination of No Shipments
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

## Appendix II

### List of Non-Selected Respondents

Airlift Trans Oceanic Pvt. Ltd.  
 Alsons Manufacturing India, LLP.  
 Astrotech Steels Pvt. Ltd.  
 Atlantic Marine Group Ltd.  
 Bluemoon Logistics Pvt. Ltd.  
 C.H. Robinson Worldwide Freight India Pvt., Ltd.  
 Chia Pao Metal Co., Ltd.  
 Chuan Heng Hardware Paints and Building Materials Sdn. Bhd.  
 Come Best (Thailand) Co., Ltd.  
 Dahnay Logistics Pvt., Ltd.  
 Gbo Fastening Systems AB.  
 Geekway Wires Limited.  
 Honour Lane Logistics Sdn., Bhd.  
 Honour Lane Shipping Ltd.  
 Impress Steel Wire Industries Sdn., Bhd.  
 Kerry-Apex (Thailand) Co., Ltd.  
 Kerry Indev Logistics Pvt., Ltd.  
 Kerry Logistics (M) Sdn., Bhd.  
 Kimmu Trading Sdn., Bhd.  
 Modern Factory for Steel Industries Co., Ltd.  
 Oman Fasteners LLC.  
 Orient Containers Sdn., Bhd.  
 Orient Express Container Co., Ltd.  
 RM Wire Industries Sdn. Bhd.  
 Royal Logistics.  
 SAR Transport Systems Pvt., Ltd.  
 Soon Shing Building Materials Sdn., Bhd.  
 Storeit Services LLP.  
 Tag Fasteners Sdn., Bhd.  
 Tag Staples Sdn., Bhd.  
 Tampin Sin Yong Wai Industry Sdn., Bhd.  
 Teamglobal Logistics Pvt., Ltd.  
 Top Remac Industries.  
 Trinity Steel Private Limited.  
 UD Industries Sdn., Bhd.  
 Vien Group Sdn., Bhd.  
 Watasan Industries Sdn., Bhd.  
 WWL India Private Ltd.

[FR Doc. 2022-16820 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-113]

### Certain Collated Staples From the People's Republic of China: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2019-2020

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies were provided to producers and exporters of certain collated steel staples (collated staples) from the People's Republic of China (China) during the period of review (POR) from November 12, 2019, through December 31, 2020. Additionally, Commerce is rescinding the review with respect to 79 companies. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable August 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Joshua Simonidis and Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0608 and (202) 482-0339, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 20, 2020, Commerce published the countervailing duty (CVD) order on collated staples from China.<sup>1</sup> On August 2, 2021, we received a timely request for an administrative review from Kyocera Senco Industrial Tools, Inc. (the petitioner).<sup>2</sup> On September 7, 2021, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the Order on 87 producers/exporters.<sup>3</sup> For a description of the events that occurred since the initiation of this review, see the Preliminary Decision Memorandum.<sup>4</sup>

<sup>1</sup> See *Certain Collated Steel Staples from the People's Republic of China: Countervailing Duty Order*, 85 FR 43813 (July 20, 2020) (*Order*).

<sup>2</sup> See Petitioner's Letter, "Request for Administrative Reviews," dated August 2, 2021.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034, 50045-46 (September 7, 2021) (*Initiation Notice*).

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Results in the Countervailing Duty Administrative Review and Partial Rescission: Certain Collated Steel Staples from the People's

<sup>17</sup> See *Certain Steel Nails from Malaysia: Amended Final Determination of Sales at Less Than Fair Value*, 80 FR 34370 (June 16, 2015).

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I to this notice.

### Scope of the Order

The product covered by the *Order* is collated staples from China. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

### Rescission of Administrative Review, In Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation. As noted in the Preliminary Decision Memorandum, on September 16, 2021, the petitioner timely withdrew its request for review for Youngwoo (Cangzhou) Fasteners Co., Ltd. (Youngwoo).<sup>5</sup> Because there was a timely withdrawal of request for review for Youngwoo and because there are no other active requests for review for Youngwoo, we are rescinding this review with respect to Youngwoo, pursuant to 19 CFR 351.213(d)(1). As such, we have included Youngwoo in the list of companies in Appendix III of this notice.

In addition, based on our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that 78 companies had no entries of subject merchandise during the POR.<sup>6</sup> On July 1, 2022, we notified parties that we intended to rescind this administrative review with respect to the 78 companies because there are no reviewable suspended entries. No parties commented on the notification of intent to rescind the review, in part.<sup>7</sup> Pursuant to 19 CFR 351.213(d)(3), we are rescinding the administrative review of these companies. We have included a list of these 78 companies in

Appendix III of this notice. For additional information regarding this determination, see the Preliminary Decision Memorandum.<sup>8</sup>

### Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an "authority" that confers a benefit to the recipient, and that the subsidy is specific.<sup>9</sup> For a full description of the methodology underlying our preliminary conclusions, including our reliance, in part, on adverse facts available pursuant to sections 776(a) and (b) of the Act, see the Preliminary Decision Memorandum.<sup>10</sup>

### Preliminary Rate for Non-Selected Companies Under Review

As discussed above, Commerce initiated this administrative review on 87 producers/exporters and is rescinding this administrative review, in part, with respect to 79 producers/exporters. In addition, Commerce selected three mandatory respondents, China Staple Enterprise (Tianjin) (China Staple), Shanghai Yueda Nails Co., Ltd. (Shanghai Yueda), and Tianjin Hweschun Fasteners Mfg. Co. Ltd. (Tianjin Hweschun) for individual examination. However, only Tianjin Hweschun participated in this administrative review. For the remaining five companies subject to this review, because the rate calculated for Tianjin Hweschun is above *de minimis* and not based entirely on facts available, we are applying to the five non-selected companies Tianjin Hweschun's subsidy rate. This methodology to establish the rate for the non-selected companies is pursuant to section 705(c)(5)(A) of the Act, which governs the calculation of the "all-others" rate in an investigation, as guidance. For additional information, see the Preliminary Decision Memorandum.<sup>11</sup> For a list of the non-selected companies, see Appendix II to this notice.

### Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a

countervailable subsidy rate for Tianjin Hweschun. We determined the countervailable subsidy rate for China Staple and Shanghai Yueda based entirely on adverse facts available (AFA), in accordance with section 776 of the Act,<sup>12</sup> due to their failure to participate in this review. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Tianjin Hweschun. Consequently, as discussed above, we applied the rate for Tianjin Hweschun to all other producers/exporters subject to this review but not selected for individual examination (*i.e.*, non-selected companies).

We preliminarily find the countervailable subsidy rates for the mandatory and non-selected respondents under review for the period of November 12, 2019, through December 31, 2020, to be as follows:

Producer/exporter	Subsidy rate (percent)
Tianjin Hweschun Fasteners Mfg. Co. Ltd .....	35.63
China Staple Enterprise (Tianjin) .....	193.36
Shanghai Yueda Nails Co., Ltd ..	193.36
Non-Selected Companies Under Review <sup>13</sup> .....	35.63

### Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results.

### Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date.<sup>14</sup> Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case

Republic of China; 2019–2020," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</sup> See Preliminary Decision Memorandum at 2.

<sup>6</sup> See Appendix III.

<sup>7</sup> See Memorandum, "Notice of Intent to Rescind Review, In Part," dated July 1, 2022.

<sup>8</sup> See Preliminary Decision Memorandum at 3–4.

<sup>9</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

<sup>10</sup> See Preliminary Decision Memorandum at 7–38.

<sup>11</sup> *Id.* at 4–5.

<sup>12</sup> For information detailing the derivation of the AFA rate applied, see Memorandum, "AFA Calculation Memorandum for the Preliminary Results in the Administrative Review of Certain Collated Steel Staples from the People's Republic of China," dated concurrently with this memorandum.

<sup>13</sup> See Appendix II.

<sup>14</sup> See 19 CFR 351.309(c).

briefs.<sup>15</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>16</sup>

Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Case and rebuttal briefs must be filed using ACCESS.<sup>17</sup> An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.<sup>18</sup> Parties should confirm by telephone the date and time of the hearing two days before the scheduled date.

### Final Results

Unless the deadline is extended, we intend to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

### Assessment Rates

Upon completion of the administrative review, consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), Commerce shall determine, and CBP shall assess, countervailing duties on all appropriate

entries covered by this review. For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period November 12, 2019, through December 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i). We intend to issue appropriate assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

For the companies remaining in the review, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at the subsidy rates calculated in the final results of this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, Commerce intends, upon publication of the final results, to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above and in Appendix II on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Interested Parties

These preliminary results are issued and published pursuant to sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: July 29, 2022.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Rescission of Administrative Review, In Part
- IV. Non-Selected Companies Under Review
- V. Scope of the *Order*
- VI. Alleged Upstream Subsidies on Galvanized Steel Wire
- VII. Diversification of China's Economy
- VIII. Use of Facts Otherwise Available and Application of Adverse Inferences
- IX. Subsidies Valuation
- X. Inputs and Electricity Benchmarks
- XI. Analysis of Programs
- XII. Recommendation

### Appendix II

#### List of Non-Selected Companies

1. A-Jax International Co., Ltd.
2. China Dinghao Co., Ltd.
3. Rise Time Industrial Ltd.
4. Shaoxing Bohui Import Export Co., Ltd.
5. Zhejiang Best Nail Industrial Co., Ltd.

### Appendix III

#### List of Companies Subject to Rescission of Review

1. Anping Haotie Metal Technology Co.
2. Changzhou Kya Trading Co., Ltd.
3. China Wind International Ltd.
4. Dezhou Hualude Hardware Products Co., Ltd.
5. Dt China (Shanghai) Ltd, Ningbo Branch.
6. Ejen Brothers Limited.
7. eTeklon Co., Ltd.
8. Fastnail Products Limited.
9. Foshan Chan Seng Import and Export Co., Ltd.
10. Guangdong Meite Mechanical Co., Ltd.
11. H&B Promotional Limited.
12. Hangzhou Great Import & Export Co., Ltd.
13. Hangzhou Light Industrial Products, Arts & Crafts, Textiles Import & Export Co., Ltd.
14. Hangzhou Strong Lion New Material Co., Ltd.
15. Hebei Cangzhou New Century Foreign Trade Co., Ltd.
16. Hebei Jinshi Industrial Metal Co., Ltd.
17. Hebei Machinery Import and Export Co., Ltd.
18. Hebei Minmetals Co., Ltd.
19. Hengtuo Metal Products Co., Ltd.
20. Hk Quanyi Coil Spring Metals Product Limited.
21. Huanghua Baizhou Trading Co., Ltd.
22. Jiangmen Rui Xing Yuan Import and Export Co., Ltd.
23. Jiaying Brothers Hardware Co., Ltd.
24. Jinhua Qual Max Trading Co., Ltd.
25. Kinglong Manufacturing Co., Ltd.
26. Milan Pacific International Limited.
27. Mingguang Ruifeng Hardware Products Co., Ltd.
28. Ningbo (Yinzhou) Yongjia Electrical Tools Co., Ltd.

<sup>15</sup> See 19 CFR 351.309(d); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006, 17007 (March 26, 2020) ("To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect).").

<sup>16</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>17</sup> See 19 CFR 351.303.

<sup>18</sup> See 19 CFR 351.310.

29. Ningbo Alldo Stationery Co., Ltd.
30. Ningbo Deli Import & Export Co., Ltd.
31. Ningbo Guangbo Import & Export Co., Ltd.
32. Ningbo Huayi Import & Export Co., Ltd.
33. Ningbo Mascube Imp. & Exp. Corp.
34. Ningbo Mate Import & Export Co., Ltd.
35. Ningbo Pacrim Manufacturing Co., Ltd.
36. Ningbo S-Chande Import & Export Co., Ltd.
37. Ningbo Sunlit International Co., Ltd.
38. Ningbo Yuanyu Imp. & Exp. Co., Ltd.
39. Ninghai Huihui Stationery Co., Ltd.
40. Oli-Fast Fasteners (Tianjin).
41. Qingdao Top Metal Industrial Co., Ltd.
42. Qingdao Top Steel Industrial Co., Ltd.
43. Rayson Electrical Mfg., Ltd.
44. Rebon Building Material Co., Limited.
45. Shanghai Genmes Office Products Co., Ltd.
46. Shanghai Jade Shuttle Hardware.
47. Shanghai Lanshi Trading Co., Ltd.
48. Shanghai Yinwo Technologies Development Co., Ltd.
49. Shaoxing Best Nail Industrial Co., Ltd.
50. Shaoxing Feida Nail Industry Co., Ltd.
51. Shaoxing Huasheng Stationery Manufacturing Co., Ltd.
52. Shaoxing Jingke Hardware Co., Ltd.
53. Shaoxing Mingxing Nail Co., Ltd.
54. Shaoxing Shunxing Metal Producing Co., Ltd.
55. Shaoxing Xinyi Hardware & Tools Co., Ltd.
56. Shaoxing Yiyou Stationery Co., Ltd.
57. Shenzhen Jinsunway Mould Co., Ltd.
58. Shijiazhuang Shuangming Trade Co., Ltd.
59. Shouguang Hongsheng Import and Export Co., Ltd.
60. Shun Far Enterprise Co., Ltd.
61. Suntec Industries Co., Ltd.
62. Suqian Real Faith International Trade Co., Ltd.
63. Taizhou Dajiang Ind. Co., Ltd.
64. Team One (Shanghai) Co., Ltd.
65. Tianjin Bluekin Industries Co., Ltd.
66. Tianjin D&C Technology Development.
67. Tianjin Huixinshangmao Co., Ltd.
68. Tianjin Jin Xin Sheng Long Metal Products Co., Ltd.
69. Tianjin Jinyifeng Hardware Co., Ltd.
70. Tsi Manufacturing LLC.
71. Tung Yung International Limited.
72. Unicom (Tianjin) Fasteners Co., Ltd.
73. Wire Products Manufacturing Co., Ltd.
74. Yangjiang Meijia Economic & Trade Co., Ltd.
75. Youngwoo (Cangzhou) Fasteners Co., Ltd. (Youngwoo)
76. Yuchen Imp. and Exp. Co. Ltd.
77. Yueqing Yuena Electric Science and Technology Co., Ltd.
78. Zhejiang Fairtrade E-Commerce Co., Ltd.
79. Zhejiang KYT Technology Co., Ltd.

[FR Doc. 2022-16836 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC241]

#### Western Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) to discuss and make recommendations on fishery management issues in the Western Pacific Region.

**DATES:** The meeting will be held August 18, 2022. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The meeting will be held in a hybrid format with in-person and remote participation (Webex) options available for the advisory panel members, and public attendance limited to web conference via Webex. Instructions for connecting to the web conference and providing oral public comments will be posted on the Council website at [www.wpcouncil.org](http://www.wpcouncil.org). For assistance with the web conference connection, contact the Council office at (808) 522-8220.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** The Hawaii Archipelago FEP AP will meet on Thursday, August 18, 2022, from 9 a.m. to 4 p.m. Hawaii Standard Time. Public Comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meeting will run as late as necessary to complete scheduled business.

#### Schedule and Agenda for the Hawaii Archipelago AP Meeting

Thursday, August, 2022, 9 a.m.–4 p.m. (Hawaii Standard Time)

1. Welcome and Introductions
2. Review of Last AP Meeting and Recommendations
3. Hawaii Fishery Issues Activities
  - A. Report on Hawaii Small-Boat Management
  - B. Alternatives for an Aquaculture Management Framework in the

Western Pacific

- C. Development of Kona Crab Status Determination Criteria
- D. Report on Young Fishermen's Act
- E. Discussion and Recommendations
- F. Alternatives for Fishing Measures in the Northwestern Hawaiian Islands
- G. Review of the NMFS Deep-set Longline Biological Opinion
- H. Update on the National Seafood Strategy
- I. Pacific Remote Island Coalition Proposal for Monument Expansion
- J. Discussion and Recommendations
4. AP Plan and Working Group Reports
  - A. Smart Fish Aggregation Device (FAD) Working Group
  - B. Marine Planning Working Group
5. Annual Report of Hawaii AP Activities
  - A. 2022 Program and Activities
  - B. End of Term/AP Solicitation
6. Feedback From the Fleet
  - A. Hawaii Fishermen Observations
  - B. Advisory Panel Issues
7. Public Comment
8. Discussion and Recommendations
9. Other Business

#### Special Accommodations

The meeting is accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

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

Dated: August 2, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022-16834 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of State Coastal Management Program; Notice of Public Meeting; Request for Comments

**AGENCY:** Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice of public meeting and opportunity to comment.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, will hold a public meeting to solicit comments on the performance

evaluation of the Connecticut Coastal Management Program.

**DATES:** NOAA will consider all written comments received by Friday, September 30, 2022. A public meeting will be held on Wednesday, September 21, 2022, at 6:30 p.m. Eastern Time (ET).

**ADDRESSES:** Comments may be submitted by one of the following methods:

*Email:* Ralph Cantral, Evaluator, NOAA Office for Coastal Management, at [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov).

Written comments received are considered part of the public record, and the entirety of the comment, including the email address, attachments, and other supporting materials, will be publicly accessible. Sensitive personal information, such as account numbers, Social Security numbers, or names of individuals, should not be included with the comment. Comments that are not responsive or that contain profanity, vulgarity, threats, or other inappropriate language will not be considered.

*Public Meeting:* Provide oral comments during the public meeting on Wednesday, September 21, 2022, at 6:30 p.m. ET at the Meigs Point Nature Center meeting room at Hammonasset Beach State Park, 1288 Boston Point Road, Madison, Connecticut 06443.

**FOR FURTHER INFORMATION CONTACT:** Ralph Cantral, Evaluator, NOAA Office for Coastal Management, by email at [Ralph.Cantral@noaa.gov](mailto:Ralph.Cantral@noaa.gov) or by phone at (843) 474-357. Copies of the previous evaluation findings and 2016-2020 Assessment and Strategies may be viewed and downloaded on the internet at <http://coast.noaa.gov/czm/evaluations/>. A copy of the evaluation notification letter and most recent progress report may be obtained upon request by contacting Ralph Cantral.

**SUPPLEMENTARY INFORMATION:** Section 312 of the Coastal Zone Management Act (CZMA) requires NOAA to conduct periodic evaluations of federally approved coastal management programs and national estuarine research reserves. The evaluation process includes holding one or more public meetings, considering written public comments, and consulting with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of Connecticut has met the national objectives, adhered to the management program approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the CZMA. When the evaluation is complete, NOAA's Office for Coastal Management will place a notice in the

**Federal Register** announcing the availability of the Final Evaluation Findings.

**Keelin S. Kuipers,**

*Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 2022-16866 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-JE-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC207]

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) Coastal Pelagic Species Management Team will hold one public meeting.

**DATES:** The meeting will be held Monday, August 29, 2022, from 9 a.m. to 1 p.m., Pacific Daylight Time or until business for the day has been completed.

**ADDRESSES:** This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820-2412 for technical assistance.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Jessi Doerpinghaus, Staff Officer, Pacific Council; telephone: (503) 820-2415.

**SUPPLEMENTARY INFORMATION:** The primary purpose of this online meeting is to discuss and potentially develop work products and recommendations for the Pacific Council's September 2022 meeting. Topics will include changes to Council Operating Procedure 23, research and data needs update, ecosystem initiatives, and Council processes and efficiencies. Other items on the Pacific Council's September agenda may be discussed as well. The meeting agenda will be available on the

Pacific Council's website in advance of the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov); (503) 820-2412) at least 10 days prior to the meeting date.

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

Dated: August 2, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022-16870 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC248]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Survey Working Group (SSWG) via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Wednesday, August 24, 2022 at 9 a.m.

**ADDRESSES:**

*Webinar registration URL information:* <https://attendee.gototraining.com/r/3176104688263484929>.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:**

**Agenda**

The SSWG will review the Draft SSWG report and presentation of results and recommendations. The SSWG also plans to complete any additional tasking to address the Terms of Reference. Other business may be discussed, as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: August 2, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022-16835 Filed 8-4-22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RTID 0648-XC239**

**Marine Mammals; File No. 25987**

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Jim Darling, Ph.D., Whale Trust, P.O. Box 384, Tofino, BC V0R2Z0, Canada, has applied in due form for a permit to conduct scientific research on marine mammals.

**DATES:** Written, telefaxed, or email comments must be received on or before September 6, 2022.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 25987 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 25987 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](mailto: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:**

Shasta McClenahan, Ph.D., 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.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant requests a five-year permit to study the social organization, behavior, and communication of humpback whales (*Megaptera novaeangliae*; Hawaii and Mexico distinct population segments [DPSs]) in Alaska and Hawaii. Humpback whales may be taken during vessel surveys and aerial surveys (manned or unmanned aircraft systems) for counts, above water and underwater photography and videography, photo-identification, photogrammetry, behavioral observations, passive acoustic recording, active acoustic playbacks, exhaled air sampling, biopsy sampling, and tagging with suction-cup or dart tags. Ten species of non-target marine mammals may be opportunistically studied or unintentionally harassed during research including ESA-listed Hawaiian monk seals (*Neomonachus schauinslandi*), false killer whales (*Pseudorca crassidens*; Main Hawaiian Islands Insular DPS), and North Pacific right whales (*Eubalaena japonica*). See

the application for numbers of animals requested by species and procedure.

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: August 2, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022-16808 Filed 8-4-22; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**[RTID 0648-XC220]**

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Geophysical Surveys at the Cascadia Subduction Zone and Juan de Fuca Plate in the Northeast Pacific Ocean**

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Lamont-Doherty Earth Observatory (L-DEO) to incidentally harass, by Level B harassment only, marine mammals during geophysical surveys in the Northeast Pacific Ocean.

**DATES:** This Authorization is effective from August 1, 2022 through July 31, 2023.

**FOR FURTHER INFORMATION CONTACT:** Kim Corcoran, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental->



*take-authorizations-research-and-other-activities*. In case of problems accessing these documents, please call the contact listed above.

#### SUPPLEMENTARY INFORMATION:

##### Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental harassment authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

##### Summary of Request

On December 14, 2021, NMFS received a request from L-DEO for an IHA to take marine mammals incidental to a marine geophysical survey off the coasts of Oregon and Washington in the northeast Pacific Ocean. The application was deemed adequate and complete on April 4, 2022. L-DEO request is for take of small numbers of 23 species of marine mammals by Level B harassment only. Neither L-DEO nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to L-DEO for larger surveys in a similar location in the Northeast Pacific (*e.g.*, 86 FR 29090; May 28, 2021; 84 FR 35073; July 22, 2019). These surveys, however, included survey areas much closer to the coast. L-DEO complied with all the requirements (*e.g.*, mitigation, monitoring, and reporting) of the previous IHAs and information regarding their monitoring results may be found in the Description of Marine Mammals in the Area of Specified Activities section.

##### Description of Activity

###### Overview

Researchers from New Mexico Institute of Mining and Technology (NMT) and Oregon State University (OSU), with funding from the U.S. National Science Foundation (NSF) plan to conduct low-energy seismic surveys from the Research Vessel (R/V) *Marcus G. Langseth* (*Langseth*), which is owned and operated by Lamont-Doherty Earth

Observatory (L-DEO) of Columbia University, at the Cascadia subduction Zone and Juan de Fuca Plate in the Northeast Pacific Ocean during Summer 2022. The two-dimensional (2-D) seismic surveys will occur within the Exclusive Economic Zone (EEZ) of the United States, in waters deeper than 1600 meters (m). To complete this survey, the R/V *Langseth* will tow a Generator-Injector (GI)-airgun cluster consisting of two 45 cubic inch (in<sup>3</sup>) GI guns spaced 2.46 m apart, with a total discharge volume of 90 in<sup>3</sup>. The acoustic source will be towed at 2 to 4 m deep along the survey lines, while the receiving system is towed in an 800–1400 m long hydrophone streamer.

###### Dates and Duration

The survey is expect to last for 23 days, with approximately six days of seismic operations, three days of transit and 14 days of heat flow measurements. R/V *Langseth* will leave out of and return to port in Newport, OR, during summer 2022.

###### Specific Geographic Region

The survey will occur within ~42–47° N, ~125–127° W off the coast of Washington and Oregon in the Northeast Pacific ocean. Four regions where the surveys are to occur are depicted in Figure 1; the tracklines could occur anywhere within the boxes shown in Figure 1. No representative survey tracklines are shown, as actual track lines and order of survey operations are dependent on science objectives and weather. The surveys will occur within the EEZ of the U.S., in waters >1600 m deep.

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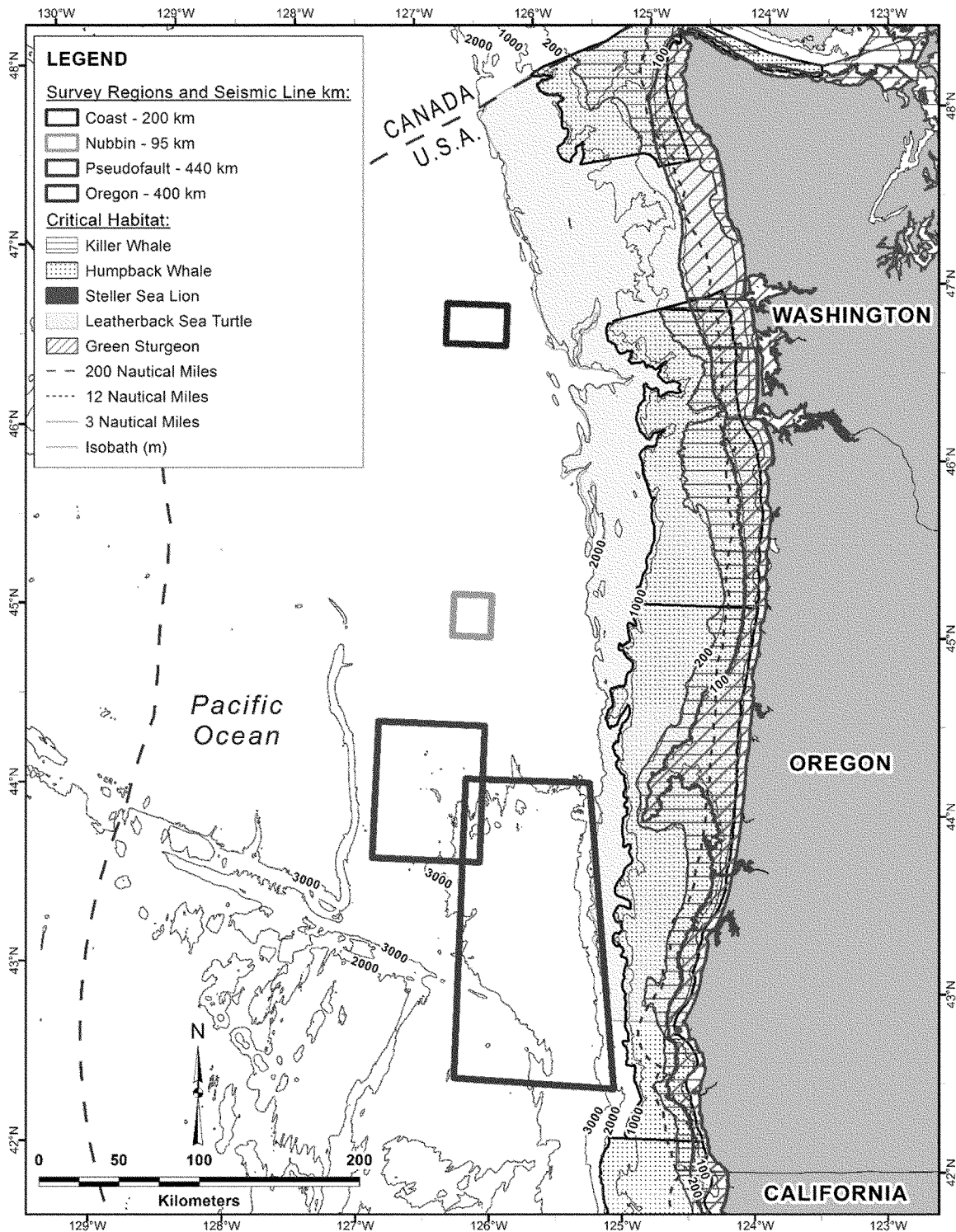


Figure 1 – Map of Survey Area offshore of Oregon and Washington.

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A detailed description of the planned geophysical survey is provided in the **Federal Register** notice for the proposed IHA (87 FR 37560; June 23, 2022). Since that time, no changes have been made to the planned survey activities. Therefore, a detailed description is not

provided here. Please refer to that **Federal Register** notice for the description of specified activity.

Mitigation, monitoring, and reporting measures are described in detail later in this document (please see Mitigation and Monitoring and Reporting).

**Comments and Responses**

A notice of proposed IHA was published to the **Federal Register** on June 23, 2022 (87 FR 37560). That notice described, in detail, L-DEO’s activity, the marine mammal species that may be affected by the activity, and the

anticipated effects on marine mammals. During the 30-day public comment period, NMFS did not receive any public comments.

**Changes From the Proposed IHA to Final IHA**

The addition of the requirement for the survey operator to provide Protected Species Observers (PSOs) with a night-vision device suited for the marine environment has been added for use during nighttime ramp-up pre-clearance. This requirement was proposed by L-DEO in their application, and has previously been required in recently issued IHAs for similar surveys, but inadvertently left out of the notice of proposed IHA and the draft IHA. There have been no other changes between the proposed and final IHA.

**Description of Marine Mammals in the Area of Specified Activities**

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered

all of this information, and we refer the reader to these descriptions, incorporated here by reference, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no

serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprise that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs (Carretta *et al.*, 2021). All values presented in Table 1 are the most recent available at the time of publication and are available in the 2020 SARs (Carretta *et al.*, 2021) and draft 2021 SARs (available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>).

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) <sup>1</sup>	Stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	PBR	Annual M/SI <sup>3</sup>
<b>Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)</b>						
Family Balaenopteridae (rorquals):						
Humpback whale .....	<i>Megaptera novaeangliae</i> .....	California/Oregon/Washington ..	-,Y	4973 (0.05, 4776, 2018)	28.7	>48.6
Minke whale .....	<i>Balaenoptera acutorostrata</i> .....	California/Oregon/Washington ..	-,N	915 (0.792, 509, 2018) ...	4.1	>0.59
Sei whale .....	<i>Balaenoptera borealis</i> .....	Eastern North Pacific .....	E, D, Y	519 (0.4, 374, 2014) .....	0.75	>0.2
Fin whale .....	<i>Balaenoptera physalus</i> .....	California/Oregon/Washington ..	E, D, Y	11065 (0.405, 7,970, 2018).	80	>2.2
Blue whale .....	<i>Balaenoptera musculus</i> .....	Eastern North Pacific .....	E, D, Y	1898 (0.085, 1767, 2018)	4.1	>19.4
<b>Superfamily Odontoceti (toothed whales, dolphins, and porpoises)</b>						
Family Physeteridae:						
Sperm whale .....	<i>Physeter macrocephalus</i> .....	California/Oregon/Washington ..	E, D, Y	1997 (0.57, 1270, 2014)	2.5	0.6
Family Kogiidae:						
Pygmy sperm whale .....	<i>Kogia breviceps</i> .....	California/Oregon/Washington ..	-,N	4111 (1.12, 1924, 2014)	19	0
Dwarf sperm whale .....	<i>Kogia sima</i> .....	California/Oregon/Washington ..	-,N	UNK (UNK, UNK, 2014)	UND	0
Family Ziphiidae (beaked whales):						
Baird's beaked whale .....	<i>Berardius bairdii</i> .....	California/Oregon/Washington ..	-,N	1363 (0.53, 894, 2018) ...	8.9	>0.2
Cuvier's beaked whale .....	<i>Ziphius cavirostris</i> .....	California/Oregon/Washington ..	-,N	3274 (0.67, 2059, 2014)	21	<0.1
Mesoplodont Beaked Whales.	<i>Mesoplodon</i> spp. ....	California/Oregon/Washington ..	-,N	3044 (0.54, 1967, 2005)	20	0.1
Family Delphinidae:						
Striped dolphin .....	<i>Stenella coeruleoalba</i> .....	California/Oregon/Washington ..	-,N	29,988 (0.3, 23448, 2018).	225	>4
Short-beaked common dolphin.	<i>Delphinus delphis</i> .....	California/Oregon/Washington ..	-,N	1,056,308 (0.21, 888971, 2018).	8889	>30.5
Pacific white-sided dolphin	<i>Lagenorhynchus obliquidens</i> ....	California/Oregon/Washington ..	-,C	34,998 (0.222, 29090, 2018).	279	7
Northern right whale dolphin	<i>Lissodelphis borealis</i> .....	California/Oregon/Washington ..	-,N	29285 (0.72, 17024, 2018).	163	>6.6
Risso's dolphin .....	<i>Grampus griseus</i> .....	California/Oregon/Washington ..	-,N	6336 (0.32, 4817, 2014)	46	>3.7
Killer whale:						
	<i>Orcinus orca</i> .....	West Coast Transient .....	-,N	349 (N/A, 349, 2018) .....	3.5	0.4
		North Pacific Offshore .....	-,N	300 (0.1, 276, 2012) .....	2.8	0
Family Phocoenidae (porpoises):						

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) <sup>1</sup>	Stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	PBR	Annual M/SI <sup>3</sup>
Dall's porpoise .....	<i>Phocoenoides dalli</i> .....	California/Oregon/Washington ..	-,N	16498 (0.61, 10286, 2019).	99	>0.66
<b>Order Carnivora—Superfamily Pinnipedia</b>						
Family Otariidae (eared seals and sea lions):						
Northern fur seal .....	<i>Callorhinus ursinus</i> .....	Eastern Pacific .....	-,D,Y	626,618 (0.2, 530376, 2020).	11403	373
California .....	-,D,Y .....	14050 (N/A, 7524, 2013) .....	451	1.8.		
Guadalupe fur seal .....	<i>Arctocephalus townsendi</i> .....	Mexico .....	T, D, Y	34187 (N/A, 31019, 2013).	1062	>3.8
Steller sea lion .....	<i>Eumetopias jubatus</i> .....	Eastern .....	-,N	43201 (N/A, 43201,2017)	2592	112
California sea lion .....	<i>Zalophus californianus</i> .....	United States .....	-,N	257606 (N/A, 233525, 2014).	14011	>320
Family Phocidae (earless seals):						
Northern elephant seal .....	<i>Mirounga angustirostris</i> .....	California Breeding .....	-,N	187386 (N/A, 85369, 2013).	5122	5.3

<sup>1</sup> Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>2</sup> NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>. CV is coefficient of variation; N<sub>min</sub> is the minimum estimate of stock abundance. In some cases, CV is not applicable.

<sup>3</sup> These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

As indicated above, all 23 species (with 25 managed stocks) in Table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur. All species that could potentially occur in the planned survey areas are included in Table 3 of the IHA application.

A detailed description of the species likely to be affected by the geophysical surveys, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in L-DEO's IHA application and summarized in the **Federal Register** notice for the proposed IHA (87 FR 37560; June 23, 2022); since that time, we are not aware of any changes in the status of these species and stocks; therefore detailed descriptions are not provided here.

Please refer to that **Federal Register** notice for these descriptions. Please also refer to the NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

*Marine Mammal Hearing*

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured

(behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, etc.). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (i.e., low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS [NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales) .....	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales) .....	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i> ).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals) .....	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals) .....	60 Hz to 39 kHz.

\* Represents the generalized hearing range for the entire group as a composite (i.e., all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

#### Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from L-DEO's survey activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the survey area. The notice of proposed IHA (87 FR 37560; June 23, 2022) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from L-DEO on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (87 FR 37560; June 23, 2022).

#### Estimated Take

This section provides an estimate of the number of incidental takes for authorization through this IHA, which will inform both NMFS' consideration of "small numbers" and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will be by Level B harassment only, primarily in the form of behavioral disruption and including through Temporary Threshold Shift (TTS) for low frequency cetaceans resulting from exposure to sound from seismic airguns. TTS is not expected for all other hearing groups and is considered to be unlikely for low frequency cetaceans. Given the small size of the Level A harassment isopleths (28.6 m for LF cetaceans and less than one meter for all other species) and the

anticipated effectiveness of the mitigation measures (*i.e.*, shutdown, ramp-up, *etc.*) discussed in detail below in Mitigation section, Level A harassment is neither anticipated nor to be authorized.

As described previously, no serious injury or mortality is anticipated or is authorized for this activity. Below we describe how the take numbers are estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and (4) the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimate.

#### Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

**Level B Harassment**—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts

that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1  $\mu$ Pa)) for continuous (*e.g.*, vibratory pile-driving, drilling) and above RMS SPL 160 dB re 1  $\mu$ Pa (rms) for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources.

L-DEO's survey includes the use of impulsive seismic sources (*e.g.*, GI-airgun) and therefore the 160 dB re 1  $\mu$ Pa (rms) criteria is applicable for analysis of Level B harassment.

**Level A harassment**—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). L-DEO's survey includes the use of impulsive and intermittent sources.

For more information, see NMFS' 2018 Technical Guidance, which may be accessed at: [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance).

#### Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The 2D survey will acquire data using a 2 GI-airgun cluster with a total discharge volume of 90 in<sup>3</sup> at a maximum tow depth of 2–4 m. L-DEO model results are used to determine the 160 dB rms radius for the 2-GI airgun array in deep water (>1000 m) down to a maximum depth of 2000 m, as animals are generally not anticipated to dive below 2000 m (Costa and Williams, 1999). Received sound levels for the two 45 in<sup>3</sup> GI airguns have been predicted by L-DEO's model (Diebold *et al.*, 2010) as a function of distance from the airguns. This modeling approach uses ray tracing for the direct wave traveling from the array to the receiver and its associated source ghost (reflection at the air-water interface in the vicinity of the array), in a constant-velocity half-space (infinite homogeneous ocean layer, unbounded by a seafloor). In addition, propagation measurements of pulses

from a 36-airgun array at a tow depth of 6 m have been reported in deep water (~1600 m), intermediate water depth on the slope (~600–1100 m), and shallow water (~50) in the Gulf of Mexico in 2007–2008 (Tolstoy *et al.*, 2009; Diebold *et al.*, 2010).

For deep and intermediate-water cases, the field measurements cannot be used readily to derive mitigation radii, as at those sites the calibration hydrophone was located at a roughly constant depth of 350–500 m, which may not intersect all the sound pressure relevant water depth (~2000 m) for marine mammals. At short ranges, where the direct arrivals dominate and the effects of seafloor interactions are minimal, the data recorded at the deep sites are suitable for comparison with modeled levels at the depth of the calibration hydrophone. At longer ranges, the comparison with the mitigation model—constructed from the maximum SPL through the entire water column at varying distances from the airgun array—is the most relevant.

In deep and intermediate-water depths, comparisons at short ranges between sound levels for direct arrivals recorded by the calibration hydrophone and model results for the same array

tow depth are in good agreement (Fig. 12 and 14 in Appendix H of L–DEO’s PEIS). Consequently, isopleths falling within this domain can be predicted reliably by the L–DEO model, although they may be imperfectly sampled by measurements recorded at a single depth. At greater distances, the calibration data show that seafloor-reflected and sub-seafloor-refracted arrivals dominate, whereas the direct arrivals become weak and/or incoherent. Aside from local topography effects, the region around the critical distance is where the observed levels rise closest to the mitigation model curve. However, the observed sound levels are found to fall almost entirely below the mitigation model curve. Thus, analysis of the Gulf of Mexico calibration measurements demonstrate that although simple, the L–DEO model is a robust tool for conservatively estimating isopleths and the deep water radii obtained from model results down to a maximum water depth of 2000 m.

A recent retrospective analysis of acoustic propagation of R/V *Langseth* sources in a coastal/shelf environment from the Cascadia Margin off Washington suggests that predicted (modeled) radii (using a similar

approach) for R/V *Langseth* sources were 2–3 times larger than measured in shallow water (Crone *et al.*, 2014). Similarly, data collected by Crone *et al.* (2017) during a survey off New Jersey in 2014 and 2015 confirmed that in situ measurements and estimates of the 160- and 180-dB distances collected by R/V *Langseth* hydrophone streamer were 2–3 times smaller than the predicted operational mitigation radii. Five separate comparisons conducted of the L–DEO model with in situ received level have confirmed that the L–DEO model generated conservative mitigation zones, resulting in significantly larger zones.

The surveys will acquire data with two 45 in<sup>3</sup> GI funs at a tow depth of 2–4 m. As the entire survey occurs in deep water (>1000 m), L–DEO used the deep-water radii obtained from the model results explained above down to a maximum water depth of 2000 m (see Figure A–1 in L–DEO’s application). The estimated distances to the Level B harassment isopleth for the survey are shown in Table 3. The acoustic propagation modeling methodologies are described in greater detail in L–DEO’s IHA application.

TABLE 3—PREDICTED RADIAL DISTANCES TO ISOPLETHS CORRESPONDING TO THE LEVEL B HARASSMENT THRESHOLD (160 dB re 1µPa (rms)).

Airgun configuration	Water depth (m)	Predicted distances (m) to a received sound level of 160 dB re 1 µPa <sub>rms</sub>
Two 45-in <sup>3</sup> GI guns .....	>1000	553

Predicted distances to Level A harassment isopleths, which vary based on marine mammal hearing groups, were calculated based on modeling performed by L–DEO using the PGS Nucleus source modeling software program and the NMFS User Spreadsheet, described below. The acoustic thresholds for impulsive sounds (e.g., airguns) contained in the Technical Guidance were presented as dual metric acoustic thresholds using both SEL<sub>cum</sub> (cumulative sound exposure level) and peak sound pressure metrics (NMFS 2018). As dual metrics, NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the two metrics is exceeded (i.e., metric resulting in the largest isopleth). The SEL<sub>cum</sub> metric considers both level and duration of exposure, as well as auditory weighting functions by marine mammal hearing

group. In recognition of the fact that the requirement to calculate Level A harassment ensounded areas could be more technically challenging to predict due to the duration component and the use of weighting functions in the new SEL<sub>cum</sub> thresholds, NMFS developed an optional User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to facilitate the estimation of take numbers.

In order to more realistically incorporate the Technical Guidance’s weighting functions over the seismic array’s full acoustic band, unweighted spectrum data for the *Langseth*’s airgun array (modeled in 1 Hz bands) was used to make adjustments (dB) to the unweighted spectrum levels, by frequency, according to the weighting functions for each relevant marine

mammal hearing group. These adjusted/weighted spectrum levels were then converted to pressures (micropascals (µPa)) in order to integrate them over the entire broadband spectrum, resulting in broadband weight source levels by hearing group that could be directly incorporated within the User Spreadsheet (i.e., to override the Spreadsheet’s more simple weighting factor adjustment). Using the User Spreadsheet’s “safe distance” methodology for mobile sources (described by Sivle *et al.*, 2014) with the hearing group-specific weighted source levels, and inputs assuming spherical spreading propagation and source velocities (2.32 m/s) and shot intervals (every 2.69 s) specific to the planned survey, potential radial distances to auditory injury zones were then calculated for SEL<sub>cum</sub> thresholds. Outputs from the User Spreadsheet in

the form of estimated distance to Level A harassment isopleths for the survey are shown in Table 4. NMFS considers onset of PTS (Level A harassment) to have occurred when either one of the dual metrics (SEL<sub>cum</sub> and Peak<sub>flat</sub>) is exceeded (*i.e.*, metric resulting in the largest isopleth).

TABLE 4—MODELED RADIAL DISTANCES (m) TO ISOPLETHS CORRESPONDING TO LEVEL A HARASSMENT THRESHOLDS

Source (volume)	Level A harassment zones (m)				
	LF	MF	HF	Phocid	Otariid
Two 45 cu in GI guns .....	28.6	0	0.1	0.3	0

Note that because of some of the assumptions included in the methods used (*e.g.*, stationary receiver with no vertical or horizontal movement in response to the acoustic source), isopleths produced may be overestimated to some degree, which will ultimately result in some degree of overestimation of Level A harassment. However, these tools offer the best way to predict appropriate isopleths when more sophisticated modeling methods are not available. NMFS continues to develop ways to quantitatively refine these tools and will qualitatively address the output where appropriate. For mobile sources, such as the seismic survey, the User Spreadsheet predicts the closest distance at which a stationary animal would not incur PTS if the sound source traveled by the animal in a straight line at a constant speed.

Auditory injury for all species is unlikely to occur given the small modeled zones of injury (estimated zone less than 30 m for low-frequency cetaceans and near zero for all other species). Additionally, animals are expected to have aversive/compensatory behavior in response to the activity (Nachtigall *et al.*, 2018) further limiting the likelihood of auditory injury for all species. L-DEO did not request authorization of take by Level A harassment, and no take by Level A harassment authorized by NMFS.

*Marine Mammal Occurrence*

In this section we provide information about the occurrence of marine mammals, including density or other relevant information, which will inform the take calculations.

The U.S. Navy (USN) primarily use the Southwest Fishery Science Center

(SWFSC) habitat-based cetacean density models to develop a marine species density database for the Northwest Training and Testing Study Area, which encompasses the survey area (USN 2019). For species where density spatial modeling was unavailable, other data sources were used. The USN marine species density database is currently the most comprehensive density data set available for the California Current Ecosystem (CCE) which encompasses waters off the coast of California, Oregon, and Washington. However, GIS data layers are currently unavailable for this database; thus, in this analysis the USN data were only used for species for which density data were not available from an alternative spatially-explicit model (*i.e.*, minke, sei, and killer whales, *Kogia* spp., and pinnipeds).

For most pinnipeds, L-DEO used the highest densities for spring, summer, or fall from USN (2019), but corrected the estimates by projecting the most recent population growth/updated population estimates to 2022, when available. This same approach was used by NMFS for previous L-DEO surveys (*e.g.*, Northeast Pacific Ocean Survey (85 FR 19580; April 7, 2020)) in the region in 2021. For California sea lions, spring densities from USN (2019) were used directly, the density for the ‘40–70 km from shore’ distance band was used for the Oregon survey region, and the density for the ‘70–450 km from shore’ distance band was used for other survey regions. For the northern fur seal, the density for the spring for the ‘up to 70 km from shore’ distance band was used for the Oregon survey region, and the spring density for the ‘>130 km from shore’ distance band was used for the other survey regions. For the Guadalupe fur seal and Steller

sea lion, summer densities for the ‘200 m isobath to 300 km from shore’ were used. For the gray whale, the summer/fall density for the ‘10–47 km from shore’ distance band (USN 2019) was used for the Oregon survey region and a density of zero was used for all other survey regions. For killer whales, the annual density for all stocks occurring offshore was used from USN (2019).

Spatially-explicit density data from summer/fall from the NOAA CetSound website (NOAA 2022) were used for most other species (*i.e.*, humpback, blue, fin, sperm, Baird’s, beaked, and other small beaked whales; striped, short-beaked common, Pacific white-sided, Risso’s, and northern right whale dolphins; and Dall’s porpoise. CetMap (<https://cetsound.noaa.gov/cda>) provides output of summer/fall habitat-based density models for cetaceans in the CCE (Becker *et al.*, 2020) in the form of GIS layers; these were used to calculate takes in the survey area. The density estimates were available in the form of a GIS grid with each cell in the grid measuring ~7 km east-west by 10 km north-south. This grid was intersected with a GIS layer of the area expected to be ensonified to >160 dB SPL from the survey area. North, west, and south boundaries are based on overlap/intersection with geographic extents of all four combined survey regions; eastern grid coverage limit was defined by inclusion of cells that contained >25 percent overlap with the angled boundary of the survey area polygon. The densities from all grid cells overlapping the ensonified areas were averaged to calculate an average species-specific density for each species (Table 5).

TABLE 5—MODELED MARINE MAMMAL DENSITY VALUES AND DAILY ENSONIFIED AREA FOR L-DEO’S SURVEY \*

Species	Density (#/km2)	Daily ensonified area (km2)	Number of seismic days	Source
LF Cetaceans:				
Humpback whale .....	0.000464	221	6	Becker <i>et al.</i> (2020).
Blue whale .....	0.000226	221	6	Becker <i>et al.</i> (2020).

TABLE 5—MODELED MARINE MAMMAL DENSITY VALUES AND DAILY ENSONIFIED AREA FOR L-DEO'S SURVEY\*—Continued

Species	Density (#/km2)	Daily ensonified area (km2)	Number of seismic days	Source
<i>Fin whale</i> .....	0.00241	221	6	Becker <i>et al.</i> (2020).
<i>Sei whale</i> .....	0.0004	221	6	USN (2019).
<i>Minke whale</i> .....	0.0013	221	6	USN (2019).
MF Cetaceans:				
<i>Sperm whale</i> .....	0.002859	221	6	Becker <i>et al.</i> (2020).
Baird's beaked whale .....	0.000407	221	6	Becker <i>et al.</i> (2020).
Small beaked whale .....	0.002446	221	6	Becker <i>et al.</i> (2020).
Striped dolphin .....	0.002095	221	6	Becker <i>et al.</i> (2020).
Short-beaked common dolphin .....	0.004845	221	6	Becker <i>et al.</i> (2020).
Pacific white-sided dolphin .....	0.059902	221	6	Becker <i>et al.</i> (2020).
Northern right-whale dolphin .....	0.049535	221	6	Becker <i>et al.</i> (2020).
Risso's dolphin .....	0.009917	221	6	Becker <i>et al.</i> (2020).
Killer whale .....	0.00092	221	6	USN (2019).
HF Cetaceans:				
Pygmy/dwarf sperm whale .....	0.00163	221	6	USN (2019).
Dall's porpoise .....	0.093613	221	6	Becker <i>et al.</i> (2020).
Otariid Seals:				
Northern fur seal .....	*0.036115/0.032983	221	6	USN (2019).
<i>Guadalupe fur seal</i> .....	0.02945	221	6	USN (2019).
California sea lion .....	*1.2951/0.0714	221	6	USN (2019).
Steller sea lion .....	0.002573	221	6	USN (2019).
Phocid Seal:				
Northern elephant seal .....	0.043301	221	6	USN (2019).

\* Species in this table differ slightly from those included in L-DEO's application as NMFS has determined that their occurrence in the survey area is rare and unlikely to be encountered. For more information, please see the Description of Marine Mammals in the Area of Specified Activity section of this notice.

\*\* Two different densities were used depending on water depth/distance from shore.

**Take Estimation**

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and is authorized. In order to estimate the number of marine mammals predicted to be exposed to sound levels that would result in Level B harassment, radial distances from the airgun array to the predicted isopleth corresponding to the Level B harassment thresholds are

calculated, as described above. Those radial distances are then used to calculate the area(s) around the airgun array predicted to be ensonified to sound levels that exceed the Level B harassment threshold. The distance for the 160-dB threshold (based on L-DEO model results) was used to draw a buffer around the area expected to be ensonified (*i.e.*, the survey area). The ensonified areas were then increased by 25 percent to account for potential delays, which is the equivalent to

adding 25 percent to the line km to be surveyed. The density for each species in Table 5 were then multiplied by the daily ensonified areas expected to be ensonified, increased by 25 percent, and then multiplied by the number of survey days (6) to estimate the Level B takes.

The marine mammals predicted to occur within these respective areas, based on the estimated densities, are assumed to be incidentally taken. Estimated exposures for the survey are shown in Table 6.

TABLE 6—ESTIMATED TAKE BY LEVEL B HARASSMENT, AND PERCENTAGE OF MARINE MAMMAL STOCK POPULATION

Species	MMPA stock	Estimated take by Level B harassment	Authorized take by Level B harassment	Stock abundance	Percent of MMPA stock
Humpback whale <sup>a</sup> .....	California/Oregon Washington .....	1	<sup>d</sup> 2	4973	0.04
Blue whale .....	Eastern North Pacific .....	0	<sup>d</sup> 2	1898	0.11
Fin whale .....	California/Oregon Washington .....	4	4	11,065	0.04
Sei whale .....	Eastern North Pacific .....	1	<sup>d</sup> 2	519	0.39
Minke whale .....	California/Oregon Washington .....	2	2	915	0.22
Sperm whale .....	California/Oregon Washington .....	5	<sup>d</sup> 7	1997	0.35
Baird's beaked whale .....	California/Oregon Washington .....	1	<sup>d</sup> 9	1363	0.66
Small beaked whale <sup>b</sup> .....	California/Oregon Washington .....	4	4	3044	0.13
Striped dolphin .....	California/Oregon Washington .....	3	<sup>d</sup> 46	29,988	0.15
Common dolphin .....	California/Oregon Washington .....	8	<sup>d</sup> 179	1,056,308	0.02
Pacific white-sided dolphin .....	California/Oregon Washington .....	99	99	34,998	0.28
Northern right-whale dolphin .....	California/Oregon Washington .....	82	82	29,285	0.28
Risso's dolphin .....	California/Oregon Washington .....	16	<sup>d</sup> 22	6336	0.35
Killer whale .....	West Coast Transient .....	2	<sup>d</sup> 7	349	0.00
	North Pacific Offshore .....			300	0.00
Pygmy/dwarf sperm whale .....	California/Oregon Washington .....	3	3	4111	0.07
Dall's porpoise .....	California/Oregon Washington .....	155	155	16,498	0.94



TABLE 6—ESTIMATED TAKE BY LEVEL B HARASSMENT, AND PERCENTAGE OF MARINE MAMMAL STOCK POPULATION—Continued

Species	MMPA stock	Estimated take by Level B harassment	Authorized take by Level B harassment	Stock abundance	Percent of MMPA stock
Northern fur seal <sup>c</sup>	Eastern Pacific	17	17	626,618	0.00
	California			530,376	0.00
Guadalupe fur seal	Mexico	49	49	34,187	0.14
California sea lion	United States	9	9	257,606	0.00
Steller sea lion	Eastern	4	4	43,201	0.01
Northern elephant seal	California Breeding	62	62	5122	1.21

<sup>a</sup> Takes are allocated among the three DPSs in the area based on Wade 2021 (Oregon: 42 percent Central America DPS, 58 percent Mexico DPS; Washington: 6 percent Central America DPS, 25 percent Mexico DPS, 69 percent Hawaii DPS).

<sup>b</sup> Authorized takes include one each of Blainville's beaked whale, Stejneger's beaked whale, Cuvier's beaked whale, and Hubbs' beaked whale (see Appendix B of L-DEO's application for more information).

<sup>c</sup> In cases where multiple stocks are being affected, for the purposes of calculating the percentage of the stock impacted, the take is being analyzed as if all authorized takes occurred within each stock.

<sup>d</sup> Authorized take increased to mean group size from Barlow (2016).

**Mitigation**

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which

may consider such things as cost, impact on operations.

L-DEO reviewed mitigation measures employed during seismic research surveys authorized by NMFS under previous incidental harassment authorizations, as well as recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), Weir and Dolman (2007), Nowacek *et al.* (2013), Wright (2014), and Wright and Cosentino (2015), and has required mitigation measures based on the above sources.

To reduce the potential for disturbance from acoustic stimuli associated with the activities, L-DEO proposed to implement, and NMFS requires, mitigation measures for marine mammals. Mitigation measures that will be adopted during the planned survey include, but are not limited to: (1) Vessel speed or course alteration, provided that doing so will not compromise operation safety requirements. (2) GI-airgun shut down within EZs, and (3) ramp-up procedures.

*Vessel-Based Visual Mitigation Monitoring*

Visual monitoring requires the use of trained observers (herein referred to as visual protected species observers (PSOs)) to scan the ocean surface visually for the presence of marine mammals. The area to be scanned visually includes primarily the exclusion zone, within which observation of certain marine mammals requires shutdown of the acoustic source, but also the buffer zone. The buffer zone means an area beyond the exclusion zone to be monitored for the presence of marine mammals that may enter the exclusion zone. During pre-start clearance (*i.e.*, before ramp-up begins), the buffer zone also acts as an extension of the exclusion zone in that

observations of marine mammals within the buffer zone will also prevent airgun operations from beginning (*i.e.*, ramp-up). The buffer zone encompasses the area at and below the sea surface from the edge of the 100 m exclusion zone measured from the edges of the airgun array. Visual monitoring of the exclusion zone and adjacent waters is intended to establish and, when visual conditions allow, maintain zones around the sound source that are clear of marine mammals, thereby reducing or eliminating the potential for injury and minimizing the potential for more severe behavioral reactions for animals occurring closer to the vessel. Visual monitoring of the buffer zone is intended to (1) provide additional protection to naïve marine mammals that may be in the area during pre-clearance, and (2) during airgun use, aid in establishing and maintaining the exclusion zone by altering the visual observer and crew of marine mammals that are outside of, but may approach and enter, the exclusion zone.

L-DEO must use independent, dedicated, trained visual PSOs, meaning that the PSOs must be employed by a third-party observer provider, must not have tasks other than to conduct observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements, and must have successfully completed an approved PSO training course. PSO resumes shall be provided to NMFS for approval.

At least one visual PSO must have a minimum of 90 days at-sea experience working in that role during a shallow penetration or low-energy survey, with no more than 18 months elapsed since the conclusion of the at-sea experience. One PSO with such experience shall be designated as the lead for the entire

protected species observation team. The lead PSO shall serve as primary point of contact for the vessel operator and ensure all PSO requirements per the IHA are met. To the maximum extent practicable, the experienced PSOs should be scheduled to be on duty with those PSOs with the appropriate training but who have not yet gained relevant experience.

During survey operations (*e.g.*, any day on which use of the acoustic source is planned to occur, and whenever the acoustic source is in the water, whether activated or not), a minimum of two PSOs must be on duty and conducting visual observations at all times during daylight hours (*i.e.*, from 30 minutes prior to sunrise through 30 minutes following sunset) and 30 minutes prior to and during ramp-up of the airgun array, including nighttime ramp-ups. Visual monitoring of the exclusion and buffer zones must begin no less than 30 minutes prior to ramp-up and must continue until one hour after use of the acoustic source ceases or until 30 minutes past sunset. Visual PSOs must coordinate to ensure 360 degree visual coverage around the vessel from the most appropriate observation posts, and must conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner.

PSOs shall establish and monitor the exclusion and buffer zones. These zones shall be based upon the radial distance from the edges of the acoustic source (rather than being based on the center of the array or around the vessel itself). During use of the acoustic source (*i.e.*, anytime airguns are active, including ramp-up) shall be communicated to the operator to prepare for the potential shutdown of the acoustic source.

During use of the airgun, detections of marine mammals within the buffer zone (but outside the exclusion zone) should be communicated to the operator to prepare for the potential shutdown of the acoustic source.

PSOs may be on watch for a maximum of four consecutive hours followed by a break of at least one hour between watches and may conduct a maximum of 12 hours of observation per 24-hour period.

#### *Establishment of Exclusion and Buffer Zones*

An exclusion zone (EZ) is a defined area within which occurrence of a marine mammal triggers mitigation action intended to reduce the potential for certain outcome, *e.g.*, auditory injury, disruption of critical behaviors. The PSOs will establish a minimum EZ with a 100 m radius with an additional

100 m buffer zone (total of 200 m). The 200m zone will be based on radial distance from the edge of the airgun array (rather than being based on the center of the array or around the vessel itself). With certain exceptions (described below), if a marine mammal appears within or enters this zone, the acoustic source will be shut down.

The 100 m EZ, with additional 100 m buffer zone, is intended to be precautionary in the sense that it would be expected to contain sound exceeding the injury criteria for all cetacean hearing groups, (based on the dual criteria of SEL<sub>cum</sub> and peak SPL), while also providing a consistent, reasonably observable zone within which PSOs would typically be able to conduct effective observational effort. Additionally, a 100 m EZ is expected to minimize the likelihood that marine mammals will be exposed to levels likely to result in more severe behavioral responses. Although significantly greater distances may be observed from an elevated platform under good conditions, we believe that 100 m is regularly attainable for PSOs using the naked eye during typical conditions.

An extended 500 m exclusion zone must be established for all beaked whales, dwarf and pygmy sperm whales, killer whales, a large whale with a calf, and groups of six or more large whales during all survey effort. No buffer zone is required.

#### *Pre-Clearance and Ramp-Up*

Ramp-up (sometimes referred to as “soft start”) is the gradual and systematic increase of emitted sound levels from an airgun array. Ramp-up will begin with one GI airgun 45 cu in first being activated, followed by the second after 5 minutes. The intent of pre-clearance observation (30 minutes) is to ensure no marine mammals are observed within the buffer zone prior to the beginning of ramp-up. During pre-clearance is the only time observations of marine mammals in the buffer zone will prevent operations (*i.e.*, the beginning of ramp-up). The intent of ramp-up is to warn protected species of pending seismic operations and to allow sufficient time for those animals to leave the immediate vicinity. A ramp-up procedure, involving a step-wise increase in the number of airguns are activated and the full volume is achieved, is required at all times as part of the activation of the acoustic source. All operators must adhere to the following pre-clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of

ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 minutes prior to the planned ramp-up in order to allow PSOs time to monitor the exclusion and buffer zones for 30 minutes prior to the initiation of ramp-up (pre-clearance);

- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated prior to reaching the designated run-in;

- One of the PSOs conducting pre-clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;

- Ramp-up may not be initiated if any marine mammal is within the applicable exclusion or buffer zone. If a marine mammal is observed within the applicable exclusion zone or the buffer zone during the 30 minutes pre-clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zone or until an additional time period has elapsed with no further sightings (15 minutes for small odontocetes and pinnipeds, and 30 minutes for Mysticetes and all other odontocetes, including sperm whales, pygmy sperm whales, dwarf sperm whales, beaked whales, pilot whales, killer whales, Risso’s dolphin);

- PSOs must monitor the exclusion and buffer zones during ramp-up, and ramp-up must cease and the source must be shut down upon detection of a marine mammal within the applicable exclusion zone. Once ramp-up has begun, detections of marine mammals within the buffer zone do not require shutdown, but such observation shall be communicated to the operator to prepare for the potential shutdown.

- If the acoustic source is shut down for brief periods (*i.e.*, less than 30 minutes) for reasons other than that described for shutdown (*e.g.*, mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant observation and no detections of marine mammals have occurred within the applicable exclusion zone. For any longer shutdown, pre-start clearance observation and ramp-up are required. For any shutdown at night or in periods of poor visibility (*e.g.*, BSS 4 or greater), ramp-up is required, but if the shutdown period was brief and constant observation was maintained, pre-start clearance watch is not required.

- Testing of the acoustic source involving all elements requires ramp-up. Testing limited to individual source elements or strings does not require ramp-up but does require pre-start clearance watch.

### Shutdown

The shutdown of an airgun array requires the immediate de-activation of all individual airgun elements of the array. Any PSO on duty will have the authority to delay the start of survey operations or to call for shutdown of the acoustic source if a marine mammal is detected within the applicable exclusion zone. The operator must also establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch. When the airgun array is active (*i.e.*, anytime one or more airguns is active, including during ramp-up) and (1) a marine mammal appears within or enters the applicable exclusion zone and/or (2) a marine mammal (other than delphinids, see below) is detected and localized within the applicable exclusion zone, the acoustic source will be shut down. When shutdown is called for by a PSO, the acoustic source will be immediately deactivated and any dispute resolved only following deactivation.

Following a shutdown, airgun activity will not resume until the marine mammal has clear the EZ. The animal will be considered to have cleared the EZ if it is visually observed to have departed the EZ, or it has not been seen within the EZ for 15 minutes in the case of small odontocetes and pinnipeds, and 30 minutes for Mysticetes and all other odontocetes, including sperm whales, beaked whales, pilot whales, killer whales, and Risso's dolphin) with no further observation of the marine mammal(s).

The shutdown requirement can be waived for small dolphins if an individual is visually detected and localized within an exclusion zone. As defined here, the small dolphin group is intended to encompass those members of the Family Delphinidae most likely to voluntarily approach the source vessel for purposes of interacting with the vessel and/or airgun array (*e.g.*, bow riding). This exception to the shutdown requirement applies solely to specific genera of small dolphins—*Delphinus*, *Stenella*, and *Lissodelphis*.

We propose this small dolphin exception because shutdown requirements for small dolphins under all circumstances represent practicability concerns without likely commensurate benefits for the animals in question. Small dolphins are generally the most commonly observed marine mammals in the specific geographic region and will typically be the only marine mammals likely to

intentionally approach the vessel. As described above, auditory injury is extremely unlikely to occur for mid-frequency cetaceans (*e.g.*, delphinids), as this group is relatively insensitive to sound produced at the predominant frequencies in an airgun pulse while also having a relatively high threshold for the onset of auditory injury (*i.e.*, permanent threshold shift).

A large body of anecdotal evidence indicates that small dolphins commonly approach vessels and/or towed arrays during active sound production for purposes of bow riding, with no apparent effect observed in those delphinids (*e.g.*, Barkaszi *et al.*, 2012). The potential for increased shutdowns resulting from such a measure would require the *Langseth* to revisit the missed track line to reacquire data, resulting in an overall increase in the total sound energy input to the marine environment and an increase in the total duration over which the survey is active in a given area. Although other mid-frequency hearing specialists (*e.g.*, large delphinids) are no more likely to incur auditory injury than are small dolphins, they are much less likely to approach vessels. Therefore, retaining a shutdown requirement for large delphinids would not have similar impacts in terms of either practicability for the applicant or corollary increase in sound energy output and time on the water. We do anticipate some benefit for a shutdown requirement for large delphinids in that it simplifies somewhat the total range of decision-making for PSOs and may preclude any potential for physiological effects other than to the auditory system as well as some more severe behavioral reactions for any such animals in close proximity to the source vessel. Visual PSOs shall use best professional judgment in making the decision to call for a shutdown if there is uncertainty regarding identification (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger exclusion zone).

Upon implementation of shutdown, the source may be reactivated after the marine mammal(s) has been observed exiting the applicable exclusion zone (*i.e.*, animal is not required to fully exit the buffer zone where applicable) or following a clearance period (15 minutes for small odontocetes and pinnipeds, and 30 minutes for mysticetes and all other odontocetes, including sperm whales, beaked whales, pilot whales, killer whales, and Risso's dolphin) with no further observation of the marine mammal(s).

L-DEO must implement shutdown if a marine mammal species for which

take was not authorized, or a species for which authorization was granted but the takes have been met, approaches the Level B harassment zones.

### Vessel Strike Avoidance

These measures apply to all vessels associated with the planned survey activity; however, we note that these requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply. These measures include the following:

1. Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel, or alter course, as appropriate and regardless of vessel size, to avoid striking any marine mammal. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should be exercised when an animal is observed. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (specific distances detailed below), to ensure the potential for strike is minimized. Visual observers monitoring the vessel strike avoidance zone can be either third-party observers or crew members, but crew members responsible for these duties must be provided sufficient training to distinguish marine mammals from other phenomena and broadly to identify a marine mammal to broad taxonomic group (*i.e.*, as a large whale or other marine mammal);

2. Vessel speeds must be reduced to 10 knots (kn) (5.14 meters per second (m/s)) or less when mother/calf pairs, pods, or large assemblages of any marine mammal are observed near a vessel;

3. All vessels must maintain a minimum separation distance of 100 m from large whales (*i.e.*, sperm whales and all mysticetes);

4. All vessels must attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an exception made for those animals that approach the vessel; and

5. When marine mammals are sighted while a vessel is underway, the vessel should take action as necessary to avoid violating the relevant separation distance (*e.g.*, attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area). If marine mammals are sighted within the

relevant separation distance, the vessel should reduce speed and shift the engine to neutral, not engaging the engines until animals are clear of the area. This recommendation does not apply to any vessel towing gear.

Based on our evaluation of the applicant's proposed measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

### Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,

- Mitigation and monitoring effectiveness.

### Vessel-Based Visual Monitoring

As described above, PSO observations will take place during daytime airgun operations. During seismic operations, at least three visual PSOs will be based aboard the R/V *Langseth*. Two visual PSOs will be on duty at all time during daytime hours. Monitoring shall be conducted in accordance with the following requirements:

- PSOs shall be independent, dedicated and trained and must be employed by a third-party observer provider;
- PSOs shall have no tasks other than to conduct visual observational effort, collect data, and communicate with and instruct relevant vessel crew with regard to the presence of protected species and mitigation requirements (including brief alerts regarding maritime hazards);
- PSOs shall have successfully completed an approved PSO training course appropriate for their designated task (visual);
- NMFS must review and approve PSO resumes accompanied by a relevant training course information packet that includes the name and qualifications (*i.e.*, experience, training completed, or educational background) of the instructor(s), the course outline or syllabus, and course reference material as well as a document stating successful completion of the course;
- NMFS shall have one week to approve PSOs from the time that the necessary information is submitted, after which PSOs meeting the minimum requirements shall automatically be considered approved;
- PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or greater) a written and/or oral examination developed for the training program;
- PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics; and
- The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Requests

shall be granted or denied (with justification) by NMFS within one week of receipt of submitted information. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored protected species surveys; or (3) previous work experience as a PSO; the PSO should demonstrate good standing and consistently good performance of PSO duties.

PSOs must use standardized data collection forms, whether hard copy or electronic. PSOs must record detailed information about any implementation of mitigation requirements, including the distance of animals to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a description of the circumstances. At a minimum, the following information must be recorded:

- Vessel name and call sign;
- PSO names and affiliations;
- Date and participants of PSO briefings (as discussed in General Requirement);
- Dates of departure and return to port with port name;
- Dates and times (Greenwich Mean Time) of survey effort and times corresponding with PSO effort;
- Vessel location (latitude/longitude) when survey effort began and ended and vessel location at beginning and end of visual PSO duty shifts;
- Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any line change;
- Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions changed significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
- Factors that may have contributed to impaired observations during each PSO shift change or as needed as environmental conditions changed (*e.g.*, vessel traffic, equipment malfunctions); and
- Survey activity information, such as acoustic source power output while in operation, number and volume of airguns operating in the array, tow depth of the array, and any other notes

of significance (*i.e.*, pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, *etc.*).

The following information should be recorded upon visual observation of any marine mammal:

- Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
- PSO who sighted the animal;
- Time of sighting;
- Vessel location at time of sighting;
- Water depth;
- Direction of vessel's travel (compass direction);
- Direction of animal's travel relative to the vessel;
- Pace of the animal;
- Estimated distance to the animal and its heading relative to vessel at initial sighting;
- Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified) and the composition of the group if there is a mix of species;
- Estimated number of animals (high/low/best);
- Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);
- Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior);
- Animal's closest point of approach (CPA) and/or closest distance from any element of the acoustic source;
- Platform activity at time of sighting (*e.g.*, deploying, recovering, testing, shooting, data acquisition, other); and
- Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up) and time and location of the action.

#### Reporting

L-DEO must submit a draft comprehensive report to NMFS on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. A final report must be submitted within 30 days following resolution of any comments on the draft report. The report will describe the operations that were conducted and sightings of marine mammals near the operations. The report will provide full documentation of methods, results, and

interpretation pertaining to all monitoring. The 90-day report will summarize the dates and locations of seismic operations, and all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report will also include estimates of the number and nature of exposures that occurred above the harassment threshold based on PSO observations and including an estimate of those that were not detected, in consideration of both the characteristics and behaviors of the species of marine mammals that affect detectability, as well as the environmental factors that affect detectability.

The draft report shall also include geo-referenced time-stamped vessel tracklines for all time periods during which airguns were operating. Tracklines should include points recording any change in airgun status (*e.g.*, when the airguns began operating, when they were turned off, or when they changed from full array to single gun or vice versa). GIS files shall be provided in ESRI shapefile format and include the UTC date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available to NMFS. A final report must be submitted within 30 days following resolution of any comments on the draft report.

#### Reporting Injured or Dead Marine Mammals

Discovery of injured or dead marine mammals—In the event that personnel involved in survey activities covered by the authorization discover an injured or dead marine mammal, the L-DEO shall report the incident to the Office of Protected Resources (OPR), NMFS and to the NMFS West Coast Regional Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Vessel strike—In the event of a ship strike of a marine mammal by any vessel

involved in the activities covered by the authorization, L-DEO shall report the incident to OPR, NMFS and to the NMFS West Coast Regional Stranding Coordinator as soon as feasible. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Vessel's speed during and leading up to the incident;
- Vessel's course/heading and what operations were being conducted (if applicable);
- Status of all sound sources in use;
- Description of avoidance measures/requirements that were in place at the time of the strike and what additional measure were taken, if any, to avoid strike;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- Species identification (if known) or description of the animal(s) involved;
- Estimated size and length of the animal that was struck
- Description of the behavior of the animal immediately preceding and following the strike;
- If available, description of the presence and behavior of any other marine mammals present immediately preceding the strike;
- Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- To the extent practicable, photographs or video footage of the animal(s).

#### Actions To Minimize Additional Harm to Live-Stranded (or Milling) Marine Mammals

In the event of a live stranding (or near-shore atypical milling) event within 50 km of the survey operations, where the NMFS stranding network is engaged in herding or other interventions to return animals to the water, the Director of OPR, NMFS (or designee) will advise L-DEO of the need to implement shutdown procedures for all active acoustic sources operating within 50 km of the stranding. Shutdown procedures for live stranding or milling marine mammals include the following: If at any time, the marine mammal the marine mammal(s) die or are euthanized, or if herding/intervention efforts are stopped, the Director of OPR, NMFS (or designee) will advise the IHA-holder that the shutdown around the animals' location is no longer needed. Otherwise, shutdown procedures will remain in

effect until the Director of OPR, NMFS (or designee) determines and advises L-DEO that all live animals involved have left the area (either of their own volition or following an intervention).

If further observations of the marine mammals indicate the potential for re-stranding, additional coordination with the IHA-holder will be required to determine what measures are necessary to minimize that likelihood (e.g., extending the shutdown or moving operations farther away) and to implement those measures as appropriate.

**Additional Information Requests**—if NMFS determines that the circumstances of any marine mammal stranding found in the vicinity of the activity suggest investigation of the association with survey activities is warranted, and an investigation into the stranding is being pursued, NMFS will submit a written request to L-DEO indicating that the following initial available information must be provided as soon as possible, but no later than 7 business days after the request for information:

- Status of all sound source use in the 48 hours preceding the estimated time of stranding and within 50 km of the discovery/notification of the stranding by NMFS; and
- If available, description of the behavior of any marine mammal(s) observed preceding (i.e., within 48 hours and 50 km) and immediately after the discovery of the stranding.

In the event that the investigation is still inconclusive, the investigation of the association of the survey activities is still warranted, and the investigation is still being pursued, NMFS may provide additional information requests, in writing, regarding the nature and location of survey operations prior to the time period above.

#### *Reporting Species of Concern*

To support NMFS's goal of improving our understanding of occurrence of marine mammal species or stocks in the area (e.g., presence, abundance, distribution, density), L-DEO will immediately report observations of Southern Resident killer whales or North Pacific right whales to OPR, NMFS. Although, the likelihood of encountering either species is considered to be rare and unexpected.

#### **Negligible Impact Analysis and Determination**

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the

species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (e.g., intensity, duration), the context of any impacts or responses (e.g., critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in Table 6, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar, except where a species- or stock-specific discussion is warranted. NMFS does not anticipate that serious injury or mortality will occur as a result from low-energy surveys, even in the absence of mitigation, and no serious injury or mortality is authorized. As discussed in the Potential Effects of Specified Activities on Marine Mammals and their Habitat section, non-auditory physical effects and vessel strike are not expected to occur. NMFS expects that all potential take will be in the form of Level B behavioral harassment in the form of temporary avoidance of the area or decreased foraging (if such activity was occurring), responses that are considered to be of low severity, and with no lasting biological consequences (e.g., Southall *et al.*, 2007, 2021). TTS is not expected for most hearing groups (HF, MF, otariids and phocids) and is considered to be highly unlikely for LF cetaceans. Even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any

significant realized decrease in viability for the affected individuals, and thus would not result in any adverse impact to the stock as a whole. As described above, Level A harassment is not expected to occur given the estimated small size of the Level A harassment zones.

In addition to being temporary, the maximum expected Level B harassment zone around the survey vessel is 553 m. Therefore, the ensonified area surrounding the vessel is relatively small compared to the overall distribution of animals in the area and their use of the habitat. Feeding behavior is not likely to be significantly impacted as prey species are mobile and are broadly distributed throughout the survey area; therefore, marine mammals that may be temporarily displaced during survey activities are expected to be able to resume foraging once they have moved away from areas with disturbing levels of underwater noise. Because of the short duration (6 days) and temporary nature of the disturbance and the availability of similar habitat and resources in the surrounding area, the impacts to marine mammals and the food sources that they utilize are not expected to cause significant or long-term consequences for individual marine mammals or their populations.

The entire U.S. West Coast within 47 km of the coast is a BIA for migrating gray whale potential presence January to July and October to December. The BIA for northbound gray whale migration is broken into two phases, Phase A (within 8 km of shore) and Phase B (within 5 km of shore), which are active from January to July and March to July, respectively. The BIA for southbound migration includes waters within 10 km of shore and is active from October to March. All planned survey areas are outside of all gray whale BIAs and no takes of gray whales are authorized. There are also two humpback whale feeding BIAs (Stonewall and Heceta Bank) adjacent to the survey area, however no overlap occurs between the survey area and the BIAs. There are no rookeries, mating or calving grounds known to be biologically important to marine mammals within the survey area.

Critical habitat for the Mexico and Central America DPSs of humpback whales has been established along the U.S. West Coast (86 FR 21082; May 5, 2021), and NMFS has expanded the Southern Resident killer whale critical habitat to include coastal waters of Washington, Oregon, and California (86 FR 41668; August 2, 2021). No part of L-DEO's seismic survey will occur in or near these critical habitats.

No permanent hearing impairment (Level A harassment) is anticipated nor authorized. Authorized takes of killer whales is expected to comprise almost entirely of the West Coast Transient and/or North Pacific Offshore stocks as Southern Resident killer whales are typically confined to coastal and inland waters. Therefore take of Southern Resident killer whales is unlikely given the far offshore location of the survey, and no take of Southern Resident killer whales is authorized.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The activity is temporary and of relatively short duration (6 days);
- The anticipated impacts of the activity on marine mammals would be temporary behavioral changes due to avoidance of the area around the vessel;
- No take by Level A harassment is authorized;
- The availability of alternative areas of similar habitat value for marine mammals to temporarily vacate the survey area during the survey to avoid exposure to sounds from the activity is readily abundant;
- The potential adverse effects on fish or invertebrate species that serve as prey species for marine mammals from the survey would be temporary and spatially limited, and impacts to marine mammal foraging would be minimal; and
- The mitigation measures, including visual, shutdowns, and enhanced measures for areas of biological importance (e.g., additional monitoring vessel, daylight operations only) are expected to minimize potential impacts to marine mammals (both amount and severity).

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted above, only small numbers of incidental take may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers

and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize is below one third of the estimated stock abundance for all species (in fact, take of individuals is less than ten percent of the abundance of the affected stocks, see Table 6). This is likely a conservative estimate because we assume all takes are of different individual animals, which is likely not the case. Some individuals may be encountered multiple times in a day, but PSOs will count them as separate individuals if they cannot be identified.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified

any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that this action qualifies to be categorically excluded from further NEPA review.

#### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the ESA Interagency Cooperation Division within NMFS' OPR.

The NMFS Office of Protected Resources ESA Interagency Cooperation Division issued a Biological Opinion under section 7 of the ESA, on the issuance of an IHA to L–DEO under section 101(a)(5)(D) of the MMPA by the NMFS OPR Permits and Conservation Division. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed blue whales, fin whales, sei whales, sperm whales, Central America DPS humpback whales, Mexico DPS Humpback whales, and Guadalupe fur seals. There is no designated critical habitat in the action area for any ESA-listed marine mammal species.

#### Authorization

As a result of these determinations, NMFS proposes to issue an IHA to L–DEO for conducting geophysical surveys in the Northeast Pacific Ocean during summer 2022, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: August 2, 2022.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2022–16809 Filed 8–4–22; 8:45 am]

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### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### Procurement List; Proposed Addition

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed addition to the Procurement List.

**SUMMARY:** The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**DATES:** Comments must be received on or before: September 04, 2022.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC, 20024–3243.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

#### Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

*Service(s)*

*Service Type:* Janitorial Service

*Mandatory for:* FAA, Charlotte Air Traffic Control Tower, TRACON and Base Building, Charlotte, NC

*Designated Source of Supply:* OE Enterprises, Inc., Hillsborough, NC

*Contracting Activity:* FEDERAL AVIATION ADMINISTRATION, 697DCK REGIONAL ACQUISITIONS SVCS

**Michael R. Jurkowski,**

*Acting Director, Business Operations.*

[FR Doc. 2022–16817 Filed 8–4–22; 8:45 am]

**BILLING CODE 6353–01–P**

#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

##### Procurement List; Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Deletions from the Procurement List.

**SUMMARY:** This action deletes service(s) from the Procurement List that were furnished by nonprofit agencies

employing persons who are blind or have other severe disabilities.

**DATES:** *Date added to and deleted from the Procurement List:* September 04, 2022

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024–3243.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Jurkowski, Telephone: (703) 785–6404, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

#### SUPPLEMENTARY INFORMATION:

##### Deletions

On 9/24/2021; 11/26/2021; 4/8/2022; 4/15/2022; and 5/13/2022, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

##### Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

##### End of Certification

Accordingly, the following service(s) are deleted from the Procurement List:

*Service(s)*

*Service Type:* Administrative/General Support Services

*Mandatory for:* Department of Justice, Federal Bureau of Prisons, Federal Correctional Institution, Cumberland, MD

*Designated Source of Supply:* Columbia Lighthouse for the Blind, Washington, DC

*Contracting Activity:* FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI

*Service Type:* Custodial and Related Services  
*Mandatory for:* GSA PBS Region 3, Summersville Federal Building & Post Office, 449 Water Street, Summersville, WV

*Designated Source of Supply:* The Sheltered Workshop of Nicholas County, Inc., Craigsville, WV

*Contracting Activity:* PUBLIC BUILDINGS SERVICE, PBS R3

*Service Type:* Custodial service

*Mandatory for:* TSA, Central Illinois Regional Airport, Bloomington, IL, Airport Business Center, Bloomington, IL

*Contracting Activity:* PUBLIC BUILDINGS SERVICE, ACQUISITION MANAGEMENT DIVISION

*Service Type:* Janitorial/Custodial

*Mandatory for:* Air Traffic Control Tower: 6100 E.M. Dirksen Street, Peoria, IL

*Designated Source of Supply:* Community Workshop and Training Center, Inc., Peoria, IL

*Contracting Activity:* TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS

*Service Type:* Janitorial/Custodial

*Mandatory for:* US Fish and Wildlife Service, Great Swamp National Wildlife Refuge, Basking Ridge, NJ, 241 Pleasant Plains Road, Basking Ridge, NJ

*Designated Source of Supply:* Employment Horizons, Inc., Cedar Knolls, NJ

*Contracting Activity:* U.S. FISH AND WILDLIFE SERVICE, CONTRACTING AND GENERAL SERVICES DIV

**Michael R. Jurkowski,**

*Acting Director, Business Operations.*

[FR Doc. 2022–16818 Filed 8–4–22; 8:45 am]

**BILLING CODE 6353–01–P**

#### COMMODITY FUTURES TRADING COMMISSION

**Agency Information Collection Activities: Notice of Intent To Renew Collection 3038–0111, Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants—Cross-Border Application of the Margin Requirements**

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (“CFTC” or “Commission”) is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (“PRA”), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the burdens associated



with the following aspects of the Commission's Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants—Cross-Border Application of the Margin Requirements ("Final Rule"): (1) requesting a comparability determination from the Commission; (2) maintaining policies and procedures for compliance with the Commission's special provisions for non-netting jurisdictions and non-segregation jurisdictions; and (3) maintaining books and records properly documenting that all of the requirements of the special provisions for non-netting jurisdictions and non-segregation jurisdictions are satisfied.

**DATES:** Comments must be submitted on or before October 4, 2022.

**ADDRESSES:** You may submit comments, identified by "Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants—Cross-Border Application of the Margin Requirements," Collection Number 3038–0111, by any of the following methods:

- The Agency's website, at <https://comments.cftc.gov/>. Follow the instructions for submitting comments through the website.

- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

- *Hand Delivery/Courier:* Same as "Mail" above.

Please submit your comments using only one method. All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Dina Moussa, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, (202) 418–5696 or [dmoussa@cftc.gov](mailto:dmoussa@cftc.gov), and refer to OMB Control No. 3038–0111.

**SUPPLEMENTARY INFORMATION:** Under the PRA, 44 U.S.C. 3501 *et seq.*, Federal agencies must obtain approval from the Office of Management and Budget ("OMB") for each collection of information they conduct or sponsor. "Collection of Information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information,

including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed extension of the existing collections of information listed below. 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.

*Title:* Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants—Cross-Border Application of the Margin Requirements (OMB Control No. 3038–0111). This is a request for an extension of currently approved information collections.

*Abstract:* Section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act,<sup>1</sup> amended the Commodity Exchange Act ("CEA"), 7 U.S.C. 1 *et seq.*, to add, as Section 4s(e) thereof, provisions concerning the setting of initial and variation margin requirements for swap dealers ("SDs") and major swap participants ("MSPs").<sup>2</sup> Each SD and MSP for which there is a Prudential Regulator, as defined in Section 1a(39) of the CEA,<sup>3</sup> must meet margin requirements established by the applicable Prudential Regulator, and each SD and MSP for which there is no Prudential Regulator ("Covered Swap Entities" or "CSEs") must comply with the Commission's Regulations governing margin on all swaps that are not centrally cleared.

With regard to the cross-border application of the Commission's margin rules, Section 2(i)<sup>4</sup> of the CEA provides the Commission with express authority over activities outside the United States relating to swaps when certain conditions are met. Section 2(i) of the CEA provides that the provisions of the CEA relating to swaps that were enacted by the Wall Street Transparency and Accountability Act of 2010 (including any rule prescribed or regulation promulgated under that Act), shall not apply to activities outside the United States unless those activities (1) have a direct and significant connection with activities in, or effect on, commerce of the United States or (2) contravene such rules or regulations as the Commission may prescribe or promulgate as are necessary or appropriate to prevent the evasion of any provision of the CEA that was enacted by the Wall Street

Transparency and Accountability Act of 2010.

On May 31, 2016, the Commission published the Final Rule addressing the cross-border application of its margin requirements for uncleared swaps applicable to CSEs.<sup>5</sup> The Final Rule contains a collection of information under Commission Regulation 23.160(c) regarding requests for comparability determinations, and information collections regarding non-netting jurisdictions,<sup>6</sup> and non-segregation jurisdictions.<sup>7</sup>

Under Commission Regulation 23.160(c)(1), a CSE that is eligible for substituted compliance or a foreign regulatory agency that has direct supervisory authority over one or more CSEs and that is responsible for administering the relevant foreign jurisdiction's margin requirements may request, individually or collectively, that the Commission make a determination that a CSE that complies with margin requirements in the relevant foreign jurisdiction would be deemed to be in compliance with the Commission's corresponding margin rule (a "comparability determination"). Once a comparability determination is made for a jurisdiction, it applies for all entities or transactions in that jurisdiction to the extent provided in the comparability determination, as approved by the Commission and subject to any conditions specified by the Commission. All CSEs, regardless of whether they rely on a comparability determination, remain subject to the Commission's examination and enforcement authority.

Commission Regulation 23.160(c)(2) requires that applicants for a comparability determination provide copies of the relevant foreign jurisdiction's margin requirements and descriptions of their objectives, how they differ from the margin policy framework for non-cleared, bilateral derivatives set forth by the Basel Committee on Banking Supervision and the International Organization of

<sup>5</sup> 81 FR 34818 (May 31, 2016).

<sup>6</sup> As used in the adopting release, a "non-netting jurisdiction" is a jurisdiction in which a CSE cannot conclude, with a well-founded basis, that the netting agreement with a counterparty in that foreign jurisdiction meets the definition of an "eligible master netting agreement" set forth in Commission Regulation 23.151, and as described in Section II.B.5.b of the adopting release.

<sup>7</sup> As used in the adopting release, a "non-segregation jurisdiction" is a jurisdiction where inherent limitations in the legal or operational infrastructure of the foreign jurisdiction make it impracticable for the CSE and its counterparty to post initial margin pursuant to custodial arrangements that comply with the Commission's margin rules, as further described in Section II.B.4.b of the adopting release.

<sup>1</sup> Public Law 111–203, 124 Stat. 1376 (2010).

<sup>2</sup> 7 U.S.C. 6s(e).

<sup>3</sup> 7 U.S.C. 1a(39).

<sup>4</sup> 7 U.S.C. 2(i).

Securities Commissions, and how they address the elements of the Commission's margin requirements. The applicant must identify the specific legal and regulatory provisions of the foreign jurisdiction's margin requirements that correspond to each element and, if necessary, whether the relevant foreign jurisdiction's margin requirements do not address a particular element.

Commission Regulation 23.160(d) includes a special provision for non-netting jurisdictions. This provision allows CSEs that cannot conclude after sufficient legal review with a well-founded basis that the netting agreement with a counterparty in a foreign jurisdiction meets the definition of an "eligible master netting agreement" set forth in Commission Regulation 23.151 to nevertheless net uncleared swaps in determining the amount of margin that they post, provided that certain conditions are met. In order to avail itself of this special provision, a CSE must treat the uncleared swaps covered by the agreement on a gross basis in determining the amount of initial and variation margin that it must collect, but may net those uncleared swaps in determining the amount of initial and variation margin it must post to the counterparty, in accordance with the netting provisions of Commission Regulations 23.152(c) and 23.153(d). A CSE that enters into uncleared swaps in "non-netting" jurisdictions in reliance on this provision must have policies and procedures ensuring that it complies with the special provision's requirements, and maintain books and records properly documenting that all of the requirements of this exception are satisfied.

Commission Regulation 23.160(e) includes a special provision for non-segregation jurisdictions that allows non-U.S. CSEs that are Foreign Consolidated Subsidiaries ("FCS") (as defined in Commission Regulation 23.160(a)(1)) and foreign branches of U.S. CSEs to engage in swaps in foreign jurisdictions where inherent limitations in the legal or operational infrastructure make it impracticable for the CSE and its counterparty to post collateral in compliance with the custodial arrangement requirements of the Commission's margin rules, subject to certain conditions. In order to rely on this special provision, a FCS or foreign branch of a U.S. CSE is required to satisfy all of the conditions of the rule, including that (1) inherent limitations in the legal or operational infrastructure of the foreign jurisdiction make it impracticable for the CSE and its counterparty to post any form of eligible

initial margin collateral for the uncleared swap pursuant to custodial arrangements that comply with the Commission's margin rules; (2) foreign regulatory restrictions require the CSE to transact in uncleared swaps with the counterparty through an establishment within the foreign jurisdiction and do not permit the posting of collateral for the swap in compliance with the custodial arrangements of Commission Regulation 23.157 in the United States or a jurisdiction for which the Commission has issued a comparability determination under Commission Regulation 23.160(c) with respect to Commission Regulation 23.157; (3) the CSE's counterparty is not a U.S. person and is not a CSE, and the counterparty's obligations under the uncleared swap are not guaranteed by a U.S. person; (4) the CSE collects initial margin in cash on a gross basis, and posts and collects variation margin in cash, in accordance with specific requirements; (5) for each broad risk category, as set out in Commission Regulation 23.154(b)(2)(v), the total outstanding notional value of all uncleared swaps in that broad risk category, as to which the CSE is relying on under Commission Regulation 23.160(e), may not exceed 5 percent of the CSE's total outstanding notional value for all uncleared swaps in the same broad risk category; (6) the CSE has policies and procedures ensuring that it is in compliance with the requirements of this provision; and (7) the CSE maintains books and records properly documenting that all of the requirements of this provision are satisfied.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burdens of the proposed collections of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burdens of 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.

You should submit only information that you wish to make available publicly. If you wish the Commission to

consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's Regulations.<sup>8</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the information collection requests will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

#### *Burden Statement—Information Collection for Comparability Determinations:*

The Commission estimates that approximately 53 CSEs may request a comparability determination pursuant to Commission Regulation 23.160(c).<sup>9</sup> The Commission notes that any foreign regulatory agency that has direct supervisory authority over one or more CSEs and that is responsible for administering the relevant foreign jurisdiction's margin requirements may also apply for a comparability determination. However, once a comparability determination is made for a jurisdiction, it will apply for all entities or transactions in that jurisdiction to the extent provided in the determination, as approved by the Commission. To date, the Commission has issued a comparability determination for 3 jurisdictions.<sup>10</sup> Accordingly, the Commission estimates that it will receive requests from the 13

<sup>8</sup> 17 CFR 145.9.

<sup>9</sup> Currently, there are approximately 108 swap entities provisionally registered with the Commission. The Commission estimates that of the approximately 108 swap entities that are provisionally registered, approximately 53 are CSEs for which there is no Prudential Regulator, and are therefore subject to the Commission's margin rules.

<sup>10</sup> See Comparability Determination for Japan: Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 81 FR 63376 (Sep. 15, 2016); Comparability Determination for the European Union: Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 82 FR 48394 (Oct. 18, 2017); and Comparability Determination for Australia: Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 84 FR 12908 (Apr. 3, 2019). The Commission subsequently amended its comparability determination for Japan. See Amendment to Comparability Determination for Japan: Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants, 84 FR 12074 (Apr. 1, 2019).

remaining jurisdictions within the G20,<sup>11</sup> in addition to Switzerland. The number of burden hours associated with such requests is estimated to be 40 hours. Accordingly, the respondent burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 14.  
*Estimated Average Burden Hours per Respondent:* 40.  
*Estimated Total Annual Burden Hours:* 560.  
*Frequency of Collection:* Once.  
 There are no capital costs or operating and maintenance costs associated with this collection.

**Burden Statement—Information Collection for Non-Netting Jurisdictions:**

The Commission is revising its estimate of the burden for this collection to reflect the current number of registrants subject to the Commission's margin requirements for uncleared swaps. Specifically, the Commission estimates that approximately 53 CSEs may rely on Commission Regulation 23.160(d).<sup>12</sup> Furthermore, the Commission estimates that these CSEs would incur an average of 10 annual burden hours to maintain books and records properly documenting that all of the requirements of this exception are satisfied (including policies and procedures ensuring compliance). Accordingly, the respondent burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 53.  
*Estimated Average Burden Hours per Respondent:* 10.  
*Estimated Total Annual Burden Hours:* 530.  
*Frequency of Collection:* Once; As needed.

There are no capital costs or operating and maintenance costs associated with this collection.

**Burden Statement—Information Collection for Non-Segregation Jurisdictions:**

The Commission estimates that there are eight jurisdictions for which the first two conditions specified above for non-segregation jurisdictions are satisfied and where FCSs and foreign branches of U.S. CSEs that are subject to the Commission's margin rules may engage in swaps. The Commission estimates

that approximately 12 FCSs or foreign branches of U.S. CSEs may rely on Commission Regulation 23.160(e) in some or all of these jurisdictions. The Commission estimates that each FCS or foreign branch of a U.S. CSE relying on this provision would incur an average of 20 annual burden hours to maintain books and records properly documenting that all of the requirements of this provision are satisfied (including policies and procedures for ensuring compliance) with respect to each jurisdiction as to which they rely on the special provision. Thus, based on the estimate of eight non-segregation jurisdictions, the Commission estimates that each of the approximately 12 FCSs and foreign branches of U.S. CSEs that may rely on this provision will incur an estimated 160 average burden hours per year (*i.e.*, 20 average burden hours per jurisdiction multiplied by 8). Accordingly, the respondent burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 12.  
*Estimated Average Burden Hours per Respondent:* 160.  
*Estimated Total Annual Burden Hours:* 1,920.  
*Frequency of Collection:* Once; As needed.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 1, 2022.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

[FR Doc. 2022-16774 Filed 8-4-22; 8:45 am]

**BILLING CODE 6351-01-P**

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 22-C0003]

**The TJX Companies, Inc.**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission publishes in the **Federal Register** any settlement that it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally accepted Settlement Agreement with The TJX Companies, Inc., containing a civil penalty in the amount of \$13 million, subject to the terms and conditions of the Settlement Agreement.

**DATES:** Any interested person may ask the Commission not to accept this

agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by August 22, 2022.

**ADDRESSES:** Persons wishing to comment on this Settlement Agreement should send written comments to Comment 22-C0003, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (240) 863-8938 (mobile), (301) 504-7479 (office); email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**FOR FURTHER INFORMATION CONTACT:** Rosalee Thomas, Trial Attorney, Division of Enforcement and Litigation, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814-4408; [rbthomas@cpsc.gov](mailto:rbthomas@cpsc.gov) or 301-504-7656.

**SUPPLEMENTARY INFORMATION:** The Commission voted (4-0-1) to provisionally accept the proposed Settlement Agreement and Order pertaining to The TJX Companies, Inc. Chair Hoehn-Saric, Commissioners Baiocco, Trumka and Boyle voted to provisionally accept the Settlement Agreement and Order. Commissioner Feldman voted to take other action. The text of the Agreement and Order appears below.

Dated: August 2, 2022.

**Alberta E. Mills,**

*Secretary.*

**United States of America Consumer Product Safety Commission**

*In the Matter of:* The TJX Companies, Inc., CPSC Docket No. 22-C0003

**Settlement Agreement**

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051 – 2089 (“CPSA”) and 16 CFR 1118.20, The TJX Companies, Inc. (“TJX”), and the United States Consumer Product Safety Commission (“Commission”), through its staff, hereby enter into this Settlement Agreement (“Agreement”). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

**The Parties**

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051 – 2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. TJX is a corporation, organized and existing under the laws of the state of

<sup>11</sup> The Group of 20 (“G20”) is comprised of foreign leaders and central bank managers from the top 19 countries with the largest economies along with the European Union.

<sup>12</sup> See n.9, *supra*. Because all of these CSEs are eligible to use the special provision for non-netting jurisdictions, the Commission estimates that 53 CSEs may rely on Commission Regulation 23.160(d).

Delaware, with its principal place of business in Framingham, Massachusetts.

#### Staff Charges

4. Between March 2014 and October 2019, TJX knowingly sold, offered for sale, and distributed into commerce at least 1,205 units of 21 different recalled consumer products online and at its brick and mortar retail stores ("Recalled Products") described in paragraph 5, below in violation of Section 19(a)(2)(B) of the CPSA, 15 U.S.C. 2068(a)(2)(B).

5. The Recalled Products include:

- StyleCraft Upholstered Benches
- Bollinger Fitness Resistance Bands
- Linon Home Foldable Wood Patio

#### Chairs

- MZ Berger Children's Light-Up

#### Watches

- Calphalon Pizza Wheels
- Ivanka Trump Scarves
- HVTM Foldable Lounge Chairs
- Swagway Hoverboards
- Calphalon Cutlery Knives
- Kids II Oball Rattles
- Bradshaw Int'l Coffee Presses
- Glass Beer Mugs
- Sharper Image/Frigidaire

#### Mandoline Slicers

- Carter's Children Cardigan Sets
- Swivel Barstools
- Jimco Bistro Chair
- Glass & Ceramic Drawer Knobs
- Fisher-Price Rock 'n Play Sleepers
- Kids II Rocking Sleepers
- Ion Audio Portable Speakers
- Fisher-Price Inclined Sleeper

#### Accessory for Play Yards

6. The hazards posed by the Recalled Products include, but are not limited to death, fire, explosion, burn, laceration, and choking. Of the 1,205 units sold post-recall, 960 units posed a risk of infant fatalities. These products include Fisher-Price Rock 'n Play Sleepers, for which the CPSC and the recalling manufacturer reported receiving 30 reports of infant fatalities; Kids II Rocking Sleepers, for which the CPSC and the recalling manufacturer reported receiving 5 reports of infant fatalities; and Fisher-Price Inclined Sleeper Accessory for Play Yards. None of the reported fatalities identified TJX as the retailer of the product.

7. Each of the Recalled Products listed above in paragraph 5 were subject to voluntary corrective action taken by TJX or by the manufacturers in consultation with the Commission. Each of these recalls was also publicized by TJX or the manufacturers in consultation with the Commission, of which the Commission also notified the public. TJX knew, or should have known, of the voluntary corrective action taken for each Recalled Product.

8. The Recalled Products are "consumer products," and, at all relevant times, TJX was a "retailer" of these consumer products, which were "distributed in commerce," as those terms are defined or used in sections 3(a)(5), (8) and (13) of the CPSA, 15 U.S.C. 2052(a)(5), (8), and (13).

9. Under CPSA section 19(a)(2)(B), 15 U.S.C. § 2068(a)(2)(B), it is unlawful for any person to sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States, any consumer product that is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, or if the seller, distributor, or manufacturer knew, or should have known, of such voluntary corrective action.

10. Pursuant to section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1), any person who "knowingly" violates CPSA section 19 is subject to civil penalties. Under section 20(d) of the CPSA, 15 U.S.C. 2069(d), the term "knowingly" means: "(1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of representations."

11. TJX sold, offered for sale, and distributed Recalled Products because TJX failed to implement adequate procedures to accurately identify, quarantine, and prevent the sale, offer for sale, and distribution of the Recalled Products. The deficiencies in TJX's reverse logistics and compliance programs allowed Recalled Products to reenter commerce.

12. On October 10, 2017, TJX notified Commission staff that TJX discovered that it had sold one Recalled Product post-recall. TJX updated the Commission staff regarding identified post-recall sales of two Recalled Products- the Glass Beer Mugs and Swivel Barstools. On February 21, 2019, TJX stated that it was "implementing a process to conduct periodic checks to confirm the SKU blocks that have been established in connection with CPSC recalls are functioning properly," and would undertake a "comprehensive review of all recalls conducted in cooperation with CPSC over a period of more than five years from January 2014 to date of products sold by TJX." By March 20, 2019, based on its internal review, TJX reported that it had sold 232 units of 14 separate products post-recall. On September 5, 2019, TJX notified the Commission staff that it sold additional units of Recalled

Products post-recall at T.J. Maxx, Marshalls and HomeGoods stores, including approximately: (1) 248 units of Fisher-Price Rock 'n Play Sleeper; sold post-recall between April 15, 2019 and August 26, 2019 at T.J. Maxx, Marshalls and HomeGoods stores; (2) 127 units of Kids II Rocking Sleeper; sold between April 29, 2019 and August 26, 2019 at T.J. Maxx, Marshalls and HomeGoods stores; and (3) 35 units of Fisher-Price Inclined Sleeper Accessory for Play Yards sold between June 28, 2019 and August 26, 2019 at T.J. Maxx and Marshalls stores.

13. Upon completion of the compliance investigation, on November 26, 2019, Commission and TJX jointly issued a press release announcing that TJX had sold approximately 1200 units of 19 different Recalled Products between 2014 and 2019. Even after the public announcement, TJX offered for sale a different recalled good (not included as one of the listed Recalled Products) to consumers as late as July 3, 2021, when a customer was injured in a TJX Florida store while attempting to sit on a recalled outdoor wooden folding chair that TJX recalled 2 months earlier.

14. TJX paid two prior civil penalties to the Commission in 1998 and 2009.

15. TJX knew and/or should have known of these sales of Recalled Products.

16. TJX's sale and distribution of the Recalled Products was "knowing," as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

17. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, TJX is subject to civil penalties for its knowing sale of the Recalled Products, in violation of section 19(a)(2)(B) of the CPSA, 15 U.S.C. 2068(a)(2)(B).

#### Response of TJX

18. TJX's settlement of this matter does not constitute an admission of the staff's charges as set forth in paragraphs 4 through 17.

19. TJX prohibits the sale of recalled products. The company has had processes and procedures to implement recalls, including to remove recalled products from the sales floors of its stores and to implement SKU blocks and thereby prevent post-recall sales.

20. Throughout this matter, TJX worked cooperatively with CPSC staff and voluntarily notified staff of the post-recall sales that TJX identified through an internal review that TJX undertook at its own initiative.

21. TJX has enhanced its processes and procedures over time to further reduce the risk of post-recall sales.

22. TJX enters into this Agreement to settle this matter without the delay and

unnecessary expense of litigation. TJX does not admit that it violated the CPSA or any other law, and TJX's willingness to enter into this Agreement and Order does not constitute, nor is it evidence of, an admission by TJX of liability or violation of any law.

#### *Agreement of the Parties*

23. Under the CPSA, the Commission has jurisdiction over the matter involving the Recalled Products described in this Agreement and over TJX.

24. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by TJX or a determination by the Commission that TJX violated the CPSA.

25. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, TJX shall pay a civil penalty in the amount of thirteen million dollars (\$13,000,000) within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via <https://www.pay.gov>, for allocation to, and credit against, the payment obligations of TJX under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

26. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by TJX to the United States, and interest shall accrue and be paid by TJX at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter "Default Payment Amount" and "Default Interest Balance"). TJX shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and TJX agrees not to contest, and hereby waives and discharges any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. TJX shall pay the United States all reasonable costs of collection and

enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

27. After staff receives this Agreement executed on behalf of TJX, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

28. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon TJX, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

29. Effective upon the later of: (1) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon TJX and (2) the date of issuance of the final Order, for good and valuable consideration, TJX hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement:

- a. an administrative or judicial hearing;
- b. judicial review or other challenge or contest of the Commission's actions;
- c. a determination by the Commission of whether TJX failed to comply with the CPSA and the underlying regulations;
- d. a statement of findings of fact and conclusions of law; and
- e. any claims under the Equal Access to Justice Act.

30. TJX shall maintain a compliance program and a system of internal controls and procedures designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by TJX, which shall contain the following elements:

a. written standards, policies and procedures, including those designed to ensure that information that may relate to or impact CPSA compliance, whether

or not an injury is referenced, is conveyed effectively to personnel responsible for CPSA compliance;

b. procedures for reviewing claims and reports for safety concerns and for implementing corrective and preventive actions when compliance deficiencies or violations are identified;

c. procedures requiring that information required to be disclosed by TJX to the Commission is recorded, processed and reported in accordance with applicable law;

d. procedures requiring that all reporting made to the Commission is timely, truthful, complete, accurate and in accordance with applicable law;

e. procedures requiring that prompt disclosure is made by applicable employees with responsibilities for TJX's product compliance program to senior management of any significant deficiencies or material weaknesses in the design or operation of such compliance program or internal controls that affect adversely, in any material respect, TJX's ability to record, process and report to the Commission in accordance with applicable law;

f. mechanisms to communicate to all applicable TJX employees through training programs or otherwise, company policies and procedures to prevent violations of the CPSA;

g. a program for the appropriate identification, quarantine and disposition of recalled goods; the program currently includes, but is not limited to:

i. implementation and maintenance of stock keeping unit (SKU) blocks at points of sale, reinforced informational technology (IT) coverage for SKU blocks, and maintenance of SKU blocks of recalled products without a time limit;

ii. a product master database that consolidates product style information of TJX's brick and mortar retail chains, including T.J. Maxx, Marshalls, HomeGoods and Homesense;

iii. dissemination to stores of recall-related communications and a catalog of recalled product information; and

iv. labeling and quarantine of recalled products prior to disposition;

h. Senior management responsibility for, and general oversight of, TJX's product compliance program; this is currently carried out through means including, but not limited to:

i. establishment of a Vice President, Risk and Compliance position that oversees the Product Compliance group;

ii. assignment of staff resources sufficient to implement CPSA compliance processes and procedures, including recalled product identification; and

iii. establishment of a cross-functional program team tasked with implementing TJX's product safety process, including recall management;

iv. a mechanism for confidential and/or anonymous employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary; and

v. retention of all CPSA compliance-related records for at least five (5) years and making such records available to CPSC staff upon request.

31. TJX shall submit a report, sworn to under penalty of perjury:

(i) describing in detail its compliance program and internal controls and the actions the firm has taken to comply with each subparagraph of paragraph 30,

(ii) affirming the firm has reviewed its compliance program and internal controls, including actions undertaken to review the effectiveness of the program and controls, and that it is in compliance with each subparagraph of paragraph 30 or describing in detail any non-compliance with any such subparagraph, and

(iii) identifying any changes or modification made to the firm's compliance program or internal controls to address any non-compliance with any subparagraph of paragraph 30.

32. Such reports shall be submitted annually to the Director, Office of Compliance, Division of Enforcement and Litigation, for a period of 5 years beginning 12 months after the Commission's Final Order of Acceptance of the Agreement.

33. Notwithstanding and in addition to the above, upon request of staff, TJX shall promptly provide written documentation of any material changes or modifications to its CPSA compliance program and related internal controls and procedures, including, but not limited to, the effective dates of the changes and modifications thereto. TJX shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff, to evaluate TJX's compliance with the terms of the Agreement.

34. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

35. TJX represents that the Agreement: (i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of TJX, successors, transferees, and assigns, enforceable

against TJX in accordance with its terms. The individuals signing the Agreement on behalf of TJX represent and warrant that they are duly authorized by TJX to execute the Agreement.

36. The signatories represent that they are authorized to execute this Agreement.

37. The Agreement is governed by the laws of the United States.

38. The Agreement and the Order shall apply to, and be binding upon, TJX and each of its successors, transferees, and assigns; and a violation of the Agreement or Order may subject TJX, and each of its successors, transferees, and assigns, to appropriate legal action.

39. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

40. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

41. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

42. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and TJX agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

The TJX Companies, Inc.

Dated: 6/15/2022

By: /s/ \_\_\_\_\_

Paul Kangas,

*The TJX Companies, Inc., Senior Vice President, Chief Risk and Compliance Officer.*

Dated: 6/15/2022

By: /s/ \_\_\_\_\_

Michelle F. Gillice,

*Arnold & Porter Kaye Scholer LLP, Counsel for The TJX Companies, Inc.*

U.S. Consumer Product Safety Commission.

Dated: 6/16/2022

By: /s/ \_\_\_\_\_

Rosalee B. Thomas,

*Trial Attorney.*

Mary B. Murphy,

*Director, Division of Enforcement and Litigation, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.*

### **United States of America Consumer Product Safety Commission**

In the Matter of: The TJX Companies, Inc., CPSC Docket No.: 22-C0003

### **Order**

Upon consideration of the Settlement Agreement entered into between The TJX Companies, Inc. ("TJX"), and the U.S. Consumer Product Safety Commission ("Commission"), and the Commission having jurisdiction over the subject matter and over TJX, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

*Ordered* that the Settlement Agreement be, and is, hereby, accepted; and it is

*Further Ordered* that TJX shall comply with all terms of the Settlement Agreement, including payment of a civil penalty in the amount of thirteen million dollars (\$13,000,000), within thirty (30) days after service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: <https://www.pay.gov>. Upon the failure of TJX to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by TJX at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b). If TJX fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 29th day of July, 2022.  
By Order of the Commission:

\_\_\_\_\_  
Alberta Mills, *Secretary, U.S. Consumer Product Safety Commission.*

Finally accepted and final Order issued on the \_\_\_ day of \_\_\_, 2022.

By Order of the Commission:

\_\_\_\_\_  
Alberta Mills,  
*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2022-16816 Filed 8-4-22; 8:45 am]

**BILLING CODE 6355-01-P**

**DEPARTMENT OF EDUCATION**

[Docket No.: ED–2022–SCC–0064]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Rural Education Achievement Program: Small, Rural School Achievement Program and Rural and Low-Income School Program Application****AGENCY:** Office of Elementary and Secondary Education (OESE), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.**DATES:** Interested persons are invited to submit comments on or before September 6, 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](http://www.reginfo.gov/public/do/PRAMain). Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. [Reginfo.gov](http://Reginfo.gov) provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Staci Cummins, (202) 453–6504.**SUPPLEMENTARY INFORMATION:** The Department, 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 ICR that is described below. The Department is especially interested in

public comments 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 record.

*Title of Collection:* Rural Education Achievement Program: Small, Rural School Achievement Program and Rural and Low-Income School Program Application.*OMB Control Number:* 1810–0646.*Type of Review:* Revision of a currently approved collection, *Respondents/Affected Public:* State, Local, and Tribal Governments.*Total Estimated Number of Annual Responses:* 4,565.*Total Estimated Number of Annual Burden Hours:* 4,120.*Abstract:* The U.S. Department of Education (the Department) administers two grant programs under Title V, Part B (Rural Education Achievement Program (REAP) of the Elementary and Secondary Education Act of 1965 (ESEA): the Small, Rural School Achievement (SRSA) program (administered by the Department, which makes awards directly to local educational agencies (LEAs)) and the Rural and Low-Income School (RLIS) program (awarded by the Department to SEAs, which then make awards to and administer the program for LEAs, except that the Department may also make RLIS awards directly to LEAs in States that do not submit an approvable RLIS application to the Department. The LEAs that apply directly to the Department under RLIS are known as Specially Qualified Agencies (SQAs)).

This proposed application package is a revision of current information collection package (OMB #1810–0646), updated to include process improvements and enhance consistency across Forms 1, 2, and 3. Updates include clarifications to data collection processes (e.g., which year data is requested), improved question structure, and process improvements related to LEA eligibility (e.g., clarifying virtual and operational status).

Dated: August 1, 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. 2022–16773 Filed 8–4–22; 8:45 am]

BILLING CODE 4000–01–P

**DEPARTMENT OF EDUCATION**

[Docket No.: ED–2022–SCC–0071]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Financial Report for the Endowment Challenge Grant Program and Institutional Service Endowment Activities****AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.**DATES:** Interested persons are invited to submit comments on or before September 6, 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](http://www.reginfo.gov/public/do/PRAMain). Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. [Reginfo.gov](http://Reginfo.gov) provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beverly Baker, (202) 453–6162.**SUPPLEMENTARY INFORMATION:** The Department, 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 ICR that is described below. The Department is especially interested in public comments 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 record.

*Title of Collection:* Financial Report for the Endowment Challenge Grant Program and Institutional Service Endowment Activities.

*OMB Control Number:* 1840-0564.

*Type of Review:* Extension without change of a currently approved collection.

*Respondents/Affected Public:* Private Sector.

*Total Estimated Number of Annual Responses:* 2,500.

*Total Estimated Number of Annual Burden Hours:* 3,125.

*Abstract:* This financial reporting form will be utilized for Title III Part A, Title III Part B and Title V Program Endowment Activities and Title III Part C Endowment Challenge Grant Program. The purpose of this Financial Report is to have the grantees report annually the kinds of investments that have been made, the income earned and spent, and whether any part of the Endowment Fund Corpus has been spent. This information allows us to give technical assistance and determine whether the grantee has complied with the statutory and regulatory investment requirements.

Dated: August 1, 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. 2022-16778 Filed 8-4-22; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF EDUCATION**

**[Docket No.: ED-2022-SCC-0102]**

**Agency Information Collection Activities; Comment Request; State Authorization**

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

**DATES:** Interested persons are invited to submit comments on or before October 4, 2022.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2022-SCC-0102. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202-8240.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377-4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested

data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* State Authorization.

*OMB Control Number:* 1845-0144.

*Type of Review:* Extension without change of a currently approved collection.

*Respondents/Affected Public:* Private Sector; State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 5,428.

*Total Estimated Number of Annual Burden Hours:* 2,714.

*Abstract:* The Department of Education (the Department) requests extension of this information collection regarding Institutional Eligibility regulations in § 600.9—State Authorization. These regulations were a result of negotiated rulemaking in early 2019 and the requirements to these regulations have not changed.

The regulations in § 600.9(c)(2)(i) require an institution to determine in which State a student is located while enrolled in a distance education or correspondence course when the institution participates in a State authorization reciprocity agreement under which it is covered in accordance with the institution's policies and procedures. The updates to the policies and procedures are not reported to the Department nor is there a specified format for such information.

The regulations in § 600.9(c)(2)(ii) require an institution, upon request from the Secretary, provide the written documentation of its determination of a student's location, including the basis for such determination. There is no specific form or format for the institutions to provide this information to the Department upon request. It is anticipated that an institution would provide the pertinent portions of the policy and procedures manual to respond to such a request from the



Department, but it may provide the requested information in another method.

Dated: August 1, 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. 2022-16780 Filed 8-4-22; 8:45 am]

**BILLING CODE 4000-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. ER22-2513-000]

**Deerfield Wind Energy 2, 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 Deerfield Wind Energy 2, 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 August 22, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (888) 208-3676 or TTY, (202) 502-8659.

Dated: August 1, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022-16832 Filed 8-4-22; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 3211-010]

**Power Authority of New York; Notice of Settlement Agreement and Soliciting Comments**

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* 3211-010.

c. *Date filed:* July 25, 2022.

d. *Applicant:* Power Authority of the State of New York (NYPA).

e. *Name of Project:* Hinckley (Gregory B. Jarvis) Hydroelectric Project (Gregory B. Jarvis Project).

f. *Location:* The existing project is located on West Canada Creek, a tributary to the Mohawk River, at the Hinkley Reservoir dam, approximately 0.5 mile upstream of the Hamlet of Hinckley in the counties of Oneida and Herkimer, New York. The project does not affect federal land.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Robert Daly, New York Power Authority, 123 Main Street, White Plains, New York 10601; (914) 681-6564, [robert.daly@nypa.gov](mailto:robert.daly@nypa.gov).

i. *FERC Contact:* Emily Carter, (202) 502-6512, [emily.carter@ferc.gov](mailto:emily.carter@ferc.gov).

j. *Deadline for filing comments:* August 22, 2022. Reply comments due September 1, 2022.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3211-010.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. NYPA filed the Settlement Agreement on behalf of itself, the U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation. The purpose of the Settlement Agreement is to resolve, among the signatories, issues related to operational, wildlife, water quality, and recreation resources associated with issuance of a new license and water quality certification for the project. Specifically, the Settlement Agreement includes proposed protection, mitigation, and enhancements measures to address freshwater mussel protection, minimum

flow, streamflow and water level monitoring, water quality management, recreation facility enhancements, invasive species management, and bald eagle protection. NYPA states that the terms of the Settlement Agreement are an integrated and individual set of measures intended to address and balance non-power and power values relating to the project and requests that the Commission approve the Settlement Agreement and incorporate the proposed measures set forth in section 3 into any new license issued.

1. A copy of the settlement agreement may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, excluding the last three digits, in the docket number field to access the document (*i.e.*, P-3211). At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: August 1, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-16839 Filed 8-4-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-2558-000]

#### Great Pathfinder Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Great Pathfinder Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426,

in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 22, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Dated: August 1, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2022-16828 Filed 8-4-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-490-000]

#### ANR Pipeline Company; Notice of Application and Establishing Intervention Deadline

Take notice that on July 19, 2022, ANR Pipeline Company (ANR), 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, filed in the above referenced docket, an application pursuant to sections 7(b) and of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, for authorization to abandon its interim base gas lease with Mid Michigan Gas Storage Company (Mid Michigan) previously approved by the Commission in Docket No. CP20-1-000 (ANR-Mid Michigan Interim Base Gas Lease Abandonment), all as more fully set forth in the request which is on file with the Commission and open to public inspection with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions regarding the application should be directed to David A. Alonzo, Manager of Project Authorizations, ANR Pipeline Company, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, by telephone at (832) 320-5477, or by email at [david\\_alonzo@tcenergy.com](mailto:david_alonzo@tcenergy.com).

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

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 August 22, 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 August 22, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22-490-000 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](http://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](http://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.<sup>2</sup> Your written comments must reference the Project docket number (CP22-490-000).

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](mailto: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,<sup>3</sup> 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<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is August 22, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have

property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22-490-000 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](http://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.<sup>6</sup> Your motion to intervene must reference the Project docket number CP22-490-000.

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](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail or email at David A. Alonzo, Manager of Project Authorizations, ANR Pipeline Company, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, or at [david\\_alonzo@tcenergy.com](mailto:david_alonzo@tcenergy.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed<sup>7</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>8</sup> Motions to intervene that are filed after the

<sup>2</sup> Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>3</sup> 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

<sup>6</sup> Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>7</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>8</sup> 18 CFR 385.214(c)(1).

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.<sup>9</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](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](http://www.ferc.gov/docs-filing/esubscription.asp).

**Intervention Deadline:** 5:00 p.m. Eastern Time on August 22, 2022.

Dated: August 1, 2022..

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-16838 Filed 8-4-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

**Docket Numbers:** EG22-195-000.  
**Applicants:** Powells Creek Farm Solar, LLC.

**Description:** Powells Creek Farm Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5360.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** EG22-196-000.

**Applicants:** Salt City Solar LLC.

**Description:** Salt City Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5361.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** EG22-197-000.

**Applicants:** ENGIE Solidago Solar LLC.

**Description:** ENGIE Solidago Solar LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5362.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** EG22-198-000.

**Applicants:** Sunnybrook Farm Solar, LLC.

**Description:** Sunnybrook Farm Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5363.

**Comment Date:** 5 p.m. ET 8/19/22.

Take notice that the Commission received the following electric rate filings:

**Docket Numbers:** ER10-2437-018.

**Applicants:** Arizona Public Service Company.

**Description:** Notice of Change in Status of Arizona Public Service Company.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5383.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER10-2687-006.

**Applicants:** Monongahela Power Company.

**Description:** Notice of Non-Material Change in Status of Monongahela Power Company.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5381.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER10-2689-009.

**Applicants:** West Penn Power Company.

**Description:** Notice of Non-Material Change in Status of West Penn Power Company.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5382.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER12-1470-013; ER10-3026-011; ER16-1833-008.

**Applicants:** Sempra Gas & Power Marketing, LLC, Termoelectrica U.S., LLC, Energia Sierra Juarez U.S., LLC.

**Description:** Notice of Non-Material Change in Status of Energia Sierra Juarez U.S., LLC, et al.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5392.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER13-1865-006.

**Applicants:** Tesoro Refining & Marketing Company LLC.

**Description:** Notice of Change in Status of Tesoro Refining & Marketing Company LLC.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5387.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER15-1218-014;

ER16-38-012; ER16-39-011; ER16-2501-008; ER16-2502-008; ER17-2341-009; ER17-2453-008; ER18-713-007; ER20-2888-006.

**Applicants:** Townsite Solar, LLC, CA Flats Solar 150, LLC, Imperial Valley Solar 3, LLC, CA Flats Solar 130, LLC, Tropicco, LLC, Nicolis, LLC, Kingbird Solar B, LLC, Kingbird Solar A, LLC, Solar Star California XIII, LLC.

**Description:** Notice of Change in Status of Solar Star California XIII, LLC, et al.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5380.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER16-262-003.

**Applicants:** Uniper Global Commodities North America LLC.

**Description:** Notice of Non-Material Change in Status of Uniper Global Commodities North America LLC.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5394.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER17-350-001.

**Applicants:** ITC Lake Erie Connector, LLC.

**Description:** Notice of Withdrawal of July 1, 2022 Compliance Filing of ITC Lake Erie Connector LLC.

**Filed Date:** 7/28/22.

**Accession Number:** 20220728-5234.

**Comment Date:** 5 p.m. ET 8/18/22.

**Docket Numbers:** ER17-1981-001;

ER17-1984-001; ER17-1988-001; ER22-2574-000; ER22-2575-000.

**Applicants:** Big Savage, LLC, Highland North LLC, Patton Wind Farm, LLC, Vitol Inc., Big Sky Wind, LLC, Patton Wind Farm, LLC, Highland North LLC, Big Savage, LLC.

**Description:** Notice of Change in Status of Big Savage, LLC, et al.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5379.

**Comment Date:** 5 p.m. ET 8/19/22.

**Docket Numbers:** ER19-1280-005; ER19-1281-005.

**Applicants:** Lexington Chenoa Wind Farm LLC, Broadlands Wind Farm LLC.

**Description:** Notice of Change in Status of Broadlands Wind Farm LLC, et al.

**Filed Date:** 7/29/22.

**Accession Number:** 20220729-5393.

<sup>9</sup> 18 CFR 385.214(b)(3) and (d).

- Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER20-1718-004.  
*Applicants:* New York Independent System Operator, Inc.  
*Description:* Compliance filing: Compliance filing of tariff revisions for Part A enhancements.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5137.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER21-58-000.  
*Applicants:* TransAlta Energy Marketing (U.S.) Inc.  
*Description:* Refund Report: Refund Report to be effective N/A.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5098.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-1065-002.  
*Applicants:* Rabbitbrush Solar, LLC.  
*Description:* Notice of Change in Status of Rabbitbrush Solar, LLC.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5160.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2044-001.  
*Applicants:* Just Energy Limited.  
*Description:* Tariff Amendment: Just Energy Limited Amendment to Market-Based Rate Application to be effective 8/6/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5158.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2358-001.  
*Applicants:* Versant Power.  
*Description:* Compliance filing: Errata (Amended) Order No. 881 Compliance Filing (ER22-2358) to be effective 7/12/2025.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5110.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2562-000.  
*Applicants:* Midcontinent Independent System Operator, Inc., Entergy Services, LLC.  
*Description:* § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): 2022-07-29\_Entergy Operating Companies True-Up Filing to be effective 6/1/2021.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5242.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER22-2563-000.  
*Applicants:* Tri-State Generation and Transmission Association, Inc.  
*Description:* § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 343 to be effective 9/27/2022.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5248.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER22-2564-000.  
*Applicants:* Tri-State Generation and Transmission Association, Inc.
- Description:* § 205(d) Rate Filing: Initial Filing of Rate Schedule FERC No. 344 to be effective 9/27/2022.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5252.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER22-2565-000.  
*Applicants:* Tri-State Generation and Transmission Association, Inc.  
*Description:* Tariff Amendment: Notice of Cancellation of Service Agreements Nos. 325 and 326 to be effective 9/27/2022.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5258.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER22-2566-000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6131; Queue No. AE2-042 to be effective 7/15/2021.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5282.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER22-2567-000.  
*Applicants:* Portland General Electric Company.  
*Description:* § 205(d) Rate Filing: Revised Volume 14 Version 3.0 to be effective 10/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5001.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2568-000.  
*Applicants:* New England Power Pool Participants Committee.  
*Description:* § 205(d) Rate Filing: Aug 2022 Membership Filing to be effective 7/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5002.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2569-000.  
*Applicants:* Dickerson Power, LLC.  
*Description:* § 205(d) Rate Filing: Proposed Revisions to Reactive Service Rate Schedule to be effective 10/23/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5036.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2570-000.  
*Applicants:* Sierra Pacific Power Company.  
*Description:* § 205(d) Rate Filing: SPPC Revised Rate Schedule No. 42 to be effective 10/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5059.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2571-000.  
*Applicants:* Versant Power.  
*Description:* § 205(d) Rate Filing: Re-collation of 3 Records in eTariff Public Viewer for-MPD OATT to be effective 8/1/2022.
- Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5093.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2572-000.  
*Applicants:* UGI Utilities, Inc., PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: UGI Utilities, Inc. submits tariff filing per 35.13(a)(2)(iii): UGIU revisions to Formula Rate regarding Single-Issue Depreciation Rate to be effective 10/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5095.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2573-000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: Original ICSAs, Service Agreement Nos. 6546 and 6547; Queue No. AD1-152 to be effective 7/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5100.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2576-000.  
*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): NextEra Energy Resources (Lawrence Creek Solar) LGIA Filing to be effective 7/18/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5112.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2577-000.  
*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): Montgomery Solar (Solar & Storage) LGIA Filing to be effective 7/18/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5113.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2579-000.  
*Applicants:* Georgia Power Company, Mississippi Power Company, Alabama Power Company.  
*Description:* § 205(d) Rate Filing: Georgia Power Company submits tariff filing per 35.13(a)(2)(iii): Dothan Solar (Solar & Storage) LGIA Filing to be effective 7/18/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5118.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2580-000.  
*Applicants:* CPV Three Rivers, LLC.  
*Description:* Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 10/1/2022.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5131.

*Comment Date:* 5 p.m. ET 8/22/22.

*Docket Numbers:* ER22–2581–000.

*Applicants:* Power Authority of the State of New York, New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: Power Authority of the State of New York submits tariff filing per 35.13(a)(2)(iii): Section 205 filing of NYPA proposed depreciation rate updates in Formula Rate to be effective 10/1/2022.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5178.

*Comment Date:* 5 p.m. ET 8/22/22.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES22–61–000.

*Applicants:* AEP Texas Inc.

*Description:* Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of AEP Texas Inc.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5391.

*Comment Date:* 5 p.m. ET 8/19/22.

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: August 1, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022–16833 Filed 8–4–22; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22–2518–000]

#### Clearwater Wind 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 Clearwater Wind 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 August 22, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Dated: August 1, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022–16831 Filed 8–4–22; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22–2525–000]

#### Gridmatic Inc; 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 Gridmatic Inc'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 August 22, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: August 1, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2022-16829 Filed 8-4-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-2519-000]

#### Bellflower Solar 1, 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 Bellflower Solar 1, 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 August 22, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: August 1, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2022-16830 Filed 8-4-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Southeastern Power Administration

#### Intent to Formulate Power Marketing Policy Jim Woodruff System Project

**AGENCY:** Southeastern Power Administration, DOE.

**ACTION:** Notice of intention to begin a public process.

**SUMMARY:** Pursuant to its Procedure for Public Participation in the Formulation of Marketing Policy published in the **Federal Register** of July 6, 1978, Southeastern Power Administration (Southeastern) intends to create a marketing policy for future disposition of power from the Jim Woodruff System. Southeastern solicits written comments and proposals in formulating the proposed marketing policy.

**DATES:** Comments and proposals must be submitted on or before October 4, 2022.

**ADDRESSES:** Written comments or proposals should be submitted to Virgil G. Hobbs III, Administrator and Chief Executive, Southeastern Power Administration, 1166 Athens Tech Road, Elberton, Georgia, 30635-6711, (706) 213-3800, [comments@sepa.doe.gov](mailto:comments@sepa.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** Leon Jourolmon IV, General Counsel, (706) 213-3800, [comments@sepa.doe.gov](mailto:comments@sepa.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Jim Woodruff System is a single-project system located on the border of Florida and Georgia and operated by the Department of the Army. Current customers of the project include Central Florida Electric Cooperative, Suwannee Valley Electric Cooperative, Talquin Electric Cooperative, Tri-County Electric Cooperative, City of Chattahoochee, City of Quincy, and Duke Energy Florida. Current contracts for the aforementioned customers are maintained in the Southeastern headquarters office.

Under Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), Southeastern is responsible for the transmission and disposition of electric power and energy from reservoir projects operated by the Department of the Army. Southeastern intends to negotiate new transmission contracts with area utilities. This will be the first marketing policy to be established for the Jim Woodruff System.

#### Signing Authority

This document of the Department of Energy was signed on August 1, 2022,

by Virgil G. Hobbs III, Administrator and Chief Executive for Southeastern Power Administration, 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 August 2, 2022.

**Treena V. Garrett,**

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

[FR Doc. 2022-16797 Filed 8-4-22; 8:45 am]

**BILLING CODE 6450-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL OP-OFA-028]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed July 25, 2022 10 a.m. EST Through August 1, 2022 10 a.m. EST Pursuant to 40 CFR 1506.9.

*Notice:* Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

*EIS No. 20220109, Final, FERC, PA, Regional Energy Access Expansion Project, Review Period Ends: 09/06/2022, Contact:* Office of External Affairs 866-208-3372.

*EIS No. 20220110, Final, NRC, SC, License Renewal of the Columbia Fuel Fabrication Facility in Richland County, South Carolina, Review Period Ends: 09/06/2022, Contact:* Stacey Imboden 301-415-2462.

### Amended Notice

*EIS No. 20220084, Draft, BOEM, NJ, Ocean Wind 1 Offshore Wind Farm, Comment Period Ends: 08/23/2022, Contact:* Michelle Morin 703-787-1722. Revision to FR Notice Published

06/24/2022; Extending the Comment Period from 08/08/2022 to 08/23/2022.

Dated: August 1, 2022.

**Cindy S. Barger,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2022-16814 Filed 8-4-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10094-01-OW]

### Notice of Public Webinar of the Environmental Financial Advisory Board (EFAB) via Teleconference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public webinar.

**SUMMARY:** The Environmental Protection Agency (EPA)'s Environmental Financial Advisory Board (EFAB) will hold a public webinar for the third installment of a Pollution Prevention Finance Forum to support the EFAB Pollution Prevention workgroup and its charge (<https://www.epa.gov/waterfinancecenter/efab#meeting>). Due to interest from the full Board, this webinar is being opened to the public.

**DATES:** The webinar will be held on August 23, 2022, from 12 p.m. to 1:30 p.m. (Eastern Time).

**ADDRESSES:** The webinar will be conducted via teleconference only and is open to the public. Interested persons must register in advance at the weblink below to access the webinar.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wants information about the webinar may contact Tara Johnson via telephone/voicemail at (202) 564-6186 or email to [efab@epa.gov](mailto:efab@epa.gov). General information concerning the EFAB is available at <https://www.epa.gov/waterfinancecenter/efab>.

### SUPPLEMENTARY INFORMATION:

*Background:* The EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, to provide advice and recommendations to EPA on innovative approaches to funding environmental programs, projects, and activities. Administrative support for the EFAB is provided by the Water Infrastructure and Resiliency Finance Center within EPA's Office of Water. Pursuant to FACA and EPA policy, notice is hereby given that the EFAB will hold a public webinar for the following purpose:

The Pollution Prevention Finance Forum is a series of webinars that explore opportunities and challenges in financing sustainability, with an initial focus on advancing opportunities for small and medium-sized manufacturing businesses. The purpose of the third Forum webinar is to assess partnership models and explore potential partnership opportunities and distribution networks for pollution prevention (P2) projects. P2, also known as source reduction, is any practice that reduces, eliminates, or prevents pollution at its source prior to recycling, treatment, or disposal. More information can be found at <https://www.epa.gov/p2>.

The webinar is open to the public, but no oral public comments will be accepted during the webinar. Written public comments relating to the Forum and the EFAB's Pollution Prevention workgroup should be provided in accordance with the instructions below on written statements.

*Registration for the Meeting:* Register for the webinar at [https://www.zoomgov.com/webinar/register/WN\\_mzc\\_c2tRR060-cBHZNS8Jg](https://www.zoomgov.com/webinar/register/WN_mzc_c2tRR060-cBHZNS8Jg).

*Availability of Meeting Materials:* Webinar materials (including an agenda and background materials) will be available on EPA's website at <https://www.epa.gov/waterfinancecenter/efab#meeting>.

*Procedures for Providing Public Input:* Public comment for consideration by EPA's federal advisory committees has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees provide independent advice to EPA. Members of the public can submit comments on matters being considered by the EFAB for consideration by members as they develop their advice and recommendations to EPA.

*Written Statements:* Written statements and questions should be received by August 18, 2022, so that the information can be made available to the EFAB for its consideration. Written statements and questions should be sent via email to [efab@epa.gov](mailto:efab@epa.gov). Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the EFAB website. Copyrighted material will not be posted without explicit permission of the copyright holder.

*Accessibility:* For information on access or services for individuals with disabilities or to request accommodations for a disability, please register for the webinar and list any



special requirements or accommodations needed on the registration form at least 10 business days prior to the meeting to allow as much time as possible to process your request.

Dated: July 28, 2022.

**Andrew D. Sawyers,**  
Director, Office of Wastewater Management,  
Office of Water.

[FR Doc. 2022-16804 Filed 8-4-22; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2017-0751; FRL-9969-01-OCSPP]

**Pesticide Registration Review; Decisions and Case Closures for Several Pesticides; Notice of Availability**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA’s interim registration review decisions for the following chemicals: Laminarin and Linalool. In addition, this notice announces the closure of the registration review case for nabam and denatonium saccharide because the last U.S. registrations for these pesticides have been canceled.

**ADDRESSES:** The docket for this action, identified under docket identification (ID) number EPA-HQ-OPP-2017-0751, is available online at <https://www.regulations.gov>. Additional instructions on 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: The Chemical Review Manager for the pesticide of interest identified in Table 1 in Unit IV.

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](mailto:biscoe.melanie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. 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 pesticide specific contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**II. What is registration review?**

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. As part of

the registration review process, the Agency has completed interim or final decisions for all pesticides listed in Table 1 in Unit IV. 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.

**III. What is the Agency authority?**

EPA is conducting its registration review of the chemicals listed in Table 1 in Unit IV. pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 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 interim registration review decisions for the pesticides shown in Table 1. The registration review decisions are supported by rationales included in the docket established for each chemical.

TABLE 1—REGISTRATION REVIEW INTERIM AND FINAL DECISIONS BEING ISSUED

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
Laminarin Case Number 6309 .....	EPA-HQ-OPP-2021-0445	Jennifer Odom, <a href="mailto:odom.jennifer@epa.gov">odom.jennifer@epa.gov</a> , (202) 566-1536.
Linalool Case Number 6058 .....	EPA-HQ-OPP-2021-0423	Hannah Dean, <a href="mailto:dean.hannah@epa.gov">dean.hannah@epa.gov</a> , (202) 566-1531.

The proposed interim registration review decisions for the chemicals in the table above were posted to the docket and the public was invited to submit any comments or new information. EPA addressed the comments or information received during the 60-day comment period for the proposed interim decisions in the discussion for each pesticide listed in the table. Comments from the 60-day comment period that were received may or may not have affected the Agency’s interim or final decision. Pursuant to 40 CFR 155.58(c), the registration review

case docket for the chemicals listed in the Table will remain open until all actions required in the decision have been completed.

This document also announces the closure of the registration review case for nabam (Case No. 0641, Docket ID No. EPA-HQ-OPP-2012-0339), and the case closure for denatonium saccharide (Case No. 7625, Docket ID No. EPA-HQ-OPP-2008-0441) because the last U.S. registrations for these pesticides have been canceled.

Background on the registration review program is provided at: <https://www.epa.gov/pesticide-reevaluation>.

Authority: 7 U.S.C. 136 et seq.

Dated: August 2, 2022.

**Mary Elissa Reaves,**  
Director, Pesticide Re-Evaluation Division,  
Office of Pesticide Programs.

[FR Doc. 2022-16815 Filed 8-4-22; 8:45 am]

**BILLING CODE 6560-50-P**

**EXPORT-IMPORT BANK OF THE UNITED STATES****[Public Notice 2022–6006]****Agency Information Collection Activities: Comment Request****AGENCY:** Export-Import Bank of the United States.**ACTION:** Submission for OMB review and Comments request.

*Form Title:* EIB 12–01 Medium-Term Master Guarantee Agreement Disbursement Approval Request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM Bank), 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 collection, as required by the Paperwork Reduction Act of 1995.

EXIM Bank has an electronic disbursement approval processing system for guaranteed lenders with transactions documented under Medium-Term Master Guarantee Agreements. After an export transaction has been authorized by EXIM Bank and legal documentation has been completed, the lender will obtain and review the required disbursement documents (e.g., invoices, bills of lading, Exporter's Certificate, etc.) and will disburse the proceeds of the loan for eligible goods and services. In order to obtain approval of the disbursement, the lender will access and complete an electronic questionnaire through EXIM Bank's online application system (EXIM Online). Using the form, the lender will input key data and request EXIM Bank's approval of the disbursement. EXIM Bank's action (approved or denied) is posted on the lender's history page.

The information collected in the questionnaire will assist EXIM Bank in determining that each disbursement under a Medium-Term Guarantee meets all the terms and conditions for approval.

The information collection tool can be reviewed at: <http://exim.gov/sites/default/files/pub/pending/eib12-01.pdf>.

**DATES:** Comments must be received on or before October 4, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) or by mail to Donna Schneider, Export-Import Bank, 811 Vermont Ave. NW, Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:**

*Title and Form Number:* EIB 12–01 Medium-Term Master Guarantee Agreement Disbursement Approval Request.

*OMB Number:* 3048–0049.

*Type of Review:* Regular.

*Need and Use:* The information requested enables EXIM Bank to determine that a disbursement under a Medium-Term Guarantee meets all of the terms and conditions for approval.

*Affected Public:*

This form affects lenders involved in the financing of U.S. goods and services exports.

*Annual Number of Respondents:* 150.

*Estimated Time per Respondent:* 30 minutes.

*Annual Burden Hours:* 75 hours.

*Frequency of Reporting of Use:* Annual.

*Government Expenses:*

*Reviewing time per year:* 38 hours.

*Average Wages per Hour:* \$42.50.

*Average Cost per Year:* \$1,615.00 (time \* wages).

*Benefits and Overhead:* 20%.

*Total Government Cost:* \$1,938.

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022–16844 Filed 8–4–22; 8:45 am]

**BILLING CODE 6690–01–P**

**EXPORT-IMPORT****[Public Notice 2022–6007]****Agency Information Collection Activities: Comment Request****AGENCY:** Export-Import Bank of the United States.**ACTION:** Submission for OMB review and Comments request.

*Form Title:* EIB 12–02 Credit Guarantee Facility Disbursement Approval Request

**SUMMARY:** The Export-Import Bank of the United States (EXIM Bank), 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 collection, as required by the Paperwork Reduction Act of 1995.

EXIM Bank has an electronic disbursement approval processing system for guaranteed lenders with Credit Guarantee Facilities. After a Credit Guarantee Facility (CGF) has been authorized by EXIM Bank and legal documentation has been completed, the lender will obtain and review the required disbursement

documents (e.g., invoices, bills of lading, Exporter's Certificate, etc.) and will disburse the proceeds of the loan for eligible goods and services. In order to obtain approval of the disbursement, the lender will access and complete an electronic questionnaire through EXIM Bank's online application system (EXIM Online). Using the form, the lender will input key data and request EXIM Bank's approval of the disbursement. EXIM Bank's action (approved or denied) is posted on the lender's history page.

The information collected in the questionnaire will assist EXIM Bank in determining that each disbursement under a Medium-Term Guarantee meets all the terms and conditions for approval.

The information collection tool can be reviewed at: <http://exim.gov/sites/default/files/pub/pending/eib12-02.pdf>.

**DATES:** Comments must be received on or before October 4, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) or by mail to Donna Schneider, Export-Import Bank, 811 Vermont Ave. NW, Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:**

*Title and Form Number:* EIB 12–02 Credit Guarantee Facility Disbursement Approval Request.

*OMB Number:* 3048–0046.

*Type of Review:* Regular.

*Need and Use:* The information requested enables EXIM Bank to determine that a disbursement under a Credit Guarantee Facility meets all of the terms and conditions for approval.

*Affected Public:*

This form affects lenders involved in the financing of U.S. goods and services exports.

*Annual Number of Respondents:* 50.

*Estimated Time per Respondent:* 60 minutes.

*Annual Burden Hours:* 50 hours.

*Frequency of Reporting of Use:* Annual.

*Government Expenses:*

*Reviewing time per year:* 25 hours.

*Average Wages per Hour:* \$42.50.

*Average Cost per Year (time\*wages):* \$1,062.50.

*Benefits and Overhead:* 20%.

*Total Government Cost:* \$1,275.

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022–16845 Filed 8–4–22; 8:45 am]

**BILLING CODE 6690–01–P**

**EXPORT-IMPORT****[Public Notice 2022–6009]****Agency Information Collection  
Activities: Final Collection; Comment  
Request****AGENCY:** Export-Import Bank of the U.S.**ACTION:** Submission for OMB Review  
and Comments Request.*Form Title:* EIB 09–01 Payment  
Default Report OMB 3048–0028.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), as a 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 collection, as required by the Paperwork Reduction Act of 1995. This collection allows insured/guaranteed parties and insurance brokers to report overdue payments from the borrower and/or guarantor. To facilitate completion, the form includes many checkboxes and self-populating fields. Also, customers can submit it electronically through EXIM Online, replacing paper reporting. EXIM provides insurance, loans, and loan guarantees for the financing of exports of goods and services.

The form can be viewed at: [https://www.exim.gov/sites/default/files/forms/eib09-01\\_0.pdf](https://www.exim.gov/sites/default/files/forms/eib09-01_0.pdf).

**DATES:** Comments should be received on or before October 4, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on <http://www.regulations.gov> or mail to Mr. Gary Allo, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. Attn: 3048–0028.

**FOR FURTHER INFORMATION CONTACT:** Gary Allo, Export Import Bank of the United States, 811 Vermont Avenue NW, Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:**

*Titles and Form Number:* EIB 09–01, Payment Default Report.

*OMB Number:* 3048–0028.

*Type of Review:* Regular.

*Need and Use:* The information requested enables insured/guaranteed parties and insurance brokers to report overdue payments from the borrower and/or guarantor.

*Affected Public:*

This form affects Insured/guaranteed parties and brokers.

*Annual Number of Respondents:* 500  
*Estimated Time per Respondent:* 15 minutes

*Annual Burden Hours:* 125 hours

*Frequency of Reporting of Use:* Annual  
*Government Expenses:*

*Reviewing time per year:* 8.3 hours

*Average Wages per Hour:* \$42.50

*Average Cost per Year (time\*wages):*  
\$354.02

*Benefits and Overhead:* 20%

*Total Government Cost:* \$424.83

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022–16841 Filed 8–4–22; 8:45 am]

**BILLING CODE 6690–01–P**

**EXPORT-IMPORT BANK OF THE  
UNITED STATES****[Public Notice 2022–6008]****Agency Information Collection  
Activities: Comment Request****AGENCY:** Export-Import Bank of the  
United States.**ACTION:** New Submission for OMB  
review and comments request.

*Form Title:* EIB 15–04 Exporter’s  
Certificate for Co-Financed Guarantee &  
MT Insurance Programs.

**SUMMARY:** The Export-Import Bank of the United States (EXIM Bank), 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 collection, as required by the Paperwork Reduction Act of 1995.

EXIM Bank’s borrowers, financial institution policy holders and guaranteed lenders provide this form to U.S. exporters, who certify to the eligibility of their exports for EXIM Bank support. For direct loans and loan guarantees, the completed form is required to be submitted at time of disbursement and held by either the guaranteed lender or EXIM Bank. For MT insurance, the completed forms are held by the financial institution, only to be submitted to EXIM Bank in the event of a claim filing.

EXIM Bank uses the referenced form to obtain information from exporters regarding the export transaction and content sourcing. These details are necessary to determine the value and legitimacy of EXIM Bank financing support and claims submitted. It also provides the financial institutions a check on the export transaction’s eligibility at the time it is fulfilling a financing request.

The information collection tool can be reviewed at: <https://www.exim.gov/sites/default/files/pub/pending/eib15-04.pdf>.

**DATES:** Comments must be received on or before October 4, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) or by mail to Donna Schneider, Export-Import Bank, 811 Vermont Ave NW, Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:**

*Title and Form Number:* EIB 15–04  
Exporter’s Certificate for Co-Financed  
Transactions.

*OMB Number:* 3048–0052.

*Type of Review:* Regular.

*Need and Use:* The information collected will allow EXIM Bank to determine compliance and content for co-financed transaction requests submitted to the Export-Import Bank under its insurance, guarantee, and direct loan programs.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 30.

*Estimated Time per Respondent:* 30 minutes.

*Annual Burden Hours:* 15 hours.

*Frequency of Reporting of Use:* As required.

*Government Expenses:*

*Reviewing time per year:* 2.5 hours.

*Average Wages per Hour:* \$42.50.

*Average Cost per Year:* \$106.25  
(time\*wages).

*Benefits and Overhead:* 20%.

*Total Government Cost:* \$127.50.

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022–16849 Filed 8–4–22; 8:45 am]

**BILLING CODE 6690–01–P**

**FARM CREDIT ADMINISTRATION****Sunshine Act Meetings**

**TIME AND DATE:** 9 a.m., Thursday, August 11, 2022.

**PLACE:** You may observe this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to observe, at least 24 hours in advance, visit [FCA.gov](http://FCA.gov), select “Newsroom,” then select “Events.” From there, access the linked “Instructions for board meeting visitors” and complete the described registration process.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** The following matters will be considered:

- Approval of July 14, 2022, Minutes
- Annual Report on the Farm Credit System’s Young, Beginning, and

Small Farmers and Ranchers Mission Performance

**CONTACT PERSON FOR MORE INFORMATION:**

If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703-883-4009. TTY: 703-883-4056.

**Ashley Waldron,**

*Secretary to the Board.*

[FR Doc. 2022-16918 Filed 8-3-22; 11:15 am]

**BILLING CODE 6705-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[FR ID 99511]

**Announcement of Next Meeting of the Consumer Advisory Committee**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting date, time, and agenda of the FCC Consumer Advisory Committee (Committee), a federal advisory committee established under the Federal Advisory Committee Act (FACA).

**DATES:** Tuesday, August 30, 2022, from 1:30 p.m. to 3:30 p.m. EST.

**ADDRESSES:** The meeting will be held remotely using an internet videoconferencing platform and publicly available for viewing via a live stream on the Commission's website.

**FOR FURTHER INFORMATION CONTACT:** Joshua Mendelsohn, Designated Federal Officer, at [CAC@fcc.gov](mailto:CAC@fcc.gov), Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Public Notice, DA 22-808, released August 1, 2022, announcing the date, time, and agenda of the Committee's August 30, 2022 meeting. At this meeting, the Committee will consider and vote on a report examining the problem of illegal and unwanted text messages.

This meeting will be conducted in a wholly electronic format using an internet videoconference platform. The meeting will be open to members of the public and available via live stream at [www.fcc.gov/live](http://www.fcc.gov/live). The FCC will post about the event on the agency's social media channels including Twitter (@FCC) and Facebook ([www.facebook.com/fcc](http://www.facebook.com/fcc)) in advance of the event and during the live stream. Members of the public may submit

questions that arise during the meeting to [livequestions@fcc.gov](mailto:livequestions@fcc.gov).

Open captioning will be provided for the live stream. Other reasonable accommodations for people with disabilities are available upon request. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the FCC's Consumer and Governmental Affairs Bureau at 202-418-0530 (voice).

Consult the Committee's web page at [www.fcc.gov/consumer-advisory-committee](http://www.fcc.gov/consumer-advisory-committee) for further Committee information.

Comments to the Committee may be submitted through the Designated Federal Officer at the above email address.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2022-16858 Filed 8-4-22; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-1060; FR ID 99311]

**Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection.

Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business

concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before October 4, 2022. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060-1060.

*Title:* Wireless E911 Coordination Initiative Letter to State 911 Coordinators.

*Form No.:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* State, Local or Tribal Government.

*Number of Respondents and Responses:* 56 respondents; 56 responses.

*Estimated Time per Response:* 0.75 hours.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* Voluntary. Statutory authority for this collection is contained in Section 1 and 4(i) of the Communications Act.

*Total Annual Burden:* 42 hours.

*Total Annual Cost:* No cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality.

*Needs and Uses:* This collection will be submitted as an extension after this 60-day comment period to the Office of Management and Budget (OMB) in order to obtain the full three-year clearance. This voluntary collection was implemented in a letter that was sent, following the FCC's Second E911 Coordination Initiative, to pertinent State officials who had been appointed to oversee their States' programs to implement emergency (E911) Phase II service. This collection is necessary so that the Commission can correct inaccuracies and have up-to-date information to ensure the integrity of

the Commission’s database of Public Safety Answering Points (PSAPs) throughout the nation. The accurate compiling and maintaining of this database is an inherent part of the Commission’s effort to achieve the expeditious implementation of E911 service across the nation and to ensure homeland security.

Federal Communications Commission.  
**Marlene Dortch**,  
*Secretary, Office of the Secretary.*  
 [FR Doc. 2022–16859 Filed 8–4–22; 8:45 am]  
**BILLING CODE 6712–01–P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Notice to All Interested Parties of Intent To Terminate Receivership**

*Notice is hereby given* that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for the institution listed below intends to terminate its receivership for said institution.

**NOTICE OF INTENT TO TERMINATE RECEIVERSHIP**

Fund	Receivership name	City	State	Date of appointment of receiver
10024 .....	PFF BANK AND TRUST .....	POMONA .....	CA	11/21/2008

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the comment pertains, and sent within

thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Section, 600 North Pearl, Suite 700, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 1, 2022.

**James P. Sheesley**,  
*Assistant Executive Secretary.*

[FR Doc. 2022–16787 Filed 8–4–22; 8:45 am]  
**BILLING CODE 6714–01–P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**Notice of Termination of Receiverships**

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

**NOTICE OF TERMINATION OF RECEIVERSHIPS**

Fund	Receivership name	City	State	Termination date
10109 .....	Bradford Bank .....	Baltimore .....	MD	08/01/2022
10110 .....	Affinity Bank .....	Ventura .....	CA	08/01/2022
10116 .....	Vantus Bank .....	Sioux City .....	IA	08/01/2022
10119 .....	Venture Bank .....	Lacey .....	WA	08/01/2022
10143 .....	Prosperan Bank .....	Oakdale .....	MN	08/01/2022
10168 .....	Horizon Bank .....	Bellingham .....	WA	08/01/2022
10527 .....	Guaranty Bank .....	Milwaukee .....	WI	08/01/2022

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 1, 2022.

**James P. Sheesley**,  
*Assistant Executive Secretary.*

[FR Doc. 2022–16786 Filed 8–4–22; 8:45 am]  
**BILLING CODE 6714–01–P**

**FEDERAL ELECTION COMMISSION**

**Sunshine Act Meeting**

**TIME AND DATE:** Thursday, August 11, 2022 at 10 a.m.

**PLACE:** Hybrid Meeting: 1050 First Street NE, Washington, DC (12th Floor) and Virtual.

*Note:* For those attending the meeting in person, current COVID–19 safety protocols for visitors, which are based on the CDC COVID–19 community level in Washington, DC, will be updated on the commission’s contact page by the Monday before the meeting. See the

contact page at <https://www.fec.gov/contact/>. If you would like to virtually access the meeting, see the instructions below.

**STATUS:** This meeting will be open to the public, subject to the above-referenced guidance regarding the COVID-19 community level and corresponding health and safety procedures. To access the meeting virtually, go to the commission's website [www.fec.gov](http://www.fec.gov) and click on the banner to be taken to the meeting page.

**MATTERS TO BE CONSIDERED:**

*Draft Advisory Opinion 2022-12:*  
Ready for Ron.

*Draft Advisory Opinion 2022-13:* Dr. Alan Gross and Northern Leadership PAC.

*Draft Advisory Opinion 2022-14:*  
Google LLC.

*Draft Advisory Opinion 2022-18:*  
Bridget Fleming for Congress, Jackie Gordon for Congress, Conole for Congress, and Max Rose for Congress ("House Committees").

Management and Administrative Matters.

**CONTACT PERSON FOR MORE INFORMATION:**  
Judith Ingram, Press Officer, Telephone: (202) 694-1220.

*Authority:* Government in the Sunshine Act, 5 U.S.C. 552b.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Acting Secretary and Clerk, at (202) 694-1040, at least 72 hours prior to the meeting date.

**Laura E. Sinram,**

*Acting Secretary and Clerk of the Commission.*

[FR Doc. 2022-16950 Filed 8-3-22; 4:15 pm]

**BILLING CODE 6715-01-P**

**FEDERAL HOUSING FINANCE AGENCY**

[No. 2022-N-8]

**Proposed Collection; Comment Request**

**AGENCY:** Federal Housing Finance Agency.

**ACTION:** 60-Day notice of submission of information collection for approval from Office of Management and Budget.

**SUMMARY:** The Federal Housing Finance Agency (FHFA), as part of its continuing effort to reduce paperwork and respondent burden, invites public comments on an information collection titled the "Affordable Housing

Program," as required by the Paperwork Reduction Act of 1995 (PRA). FHFA intends to submit to the Office of Management and Budget (OMB) the information collection (assigned control number 2590-0007 by OMB) for review and approval of a three-year extension and reinstatement of the control number, which has expired.

**DATES:** Interested persons may submit comments on or before October 4, 2022.

**ADDRESSES:** Submit comments to FHFA, identified by "Proposed Collection; Comment Request: 'Affordable Housing Program, (No. 2022-N-8)'" by any of the following methods:

- *Agency Website:* [www.fhfa.gov/open-for-comment-or-input](http://www.fhfa.gov/open-for-comment-or-input).
- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal*, please also send it by email to FHFA at [RegComments@fhfa.gov](mailto:RegComments@fhfa.gov) to ensure timely receipt by FHFA. Include the following information in the subject line of your submission: Comments (No. 2022-N-8).
- *Mail/Hand Delivery:* Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: "Affordable Housing Program, (No. 2022-N-8)".

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA website at <http://www.fhfa.gov>.

Copies of all comments received will be available for examination by the public through the electronic comment docket for this PRA Notice also located on the FHFA website.

**FOR FURTHER INFORMATION CONTACT:** Eric Howard, Principal Policy Analyst, [Eric.Howard@fhfa.gov](mailto:Eric.Howard@fhfa.gov), (202) 649-3009; or Tiffani Moore, Supervisory Policy Analyst, [Tiffani.Moore@fhfa.gov](mailto:Tiffani.Moore@fhfa.gov), (202) 649-3304; or Angela Supervielle, Counsel, [Angela.Supervielle@fhfa.gov](mailto:Angela.Supervielle@fhfa.gov), (202) 649-3973 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. For TTY/TRS users with hearing and speech disabilities, dial 711 and ask to be connected to any of the contact numbers above.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

*1. Paperwork Reduction Act*

Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain

approval from OMB for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that ten or more persons submit information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice<sup>1</sup> in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection of information to OMB for approval. FHFA's collection of information set forth in this document is titled the "Affordable Housing Program" (assigned control number 2590-0007 by OMB). To comply with the PRA requirement, FHFA is publishing notice of a proposed three-year extension of this collection of information and reinstatement of the control number, which has expired.

*2. Affordable Housing Program*

Section 10(j) of the Federal Home Loan Bank Act (Bank Act) requires FHFA to promulgate regulations under which each of the 11 Federal Home Loan Banks (Banks) must establish an Affordable Housing Program (AHP) to provide subsidy to the Bank's member institutions to finance: (1) homeownership by households with incomes at or below 80 percent of the area median income (low- or moderate-income households); and (2) the purchase, construction, or rehabilitation of rental housing in which at least 20 percent of the units will be occupied by, and affordable for, households earning 50 percent or less of the area median income (very low-income households).<sup>2</sup> Section 10(j) also establishes standards and requirements for providing such subsidized funding to Bank members and requires each Bank to contribute 10 percent of its previous year's net earnings to its AHP annually, subject to a minimum annual combined contribution by the 11 Banks of \$100 million.<sup>3</sup>

FHFA's AHP regulation, which implements the statutory AHP requirements, is set forth at 12 CFR part 1291. The regulation requires that each Bank establish and fund an AHP and sets forth the parameters within which the Banks' programs must operate. The regulation permits the Banks a degree of discretion in determining how their

<sup>1</sup> Following the close of this notice's 60-day comment period, FHFA will publish a second notice with a 30-day comment period as required by 44 U.S.C. 3507(b) and 5 CFR 1320.10(a).

<sup>2</sup> See 12 U.S.C. 1430(j)(1) and (2).

<sup>3</sup> See 12 U.S.C. 1430(j)(5)(C).

individual programs are to be implemented and requires that each Bank adopt an AHP Implementation Plan setting forth the specific requirements for that Bank's program.<sup>4</sup>

#### Competitive Application Programs

The AHP regulation requires each Bank to establish a General Fund, which is a competitive application program under which the Bank accepts applications for AHP subsidized advances or direct subsidies (grants) submitted by its members on behalf of non-member entities having a significant connection to the projects for which subsidy is being sought (project sponsors).<sup>5</sup> The AHP regulation also authorizes each Bank, in its discretion to establish, on a phased-in basis, up to three Targeted Funds, which are competitive application programs under which funds are targeted to address specific affordable housing needs within the Bank's district that are either unmet, have proven difficult to address through the Bank's General Fund, or align with the objectives identified in the Bank's strategic plans.<sup>6</sup> Each Bank accepts applications for AHP subsidy under its competitive application program(s) during a specified number of funding periods each year, as determined by the Bank.<sup>7</sup> A Bank must determine for each application it receives whether the proposed project meets the AHP regulatory eligibility requirements.<sup>8</sup> The Bank must score each application according to AHP regulatory and Bank-specific scoring guidelines, and approve the highest scoring projects within that funding period for AHP subsidy.<sup>9</sup>

The regulation provides that, prior to each disbursement of AHP subsidy for a project approved under a Bank's competitive application program(s), the Bank must verify that the project continues to meet the AHP regulatory eligibility requirements, as well as all commitments made in the approved AHP application.<sup>10</sup> As part of this process, Banks typically require that the member and project sponsor provide documentation demonstrating

continuing compliance. In the event of project noncompliance, a project sponsor is required to make a reasonable effort to cure the noncompliance within a reasonable period of time.<sup>11</sup>

If the project sponsor cannot cure the noncompliance within a reasonable period of time, the regulation permits a Bank to approve a modification to the terms of an approved application that would change the score that the application received for the funding period in which it was originally scored and approved, had the changed facts been operative at that time. Before a Bank approves a modification: (i) the project, incorporating the changes, must continue to meet the regulatory eligibility requirements; (ii) the application, as reflective of the changes, must continue to score high enough to have been approved in the funding period in which it was originally scored and approved; and (iii) there must be good cause for the modification, and the analysis and justification for the modification must be documented by the Bank in writing.<sup>12</sup>

The regulation requires generally that a Bank monitor owner-occupied and rental projects receiving AHP subsidy under its competitive application program(s) prior to and after project completion. During the initial monitoring period, a Bank must determine whether the project is making satisfactory progress towards completion, in compliance with the commitments made in the approved application, Bank policies, and the AHP regulatory requirements. Following project completion, the Bank must determine whether satisfactory progress is being made towards occupancy of the project by eligible households.<sup>13</sup> Within a reasonable period of time after project completion, the Bank must determine whether the project meets the AHP regulatory requirements and the commitments made in the approved application.<sup>14</sup> During the long-term 15-year monitoring period for rental projects, subject to certain exceptions in the AHP regulation, the Bank must determine whether the household incomes and rents in the project comply with the income targeting and rent commitments made in the approved application.<sup>15</sup> For both the initial and long-term monitoring, a Bank must review appropriate documentation maintained by the project sponsor.

#### Homeownership Set-Aside Programs

The AHP regulation also authorizes each Bank, in its discretion, to allocate up to the greater of \$4.5 million or 35 percent of its annual required AHP contribution to establish homeownership set-aside programs for the purpose of promoting homeownership for low- or moderate-income households.<sup>16</sup> Under these homeownership set-aside programs, a Bank provides AHP direct subsidies to its members who, in turn, provide the subsidies as grants to eligible households for down payment, closing cost, counseling cost or rehabilitation assistance in connection with the household's purchase of a primary residence or rehabilitation of an owner-occupied residence.<sup>17</sup> Prior to the Bank's disbursement of a direct subsidy under its homeownership set-aside program(s), the member must agree that the subsidy will be provided in compliance with all applicable AHP regulatory eligibility requirements.<sup>18</sup>

#### AHP Information Submitted by Banks to FHFA

FHFA's Data Reporting Manual (DRM) requires each Bank to submit to FHFA aggregate AHP information.<sup>19</sup> Specifically, the DRM requires each Bank to submit to FHFA project-level information regarding its competitive application program(s) and household-level information regarding its homeownership set-aside program(s) semi-annually. The information the Banks are required to submit to FHFA under the DRM is derived from the documentation submitted by Bank members and project sponsors that is described above.

#### B. Need for and Use of the Information Collection

The Banks use the AHP information collected from Bank members and project sponsors to determine whether: (1) projects for which Bank members and project sponsors are seeking subsidies under the Banks' competitive application programs satisfy the applicable statutory and regulatory requirements and score highly enough in comparison with other applications submitted during the same funding period to be approved for AHP subsidies; (2) projects approved under

<sup>4</sup> 12 CFR 1291.13(b).

<sup>5</sup> 12 CFR 1291.21. Under the regulation, an AHP project sponsor may be an entity that either: (1) has an ownership interest in a rental project; (2) is integrally involved in an owner-occupied project, such as by exercising control over the planning, development, or management of the project, or by qualifying borrowers and providing or arranging financing for the owners of the units; (3) operates a loan pool; or (4) is a revolving loan fund. 12 CFR 1291.1 (definition of "sponsor").

<sup>6</sup> 12 CFR 1291.20(b).

<sup>7</sup> 12 CFR 1291.22(a).

<sup>8</sup> 12 CFR 1291.22(b)(1).

<sup>9</sup> 12 CFR 1291.22(c).

<sup>10</sup> 12 CFR 1291.30(c).

<sup>11</sup> 12 CFR 1291.60(b)(1).

<sup>12</sup> 12 CFR 1291.29(a).

<sup>13</sup> 12 CFR 1291.50(a)(1).

<sup>14</sup> 12 CFR 1291.50(a)(2).

<sup>15</sup> 12 CFR 1291.50(c)(1).

<sup>16</sup> 12 CFR 1291.12(b); 1291.40.

<sup>17</sup> 12 CFR 1291.42(d).

<sup>18</sup> 12 CFR 1291.15(a).

<sup>19</sup> The AHP reporting requirements are located in chapter 5 of the DRM, which is available electronically on FHFA's public website at <http://www.fhfa.gov/SupervisionRegulation/FederalHomeLoanBanks/Documents/FHFB-Resolutions/2006/2006-13-Attachment.pdf>.

the Banks' competitive application programs continue to meet the applicable AHP regulatory requirements and comply with the commitments made in the approved applications each time AHP subsidy is disbursed by the Banks, through their members, to the project sponsors; (3) requests for modifications of projects approved under the Banks' competitive application programs meet the AHP regulatory requirements for approval; (4) during the initial monitoring period, projects approved under the Banks' competitive application programs are making satisfactory progress towards completion, are making satisfactory progress towards occupancy of the project by eligible households after completion, and, within a reasonable period of time after completion, are in compliance with the commitments made in the approved applications, Bank policies, and the AHP regulatory requirements; (5) during the long-term 15-year monitoring period, completed rental projects continue to comply with the household income targeting and rent commitments made in the approved applications; and (6) applications for direct subsidy under Banks' homeownership set-aside programs were approved, and the direct subsidies disbursed, in accordance with the AHP regulatory requirements.

FHFA uses the information required to be submitted by the Banks under the DRM to verify that the Banks' funding decisions, and the use of the funds awarded, were consistent with statutory and regulatory requirements.

### C. Burden Estimate

FHFA has analyzed each of the six facets of this information collection in order to estimate the hour burdens that the collection will impose upon Bank members and AHP project sponsors annually over the next three years. Based on that analysis, FHFA estimates that the total annual hour burden will be 92,649. The method FHFA used to determine the annual hour burden for each facet of the information collection is explained in detail below.

#### I. AHP Competitive Applications Submissions

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 1,250 applications for AHP subsidies under the Banks' competitive application programs, and that the average preparation time for each application will be 24 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the

preparation and submission of AHP competitive applications is, therefore, 30,000 hours (1,250 applications  $\times$  24 hours).

#### II. Compliance Submissions for Approved Competitive Application Projects at AHP Subsidy Disbursement

FHFA estimates that Bank members, on behalf of project sponsors, will make an annual average of 345 submissions to the Banks documenting that projects approved under the Banks' competitive application programs continue to comply with the AHP regulatory eligibility requirements and all commitments made in the approved AHP applications at the time each AHP subsidy is disbursed to the project sponsors, and that the average preparation time for each submission will be 1 hour. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these compliance submissions is, therefore, 345 hours (345 submissions  $\times$  1 hour).

#### III. Modification Requests for Approved Competitive Application Projects

FHFA estimates that Bank members, on behalf of project sponsors, will submit to the Banks an annual average of 318 requests for modifications to projects that have been approved under the Banks' competitive application programs, and that the average preparation time for each request will be 2.5 hours. The estimate for the total annual hour burden on members and project sponsors in connection with the preparation and submission of these modification requests, therefore, is 795 hours (318 requests  $\times$  2.5 hours).

#### IV. Initial Monitoring Submissions for Approved Competitive Application Projects

FHFA estimates that project sponsors will make an annual average of 265 submissions of documentation to the Banks for purposes of the Banks' initial monitoring of in-progress and recently completed projects approved under their competitive application programs, and that the average preparation time for each submission will be 5 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for initial monitoring of competitive application projects is, therefore, 1,325 hours (265 submissions  $\times$  5 hours).

#### V. Long-Term Monitoring Submissions for Completed Competitive Application Rental Projects

FHFA estimates that project sponsors will make an annual average of 3,178 submissions of documentation to the Banks for purposes of the Banks' long-term monitoring of completed rental projects approved under their competitive application programs, and that the average preparation time for each submission will be 3 hours. The estimate for the total annual hour burden on project sponsors in connection with the preparation and submission of documentation required for long-term monitoring of completed competitive application rental projects is, therefore, 9,534 hours (3,178 submissions  $\times$  3 hours).

#### VI. Homeownership Set-Aside Program Applications and Certifications

FHFA estimates that Bank members will submit to the Banks an annual average of 10,130 applications and required certifications for AHP direct subsidies under the Banks' homeownership set-aside programs, and that the average preparation time for those submissions will be 5 hours. The estimate for the total annual hour burden on members in connection with the preparation and submission of homeownership set-aside program applications and certifications is, therefore, 50,650 hours (10,130 applications/certifications  $\times$  5 hours).

### D. Public Comments Request

Written comments are requested on: (1) whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on members and project sponsors, including through the use of automated collection techniques or other forms of information technology.

**Shawn Bucholtz,**

*Chief Data Officer, Federal Housing Finance Agency.*

[FR Doc. 2022-16855 Filed 8-4-22; 8:45 am]

**BILLING CODE 8070-01-P**



**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 September 6, 2022.

*A. Federal Reserve Bank of Minneapolis* (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291. Comments can also be sent electronically to [MA@mpls.frb.org](mailto:MA@mpls.frb.org):

1. *Bank Forward Employee Stock Ownership Plan and Trust, Fargo, North Dakota*; to acquire additional voting shares up to 40.29 percent of Security State Bank Holding Company, and thereby indirectly acquire voting shares of Bank Forward, both of Fargo, North Dakota.

Board of Governors of the Federal Reserve System.

**Yao-Chin Chao,**

*Assistant Secretary of the Board.*

[FR Doc. 2022-16865 Filed 8-4-22; 8:45 am]

**BILLING CODE 6210-01-P**

**FEDERAL TRADE COMMISSION**

[File No. 211 0174]

**JAB Consumer Partners/Ethos Veterinary Health; Analysis of Agreement Containing Consent Orders 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 methods of competition. The attached Analysis of Proposed Consent Orders to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before September 6, 2022.

**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: “JAB/Ethos Veterinary Health; File No. 211 0174” 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, please 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:** Mike Barnett (202-326-2362), Bureau of Competition, Federal Trade Commission, 400 7th Street SW, Washington, DC 20024.

**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 of Agreement Containing Consent Orders 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 from the FTC website at this web address: <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 September 6, 2022. Write “JAB/Ethos Veterinary Health; File No. 211 0174” 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.

Due to protective actions in response to the COVID-19 pandemic and the agency's heightened security screening, postal mail addressed to the Commission will be delayed. 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 “JAB/Ethos Veterinary Health; File No. 211 0174” 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 <https://www.regulations.gov>—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 <https://www.ftc.gov> to read this document and the news release describing this matter. 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 it receives on or before September 6, 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 Agreement Containing Consent Orders To Aid Public Comment

### I. Introduction

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an Agreement Containing Consent Orders (“Consent Agreement”) with JAB Consumer Partners SCA SICAR (“JAB”), the owner of Compassion-First Pet Hospitals and NVA Parent Inc. (collectively, “Compassion-First/NVA”), and VIPW, LLC and Ethos Veterinary Partners LLC, owners of Ethos Veterinary Health LLC (“Ethos”), which is designed to remedy the anticompetitive effects that would result from Compassion First/NVA’s proposed acquisition of Ethos.

Pursuant to a Stock Purchase Agreement and Plan of Merger dated August 13, 2021, Compassion-First/NVA proposes to acquire Ethos for approximately \$1.65 billion (the “Acquisition”). Both parties provide specialty and emergency veterinary services in clinics located in the United States. The Commission alleges in its Complaint that the Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by lessening competition in the markets for certain specialty and emergency veterinary services in four different localities in the United States.

The Consent Agreement, which contains the proposed Decision and Order (“D&O”) and Order to Maintain Assets, will remedy the alleged violations by preserving the competition that would otherwise be eliminated by the Acquisition. Specifically, under the terms of the D&O, Compassion-First/NVA is required to divest clinics to United Veterinary Care, LLC (“UVC”) and Veritas Veterinary Partners (“Veritas”), operators of specialty and emergency veterinary clinics elsewhere in the country. In order to protect robust future competition in markets trending towards increased consolidation, including due to acquisitions by JAB that may or may not be reportable under the Hart-Scott-Rodino Premerger Notification Act (“HSR”), the D&O provides for (1) a statewide prior approval by the parties in California, Colorado, Virginia, Maryland, and throughout the District of Columbia for acquisitions proximate to existing and future Compassion-First/NVA emergency and specialty clinics, and (2) a nationwide prior notice for proposed acquisitions proximate to existing and future Compassion-First/NVA emergency and specialty clinics.

The Consent Agreement with the proposed D&O and the Order to Maintain Assets has been placed on the public record for thirty days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will review the D&O as well as any comments received and decide whether it should withdraw the D&O, modify it, or make it final. The Commission is issuing the Order to Maintain Assets when the Consent Agreement is placed on the public record.

### II. The Relevant Markets and Market Structures

The relevant lines of commerce in which to analyze the Acquisition are individual specialty veterinary services and emergency veterinary services. Specialty veterinary services are required in cases where a general practitioner veterinarian does not have the expertise or equipment necessary to treat the sick or injured animal. General practitioner veterinarians commonly refer such cases to specialists—typically doctors of veterinary medicine who are board-certified in the relevant specialty. Individual veterinary specialties include internal medicine, neurology, medical oncology, critical care, ophthalmology, surgery, radiology, cardiology, dermatology, and anesthesiology. Emergency veterinary services are those used in acute situations where a general

practice veterinarian is not available or, in some cases, not trained or equipped to treat the patient’s medical problem.

The relevant areas for the provision of specialty and emergency veterinary services are local in nature, delineated by the distance and time that pet owners travel to receive treatment. The distance and time customers travel for specialty services are highly dependent on local factors, such as the proximity of a clinic offering the required specialty service, appointment availability, population density, demographics, traffic patterns, or specific local geographic impediments like large bodies of water or other geographic impediments.

The Acquisition is likely to result in consumer harm in markets for the provision of the following services in the following localities:

- a. medical oncology veterinary specialty services in and around Richmond, Virginia;
- b. medical oncology veterinary specialty services in and around the Washington, DC Metro Area;
- c. internal medicine, neurology, medical oncology, critical care, surgery, radiology, cardiology, dermatology, and anesthesiology veterinary specialty services and emergency veterinary services in and around Denver, Colorado; and
- d. internal medicine, neurology, medical oncology, critical care, ophthalmology, and surgery veterinary specialty services and emergency veterinary services in and around San Francisco, California.

All of these relevant markets are currently highly concentrated, and the Acquisition would substantially increase concentration in each market. In one case, the combined firm would be the only provider following the transaction. In other markets, the combined firm would be one of only a few alternatives for consumers.

There has been a growing trend towards consolidation in the emergency and specialty veterinary services markets across the United States in recent years by large chains including Respondent Compassion-First/NVA. Respondent Compassion-First/NVA itself has grown principally through large acquisitions that were reported to federal antitrust authorities pursuant to the Hart-Scott-Rodino Act. The Commission determined that it had reason to believe that previous reportable transactions were illegal as originally structured and therefore ordered divestitures in various local relevant markets to remedy the anticompetitive effects that would have occurred absent each remedy.

To protect robust future competition in markets trending towards increased consolidation, each most recent Commission order has included prior approval and/or notice provisions for acquisitions proximate to existing and future Compassion-First/NVA emergency and specialty clinics. The prior notice provision from the 2020 Compassion-First/NVA order has already had a beneficial effect in preventing acquisitions that may have substantially lessened competition. NVA filed a prior notice for a subsequent acquisition following the issuance of that order, and, after FTC staff raised concern about potential anticompetitive concerns about the deal, NVA abandoned the acquisition.

### III. Entry

Entry into the relevant markets would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the Acquisition. For *de novo* entrants, obtaining financing to build a new specialty or emergency veterinary facility and acquiring or leasing necessary equipment can be expensive and time consuming. The investment is risky for specialists that do not have established practices and bases of referrals in the area. Further, to become a licensed veterinary specialist requires extensive education and training, significantly beyond that required to become a general practitioner veterinarian. Consequently, veterinary specialists are often in short supply, and recruiting them to move to a new area frequently takes more than two years, making timely expansion by existing specialty clinics particularly difficult.

### IV. Effects of the Acquisition

The Acquisition, if consummated, may substantially lessen competition in each of the relevant markets by eliminating close, head-to-head competition between Compassion-First/NVA and Ethos for the provision of specialty and emergency veterinary services. In one market, the Acquisition will result in a merger to monopoly. The Acquisition increases the likelihood that Compassion-First/NVA will unilaterally exercise market power and cause customers to pay higher prices for, or receive lower quality, relevant services.

### V. The Proposed Decision and Order

The proposed D&O remedies the Acquisition's anticompetitive effects in each market by requiring the parties to divest five facilities<sup>1</sup> to UVC and

Veritas. The divestitures will preserve competition between the divested clinics and the combined firm's clinics. UVC and Veritas are qualified acquirers of the divested assets with experience acquiring, integrating, and operating specialty and emergency veterinary clinics. Neither UVC nor Veritas currently operate or have plans to operate any specialty and emergency veterinary clinics in the relevant markets.

The D&O requires the divestiture of all regulatory permits and approvals, confidential business information, including customer information, and other assets associated with providing specialty and emergency veterinary care at the divested clinics. To ensure the divestiture is successful, the D&O also requires Compassion-First/NVA and Ethos to secure all third-party consents, assignments, releases, and waivers necessary to conduct business at the divested clinics.

The D&O also requires Compassion-First/NVA and Ethos to provide reasonable financial incentives to certain employees to encourage them to stay in their current positions. Such incentives may include guaranteed retention bonuses for specialty veterinarians at divestiture clinics. These incentives will encourage veterinarians to continue working at the divestiture clinics, which will ensure that UVC and Veritas are able to continue operating the clinics in a competitive manner.

Finally, the D&O contains other provisions to ensure that the divestitures are successful. For example, Compassion-First/NVA will be required to provide transitional services for a period of up to one year to ensure UVC and Veritas continue to operate the divested clinics effectively as it implements its own quality care, billing, and supply systems.

Additionally, because of the growing trend towards consolidation in specialty and emergency veterinary services markets across the country, as well as the likelihood of future acquisitions by Compassion-First/NVA in these markets, many of which may be non-HSR reportable, the D&O includes (1) a statewide prior approval by the parties in California, Colorado, Virginia,

to UVC); (2) The Oncology Service-Springfield and The Oncology Service-Leesburg in the DC Metro area (divested to UVC); (3) Wheat Ridge Animal Hospital in the Denver, Colorado area (divested to Veritas); and (4) Pet Emergency + Specialty Center of Marin near San Francisco (divested to Veritas). The divestitures include all expansion or relocation efforts related to these facilities. The divestitures include all assets, including equipment and intellectual property, necessary to compete effectively in each relevant market.

Maryland, and throughout the District of Columbia for acquisitions proximate to existing and future NVA emergency and specialty clinics, and (2) a nationwide prior notice for proposed acquisitions proximate to existing and future Compassion-First/NVA emergency and specialty clinics. These provisions are effective for ten years. UVC and Veritas will also be required to obtain prior approval from the Commission before transferring any of the divested assets to any buyer for a full ten years after UVC and Veritas each acquire the respective divestiture assets, except in the case of a sale of all or substantially all of UVC's or Veritas's businesses.

The Commission will appoint Dr. Michael Cavanaugh, DVM, to act as an independent Monitor to oversee the Respondents' compliance with the requirements of the Order, and to keep the Commission informed about the status of the transfer of the divested clinics to UVC and Veritas. The D&O requires Compassion-First/NVA and Ethos to divest the clinics no later than ten business days after the consummation of the Acquisition.

The purpose of this analysis is to facilitate public comment on the Consent Agreement. It is not intended to constitute an official interpretation of the Consent Agreement or to modify its terms in any way.

By direction of the Commission.

**Joel Christie,**

*Acting Secretary.*

[FR Doc. 2022-16790 Filed 8-4-22; 8:45 am]

**BILLING CODE 6750-01-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces 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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92-463.

*Name of Committee:* Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

<sup>1</sup> The divested clinics include (1) The Oncology Service-Richmond in Richmond, Virginia (divested

*Dates:* October 4–5, 2022.

*Times:* 11:00 a.m.–5:00 p.m., EDT.

*Place:* Teleconference.

*Agenda:* The meeting will convene to address matters related to the conduct of Study Section business and for the Study Section to consider safety and occupational health-related grant applications.

**FOR FURTHER INFORMATION CONTACT:**

Michael Goldcamp, Ph.D., Scientific Review Officer, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26506; Telephone: (304) 285–5951; Email: [MGoldcamp@cdc.gov](mailto:MGoldcamp@cdc.gov).

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2022–16806 Filed 8–4–22; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Healthcare Infection Control Practices Advisory Committee**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Healthcare Infection Control Practices Advisory Committee (HICPAC). This virtual meeting is open to the public, limited only by the number of audio and web conference lines (300 audio and web conference lines are available). Time will be available for public comment. Registration is required.

**DATES:** The meeting will be held on August 23, 2022, from 12:00 p.m. to 2:00 p.m., EDT.

**ADDRESSES:** To register for this web conference, please go to: [www.cdc.gov/hicpac](http://www.cdc.gov/hicpac). All registered participants will receive the meeting link and instructions shortly before the meeting.

Please click the link below to join the webinar: <https://cdc.zoomgov.com/j/1601692544?pwd=c0tVaHJoVUZSdHJxTGppWVFiUHNIzd09>.

*Meeting ID:* 160 169 2544

*Passcode:* 07051018

**FOR FURTHER INFORMATION CONTACT:**

Sydnee Byrd, M.P.A., Program Analyst, HICPAC, Division of Healthcare Quality Promotion (DHQP), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), CDC, 1600 Clifton Road NE, Mailstop H16–3, Atlanta, Georgia 30329–4027; Telephone: (404) 718–8039; Email: [HICPAC@cdc.gov](mailto:HICPAC@cdc.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose:* The Committee is charged with providing advice and guidance to the Director, DHQP; the Director, NCEZID; the Director, CDC; and the Secretary, Department of Health and Human Services, regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

*Matters To Be Considered:* The agenda will include the following updates: The Healthcare Personnel Guideline Workgroup; Isolation Precautions Guideline Workgroup; Neonatal Intensive Care Unit Guideline Workgroup; and Neonatal Pediatric Surveillance Workgroup. Agenda items are subject to change as priorities dictate.

**Public Participation**

*Oral Public Comment:* Time will be available for public comment. Members of the public who wish to provide public comments should plan to attend the public comment session at the start time listed. Please note that the public comment period may end before the time indicated, following the last call for comments.

*Written Public Comment:* The public may submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed above. The deadline for receipt of written public comment is August 15, 2022. All requests must contain the submitter's name, address, and organizational affiliation, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length. Written comments received in advance of the meeting will be included in the official record of the meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2022–16805 Filed 8–4–22; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Solicitation of Nominations for Appointment to the Safety and Occupational Health Study Section**

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the Safety and Occupational Health Study Section (SOHSS). The SOHSS consists of 20 experts in fields associated with occupational medicine and nursing, industrial hygiene, occupational safety and engineering, toxicology, chemistry, safety and health education, ergonomics, epidemiology, economic science, psychology, pulmonary pathology/physiology, and social science.

**DATES:** Nominations for membership on the SOHSS must be received no later than September 1, 2022. Packages received after this time will not be considered for the current membership cycle.

**ADDRESSES:** All nominations should be mailed to Dr. Michael Goldcamp, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26506, or emailed (recommended) to [MGoldcamp@cdc.gov](mailto:MGoldcamp@cdc.gov).

**FOR FURTHER INFORMATION CONTACT:** Michael Goldcamp, Ph.D., Scientific Review Officer, National Institute for Occupational Safety and Health, CDC, 1095 Willowdale Road, Morgantown, West Virginia 26506; Telephone: (304) 285–5951; Email: [MGoldcamp@cdc.gov](mailto:MGoldcamp@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Nominations are being sought for

individuals who have the expertise and qualifications necessary to contribute to the accomplishment of the Study Section's objectives. Nominees will be selected based on expertise in the fields of occupational medicine and nursing, industrial hygiene, occupational safety and engineering, toxicology, chemistry, safety and health education, ergonomics, epidemiology, economic science, psychology, pulmonary pathology/physiology, and social science. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms.

Selection of members is based on candidates' qualifications to contribute to the accomplishment of SOHSS objectives.

The U.S. Department of Health and Human Services (HHS) policy stipulates that committee membership be balanced in terms of points of view represented, and the Study Section's function.

Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. CDC reviews potential candidates for SOHSS membership each year and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in October 2023, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (e.g., CDC, NIH, FDA).

Nominations may be submitted by the candidate or by the person/organization recommending the candidate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Strategic Business Initiatives Unit,  
Office of the Chief Operating Officer, Centers  
for Disease Control and Prevention.*

[FR Doc. 2022-16807 Filed 8-4-22; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifiers: CMS-10003, CMS-1771, CMS-R-244 and CMS-10744]**

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by October 4, 2022.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786-4669.

#### SUPPLEMENTARY INFORMATION:

##### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-10003—Notice of Denial of Medical Coverage (or Payment)  
CMS-1771—Emergency and Foreign Hospital Services and Supporting Regulation in 42 CFR Section 424.103  
CMS-R-244—Programs of All-Inclusive Care for the Elderly (PACE)

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed

extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

#### Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title:* Notice of Denial of Medical Coverage (or Payment); *Use:* Section 1852(g)(1)(B) of the Social Security Act (the Act) requires Medicare health plans to provide enrollees with a written notice in understandable language of the reasons for the denial and a description of the applicable appeals processes.

Medicare health plans, including Medicare Advantage plans, cost plans, and Health Care Prepayment Plans (HCPPs), are required to issue the Notice of Denial of Medical Coverage (or Payment) (NDMCP) when a request for either a medical service or payment is denied, in whole or in part. Additionally, the notices inform Medicare enrollees of their right to file an appeal, outlining the steps and timeframes for filing. All Medicare health plans are required to use these standardized notices. *Form Number:* CMS-10003 (OMB Control Number: 0938-0829); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 937; *Number of Responses:* 16,191,812; *Total Annual Hours:* 2,697,556. (For policy questions regarding this collection contact Sabrina Edmonston at 410-786-3209.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title:* Emergency and Foreign Hospital Services and Supporting Regulation in 42 CFR Section 424.103; *Use:* Section 1866 of the Social Security Act states that any provider of services shall be qualified to participate in the Medicare program and shall be eligible for payments under Medicare if it files an agreement with the Secretary to meet the conditions outlined in this section of the Act. Section 1814(d)(1) of the Social Security Act and 42 CFR 424.100, allows payment of Medicare benefits for a Medicare beneficiary to a nonparticipating hospital that does not have an agreement in effect with the Centers for Medicare and Medicaid Services. These payments can be made if such services were emergency services and if CMS would be required to make the payment if the hospital had an agreement in effect and met the conditions of payment. This form is

used in connection with claims for emergency hospital services provided by hospitals that do not have an agreement in effect under Section 1866 of the Social Security Act.

42 CFR 424.103(b) requires that before a non-participating hospital may be paid for emergency services rendered to a Medicare beneficiary, a statement must be submitted that is sufficiently comprehensive to support that an emergency existed. Form CMS-1771 contains a series of questions relating to the medical necessity of the emergency. The attending physician must attest that the hospitalization was required under the regulatory emergency definition (42 CFR 424.101 attached) and give clinical documentation to support the claim. A photocopy of the beneficiary's hospital records may be used in lieu of the CMS-1771 if the records contain all the information required by the form; *Form Number:* CMS-1771 (OMB Control Number: 0938-0023); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 100; *Number of Responses:* 200; *Total Annual Hours:* 50. (For policy questions regarding this collection contact Shauntari Cheely at 410-786-1818.)

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title:* Programs of All-Inclusive Care for the Elderly (PACE); *Use:* PACE is a pre-paid, capitated plan that provides comprehensive health care services to frail, older adults in the community, who are eligible for nursing home care according to state standards. PACE programs must provide all Medicare and Medicaid covered services; financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. Upon approval of a PACE application, CMS executes a three-way program agreement with the applicant entity and the applicable state. With certain exceptions, this information collection addresses all operational components of the PACE program, as defined in 42 CFR part 460. *Form Number:* CMS-R-244 (OMB control number: 0938-0790); *Frequency:* Once and occasionally; *Affected Public:* Private sector (Business or other for profits and Not-for-profit institutions); *Number of Respondents:* 179; *Total Annual Responses:* 121,407; *Total Annual Hours:* 97,069. (For policy questions regarding this collection contact Lauren Brandow at 410-786-9765.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title:* Medicare

Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program—Contracting Forms; *Use:* Since 1989, Medicare has been paying for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) (other than customized items) using fee schedule amounts that are calculated for each item or category of DMEPOS identified by a Healthcare Common Procedure Coding System (HCPCS) code. Payments are based on the average DMEPOS supplier charges on Medicare claims from 1986 and 1987 and are updated annually on a factor legislated by Congress. For many years, the Government Accountability Office (GAO) and the Office of Inspector General (OIG) of the United States (U.S.) Department of Health and Human Services (HHS) have reported that these fees are often highly inflated and that Medicare has paid higher than market rates for several different types of DMEPOS. Due to reports of Medicare overpayment of DMEPOS, Congress required that the Centers for Medicare & Medicaid Services (CMS) conduct a competitive bidding demonstration project for these items. Accordingly, CMS implemented a demonstration project for this program from 1999–2002 which produced significant savings for beneficiaries and taxpayers without hindering access to DMEPOS and related services. Shortly after the successful competitive bidding demonstrations, Congress passed the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) and mandated a phased-in approach to implement this program over the course of several years beginning in 2007 in 10 metropolitan statistical areas (MSAs). This statute specifically required the Secretary to establish and implement programs under which competitive bidding areas (CBAs) are established throughout the U.S. for contract award purposes for the furnishing of certain competitively priced items and services for which payment is made under Medicare Part B. This program is commonly known as the Medicare DMEPOS Competitive Bidding Program (the Program).

CMS conducted its first round of bidding, Round 1, for the Program in 2007 with the help of its contractor, the Competitive Bidding Implementation Contractor (CBIC). CMS published a Request for Bids (RFB) and instructions for DMEPOS suppliers to submit their bids to participate in the Program. During this first round of bidding, DMEPOS suppliers from across the U.S. submitted bids to furnish competitively

bid item(s) to Medicare beneficiaries residing or traveling to Round 1 CBAs. CMS evaluated these bids and contracted with those bidders that met all program requirements. Round 1 was successfully implemented on July 1, 2008.

On July 15, 2008, however, Congress delayed the Program in section 154 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). MIPPA mandated certain changes to the Program which included, but was not limited to: a delay of Round 1 (competition to begin in 2009) and Round 2 of the Program (competition to begin in 2011 in 70 specific MSAs); the exclusion of Puerto Rico and negative pressure wound therapy from Round 1 and Group 3 complex rehabilitative power wheelchairs from all rounds of competition; a process for providing feedback to bidders regarding missing financial documentation; and a requirement for contract suppliers to disclose to CMS information regarding subcontracting relationships. Section 154 of MIPPA specified that the competition for national mail-order (NMO) items and services may be phased in after 2010. This section of MIPPA also specified that competitions to phase-in additional areas could occur after 2011. As required by MIPPA, CMS conducted the competition for the Round 1 Rebid in 2009. The Round 1 Rebid contracts and prices became effective on January 1, 2011. The Affordable Care Act (ACA), enacted on March 23, 2010, expanded the Round 2 competition by adding an additional 21 MSAs, bringing the total MSAs for Round 2 to 91. The competition for Round 2 began in December 2011. CMS also began a NMO competition for diabetes testing supplies (DTS) at the same time as Round 2. The Round 2 and NMO DTS contracts and prices were implemented on July 1, 2013.

The MMA requires the Secretary to recompetete contracts not less often than once every three years. The Round 1 Rebid contract period for all product categories except NMO DTS expired on December 31, 2013. (Round 1 Rebid contracts for NMO DTS ended on December 31, 2012.) The competition for the Round 1 Recompetete began in August of 2012 and contracts and prices became effective on January 1, 2014. The Round 1 Recompetete contract period expired on December 31, 2016. Round 1 2017 contracts were effective on January 1, 2017, and expired on December 31, 2018. Round 2 and NMO DTS contracts and prices expired on June 30, 2016. Round 2 Recompetete and the NMO DTS Recompetete contracts became effective

on July 1, 2016, and expired on December 31, 2018.

On October 31, 2018, CMS issued a final rule (CMS–1691–F) requiring changes to bidding and pricing methodologies to be implemented under the next round of the Program. As a result, starting January 1, 2019, there was a temporary gap in the entire Program that lasted two years until December 31, 2020. When the program resumed in January 2021, CMS implemented a consolidated round of competition to include most Round 1 2017 and Round 2 Recompetete CBAs for Round 2021. However, due to the 2019 novel coronavirus (COVID–19) pandemic, and the unexpected bid evaluation results, CMS only awarded Round 2021 contracts for two product categories: Off-The-Shelf (OTS) Back and OTS Knee Braces. As a result, this Paperwork Reduction Act (PRA) package reflects a significant reduction in burden, compared to previous packages, for Round 2021 which was implemented on January 1, 2021, and will conclude on December 31, 2023. This iteration of the package currently approved under OMB control number 0938–1408 is based on data from the first year of Round 2021 (January 1, 2021–December 31, 2021). *Form Number:* CMS–10744 (OMB control number: 0938–1408); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for profits and Not-for-profit institutions); *Number of Respondents:* 179; *Total Annual Responses:* 121,407; *Total Annual Hours:* 97,069. (For policy questions regarding this collection contact Julia Howard at 410–786–845.)

Dated: August 2, 2022.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022–16869 Filed 8–4–22; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifiers: CMS–10553, CMS–R–305 and CMS–10492]**

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by September 6, 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](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies

to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Title of Information Collection:* Medicaid Managed Care Quality including Supporting Regulations; *Type of Information Collection Request:* Extension of a currently approved collection; *Use:* Medicaid beneficiaries and stakeholders use the information collected and reported to understand the state's quality improvement goals and objectives, and to understand how the state is measuring progress on its goals. States use this information to help monitor and assess the performance of their Medicaid managed care programs. This information may assist states in comparing the outcomes of quality improvement efforts and can assist them in identifying future performance improvement subjects. CMS uses this information as a part of its oversight of Medicaid programs. *Form Number:* CMS-10553 (OMB control number: 0938-1281); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profits and State, Local or Tribal Governments; *Number of Respondents:* 376; *Number of Responses:* 2,655; *Total Annual Hours:* 36,010. (For questions regarding this collection contact Jennifer Maslowski at 312-886-2567.)

2. *Title of Information Collection:* External Quality Review (EQR) of Medicaid and Children's Health Insurance Program (CHIP) Managed Care, EQR Protocols, and Supporting Regulations; *Type of Information Collection Request:* Revision of a currently approved collection; *Use:* This 2022 information collection request proposes to revise the active external quality review (EQR) protocols (which were last revised in 2019). The revisions would: (1) align the existing protocols, appendices, and worksheets with the 2020 Medicaid managed care final rule, and (2) add a new protocol, Validation of Network Adequacy (RIN 0938-AS25, CMS-2480-F). A summary of these changes includes, but is not limited to, adding three elements to 42 CFR 438.358(b)(1)(iii) to include a review of elements 438.56, 438.100, and 438.114; establishing the first protocol for the new mandatory activity described in 438.358(b)(1)(iv) for network adequacy validation for managed care organizations (MCOs), prepaid inpatient

health plans (PIHPs), and prepaid ambulatory health plans (PAHPs); and other formatting changes. *Form Number:* CMS-R-305 (OMB control number: 0938-0786); *Frequency:* Annually; *Affected Public:* Private Sector, Business or other for-profits and State, Local or Tribal Governments; *Number of Respondents:* 603; *Number of Responses:* 5,945; *Total Annual Hours:* 413,310. (For questions regarding this collection contact Jennifer Maslowski at 312-886-2567.)

3. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Data Submission for the Federally-facilitated Exchange User Fee Adjustment; *Use:* Section 2713 of the Public Health Service Act requires coverage without cost sharing of certain preventive health services, including certain contraceptive services, in non-exempt, non-grandfathered group health plans and health insurance coverage. The final regulations establish rules under which the third party administrator of the plan would provide or arrange for a third party to provide separate contraceptive coverage to plan participants and beneficiaries without cost sharing, premium, fee, or other charge to plan participants or beneficiaries or to the eligible organization or its plan. Eligible organizations are required to self-certify that they are eligible for this accommodation and provide a copy of such self-certification to their third party administrators. The final rules also set forth processes and standards to fund the payments for the contraceptive services that are provided for participants and beneficiaries in self-insured plans of eligible organizations under the accommodation described previously, through an adjustment in the FFE user fee payable by an issuer participating in an FFE.

CMS will use the data collections from participating issuers and third party administrators to verify the total dollar amount for such payments for contraceptive services provided under this accommodation for the purpose of determining a participating issuer's user fee adjustment. The attestation that the payments for contraceptive services were made in compliance with 26 CFR 54.9815-2713A(b)(2) or 29 CFR 2590.715-2713A(b)(2) will help ensure that the user fee adjustment is being utilized to provide contraceptive services for the self-insured plans in accordance with the previously noted accommodation. *Form Number:* CMS-10492 (OMB control number: 0938-1285); *Frequency:* Annually; *Affected Public:* Private sector (Business or other

for-profits and Not-for-profit institutions); *Number of Respondents:* 861; *Total Annual Responses:* 861; *Total Annual Hours:* 12,930. (For policy questions regarding this collection contact Jacqueline Wilson at [jacqueline.wilson1@cms.hhs.gov](mailto:jacqueline.wilson1@cms.hhs.gov).)

Dated: August 2, 2022.

**William N. Parham, III,**  
*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022-16864 Filed 8-4-22; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[OMB No. 0970-0577]

#### Proposed Information Collection Activity; Evaluation of LifeSet

**AGENCY:** Office of Planning, Research, and Evaluation; Administration for Children and Families; Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services is proposing additional information collection activities to assess the implementation of LifeSet, a program that provides services and supports to young adults ages 17 to 21 with previous child welfare involvement. Current data collection activities were approved under this same Office of Management and Budget (OMB) #: 0970-0577.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** You can obtain copies of the proposed collection of information and submit comments by emailing [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). Identify all requests by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* The proposed information collection activities are part of the second phase of a study that intends to assess the impact and implementation of LifeSet, a program that provides services and supports to young adults ages 17 to 21 with previous child welfare involvement. The program aims to support young



adults in their transition from foster care to independent living in the areas of education, employment and earnings, housing and economic well-being, social support, well-being, health and safety, and criminal involvement. It focuses on helping young adults identify and achieve their goals while developing the skills necessary for independent living.

The evaluation is part of a larger project to help ACF build the evidence base in child welfare through rigorous evaluation of programs, practices, and policies. The activities and products

from this project will contribute to evidence building in child welfare and help to determine the effectiveness of a program for youth formerly in foster care on young adult outcomes.

The implementation study will collect information through video conferences and site visits to the participating program and child welfare agency. Data collection activities for the implementation study began, as previously approved by OMB. Additional protocols are proposed as part of the implementation study. Proposed information collection

activities include interviews and focus groups with administrators and staff from the program developer, child welfare agency, and program providers; online survey of program staff; interviews with youth who participated in the program; and focus groups with youth who participated in the program and who received services as usual.

*Respondents:* Program participants, young adults receiving services as usual, agency and program administrators and staff, other program stakeholders.

**ANNUAL BURDEN ESTIMATES**

Instrument	Respondents	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
<b>Burden for previously approved, ongoing data collection</b>						
Site Visit 2 Focus Group Guide for Staff.	LifeSet Specialists .....	12	1	1.5	18	9
<b>LifeSet Team Supervisors</b>						
Baseline Youth Survey .....	Youth Formerly in Foster Care.	470	1	0.6	282	141
Administrative data file .....	Agency and Program Staff	12	1	5	60	30
<b>Burden for newly requested information collection</b>						
Site Visit 3 Interview Guide for Administrators.	Child Welfare Agency Administrators. Licensed LifeSet Experts Provider Agency Administrators LifeSet Developer Administrators Provider Agency Administrators	22	1	1	22	11
Site Visit 3 Focus Group Guide for Staff.	LifeSet Specialists .....	28	1	1.5	42	21
LifeSet Specialist Survey ....	LifeSet Team Supervisors	16	1	.3	5	3
Interview Guide for Youth ...	Child Welfare Agency Caseworkers	12	1	1	12	6
Focus Group Guide for Youth.	LifeSet Program Youth .....	64	1	1.5	96	48
	Services As Usual Youth					

*Estimated Total Annual Burden Hours: 269.*

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 42 U.S.C. 677.

**Mary B. Jones,**  
*ACF/OPRE Certifying Officer.*

[FR Doc. 2022-16791 Filed 8-4-22; 8:45 am]

**BILLING CODE 4184-25-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**Findings of Research Misconduct**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Findings of research misconduct have been made against Janina Jiang, M.D., Ph.D. (Respondent), former Assistant Researcher in the Department of Pathology & Laboratory Medicine at the David Geffen School of

Medicine, University of California, Los Angeles (UCLA). Respondent engaged in research misconduct in research included in grant applications submitted for U.S. Public Health Service (PHS) funds, specifically R43 CA228629-01 submitted to the National Cancer Institute (NCI), National Institutes of Health (NIH), UL1 TR000124 submitted to the National Center for Advancing Translational Sciences (NCATS), NIH, and P01 AI131294-01, R01 AI126914-01, R21 AI131013-01, R21 AI131451-01, R21 AI131451-01A1, R21 AI142068-01, R43 AI136224-01, R44 AI126960-01, and R44 AI128983-01 submitted to the National Institute of Allergy and Infectious Diseases (NIAID), NIH. The administrative actions, including supervision for a period of three (3) years, were implemented beginning on July 22, 2022, and are detailed below.

**FOR FURTHER INFORMATION CONTACT:**

Wanda K. Jones, Dr.P.H., Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 240, Rockville, MD 20852, (240) 453-8200.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

*Janina Jiang, M.D., Ph.D., University of California, Los Angeles:* Based on the report of an investigation conducted by UCLA and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Janina Jiang, former Assistant Researcher in the Department of Pathology & Laboratory Medicine at the David Geffen School of Medicine, UCLA, engaged in research misconduct in research included in grant applications submitted for PHS funds, specifically R43 CA228629-01 submitted to NCI, NIH, UL1 TR000124 submitted to NCATS, NIH, and P01 AI131294-01, R01 AI126914-01, R21 AI131013-01, R21 AI131451-01, R21 AI131451-01A1, R21 AI142068-01, R43 AI136224-01, R44 AI126960-01, and R44 AI128983-01 submitted to NIAID, NIH.

ORI found that Respondent engaged in research misconduct by knowingly and recklessly falsifying and/or fabricating flow cytometry data that were included in the following eleven (11) grant applications submitted for PHS funds:

- R43 CA228629-01, “CTL Based Therapeutic Vaccine to Prevent or Interrupt HPV Mediated Oncogenesis,” submitted to NCI, NIH, Awarded Project Dates: September 18, 2018-February 29, 2020.
- UL1 TR000124, “UCLA Clinical and Translational Science Institute,”

submitted to NCATS, NIH, Awarded Project Dates: June 1, 2011-August 31, 2016.

- P01 AI131294-01, “Defining Factors Controlling HIV Rebound,” submitted to NIAID, NIH, Awarded Project Dates: August 10, 2017-July 31, 2022.
- R01 AI126914-01, “A Recombinant Human Vault CTL-Based HIV Vaccine Component,” submitted to NIAID, NIH, on December 23, 2015.
- R21 AI131013-01, “A Novel Cellular Immune Zika Vaccine,” submitted to NIAID, NIH, on June 14, 2016.
- R21 AI131451-01, “A Novel Therapeutic Vaccine for HPV Oncogenesis,” submitted to NIAID, NIH, on June 14, 2016.
- R21 AI131451-01A1, “A Novel Therapeutic Vaccine for HPV Oncogenesis,” submitted to NIAID, NIH, on June 13, 2017.
- R21 AI142068-01, “A Novel Therapeutic Vaccine for HPV Oncogenesis,” submitted to NIAID, NIH, on February 12, 2018.
- R43 AI136224-01, “Development of A Novel Pan-Serovar Vaccine for Chlamydia,” submitted to NIAID, NIH, on April 5, 2017.
- R44 AI126960-01, “Novel Pan-Serovar Vaccine for Chlamydia,” submitted to NIAID, NIH, on January 4, 2016.
- R44 AI128983-01, “Design of a Novel CTL Retargeting Therapeutic HIV Vaccine,” submitted to NIAID, NIH, on April 2, 2016.

ORI found that Respondent knowingly and recklessly falsified and/or fabricated flow cytometry data to represent interferon- $\gamma$  (IFN- $\gamma$ ) expression in immune cells of mice administered with human recombinant vaults such that the represented data were incompatible with the raw experimental data. Specifically, Respondent falsified and/or fabricated flow cytometry data to represent:

- IFN- $\gamma$  expression in the immune cells of mice injected subcutaneously or intranasally with human recombinant vaults containing HIV Gag peptides such that the vaccinated arm of the experiment showed antigen-specific T-cell responses in:
  - Figure 6 of UL1 TR000124
  - Figure 2 of R43 CA228629-01
  - Figure 8 of R21 AI131451-01
  - Figure 9 of R21 AI131451-01A1
  - Figure 9 of R44 AI126960-01
  - Figure 3 of R43 AI136224-01
  - Figure 9 of R21 AI131013-01
  - Figure 7 of R01 AI126914-01
  - Figure 7 of R44 AI128983-01
  - Figures 8A and 8B of R21 AI142068-01

- increased IFN- $\gamma$  expression in the immune cells of mice injected with human recombinant vaults containing HPV peptides in Figure 3 of R43 CA228629-01

- dose-dependent increase in IFN- $\gamma$  expression in the immune cells of mice injected with human recombinant vaults containing HIV Gag peptides in Figure 8 of P01 AI131294-01 and Figure 8C of R21 AI142068-01

- IFN- $\gamma$  expression in the immune cells of mice administered intranasally with human recombinant vaults containing HPV peptides in Figure 10 of R21 AI131451-01A1 and Figure 10 of R21 AI142068-01

- IFN- $\gamma$  expression in the immune cells of mice administered orally with human recombinant vaults containing HIV Gag peptides in Figure 11 of R21 AI131451-01A1 and Figure 9 of R21 AI142068-01

- IFN- $\gamma$  expression in the immune cells of mice immunized subcutaneously with increasing doses of human recombinant vaults containing HIV Gag-1 spanning peptides in Figure 14 of R01 AI126914-01 and Figure 13 of R44 AI128983-01

Dr. Jiang entered into a Voluntary Settlement Agreement (Agreement) and voluntarily agreed to the following:

(1) Respondent will have her research supervised for a period of three (3) years beginning on July 22, 2022 (the “Supervision Period”). Prior to the submission of an application for PHS support for a research project on which Respondent’s participation is proposed and prior to Respondent’s participation in any capacity in PHS-supported research, Respondent will submit a plan for supervision of Respondent’s duties to ORI for approval. The supervision plan must be designed to ensure the integrity of Respondent’s research. Respondent will not participate in any PHS-supported research until such a supervision plan is approved by ORI. Respondent will comply with the agreed-upon supervision plan.

(2) The requirements for Respondent’s supervision plan are as follows:

- i. A committee of two senior faculty members at the institution who are familiar with Respondent’s field of research, but not including Respondent’s supervisor or collaborators, will provide oversight and guidance for a period of three (3) years from the effective date of this Agreement. The committee will review Respondent’s primary data on a quarterly basis and submit a report to ORI at six (6) month intervals setting forth the committee meeting dates and Respondent’s compliance with appropriate research standards and

confirming the integrity of Respondent's research.

ii. The committee will conduct an advance review of each application for PHS funds, or report, manuscript, or abstract involving Respondent's research. The review will include a discussion with Respondent of the primary data represented in those documents and will include a certification to ORI that the Respondent's data presented in the proposed application, report, manuscript, or abstract are supported by the research record.

(3) During the Supervision Period, Respondent will ensure that any institution employing her submits, in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS-supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported and not plagiarized in the application, report, manuscript, or abstract.

(4) If no supervision plan is provided to ORI, Respondent will provide certification to ORI at the conclusion of the Supervision Period that her participation was not proposed on a research project for which an application for PHS support was submitted and that she has not participated in any capacity in PHS-supported research.

(5) During the Supervision Period, Respondent will exclude herself voluntarily from serving in any advisory or consultant capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee.

Dated: August 2, 2022.

**Wanda K. Jones,**

*Acting Director, Office of Research Integrity,  
Office of the Assistant Secretary for Health.*

[FR Doc. 2022-16867 Filed 8-4-22; 8:45 am]

**BILLING CODE 4150-31-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2022-0258]

### National Maritime Security Advisory Committee; Vacancies

**AGENCY:** U.S. Coast Guard, Department of Homeland Security.

**ACTION:** Request for applications.

**SUMMARY:** The U.S. Coast Guard seeks applications to fill two member vacancies on the National Maritime Security Advisory Committee (Committee). This Committee provides advice and makes recommendations to the Secretary of Homeland Security, via the Commandant of the U.S. Coast Guard, on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and State, local, and tribal governments; relevant public safety and emergency response agencies; relevant law enforcement and security organizations; maritime industry; port owners and operators; and terminal owners and operators.

**DATES:** Your completed application should reach the U.S. Coast Guard on or before September 6, 2022.

**ADDRESSES:** Applications should include a cover letter expressing interest in an appointment to the National Maritime Security Advisory Committee and a resume detailing the applicant's relevant experience for the position applied for, with a brief biography. Incomplete applications will not be considered. Applications should be submitted via email with the subject line "Application for NMSAC" to [ryan.f.owens@uscg.mil](mailto:ryan.f.owens@uscg.mil).

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee; telephone: 202-372-1108 or email at [ryan.f.owens@uscg.mil](mailto:ryan.f.owens@uscg.mil)

**SUPPLEMENTARY INFORMATION:** The National Maritime Security Advisory Committee is a Federal advisory committee. The Committee was established on December 4, 2018, by § 602 of the *Frank LoBiondo Coast Guard Authorization Act of 2018*, Public Law 115-282, 132 Stat. 4192, and is codified in 46 U.S.C. 70112. The Committee operates under the provisions of the *Federal Advisory Committee Act*, (5 U.S.C. Appendix), and 46 U.S.C. 15109. The National Maritime Security Advisory Committee provides advice, consults with, and makes recommendations to the Secretary of Homeland Security, via the Commandant of the Coast Guard, on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

A. State, local, and tribal governments;

B. relevant public safety and emergency response agencies;

C. relevant law enforcement and security organizations;

D. maritime industry;

E. port owners and operators; and

F. terminal owners and operators.

The Committee is required to meet at least once a year in accordance with 46 U.S.C. 15109(a). We expect the Committee will hold meetings at least twice a year, but it may meet more frequently.

All members serve at their own expense and receive no salary or other compensation from the Federal Government. Members may be reimbursed for travel and per diem in accordance with Federal Travel regulations.

Under the provisions in 46 U.S.C. 15109(f)(6), if you are appointed as a member of the Committee, your membership term will expire on December 31 of the third full year after the effective date of your appointment. In this solicitation for Committee members, we will consider applications for two (2) positions:

- Facilities owners and operators.
- State and local governments.

Each member of the Committee must have particular expertise, knowledge, and experience in matters relating to the function of the Committee, which is to advise the Secretary of Homeland Security on the matters described above.

Consistent with 46 U.S.C. 15109(f)(4), Committee members are required to apply for, obtain, and maintain a government national security clearance at the Secret level. The U.S. Coast Guard will sponsor and assist candidates with this process.

In order for the Department, to fully leverage broad-ranging experience and education, the National Maritime Security Advisory Committee must be diverse with regard to professional and technical expertise. The Department is committed to pursuing opportunities, consistent with applicable law, to compose a committee that reflects the diversity of the nation's people.

If you are interested in applying to become a member of the Committee, email your cover letter and resume along with the brief biography to [ryan.f.owens@uscg.mil](mailto:ryan.f.owens@uscg.mil) via the transmittal method in the **ADDRESSES** section by the deadline in the **DATES** section of this notice.

Dated: August 1, 2022.

**Amy M. Beach,**

*Captain, U.S. Coast Guard, Director of Inspections and Compliance.*

[FR Doc. 2022-16823 Filed 8-4-22; 8:45 am]

BILLING CODE 9110-04-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R6-ES-2021-N213;  
FXES1113060000-223-FF06E00000]

**Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of Five Listed Species in the Mountain-Prairie Region**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, are initiating 5-year status reviews of five species under the Endangered Species Act of 1973, as amended. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review of the species.

**DATES:** To ensure consideration in our reviews, we are requesting submission of new information no later than October 4, 2022. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For instructions on how to submit information for each species, see the table in the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** To request information, contact the appropriate person in the table in the **SUPPLEMENTARY INFORMATION** section, or for general information, contact Craig Hansen, Regional Recovery Coordinator, by phone at 303-236-4748 or by email at [craig\\_hansen@fws.gov](mailto:craig_hansen@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** We are initiating 5-year status reviews under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*) for one plant and four animals in the Mountain-Prairie Region. A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information that has become available since the last review for the species.

**Why do we conduct 5-year status reviews?**

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For

additional information about 5-year status reviews, go to <https://www.fws.gov/endangered/what-we-do/recovery-overview.html>, scroll down to "Learn More about 5-Year Status Reviews," and click on our factsheet.

**What information do we consider in our review?**

A 5-year status review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

- (A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;
- (B) Habitat conditions, including but not limited to amount, distribution, and suitability;
- (C) Conservation measures that have been implemented that benefit the species;
- (D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and
- (E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year status review and will also be useful in evaluating the ongoing recovery programs for the species.

**Which species are under review?**  
This notice announces our active review of the five species listed in the table below.

**Which species are under review?**

This notice announces our active review of the five species listed in the table below.

Common name	Scientific name	Listing status	Historical range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
Canada lynx .....	<i>Lynx canadensis</i> ..	Threatened ....	Maine, New Hampshire, Minnesota, Montana, Wyoming, Idaho, Washington, Colorado.	68 FR 40076; 7/3/2003.	Ben Conard, Acting Project Leader, 406-758-6882; <a href="mailto:ben_conard@fws.gov">ben_conard@fws.gov</a> .	Ecological Services, Montana Field Office, 585 Shephard Way, Suite 1, Helena, MT 59601.
Greenback cutthroat trout.	<i>Oncorhynchus clarkii stomias</i> .	Threatened ....	Colorado, Utah .....	32 FR 4001; 3/11/1967.	Liisa Niva, Assistant Field Supervisor, 303-236-4779; <a href="mailto:liisa_niva@fws.gov">liisa_niva@fws.gov</a> .	Ecological Services, Colorado Field Office, P.O. Box 25486, Mail Stop 65412, Denver, CO 80225.
Mosquito range mustard (formerly known as Penland alpine fen mustard).	<i>Eutrema penlandii</i>	Threatened ....	Colorado .....	58 FR 40539; 7/28/1993.	Liisa Niva (information above).	Ecological Services, Western Colorado Field Office, 445 W Gunnison Ave., #240, Grand Junction, CO 81501-5711.
Uncompahgre fritillary butterfly.	<i>Boloria acrocynema</i>	Endangered ...	Colorado .....	56 FR 28712; 6/24/1991.	Ann Timberman, Assistant Field Supervisor, Colorado Field Office, 970-628-7181; <a href="mailto:ann_timberman@fws.gov">ann_timberman@fws.gov</a> .	Ecological Services, Western Colorado Field Office, 445 W Gunnison Ave., #240, Grand Junction, CO 81501-5711.

Common name	Scientific name	Listing status	Historical range	Final listing rule (Federal Register citation and publication date)	Contact person, phone, email	Contact person's U.S. mail address
Salt Creek tiger beetle	<i>Cicindela nevadica lincolniiana</i> .	Endangered ...	Nebraska .....	70 FR 58335; 10/6/2005.	Mark Porath, Project Leader, 308-382-6468; mark_porath@fws.gov.	Ecological Services, Nebraska Field Office, 9325 South Alda Road, Wood River, NE 68883.

**Request for New Information**

To ensure that a 5-year status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See What Information Do We Consider in Our Review? for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

**How do I ask questions or provide information?**

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in the table above. You may also direct questions to those contacts. 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.

**Public Availability of Submissions**

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.

**Contents of Submissions**

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to be relevant to agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

**Authority**

We publish this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Anna Muñoz,**

*Deputy Regional Director, Lakewood, Colorado.*

[FR Doc. 2022-16772 Filed 8-4-22; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Ocean Energy Management**

[Docket No. BOEM-2022-0021]

**Notice of Availability of a Draft Environmental Impact Statement for Ocean Wind, LLC's Proposed Wind Energy Facility Offshore New Jersey; Extension of Comment Period**

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Draft environmental impact statement (DEIS); extension of comment period.

**SUMMARY:** On June 24, 2022, BOEM published a notice of availability (NOA) in the **Federal Register** announcing a public comment period regarding the DEIS for Ocean Wind, LLC's (Ocean Wind) construction and operations plan (COP) for a proposed wind energy facility offshore New Jersey. BOEM is extending the comment period on the DEIS. This notice announces a 15-day extension of the public comment period from August 8, 2022, to August 23, 2022. After BOEM addresses comments provided, BOEM will publish a final environmental impact statement (FEIS). The FEIS will inform BOEM's decision whether to approve, approve with modifications, or disapprove the COP. **DATES:** Comments must be received no later than August 23, 2022.

**ADDRESSES:** The DEIS and detailed information about Ocean Wind's

project, including the COP, can be found on BOEM's website at: <https://www.boem.gov/renewable-energy/state-activities/ocean-wind-1>. Comments can be submitted in any of the following ways:

- In written form by mail, enclosed in an envelope labeled "Ocean Wind 1 COP DEIS" and addressed to Program Manager, Office of Renewable Energy Programs, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.
- Through the [regulations.gov](https://www.regulations.gov) web portal: Navigate to <https://www.regulations.gov> and search for Docket No. BOEM-2022-0021. Click on the "Comment" button below the document link. Enter your information and comment, then click "Submit Comment."

**FOR FURTHER INFORMATION CONTACT:**

Jessica Stromberg, BOEM Office of Renewable Energy Programs, 45600 Woodland Road, Sterling, Virginia 20166, (703) 787-1730 or [jessica.stromberg@boem.gov](mailto:jessica.stromberg@boem.gov).

**SUPPLEMENTARY INFORMATION:** Please refer to the NOA published in the **Federal Register** (87 FR 37883) on June 24, 2022, for further information. Comments already submitted in response to the June 24, 2022, NOA do not need to be resubmitted. BOEM does not consider anonymous comments. Please include your name and address as part of your comment. BOEM makes all comments in their entirety, including your name and address, available for public review online and during regular business hours. You may request that BOEM withhold your name, address, or any other personal identifiable information (PII) included in your comment from the public record. However, BOEM cannot guarantee that it will be able to do so. If you wish your name, address, or other PII to be withheld, you must state your request prominently in a cover letter and explain the harm that you fear from its disclosure such as unwarranted privacy invasion, embarrassment, or injury. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be

made available for public inspection in their entirety.

*Authority:* 42 U.S.C. 4231 *et seq.* (NEPA, as amended) and 40 CFR 1506.6.

**William Y. Brown,**

*Chief Environmental Officer, Bureau of Ocean Energy Management.*

[FR Doc. 2022-16647 Filed 8-4-22; 8:45 am]

**BILLING CODE 4310-MR-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1209 (Enforcement)]

### Certain Movable Barrier Operator Systems and Components Thereof; Notice of Institution of Formal Enforcement Proceeding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to institute a formal enforcement proceeding relating to the limited exclusion order (“LEO”) and cease and desist order (“CDO”) (collectively, “the remedial orders”) issued against The Chamberlain Group, LLC (formerly, The Chamberlain Group, Inc.) (“Chamberlain”) on February 9, 2022, and modified on March 30, 2022, in the above-referenced investigation.

**FOR FURTHER INFORMATION CONTACT:** Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On August 10, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, “OHD”). See 85 FR 48264-65 (Aug. 10, 2020). The complaint, as

supplemented, alleged a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345; 7,173,516 (“the ‘516 patent”); 7,180,260; 9,483,935 (“the ‘935 patent”); 7,956,718 (“the ‘718 patent”); and 8,410,895 (“the ‘895 patent”). See *id.* The notice of investigation named Chamberlain of Oak Brook, Illinois as the respondent in this investigation. See *id.* The Office of Unfair Import Investigations (“OUII”) was not a party to the investigation. See *id.*

On February 10, 2021, the Commission terminated the investigation as to the ‘516 patent based on the withdrawal of the allegations in the complaint as to that patent. See Order No. 10 (Jan. 19, 2021), *unreviewed by Comm’n Notice* (Feb. 10, 2021).

On February 9, 2022, the Commission issued a final determination finding a violation of section 337 based on Chamberlain’s infringement of the asserted claims of the ‘935, ‘718, and ‘895 patents. See 87 FR 8605-06 (Feb. 15, 2022). The Commission further determined to: (1) issue an LEO against Chamberlain’s infringing products and a CDO against Chamberlain; and (2) set a bond during the period of Presidential review in the amount of one hundred (100) percent of the entered value of the infringing articles. See *id.*

On March 30, 2022, the Commission issued modified remedial orders to confirm that the covered products or articles in the remedial orders include garage door openers, gate operators, and commercial operators. See 87 FR 19709-10 (Apr. 5, 2022).

On July 1, 2022, OHD filed a complaint requesting that the Commission institute an enforcement proceeding under Commission Rule 210.75 (19 CFR 210.75) to investigate alleged violations of the remedial orders by Chamberlain.

Having examined the enforcement complaint and the supporting documents, the Commission has determined to institute a formal enforcement proceeding, pursuant to Commission Rule 210.75(a) (19 CFR 210.75(a)), to determine whether violations of the remedial orders, issued on February 9, 2022, and modified on March 30, 2022, in the above-referenced investigation, have occurred and to determine what, if any, enforcement measures are appropriate. The named respondent is Chamberlain. OUII is also named as a party. In the Order issued concurrently herewith, the Commission

has delegated this enforcement proceeding to the Chief Administrative Law Judge for designation of a presiding Administrative Law Judge to conduct any necessary proceedings, issue an Enforcement Initial Determination, and make a recommendation on appropriate enforcement measures, if any.

The Commission’s vote on this determination took place on August 1, 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: August 1, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022-16789 Filed 8-4-22; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1259]

### Certain Toner Supply Containers and Components Thereof (I); Notice of Commission Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has found a violation of section 337 of the Tariff Act of 1930, as amended, in this investigation and has issued a general exclusion order (“GEO”) prohibiting the importation of certain infringing toner supply containers and components thereof, as well as cease and desist orders (“CDOs”) against certain defaulting respondents. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3228. 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](mailto: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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On April 13, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Canon Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Melville, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, "Complainants"). See 86 FR 19284-86. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain toner supply containers and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 10,209,667 ("the '667 patent"); 10,289,060 ("the '060 patent"); 10,289,061 ("the '061 patent"); 10,295,957 ("the '957 patent"); 10,488,814 ("the '814 patent"); 10,496,032 ("the '032 patent"); 10,496,033 ("the '033 patent"); 10,514,654 ("the '654 patent"); 10,520,881 ("the '881 patent"); 10,520,882 ("the '882 patent"); 8,565,649; 9,354,551; and 9,753,402. *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The Commission instituted two separate investigations based on the complaint and defined the scope of the present investigation as whether there is a violation of section 337 in the importation, sale for importation, or sale within the United States after importation of toner supply containers and components thereof by reason of infringement of certain claims the '667 patent, the '060 patent, the '061 patent, the '957 patent, the '814 patent, the '032 patent, the '033 patent, the '654 patent, the '881 patent, and the '882 patent (collective, "the Asserted Patents"). *Id.*

The notice of investigation ("NOI") names twenty-six respondents, including twenty-two later found in default: (1) Sichuan XingDian Technology Co., Ltd. ("Sichuan XingDian") of Sichuan, China; (2) Sichuan Wiztoner Technology Co., Ltd. ("Sichuan Wiztoner") of Sichuan, China; (3) Copier Repair Specialists, Inc. ("Copier Repair Specialists") of Lewisville, Texas; (4) Digital Marketing Corporation d/b/a Digital Buyer Marketing Company ("Digital Buyer") of Los Angeles, California; (5) Ink Technologies Printer Supplies, LLC

("Ink Tech") of Dayton, Ohio; (6) Kuhlmann Enterprises, Inc. d/b/a Precision Roller ("Precision Roller") of Phoenix, Arizona; (7) NAR Cartridges of Burlingame, California; (8) Zhuhai Henyun Image Co., Ltd. ("Zhuhai Henyun") of Zhuhai, China; (9) Zinyaw LLC d/b/a TonerPirate.com and Supply District ("Zinyaw") of Houston, Texas; (10) Do It Wiser, Inc. d/b/a Image Toner ("Do It Wiser") of Wilmington, Delaware; (11) MITOCOLOR INC. ("MITOCOLOR") of Rowland Heights, California; (12) Anhuiyatengshang maoyouxiangongsi ("Yatengshang") of Ganyuqu, China; (13) ChengDuXiang ChangNanShiYouSheBeiYou XianGongSi ("ChengDuXiang") of SiChuanSheng, China; (14) Hefeier landianzishangwuyouxiangongsi ("Erlandianzishang") of Chengdushi, China; (15) Xianshi yanliangqu canqiubaihuodianshanghang ("CJ-us") of Shanxisheng, China; (16) Ninestar Corporation of Guangdong, China; (17) Ninestar Image Tech Limited ("Ninestar Image") of Guangdong, China; (18) Ninestar Technology Company, Ltd. ("Ninestar Tech") of Chino, California (where Ninestar Corporation, Ninestar Image, and Ninestar Tech are collectively, "Ninestar Respondents"); (19) Static Control Components, Inc. ("Static Control") of Sanford, North Carolina; (20) Easy Group, LLC ("Easy Group") of Irwindale, California; (21) LD Products, Inc. ("LD Products") of Long Beach, California; and (22) The Supplies Guys, Inc. ("Supplies Guys") of Lancaster, Pennsylvania; (collectively, "Defaulting Respondents"). *Id.* The NOI also names the following respondents who were previously terminated from the investigation: General Plastic Industrial Co. Ltd. ("General Plastic") of Taichung, Taiwan; Katun Corporation ("Katun") of Minneapolis, Minnesota; Sun Data Supply, Inc. ("Sun Data Supply") of Los Angeles, California; and Shenzhenshi Keluodeng Kejiyouxiangognsi ("KenoGen") of Guangdong, China. *Id.* The Office of Unfair Import Investigations ("OUII") is also a party to the investigation. *Id.*

The complaint and NOI were later amended to correct the name of originally-identified respondent Do It Wiser, LLC d/b/a Image Toner to Do It Wiser, Inc. d/b/a Image Toner. Order No. 5 (May 13, 2021), *unreviewed by* 86 FR 29292-93 (June 1, 2021).

The Commission previously found the Ninestar Respondents, Static Control, Easy Group, LD Products, and Supplies Guys in default. Order No. 7 (June 22, 2021), *unreviewed by* Notice (July 6, 2021). The Commission also previously found respondents Sichuan XingDian,

Sichuan Wiztoner, Copier Repair Specialists, Digital Buyer, Ink Tech, Precision Roller, NAR Cartridges, Zhuhai Henyun, Zinyaw, Do It Wiser, MITOCOLOR, Yatengshang, ChengDuXiang, Erlandianzishang, and CJ-us in default. Order No. 18 (Sept. 28, 2021), *unreviewed by* Notice (Oct. 27, 2021).

The Commission previously terminated respondents General Plastic, Katun, and Sun Data Supply from the investigation pursuant to consent order stipulations. Order No. 10 (July 1, 2021), *unreviewed by* Notice (July 19, 2021). The Commission further terminated respondent KenoGen from the investigation based on partial withdrawal of the complaint. Order No. 13, *unreviewed by* Notice (Aug. 25, 2021).

The Commission also previously terminated investigation as to certain claims of the Asserted Patents. Order No. 11, *unreviewed by* Notice (Aug. 25, 2021).

On October 1, 2021, Canon filed a motion seeking summary determination that the Defaulting Respondents have violated section 337 and requesting that the ALJ recommend that the Commission issue a GEO and CDOs against certain respondents, and set a 100 percent bond for any importations of infringing goods during the period of Presidential review. On October 12, 2021, OUII filed a response supporting Canon's motion and requested remedial relief. None of the Defaulting Respondents filed a response to Canon's motion.

On May 15, 2022, the presiding Chief Administrative Law Judge ("CALJ") issued an initial determination ("ID") granting Canon's motion and finding violations of section 337 by the Defaulting Respondents. Specifically, the ID finds that: (i) the Commission has subject matter, personal, and in rem jurisdiction in this investigation; (ii) Canon has standing to assert the Asserted Patents; (iii) Canon has satisfied the importation requirement as to all Defaulting Respondents; (iv) the accused products practice claim 1 of the '667 patent; claim 1 of the '060 patent; claim 1 of the '061 patent; claim 1 of the '957 patent; claims 1 and 12 of the '814 patent; claims 50, 58, and 61 of the '032 patent; claims 1 and 13 of the '033 patent; claims 46 and 50 of the '654 patent; claims 1, 10, and 13 of the '881 patent; and claims 1 and 8 of the '882 patent; (v) Canon has satisfied the technical prong of the DI requirement with respect to the Asserted Patents; (vi) Canon has satisfied the economic prong of the DI requirement with respect to the Asserted Patents; and (vii) no claim of

the Asserted Patents has been shown invalid. The CALJ's recommended determination on remedy and bonding recommended that the Commission: (i) issue a GEO, (ii) issue CDOs against respondents Ninestar Tech, Static Control, Copier Repair Specialists, Digital Buyer, Do It Wiser, Easy Group, Ink Tech, Precision Roller, LD Products, NAR Cartridges, Supplies Guys, MITOCOLOR, Zinyaw, Ninestar Corporation, Ninestar Image, Sichuan XingDian, Sichuan Wiztoner, Yatengshang, ChengDuXiang, and Erlandianzishang, and (iii) set a 100 percent bond for any importations of infringing products during the period of Presidential review. No party petitioned for review of the subject ID.

The Commission did not receive any submissions on the public interest from the parties pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). The Commission received one submission on the public interest from a member of the public in response to the Commission's **Federal Register** notice. 87 FR 16230–31 (March 22, 2022).

On April 29, 2022, the Commission determined to review the ID in part. 87 FR 26783–85 (May 5, 2022). Specifically, the Commission determined to review the ID's findings with respect to whether terminated respondent Sun Data Supply has satisfied the importation requirement and the ID's analysis of the economic prong of domestic industry requirement. *Id.* The Commission further requested briefing on remedy, bonding, and the public interest. *Id.*

On May 13, 2022, Canon and OUII filed initial written responses to the Commission's request for briefing. On May 19, 2022, OUII filed its reply submission. On May 20, 2022, Canon filed its reply submission.

Having reviewed the record of the investigation, including the ID and Canon's and OUII's submissions, the Commission has found a violation of section 337 with respect to Defaulting Respondents. The Commission vacates the ID's findings with respect to whether terminated respondent Sun Data Supply has satisfied the importation requirement. The Commission affirms, with modified analysis, the ID's findings that the economic prong of the domestic industry requirement has been satisfied under section 337(a)(3)(A) and (B). *See* 19 U.S.C. 1337(a)(3)(A), (B).

(Commissioner Kearns finds the economic prong satisfied under section 337(a)(3)(A) and takes no position with respect to section 337(a)(3)(B)). (Commissioner Stayin does not join the

Commission's analysis, but joins the Commission's determination that Canon has satisfied the economic prong of the domestic industry requirement.) The Commission also corrects two typographical errors on pages 71 and 80 of the ID, as explained in the Commission's opinion.

The Commission has determined that the appropriate remedy in this investigation is: (1) a GEO prohibiting the unlicensed entry of certain toner supply containers and components thereof that infringe one or more of claim 1 of the '667 patent; claim 1 of the '060 patent; claim 1 of the '061 patent; claim 1 of the '957 patent; claims 1 and 12 of the '814 patent; claims 50, 58, and 61 of the '032 patent; claims 1 and 13 of the '033 patent; claims 46 and 50 of the '654 patent; claims 1, 10, and 13 of the '881 patent; or claims 1 and 8 of the '882 patent; and (2) CDOs against Ninestar Tech, Static Control, Copier Repair Specialists, Digital Buyer, Do It Wiser, Easy Group, Ink Tech, Precision Roller, LD Products, NAR Cartridges, Supplies Guys, MITOCOLOR, Zinyaw, Ninestar Corporation, Ninestar Image, Sichuan XingDian, Sichuan Wiztoner, Yatengshang, ChengDuXiang, and Erlandianzishang. The Commission finds that the public interest factors do not preclude issuance of the requested relief. *See* 19 U.S.C. 1337(d)(1), (f)(1), (g)(1). The Commission has also determined that the bond during the period of Presidential review shall be in the amount of 100 percent of the entered value of the Accused Products that are subject to the GEO and CDOs. *See* 19 U.S.C. 1337(j).

The Commission's reasoning in support of its determinations is set forth more fully in its opinion. The Commission's opinion and orders were delivered to the President and to the United States Trade Representative on the day of their issuance. The investigation is terminated.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on August 1, 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: August 1, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022–16788 Filed 8–4–22; 8:45 am]

**BILLING CODE 7020–02–P**

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## JUDICIAL CONFERENCE OF THE UNITED STATES

### Advisory Committees on Appellate, Bankruptcy, Civil, and Evidence Rules; Hearings of the Judicial Conference

**AGENCY:** Judicial Conference of the United States.

**ACTION:** Advisory Committees on Appellate, Bankruptcy, Civil, and Evidence Rules; notice of proposed amendments and open hearings.

**DATES:** All written comments and suggestions with respect to the proposed amendments may be submitted on or after the opening of the period for public comment on August 15, 2022, but no later than February 16, 2023.

**ADDRESSES:** Written comments must be submitted electronically, following the instructions provided on the website. All comments submitted will be posted on the website and available to the public.

Public hearings either virtually or in person are scheduled on the proposed amendments as follows:

- Appellate Rules on October 13, 2022 and January 5, 2023;
- Bankruptcy Rules on January 6, 2023 and January 13, 2023;
- Civil Rules on October 12, 2022 and January 5, 2023; and
- Evidence Rules on January 20, 2023 and January 27, 2023.

Those wishing to testify must contact the Secretary of the Committee on Rules of Practice and Procedure by email at: [RulesCommittee\\_Secretary@ao.uscourts.gov](mailto:RulesCommittee_Secretary@ao.uscourts.gov), at least 30 days before the hearing.

**FOR FURTHER INFORMATION CONTACT:** H. Thomas Byron III, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, [RulesCommittee\\_Secretary@ao.uscourts.gov](mailto:RulesCommittee_Secretary@ao.uscourts.gov).



**SUPPLEMENTARY INFORMATION:** The Advisory Committees on Appellate, Bankruptcy, Civil, and Evidence Rules have proposed amendments to the following rules:

- Appellate Rules 32, 35, 40, and Appendix on Length Limits
- Bankruptcy Restyled Rules Parts VII to IX; Rules 1007, 4004, 5009, 7001, 9006, new Rule 8023.1, and Official Form 410A
- Civil Rule 12
- Evidence Rules 611, 613, 801, 804, and 1006

The text of the proposals will be posted by August 15, 2022, on the Judiciary's website at: <https://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

(Authority: 28 U.S.C. 2073.)

Dated: August 1, 2022.

**Shelly L. Cox,**

*Management Analyst, Rules Committee Staff.*

[FR Doc. 2022-16775 Filed 8-4-22; 8:45 am]

**BILLING CODE 2210-55-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Petition Requirements and Investigative Data Collection: Trade Adjustment Assistance

**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 September 6, 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](http://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](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 221(a) of Title II, Chapter 2 of the Trade Adjustment Assistance Act (19 U.S.C. 2271 *et seq.*) authorizes the Secretary of Labor (the Secretary) and the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. The petitions may be filed by a group of workers, a state workforce office, the certified or recognized union or duly authorized representative of the workers, employers of such workers, one-stop operators or one-stop partners. Sections 222, 223, and 249 of the Trade Act of 1974, as amended, require the Secretary to issue a determination for groups of workers as to their eligibility to apply for adjustment assistance. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 5, 2022 (87 FR 26790).

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:* Petition Requirements and Investigative Data

Collection: Trade Adjustment Assistance.

*OMB Control Number:* 1205-0342.

*Affected Public:* Individuals or Households; State, Local, and Tribal Governments; Private Sector—Businesses or other for-profits and not-for-profit institutions.

*Total Estimated Number of Respondents:* 5,317.

*Total Estimated Number of Responses:* 5,497.

*Total Estimated Annual Time Burden:* 12,977 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 1, 2022.

**Mara Blumenthal,**

*Senior PRA Analyst.*

[FR Doc. 2022-16837 Filed 8-4-22; 8:45 am]

**BILLING CODE 4510-FN-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NOTICE: [22-059]]

### Name of Information Collection: NASA Aviation Safety Reporting System (ASRS) and Related Voluntary Safety Reporting Systems

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections.

**DATES:** Comments are due by September 6, 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](http://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:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Claire Little, NASA Clearance Officer, NASA Headquarters, 300 E Street SW, JF0000, Washington, DC 20546, 202-358-2375 or email [claire.a.little@nasa.gov](mailto:claire.a.little@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The NASA Ames Research Center, Human Systems Integration Division, manages voluntary safety reporting systems to collect and share safety information including, but not limited to, the NASA Aviation Safety Reporting System (ASRS) and the Confidential Close Call Reporting System (C3RS). Both systems are voluntary reporting systems for the reporting of safety incidents, events, or situations. Respondents include, but are not limited to, any participant involved in safety-critical domains such as aviation or railway operations including commercial and general aviation pilots, drone operators, air traffic controllers, flight attendants, ground crews, maintenance technicians, dispatchers, train engineers, conductors, and other members of the public.

The collected safety data are used by NASA, Federal Aviation Administration (FAA), Federal Railroad Administration (FRA), and other organizations that are engaged in research and the promotion of safety. The data are used to (1) Identify deficiencies and discrepancies so that these can be remedied by appropriate authorities, (2) Support policy formulation and planning for improvements and, (3) Strengthen the foundation of human factors safety research. Respondents are not reimbursed for associated cost to provide the information. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

## II. Methods of Collection

NASA collects this information electronically and that is the preferred manner, however information may also be collected via mail.

## III. Data

*Title:* NASA Aviation Safety Reporting System (ASRS) and Related Voluntary Safety Reporting Systems.

*OMB Number:* 2700-0172.

*Type of review:* Renewal of a previously approved collection.

*Affected Public:* Individuals.

*Estimated Annual Number of Activities:* 100,000.

*Estimated Number of Respondents per Activity:* 1.

*Annual Responses:* 100,000.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 50,000 hours.

*Estimated Total Annual Cost:* \$3,880,000.

## IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

**Lori Parker,**

*NASA PRA Clearance Officer.*

[FR Doc. 2022-16795 Filed 8-4-22; 8:45 am]

**BILLING CODE 7510-13-P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (22-058)]

### NASA Heliophysics Advisory Committee; Space Weather Council; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration (NASA) announces a meeting of the Space Weather Council. The Space Weather Council is a subcommittee of the NASA Heliophysics Advisory Committee. The Committee functions in an advisory capacity to the Director, Heliophysics Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the science community and other persons, scientific and technical information relevant to program planning.

**DATES:** Wednesday, August 24, 2022, 10:00 a.m. to 5:00 p.m., Eastern Time.

**ADDRESSES:** The public meeting will be conducted virtually.

**FOR FURTHER INFORMATION CONTACT:** Mrs. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-2355, or [karshelia.kinard@nasa.gov](mailto:karshelia.kinard@nasa.gov).

**SUPPLEMENTARY INFORMATION:** This meeting will be available telephonically and via WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 1-800-369-1157 or toll number 1-630-395-0108, participant code 8005198, August 24, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>; the meeting number is 2762 251 4910; the password is Ht4JZM8tn\$2 (case sensitive).

The agenda for the meeting includes the following topics:

- The role of the Space Weather Council relative to other government advisory groups
- Space weather research gaps
- Opportunities for interagency collaboration

**Patricia Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2022-16792 Filed 8-4-22; 8:45 am]

**BILLING CODE 7510-13-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2022-0001]

### Sunshine Act Meetings

**TIME AND DATE:** Weeks of August 8, 15, 22, 29, September 5, 12, 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](mailto:Anne.Silk@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

**STATUS:** Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301-415-1969, or by email at

Wendy.Moore@nrc.gov or  
Betty.Thweatt@nrc.gov.

**MATTERS TO BE CONSIDERED:**

**Week of August 8, 2022**

There are no meetings scheduled for the week of August 8, 2022.

**Week of August 15, 2022—Tentative**

There are no meetings scheduled for the week of August 15, 2022.

**Week of August 22, 2022—Tentative**

There are no meetings scheduled for the week of August 22, 2022.

**Week of August 29, 2022—Tentative**

There are no meetings scheduled for the week of August 29, 2022.

**Week of September 5, 2022—Tentative**

There are no meetings scheduled for the week of September 5, 2022.

**Week of September 12, 2022—Tentative**

There are no meetings scheduled for the week of September 12, 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](mailto: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: August 3, 2022.

For the Nuclear Regulatory Commission.

**Wesley W. Held,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2022-16969 Filed 8-3-22; 4:15 pm]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 70-1151; NRC-2015-0039]

**Westinghouse Electric Company, LLC; Columbia Fuel Fabrication Facility**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental impact statement; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a final Environmental Impact Statement (EIS), NUREG-2248, "Environmental Impact Statement for the License Renewal of the Columbia Fuel Fabrication Facility In Richland County, South Carolina" for Westinghouse Electric Company, LLC's (WEC) license renewal application to renew its special nuclear material (SNM) license SNM-1107 to continue to operate its Columbia Fuel Fabrication Facility (CFFF) for an additional 40

years. The CFFF is located in Hopkins, South Carolina, and manufactures nuclear fuel assemblies for commercial nuclear power plants. If the WEC's license renewal request is granted, as proposed, the license would be effective for 40 years from the date the NRC approves the renewal.

**DATES:** The final EIS referenced in this document is available on August 5, 2022.

**ADDRESSES:** Please refer to Docket ID NRC-2015-0039 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2015-0039. Address questions about Docket IDs to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The final EIS is available in ADAMS under Accession No. ML22201A131.

- *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](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

- *Project Website:* Information related to the WEC project can be accessed on the NRC's WEC website at <https://www.nrc.gov/info-finder/fc/westinghouse-fuel-fab-fac-sc-llc.html>. Under the section titled "Operating," scroll down to "Key Documents" and click on final EIS, NUREG-2248.

- *Public Libraries:* A copy of the final EIS will be made available at the following public libraries: Richland Public Library—Main; 1431 Assembly Street, Columbia, SC 29201

Richland Public Library—Lower Richland; 9019 Garners Ferry Road, Hopkins, SC 29061

Richland Public Library—Eastover; 608 Main Street, Eastover, SC 29044

**FOR FURTHER INFORMATION CONTACT:**

Stacey Imboden, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-2462; email: [Stacey.Imboden@nrc.gov](mailto:Stacey.Imboden@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In accordance with section 51.118 of title 10 of the *Code of Federal Regulations* (10 CFR), "Final environmental impact statement—notice of availability," the NRC is making available NUREG-2248, which concerns the NRC's final EIS for the proposed renewal of WEC's license SNM-1107 for an additional 40 years. A Notice of Availability of the draft EIS (NUREG-2248) was published in the **Federal Register** (FR) on August 6, 2021, by the NRC (86 FR 43276) and the U.S. Environmental Protection Agency (86 FR 43236). The public comment period on the draft EIS closed on September 20, 2021. On September 28, 2021, the NRC re-opened the public comment period until November 19, 2021 to allow more time for the public to submit comments (86 FR 53694). The comments received are addressed in the final EIS. The final EIS is available as indicated in the **ADDRESSES** section of this document.

**II. Discussion**

The NRC is issuing the final EIS for an application from WEC requesting to renew its SNM license SNM-1107 to continue operating the CFFF for an additional 40 years. The CFFF is located in Hopkins, South Carolina, and has been operating since 1969. The WEC's license (SNM-1107) was last renewed by the NRC in 2007 for 20 years and will expire in September 2027. The proposed action is the renewal of the SNM-1107 license to allow the WEC to continue licensed operations and activities at the CFFF site for an additional 40 years from the date the NRC approves the license renewal request.

The final EIS is being issued as part of the NRC's process to decide whether to renew the SNM-1107 license pursuant to 10 CFR part 70. In this final EIS, the NRC staff has assessed the potential environmental impacts of the license renewal for an additional 40 years. The NRC staff assessed the impacts of the proposed action, the no-action alternative, and a 20-year license

renewal alternative on land use; transportation; geology and soils; water resources; ecological resources; air quality; noise; historical and cultural resources; visual and scenic resources; socioeconomics; environmental justice, public and occupational health, and waste management. Additionally, the final EIS analyzes and compares the benefits and costs of the proposed action and the alternatives. In preparing this final EIS, the NRC staff also considered, evaluated, and addressed the public comments received on the draft EIS. Appendix D of the final EIS summarizes the public comments received and the NRC's responses.

After comparing the impacts of the proposed action to those of the No-Action alternative and the 20-year license renewal alternative, the NRC staff, in accordance with the requirements in 10 CFR part 51, recommends the proposed action. This recommendation is based on (i) review of the license renewal application request, which includes the environmental report, supplemental documents, and the licensee's responses to the NRC staff's requests for additional information; (ii) consultation with Federal, State, and Tribal agencies and input from other stakeholders; (iii) the NRC staff's independent review; and (iv) the NRC staff's assessments in the final EIS.

Dated: July 29, 2022.

For the Nuclear Regulatory Commission.

**Christopher M. Regan,**

*Director, Division of Rulemaking,  
Environmental and Financial Support, Office  
of Nuclear Material Safety, and Safeguards.*

[FR Doc. 2022-16627 Filed 8-4-22; 8:45 am]

BILLING CODE 7590-01-P

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95398; File No. SR-CBOE-  
2022-040]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 4.5

August 1, 2022.

Pursuant to Section 19(b)(1) of the  
Securities Exchange Act of 1934 (the

“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 29, 2022, Cboe Exchange, Inc. (“Exchange” or “Cboe Options”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the “Exchange” or “Cboe Options”) proposes to amend Rule 4.5. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (<http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The proposed rule change amends Rule 4.5(d). Specifically, the Exchange

proposes to amend Rule 4.5(d)(6) to account for conflicts between different provisions within the Short Term Option Series Rules and make other clarifying changes.

In 2021, the Exchange amended Rule 4.5 to limit the intervals between strikes in equity options listed as part of the Short Term Option Series Program, excluding Exchange-Traded Fund Shares and ETNs, that have an expiration date more than twenty-one days from the listing date (“Strike Interval Proposal”).<sup>5</sup> The Strike Interval Proposal adopted new subparagraph (d)(6), which included a table that intended to specify the applicable strike intervals that would supersede subparagraph (d)(5)<sup>6</sup> for Short Term Option Series in equity options, excluding options on exchange-traded fund shares and on exchange-traded notes, which have an expiration more than 21 days from the listing date. The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes that have an expiration date more than 21 days from the listing date.

The Exchange proposes to amend Rule 4.5(d)(6) to clarify the current rule text and amend the application of the table to account for potential conflicts within the Short Term Option Series Rules. Currently, Rule 4.5(d)(6) provides that notwithstanding subparagraph (d)(5), when Short Term Option Series in equity options (excluding options on ETFs and ETNs) have an expiration more than 21 days from the listing date, the strike interval for each option class will be based on the following table:

<sup>5</sup> See Securities Exchange Act Release No. 91456 (April 1, 2021), 86 FR 18090 (April 7, 2021) (SR-CBOE-2021-019).

<sup>6</sup> Rule 4.5(d)(5) states the interval between strike prices on Short Term Option Series may be: (a) \$0.50 or greater where the strike is less than \$100 and \$1 or greater where the strike price is between \$100 and \$150 for all classes that participate in the Short Term Option Series Program; (b) \$0.50 or greater for classes that trade in one dollar increments in non-Short Term Options and that participate in the Short Term Option Series Program; or (c) \$2.50 or greater where the strike price is above \$150. A non-Short Term Option that is on a class that has been selected to participate in the Short Term Option Series Program is referred to as a “Related non-Short Term Option.”

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

Tier	Average daily volume	Share price <sup>7</sup>				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000 .....	\$0.50	\$1.00	\$1.00	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000 .....	1.00	1.00	1.00	5.00	10.00
3 .....	0 to 1,000 .....	2.50	5.00	5.00	5.00	10.00

First, the Exchange proposes to add the phrase “which specifies the applicable interval for listing” to the end of the first sentence of subparagraph (d)(6). The table within that subparagraph provides for the listing of intervals based on certain parameters (average daily volume and share price). The Exchange proposes to add the phrase “which specifies the applicable interval for listing” to clarify that the only permitted intervals are as specified in the table within subparagraph (d)(6), as proposed to be amended.

Second, the Exchange proposes to amend the table in subparagraph (d)(6) to address situations in which there is a conflict between applying the intervals in subparagraph (d)(5) and the table in subparagraph (d)(6). Today, there are instances where a conflict is presented as between the application of the table within subparagraph (d)(6) and the rule text within subparagraph (d)(5) with respect to the correct interval. To address these potential conflicts, the Exchange proposes that to the extent there is a conflict between applying the

current table within subparagraph (d)(6) and the rule text within subparagraph (d)(5), the greater interval would apply. To reflect this within the Rules, the Exchange proposes to amend the table in subparagraph (d)(6) to specify what the greater interval would be, and thus the interval the Exchange would apply, in the event of any possible conflict between the two rule provisions. Specifically, the proposed rule change amends the table as follows:

Tier	Average daily volume	Share price				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000.	\$0.50 for strikes less than \$100 in Short Term Option Series Program classes and classes that trade in \$1 increments in non-Short Term Options. \$1.00 for strikes between \$100 and \$150 for classes that do not otherwise trade in \$1.00 increments in non-Short Term Options. \$2.50 for strikes greater than \$150 .....	\$1.00 for strikes less than \$150  \$2.50 for strikes greater than \$150	\$1.00 for strikes less than \$150  \$2.50 for strikes greater than \$150	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000.	\$1.00 for strikes less than \$150 .....	\$1.00 for strikes less than \$150  \$2.50 for strikes greater than \$150	\$1.00 for strikes less than \$150  \$2.50 for strikes greater than \$150	\$5.00	\$10.00
3 .....	0 to 1,000 .....	\$2.50 .....	\$5.00	\$5.00	\$5.00	\$10.00

Below are some examples to demonstrate the application of the proposed table:

*Example 1:* Assume a Tier 1 stock that closed on the last day of Q1 with a quarterly share price higher than \$75 but less than \$150. Therefore, utilizing the current table within subparagraph (d)(6), the interval would be \$1.00 for strikes added during Q2 even for strikes above \$150. However, subparagraph (d)(5) provides that the Exchange may list a Short Term Option Series at \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals above \$150 during Q2. In this

example, current subparagraph (d)(6) would specify a \$1.00 interval whereas current subparagraph (d)(5) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current subparagraph (d)(5)), the permissible strike interval in this scenario would be \$2.50 as set forth in the proposed table. Therefore, during Q2, the following strikes would be eligible to list: \$152.50 and \$157.50. For strikes less than \$150, the following strikes would be eligible to list during Q2: \$149 and \$148 because Short Term Option Series with expiration dates more than 21 days from the listing date as well as Short Term Option Series

with expiration dates less than 21 days from the listing date would both be eligible to list \$1 intervals pursuant to both subparagraphs (d)(5) and (d)(6).

*Example 2:* Assume a Tier 2 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within subparagraph (d)(6), the interval would be \$1.00 for strikes added during Q2 even for strikes above \$25. However, subparagraph (d)(5) provides that the Exchange may list a Short Term Option Series at \$0.50 intervals where the strike is less than \$100, at \$1.00 intervals where the strike price is between \$100 and \$150, and at \$2.50 intervals where

<sup>7</sup> Share Price is the closing price on the primary market on the last day of the calendar quarter. In the event of a corporate action, the Share Price of the surviving company is utilized. The Average Daily Volume is the total number of option contracts traded in a given security for the

applicable calendar quarter divided by the number of trading days in the applicable calendar quarter. Beginning on the second trading day in the first month of each calendar quarter, the Average Daily Volume is calculated by utilizing data from the prior calendar quarter based on Customer-cleared

volume at OCC. For options listed on the first trading day of a given calendar quarter, the Average Daily Volume is calculated using the quarter prior to the last trading calendar quarter. See Rule 4.5(d)(6)(A) and (B).

the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$100 and above \$150 during Q2. In this example, current subparagraph (d)(6) would specify a \$1.00 interval for strikes below \$100 whereas current subparagraph (d)(5) would specify a \$0.50 interval. Consistent with selecting the greater interval (from current subparagraph (d)(6)), the permissible strike interval in this scenario for strikes below \$100 would be \$1.00 as set forth in the proposed table. For strikes between \$100 and \$150, there is no conflict, as both provisions would provide \$1.00 intervals for those strikes. For strikes above \$150, current subparagraph (d)(6) would specify a \$1.00 interval for strikes above \$150 whereas current subparagraph (d)(5) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current subparagraph (d)(5)), the permissible strike interval in this scenario for strikes above \$150 would be \$2.50 as set forth in the proposed table.

*Example 3:* Assume a Tier 3 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within subparagraph (d)(6), the interval would be \$2.50 for all strikes added during Q2. However, subparagraph (d)(5) provides that the Exchange may list a Short Term Option Series at \$0.50 intervals where the strike price is less than \$100, \$1.00 intervals where the strike price is between \$100 and \$150, and \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$150 during Q2 (there is no conflict for strikes above \$150, as both provisions provide for a \$2.50 strike interval). Consistent with selecting the greater interval (from current subparagraph (d)(6)), the permissible strike interval in this scenario for strikes below \$150 would be \$2.50 as set forth in the proposed table.<sup>8</sup>

Third, the Exchange proposes to delete the last sentence of the introductory paragraph of subparagraph (d)(6), which states “[t]he below table indicates the applicable strike intervals and supersedes subparagraph (d)(4) above, which permits additional series to be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly

market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened.” The table within subparagraph (d)(6) supersedes other rules pertaining to strike intervals, but the table does not supersede rules governing the addition of options series. Therefore, the table within subparagraph (d)(6) and the rule text of subparagraph (d)(4) do not conflict with each other. Deleting the reference to subparagraph (d)(4) will avoid potential confusion.

Fourth, the Exchange proposes to delete subparagraph (d)(6)(D), which states “[n]otwithstanding the limitations imposed by this subparagraph (d)(6), this subparagraph (d)(6) does not amend the range of strikes for Short Term Option Series may be listed pursuant to subparagraph (d)(5) above.” While the range limitations continue to be applicable within subparagraph (d)(6), the strike ranges do not conflict with the strike intervals and therefore the sentence is not necessary. Removing this provision will avoid potential confusion.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>9</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>10</sup> 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)<sup>11</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes the Strike Interval Proposal continues to limit the intervals between strikes listed in the Short Term Option Series Program that have an

expiration date more than twenty-one days.

In particular, the Exchange’s proposed addition to the first sentence of Rule 4.5(d)(6) is consistent with the Act because it clarifies that the only permitted intervals are as specified in the table within that subparagraph, as amended. The Exchange believes this proposed rule change will bring greater transparency to the rule. The proposed rule change to amend the table within Rule 4.5(d)(6) to address potential conflicts between that subparagraph and subparagraph (d)(5) with respect to the correct strike interval is consistent with the Act because it protects investors and the public interest by adding transparency to the manner in which the Exchange implements its listing rules and removes potential uncertainty. The proposed rule text specifies the applicable intervals when there is a conflict between the rule text within subparagraphs (d)(5) and (d)(6), thereby providing certainty as to the outcome. The table within subparagraph (d)(6) impacts strike intervals and supersedes other strike interval rules but does not supersede the addition of option series. Therefore, subparagraph (d)(4) regarding the addition of option series does not conflict with the table in subparagraph (d)(6). Deleting the last sentence of the introductory paragraph of Rule 4.5(d)(6) that includes the reference to subparagraph (d)(4) is therefore consistent with the Act. Similarly, deleting Rule 4.5(d)(6)(D) is consistent with the Act because while the range limitations continue to be applicable, the strike ranges do not conflict with strike intervals, rendering the sentence unnecessary. Deletion of this provision will avoid potential confusion.

The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes which have an expiration date more than twenty-one days from the listing date. The Exchange’s proposal intends to continue to remove certain strike intervals where there exist clusters of strikes whose characteristics closely resemble one another and, therefore, do not serve different trading needs,<sup>12</sup> rendering these strikes less useful. Also, the Strike Interval Proposal continues to reduce the number of strikes listed on the Exchange, allowing Market-Makers to expend their capital in the options market in a more efficient manner,

<sup>8</sup> The Exchange made similar corresponding changes to the table for tier 1 and tier 2 stocks with prices \$25 to less than \$75 and \$75 to less than \$150, with all potential conflicts between current subparagraphs (d)(5) and (d)(6) resolved to apply the greater interval.

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>11</sup> *Id.*

<sup>12</sup> For example, two strikes that are densely clustered may have the same risk properties and may also be the same percentage out-of-the-money.

thereby improving overall market quality on the Exchange.

Additionally, by applying the greater interval would control as between the rule text within current Rule 4.5(d)(5) and (d)(6), the Exchange is reducing the number of strikes listed in a manner consistent with the intent of the Strike Interval Proposal, which was to reduce strikes which were farther out in time. The result of this clarification is to select wider strike intervals for Short Term Option Series in equity options which have an expiration date more than twenty-one days from the listing date. This rule change would harmonize strike intervals as between inner weeklies (those having less than twenty-one days from the listing date) and outer weeklies (those having more than twenty-one days from the listing date) so that strike intervals are not widening as the listing date approaches.

#### *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 Strike Interval Proposal continues to limit the number of Short Term Option Series Program strike intervals available for quoting and trading on the Exchange for all Trading Permit Holders.

The Exchange believes adding clarifying language to the first sentence of Rule 4.5(d)(6) regarding which parameter the table within that provision amends within the Short Term Option Series Program will bring greater transparency to the rules. Amending the table within subparagraph (d)(6) to address potential conflicts as between the rule text of Rule 4.5(d)(5) and (d)(6) will bring greater transparency to and reduce potential confusion regarding the manner in which the Exchange implements its listing rules. Deleting the last sentence of the first paragraph of the introductory paragraph of Rule 4.5(d)(6) that references subparagraph (d)(4) does not impose an undue burden on competition and will avoid potential confusion because the table within Rule 4.5(d)(6) impacts strike intervals and supersedes other rules pertaining to strike intervals, but the table does not supersede rules governing the addition of options series, such as Rule 4.5(d)(4). Deleting Rule 4.5(d)(6)(D) will also avoid any potential confusion because, while the range limitations continue to be applicable, the strike ranges do not conflict with strike intervals and are not necessary.

While this proposal continues to limit the intervals of strikes listed on the Exchange, the Exchange continues to balance the needs of market participants by continuing to offer a number of strikes to meet a market participant's investment objective. The Exchange's Strike Interval Proposal does not impose an undue burden on intermarket competition as this Strike Interval Proposal does not impact the listings available at another self-regulatory organization.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>13</sup> and Rule 19b-4(f)(6)<sup>14</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>15</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>16</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the Exchange may implement the proposed rule change on August 1, 2022—the same time other exchanges are implementing the same change.<sup>17</sup> The Exchange states

<sup>13</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>14</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>15</sup> 17 CFR 240.19b-4(f)(6).

<sup>16</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>17</sup> The Commission recently approved a substantially similar proposal. See Securities Exchange Act Release No. 95085 (June 10, 2022), 87 FR 36353 (June 16, 2022) (SR-ISE-2022-10) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend ISE Options 4, Section 5, Series of Options Contracts Open for Trading).

that implementing the proposal simultaneously with other option exchanges will promote the protection of investors by harmonizing the strike listing methodology across exchanges. For these reasons, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay.<sup>18</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2022-040 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CBOE-2022-040. 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

<sup>18</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-CBOE-2022-040, and should be submitted on or before August 26, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**J. Matthew DeLesDernier,**  
Deputy Secretary.

[FR Doc. 2022-16763 Filed 8-4-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-217, OMB Control No. 3235-0241]

### Submission for OMB Review; Comment Request: Extension: Rule 206(4)-2

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension and revision of the previously approved collection of information discussed below.

The title for the collection of information is "Rule 206(4)-2 under the Investment Advisers Act of 1940—Custody of Funds or Securities of Clients by Investment Advisers." Rule 206(4)-2 (17 CFR 275.206(4)-2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 *et seq.*) governs the custody of funds or securities of clients

by Commission-registered investment advisers. Rule 206(4)-2 requires each registered investment adviser that has custody of client funds or securities to maintain those client funds or securities with a broker-dealer, bank or other "qualified custodian."<sup>1</sup> The rule requires the adviser to promptly notify clients as to the place and manner of custody, after opening an account for the client and following any changes.<sup>2</sup> If an adviser sends account statements to its clients, it must insert a legend in the notice and in subsequent account statements sent to those clients urging them to compare the account statements from the custodian with those from the adviser.<sup>3</sup> The adviser also must have a reasonable basis, after due inquiry, for believing that the qualified custodian maintaining client funds and securities sends account statements directly to the advisory clients at least quarterly, identifying the amount of funds and of each security in the account at the end of the period and setting forth all transactions in the account during that period.<sup>4</sup> The client funds and securities of which an adviser has custody must undergo an annual surprise examination by an independent public accountant to verify client assets pursuant to a written agreement with the accountant that specifies certain duties.<sup>5</sup> Unless client assets are maintained by an independent custodian (*i.e.*, a custodian that is not the adviser itself or a related person), the adviser also is required to obtain or receive a written report of the internal controls relating to the custody of those assets from an independent public accountant that is registered with and subject to regular inspection by the Public Company Accounting Oversight Board ("PCAOB").<sup>6</sup>

The rule exempts advisers from the rule with respect to clients that are registered investment companies. Advisers to limited partnerships, limited liability companies and other pooled investment vehicles are excepted from the account statement delivery and deemed to comply with the annual surprise examination requirement if the limited partnerships, limited liability companies or pooled investment vehicles are subject to annual audit by an independent public accountant registered with, and subject to regular inspection by the PCAOB, and the audited financial statements are

distributed to investors in the pools.<sup>7</sup> The rule also provides an exception to the surprise examination requirement for advisers that have custody solely because they have authority to deduct advisory fees from client accounts,<sup>8</sup> and advisers that have custody solely because a related person holds the adviser's client assets (or has any authority to obtain possession of them) and the related person is operationally independent of the adviser.<sup>9</sup>

Advisory clients use this information to confirm proper handling of their accounts. The Commission's staff uses the information obtained through these collections in its enforcement, regulatory and examination programs. Without the information collected under the rule, the Commission would be less efficient and effective in its programs and clients would not have information valuable for monitoring an adviser's handling of their accounts.

The respondents to this information collection are investment advisers registered with the Commission and have custody of clients' funds or securities. We estimate that 8,057 advisers would be subject to the information collection burden under rule 206(4)-2. The number of responses under rule 206(4)-2 will vary considerably depending on the number of clients for which an adviser has custody of funds or securities, and the number of investors in pooled investment vehicles that the adviser manages. It is estimated that the average number of responses annually for each respondent would be 6,830, and an average time of 0.00524 hour per response. The annual aggregate burden for all respondents to the requirements of rule 206(4)-2 is estimated to be 288,202 hours.

This collection of information is found at 17 CFR 275.206(4)-2 and is mandatory. Responses to the collection of information are not kept confidential. Commission-registered investment advisers are required to maintain and preserve certain information required under rule 206(4)-2 for five years. The long-term retention of these records is necessary for the Commission's examination program to ascertain compliance with the Investment Advisers Act.

The estimated average burden hours are made solely for the purposes of Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms. An

<sup>1</sup> Rule 206(4)-2(a)(1).

<sup>2</sup> Rule 206(4)-2(a)(2).

<sup>3</sup> Rule 206(4)-2(a)(2).

<sup>4</sup> Rule 206(4)-2(a)(3).

<sup>5</sup> Rule 206(4)-2(a)(4).

<sup>6</sup> Rule 206(4)-2(a)(6).

<sup>7</sup> Rule 206(4)-2(b)(4).

<sup>8</sup> Rule 206(4)-2(b)(3).

<sup>9</sup> Rule 206(4)-2(b)(6).

<sup>19</sup> 17 CFR 200.30-3(a)(12), (59).



agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 6, 2022.

To (i) [MBX.OMB.OIRA.SEC\\_desk\\_officer@omb.eop.gov](mailto:MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Date: August 1, 2022.

**J. Matthew DeLesDernier**,  
*Deputy Secretary.*

[FR Doc. 2022–16848 Filed 8–4–22; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–504, OMB Control No. 3235–0561]

**Submission for OMB Review;  
Comment Request: Extension: Rule  
12d3–1**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Rule 12d3–1 (17 CFR 270.12d3–1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) ("Investment Company Act") permits a fund to invest up to five percent of its assets in securities of an issuer deriving more than fifteen percent of its gross revenues from securities-related businesses (subject to certain limitations), notwithstanding the general prohibition in Section 12(d)(3) of the Investment Company Act of a registered investment company ("fund")

and companies controlled by the fund purchasing securities issued by a registered investment adviser, broker, dealer, or underwriter ("securities-related businesses").

A fund may, however, rely on an exemption in rule 12d3–1 to acquire securities issued by its subadvisers in circumstances in which the subadviser would have little ability to take advantage of the fund, because it is not in a position to direct the fund's securities purchases. This exemption in rule 12d3–1 is available if: (i) the subadviser is not, and is not an affiliated person of, an investment adviser that provides advice with respect to the portion of the fund that is acquiring the securities; and (ii) the advisory contracts of the subadviser, and any subadviser that is advising the purchasing portion of the fund, prohibit them from consulting with each other concerning securities transactions of the fund, and limit their responsibility in providing advice to providing advice with respect to discrete portions of the fund's portfolio.<sup>1</sup>

Based on an analysis of fund filings, Commission staff estimates that approximately 285 funds enter into such new subadvisory agreements each year, and that it will require approximately 3 attorney hours to draft and execute additional clauses in new subadvisory contracts in order for funds and subadvisers to be able to rely on the exemptions in rule 12d3–1. Because these additional clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on rules 10f–3 (17 CFR 270.10f–3), 17a–10 (17 CFR 270.17a–10), and 17e–1 (17 CFR 270.17e–1), and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally to all four rules. Therefore, we estimate that the burden allocated to rule 12d3–1 for this contract change would be 0.75 hours. Assuming that all 285 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule's contract modification requirement will result in 214 burden hours annually, with an associated time cost of approximately \$90,950.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Complying with this collection of information requirement is necessary to

<sup>1</sup> See 17 CFR 270.270.12d3–1(c)(3).

obtain the benefit of relying on rule 12d3–1. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by September 6, 2022 to (i) [MBX.OMB.OIRA.SEC\\_desk\\_officer@omb.eop.gov](mailto:MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: August 1, 2022.

**J. Matthew DeLesDernier**,  
*Deputy Secretary.*

[FR Doc. 2022–16847 Filed 8–4–22; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[TM–270–650; OMB Control No. 3235–0700]

**Proposed Collection; Comment  
Request; Extension: Rule 18a–4**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the existing collection of information provided for in Rule 18a–4 (17 CFR 240.18a–4), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) ("Exchange Act"). The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 18a–4 establishes segregation requirements for cleared and non-cleared security-based swap transactions, which applies to non-broker-dealer security-based swap dealers ("SBSDs") (*i.e.*, bank SBSDs and nonbank stand-alone SBSDs), as well as notification requirements for non-

broker-dealer SBSs and major security-based swap participants (“MSBSPs”).

The aggregate annual burden for all respondents is estimated to be 7,647 hours. The aggregate annual cost burden for all respondents is estimated to be \$2,667.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by October 4, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: August 1, 2022.

**J. Matthew DeLesDernier**,  
*Deputy Secretary.*

[FR Doc. 2022-16846 Filed 8-4-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95400; File No. SR-MEMX-2022-14]

### Self-Regulatory Organizations; MEMX LLC; Notice of Withdrawal of a Proposed Rule Change To Amend Its Fee Schedule To Adopt Market Data Fees

On May 23, 2022, MEMX LLC (“MEMX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend its Fee Schedule to adopt fees for its market data products. The proposed rule change was

immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.<sup>3</sup> The proposed rule change was published for comment in the **Federal Register** on June 9, 2022.<sup>4</sup> On July 21, 2022, MEMX withdrew the proposed rule change (SR-MEMX-2022-14).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>5</sup>

Dated: August 1, 2022.

**J. Matthew DeLesDernier**,  
*Deputy Secretary.*

[FR Doc. 2022-16765 Filed 8-4-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95406; File No. SR-CboeBZX-2022-042]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 19.6

August 1, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on August 1, 2022, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a “non-controversial” proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX Options”) proposes to amend Rule 19.6. The text

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> See Securities Exchange Act Release No. 95036 (June 3, 2022), 87 FR 35252.

<sup>5</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/bzx/](http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The proposed rule change amends Rule 19.6, Interpretation and Policy .05. Specifically, the Exchange proposes to amend Rule 19.6, Interpretation and Policy .05(f) to account for conflicts between different provisions within the Short Term Option Series Rules, extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100, and make other clarifying changes.

In 2021, the Exchange amended Rule 19.6, Interpretation and Policy .05 to limit the intervals between strikes in equity options listed as part of the Short Term Option Series Program, excluding Exchange-Traded Fund Shares and ETNs, that have an expiration date more than twenty-one days from the listing date (“Strike Interval Proposal”).<sup>5</sup> The Strike Interval Proposal adopted new paragraph (f), which included a table that intended to specify the applicable strike intervals that would supersede subparagraph (e)<sup>6</sup> for Short Term Option Series in equity options, excluding options on exchange-traded

<sup>5</sup> See Securities Exchange Act Release No. 91455 (April 1, 2021), 86 FR 18099 (April 7, 2021) (SR-CboeBZX-2021-022).

<sup>6</sup> Rule 19.6, Interpretation and Policy .05(e) states if a class does not trade in \$1 strike price intervals, the strike price interval for Short Term Option Series may be (i) \$0.50 or greater where the strike price is less than \$75; (ii) \$1.00 or greater where the strike price is between \$75 and \$150; or (iii) \$2.50 or greater for strike prices greater than \$150.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

fund shares and on exchange-traded notes, which have an expiration more than 21 days from the listing date. The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes that have an

expiration date more than 21 days from the listing date. The Exchange proposes to amend Rule 19.6, Interpretation and Policy .05 to clarify the current rule text and amend the application of the table to account for potential conflicts within the Short Term Option Series Rules. Currently, Rule 19.6, Interpretation and

Policy .05(f) provides that notwithstanding subparagraph (e),<sup>7</sup> when Short Term Option Series in equity options (excluding options on ETFs and ETNs) have an expiration more than 21 days from the listing date, the strike interval for each option class will be based on the following table:

Tier	Average daily volume	Share price <sup>8</sup>				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000 .....	\$0.50	\$1.00	\$1.00	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000 .....	1.00	1.00	1.00	5.00	10.00
3 .....	0 to 1,000 .....	2.50	5.00	5.00	5.00	10.00

First, the Exchange proposes to add the phrase “which specifies the applicable interval for listing” to the end of the first sentence of paragraph (f). The table within that paragraph provides for the listing of intervals based on certain parameters (average daily volume and share price). The Exchange proposes to add the phrase “which specifies the applicable interval for listing” to clarify that the only permitted intervals are as specified in

the table within paragraph (f), as proposed to be amended. Second, the Exchange proposes to amend the table in paragraph (f) to address situations in which there is a conflict between applying the intervals in paragraph (e) and the table in paragraph (f). Today, there are instances where a conflict is presented as between the application of the table within paragraph (f) and the rule text within paragraph (e) with respect to the correct interval. To address these potential conflicts, the Exchange proposes that to

the extent there is a conflict between applying the current table within paragraph (f) and the rule text within paragraph (e), the greater interval would apply. To reflect this within the Rules, the Exchange proposes to amend the table in paragraph (f) to specify what the greater interval would be, and thus the interval the Exchange would apply, in the event of any possible conflict between the two rule provisions. Specifically, the proposed rule change amends the table as follows:

Tier	Average daily volume	Share price				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000	\$0.50 for strikes less than \$100 in Short Term Option Series Program classes and classes that trade in \$1 increments in non-Short Term Options. \$1.00 for strikes between \$100 and \$150 for classes that do not otherwise trade in \$1.00 increments in non-Short Term Options. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	5.00	10.00
3 .....	0 to 1,000 .....	\$2.50 .....	\$5.00 .....	\$5.00 .....	5.00	10.00

Below are some examples to demonstrate the application of the proposed table:

*Example 1:* Assume a Tier 1 stock that closed on the last day of Q1 with a

quarterly share price higher than \$75 but less than \$150. Therefore, utilizing the current table within paragraph (f), the interval would be \$1.00 for strikes added during Q2 even for strikes above

\$150. However, paragraph (e) provides that the Exchange may list a Short Term Option Series at \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict

<sup>7</sup> The proposed rule change makes a nonsubstantive change to correct the term “subparagraph” to “paragraph” in the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) as well as subparagraph (f)(3).

<sup>8</sup> The Share Price is the closing price on the primary market on the last day of the calendar

quarter. In the event of a corporate action, the Share Price of the surviving company is utilized. The Average Daily Volume is the total number of option contracts traded in a given security for the applicable calendar quarter divided by the number of trading days in the applicable calendar quarter. Beginning on the second trading day in the first month of each calendar quarter, the Average Daily

Volume is calculated by utilizing data from the prior calendar quarter based on Customer-cleared volume at OCC. For options listed on the first trading day of a given calendar quarter, the Average Daily Volume is calculated using the quarter prior to the last trading calendar quarter. See Rule 19.6, Interpretation and Policy .05(f)(1) and (2).

between the permitted strike intervals above \$150 during Q2. In this example, current paragraph (f) would specify a \$1.00 interval whereas current paragraph (e) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current paragraph (e)), the permissible strike interval in this scenario would be \$2.50 as set forth in the proposed table. Therefore, during Q2, the following strikes would be eligible to list: \$152.50 and \$157.50. For strikes less than \$150, the following strikes would be eligible to list during Q2: \$149 and \$148 because Short Term Option Series with expiration dates more than 21 days from the listing date as well as Short Term Option Series with expiration dates less than 21 days from the listing date would both be eligible to list \$1 intervals pursuant to both paragraphs (e) and (f).

*Example 2:* Assume a Tier 2 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within paragraph (f), the interval would be \$1.00 for strikes added during Q2 even for strikes above \$25. However, paragraph (e) provides that the Exchange may list a Short Term Option Series at \$0.50 intervals where the strike is less than \$100 [sic], at \$1.00 intervals where the strike price is between \$100 [sic] and \$150, and at \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$100 [sic] and above \$150 during Q2. In this example, current paragraph (f) would specify a \$1.00 interval for strikes below \$100 whereas current paragraph (e) would specify a \$0.50 interval. Consistent with selecting the greater interval (from current paragraph (f)), the permissible strike interval in this scenario for strikes below \$100 would be \$1.00 as set forth in the proposed table. For strikes between \$100 [sic] and \$150, there is no conflict, as both provisions would provide \$1.00 intervals for those strikes. For strikes above \$150, current paragraph (f) would specify a \$1.00 interval for strikes above \$150 whereas current paragraph (e) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current paragraph (e)), the permissible strike interval in this scenario for strikes above \$150 would be \$2.50 as set forth in the proposed table.

*Example 3:* Assume a Tier 3 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within paragraph (f), the interval would be \$2.50 for all strikes added during Q2. However, paragraph (e) provides that the Exchange may list a Short Term

Option Series at \$0.50 intervals where the strike price is less than \$100 [sic], \$1.00 intervals where the strike price is between \$100 [sic] and \$150, and \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$150 during Q2 (there is no conflict for strikes above \$150, as both provisions provide for a \$2.50 strike interval). Consistent with selecting the greater interval (From current paragraph (f)), the permissible strike interval in this scenario for strikes below \$150 would be \$2.50 as set forth in the proposed table.<sup>9</sup>

Third, the Exchange proposes to delete the last sentence of the introductory paragraph of paragraph (f), which states “[t]he below table indicates the applicable strike intervals and supersedes paragraph (d) above, which permits additional series to be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened.” The table within paragraph (f) supersedes other rules pertaining to strike intervals, but the table does not supersede rules governing the addition of options series. Therefore, the table within paragraph (f) and the rule text of paragraph (d) do not conflict with each other. Deleting the reference to paragraph (d) will avoid potential confusion.

Fourth, the Exchange proposes to delete subparagraph (f)(4), which states “[n]otwithstanding the limitations imposed by this subparagraph (f), this subparagraph (f) does not amend the range of strikes for Short Term Option Series may be listed pursuant to subparagraph (e) above.” While the range limitations continue to be applicable within paragraph (f), the strike ranges do not conflict with the strike intervals and therefore the sentence is not necessary. Removing this provision will avoid potential confusion.

Finally, the Exchange proposes to amend Rule 19.6, Interpretation and Policy .05(e) to extend \$0.50 strike price intervals in equity options to short-term options with strike prices less than \$100 instead of the current \$75. This proposed change is intended to conform this provision of the Short Term Option

Series Program to that of other options exchanges.<sup>10</sup> With this proposed change, for short term options in equity option classes that do not trade in \$1 strike price intervals, the strike price interval for Short Term Option Series may be (i) \$0.50 or greater where the strike price is less than \$100; (ii) \$1.00 or greater where the strike price is between \$100 and \$150; or (iii) \$2.50 or greater for strike prices greater than \$150.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>11</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> 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)<sup>13</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes the Strike Proposal continues to limit the intervals between strikes listed in the Short Term Option Series Program that have an expiration date more than twenty-one days.

In particular, the Exchange’s proposed addition to the first sentence of Rule 19.6, Interpretation and Policy .05(f) is consistent with the Act because it clarifies that the only permitted intervals are as specified in the table within that subparagraph, as amended. The Exchange believes this proposed rule change will bring greater transparency to the rule. The proposed rule change to amend the table within Rule 19.6, Interpretation and Policy .05(f) to address potential conflicts between that paragraph and paragraph

<sup>9</sup> The Exchange made similar corresponding changes to the table for tier 1 and tier 2 stocks with prices \$25 to less than \$75 and \$75 to less than \$150, with all potential conflicts between current paragraphs (e) and (f) resolved to apply the greater interval.

<sup>10</sup> This is consistent with the rules of other options exchanges. See, e.g., Cboe Options Rule 4.5(d)(5).

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> *Id.*

(e) with respect to the correct strike interval is consistent with the Act because it protects investors and the public interest by adding transparency to the manner in which the Exchange implements its listing rules and removes potential uncertainty. The proposed rule text specifies the applicable intervals when there is a conflict between the rule text within paragraphs (e) and (f), thereby providing certainty as to the outcome. The table within paragraph (f) impacts strike intervals and supersedes other strike interval rules but does not supersede the addition of option series. Therefore, paragraph (d) regarding the addition of option series does not conflict with the table in paragraph (f). Deleting the last sentence of the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) that includes the reference to paragraph (d) is therefore consistent with the Act. Similarly, deleting Rule 19.6, Interpretation and Policy .05(f)(4) is consistent with the Act because while the range limitations continue to be applicable, the strike ranges do not conflict with strike intervals, rendering the sentence unnecessary. Deletion of this provision will avoid potential confusion.

The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes which have an expiration date more than twenty-one days from the listing date. The Exchange's proposal intends to continue to remove certain strike intervals where there exist clusters of strikes whose characteristics closely resemble one another and, therefore, do not serve different trading needs,<sup>14</sup> rendering these strikes less useful. Also, the Strike Interval Proposal continues to reduce the number of strikes listed on the Exchange, allowing Market-Makers to expend their capital in the options market in a more efficient manner, thereby improving overall market quality on the Exchange.

Additionally, applying the greater interval would control as between the rule text within current Rule 19.6, Interpretation and Policy .05(e) and (f), the Exchange is reducing the number of strikes listed in a manner consistent with the intent of the Strike Interval Proposal, which was to reduce strikes which were farther out in time. The result of this clarification is to select wider strike intervals for Short Term

<sup>14</sup> For example, two strikes that are densely clustered may have the same risk properties and may also be the same percentage out-of-the-money.

Option Series in equity options which have an expiration date more than twenty-one days from the listing date. This rule change would harmonize strike intervals as between inner weeklies (those having less than twenty-one days from the listing date) and outer weeklies (those having more than twenty-one days from the listing date) so that strike intervals are not widening as the listing date approaches.

The proposed rule change to extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it will conform this portion of the Short Term Option Series Program to that of other options exchanges.<sup>15</sup>

#### *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 Strike Interval Proposal continues to limit the number of Short Term Option Series Program strike intervals available for quoting and trading on the Exchange for all Options Members.

The Exchange believes adding clarifying language to the first sentence of Rule 19.6, Interpretation and Policy .05(f) regarding which parameter the table within that provision amends within the Short Term Option Series Program will bring greater transparency to the rules. Amending the table within paragraph (f) to address potential conflicts as between the rule text of Rule 19.6, Interpretation and Policy .05(e) and (f) will bring greater transparency to and reduce potential confusion regarding the manner in which the Exchange implements its listing rules. Deleting the last sentence of the first paragraph of the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) that references paragraph (d) does not impose an undue burden on competition and will avoid potential confusion because the table within paragraph (f) impacts strike intervals and supersedes other rules pertaining to strike intervals, but the table does not supersede rules governing the addition of options series, such as paragraph (d). Deleting Rule 19.6, Interpretation and Policy .05(f)(4) will also avoid any potential confusion because, while the range limitations continue to be applicable, the strike ranges do not conflict with strike intervals and are not

<sup>15</sup> See, e.g., Cboe Options Rule 4.5(d)(5).

necessary. Extending current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will not impose an undue burden on competition, because it is consistent with the rules of other options exchanges.<sup>16</sup>

While this proposal continues to limit the intervals of strikes listed on the Exchange, the Exchange continues to balance the needs of market participants by continuing to offer a number of strikes to meet a market participant's investment objective. The Exchange's Strike Interval Proposal does not impose an undue burden on intermarket competition as this Strike Interval Proposal does not impact the listings available at another self-regulatory organization.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>17</sup> and Rule 19b-4(f)(6)<sup>18</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>19</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>20</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the Exchange may implement the proposed rule change on August 1, 2022—the same time other exchanges are implementing

<sup>16</sup> See, e.g., Cboe Options Rule 4.5(d)(5).

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>19</sup> 17 CFR 240.19b-4(f)(6).

<sup>20</sup> 17 CFR 240.19b-4(f)(6)(iii).

the same change.<sup>21</sup> The Exchange states that implementing the proposal simultaneously with other option exchanges will promote the protection of investors by harmonizing the strike listing methodology across exchanges. In addition, the Exchange's proposal to extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will conform this portion of the Short Term Option Series Program to that of other options exchanges.<sup>22</sup> The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change does not raise any new or novel issues. Accordingly, the Commission hereby waives the operative delay.<sup>23</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeBZX-2022-042 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

<sup>21</sup> The Commission recently approved a substantially similar proposal. See Securities Exchange Act Release No. 95085 (June 10, 2022), 87 FR 36353 (June 16, 2022) (SR-ISE-2022-10) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend ISE Options 4, Section 5, Series of Options Contracts Open for Trading).

<sup>22</sup> See, e.g., Cboe Exchange, Inc. Rule 4.5(d)(5).

<sup>23</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

All submissions should refer to File Number SR-CboeBZX-2022-042. 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-CboeBZX-2022-042 and should be submitted on or before August 26, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**J. Matthew DeLesDernier,**  
*Deputy Secretary.*

[FR Doc. 2022-16783 Filed 8-4-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95407; File No. SR-CboeEDGX-2022-034]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 19.6

August 1, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

<sup>24</sup> 17 CFR 200.30-3(a)(12), (59).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

notice is hereby given that on August 1, 2022, Cboe EDGX Exchange, Inc. ("Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX Options") proposes to amend Rule 19.6. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The proposed rule change amends Rule 19.6, Interpretation and Policy .05. Specifically, the Exchange proposes to amend Rule 19.6, Interpretation and Policy .05(f) to account for conflicts between different provisions within the Short Term Option Series Rules, extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100, and make other clarifying changes.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

In 2021, the Exchange amended Rule 19.6, Interpretation and Policy .05 to limit the intervals between strikes in equity options listed as part of the Short Term Option Series Program, excluding Exchange-Traded Fund Shares and ETNs, that have an expiration date more than twenty-one days from the listing date (“Strike Interval Proposal”).<sup>5</sup> The Strike Interval Proposal adopted new paragraph (f), which included a table that intended to specify the applicable strike intervals that would supersede subparagraph (e)<sup>6</sup> for Short Term Option Series in equity options,

excluding options on exchange-traded fund shares and on exchange-traded notes, which have an expiration more than 21 days from the listing date. The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes that have an expiration date more than 21 days from the listing date.

The Exchange proposes to amend Rule 19.6, Interpretation and Policy .05 to clarify the current rule text and

amend the application of the table to account for potential conflicts within the Short Term Option Series Rules. Currently, Rule 19.6, Interpretation and Policy .05(f) provides that notwithstanding subparagraph (e),<sup>7</sup> when Short Term Option Series in equity options (excluding options on ETFs and ETNs) have an expiration more than 21 days from the listing date, the strike interval for each option class will be based on the following table:

Tier	Average daily volume	Share price <sup>8</sup>				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000 .....	\$0.50	\$1.00	\$1.00	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000 .....	1.00	1.00	1.00	5.00	10.00
3 .....	0 to 1,000 .....	2.50	5.00	5.00	5.00	10.00

First, the Exchange proposes to add the phrase “which specifies the applicable interval for listing” to the end of the first sentence of paragraph (f). The table within that paragraph provides for the listing of intervals based on certain parameters (average daily volume and share price). The Exchange proposes to add the phrase “which specifies the applicable interval for listing” to clarify that the only permitted intervals are as specified in

the table within paragraph (f), as proposed to be amended.

Second, the Exchange proposes to amend the table in paragraph (f) to address situations in which there is a conflict between applying the intervals in paragraph (e) and the table in paragraph (f). Today, there are instances where a conflict is presented as between the application of the table within paragraph (f) and the rule text within paragraph (e) with respect to the correct interval. To address these potential conflicts, the Exchange proposes that to

the extent there is a conflict between applying the current table within paragraph (f) and the rule text within paragraph (e), the greater interval would apply. To reflect this within the Rules, the Exchange proposes to amend the table in paragraph (f) to specify what the greater interval would be, and thus the interval the Exchange would apply, in the event of any possible conflict between the two rule provisions. Specifically, the proposed rule change amends the table as follows:

Tier	Average daily volume	Share price				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
1 .....	Greater than 5,000	\$0.50 for strikes less than \$100 in Short Term Option Series Program classes and classes that trade in \$1 increments in non-Short Term Option Series Program. \$1.00 for strikes between \$100 and \$150 for classes that do not otherwise trade in \$1.00 increments in non-Short Term Options. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$5.00	\$5.00
2 .....	Greater than 1,000 to 5,000.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	\$1.00 for strikes less than \$150. \$2.50 for strikes greater than \$150.	5.00	10.00

<sup>5</sup> See Securities Exchange Act Release No. 91469 (April 2, 2021), 86 FR 18333 (April 8, 2021) (SR-CboeEDGX-2021-016).

<sup>6</sup> Rule 19.6, Interpretation and Policy .05(e) states if a class does not trade in \$1 strike price intervals, the strike price interval for Short Term Option Series may be (i) \$0.50 or greater where the strike price is less than \$75; (ii) \$1.00 or greater where the strike price is between \$75 and \$150; or (iii) \$2.50 or greater for strike prices greater than \$150.

<sup>7</sup> The proposed rule change makes a nonsubstantive change to correct the term

“subparagraph” to “paragraph” in the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) as well as subparagraph (f)(3).

<sup>8</sup> The Share Price is the closing price on the primary market on the last day of the calendar quarter. In the event of a corporate action, the Share Price of the surviving company is utilized. The Average Daily Volume is the total number of option contracts traded in a given security for the applicable calendar quarter divided by the number of trading days in the applicable calendar quarter.

Beginning on the second trading day in the first month of each calendar quarter, the Average Daily Volume is calculated by utilizing data from the prior calendar quarter based on Customer-cleared volume at OCC. For options listed on the first trading day of a given calendar quarter, the Average Daily Volume is calculated using the quarter prior to the last trading calendar quarter. See Rule 19.6, Interpretation and Policy .05(f)(1) and (2).

Tier	Average daily volume	Share price				
		Less than \$25	\$25 to less than \$75	\$75 to less than \$150	\$150 to less than \$500	\$500 or greater
3 .....	0 to 1,000 .....	\$2.50 .....	\$5.00 .....	\$5.00 .....	5.00	10.00

Below are some examples to demonstrate the application of the proposed table:

*Example 1:* Assume a Tier 1 stock that closed on the last day of Q1 with a quarterly share price higher than \$75 but less than \$150. Therefore, utilizing the current table within paragraph (f), the interval would be \$1.00 for strikes added during Q2 even for strikes above \$150. However, paragraph (e) provides that the Exchange may list a Short Term Option Series at \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals above \$150 during Q2. In this example, current paragraph (f) would specify a \$1.00 interval whereas current paragraph (e) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current paragraph (e)), the permissible strike interval in this scenario would be \$2.50 as set forth in the proposed table. Therefore, during Q2, the following strikes would be eligible to list: \$152.50 and \$157.50. For strikes less than \$150, the following strikes would be eligible to list during Q2: \$149 and \$148 because Short Term Option Series with expiration dates more than 21 days from the listing date as well as Short Term Option Series with expiration dates less than 21 days from the listing date would both be eligible to list \$1 intervals pursuant to both paragraphs (e) and (f).

*Example 2:* Assume a Tier 2 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within paragraph (f), the interval would be \$1.00 for strikes added during Q2 even for strikes above \$25. However, paragraph (e) provides that the Exchange may list a Short Term Option Series at \$0.50 intervals where the strike is less than \$100 [sic], at \$1.00 intervals where the strike price is between \$100 [sic] and \$150, and at \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$100 [sic] and above \$150 during Q2. In this example, current paragraph (f) would specify a \$1.00 interval for strikes below \$100 whereas current paragraph (e) would specify a \$0.50 interval. Consistent with selecting the greater interval (from current paragraph (f)), the permissible strike interval in

this scenario for strikes below \$100 would be \$1.00 as set forth in the proposed table. For strikes between \$100 [sic] and \$150, there is no conflict, as both provisions would provide \$1.00 intervals for those strikes. For strikes above \$150, current paragraph (f) would specify a \$1.00 interval for strikes above \$150 whereas current paragraph (e) would specify a \$2.50 interval. Consistent with selecting the greater interval (from current paragraph (e)), the permissible strike interval in this scenario for strikes above \$150 would be \$2.50 as set forth in the proposed table.

*Example 3:* Assume a Tier 3 stock that closed on the last day of Q1 with a quarterly share price less than \$25. Therefore, utilizing the current table within paragraph (f), the interval would be \$2.50 for all strikes added during Q2. However, paragraph (e) provides that the Exchange may list a Short Term Option Series at \$0.50 intervals where the strike price is less than \$100 [sic], \$1.00 intervals where the strike price is between \$100 [sic] and \$150, and \$2.50 intervals where the strike price is above \$150. In other words, there is a potential conflict between the permitted strike intervals below \$150 during Q2 (there is no conflict for strikes above \$150, as both provisions provide for a \$2.50 strike interval). Consistent with selecting the greater interval (From current paragraph (f)), the permissible strike interval in this scenario for strikes below \$150 would be \$2.50 as set forth in the proposed table.<sup>9</sup>

Third, the Exchange proposes to delete the last sentence of the introductory paragraph of paragraph (f), which states “[t]he below table indicates the applicable strike intervals and supersedes paragraph (d) above, which permits additional series to be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying security moves substantially from the exercise price or prices of the series already opened.” The table within paragraph (f) supersedes other rules pertaining to

<sup>9</sup> The Exchange made similar corresponding changes to the table for tier 1 and tier 2 stocks with prices \$25 to less than \$75 and \$75 to less than \$150, with all potential conflicts between current paragraphs (e) and (f) resolved to apply the greater interval.

strike intervals, but the table does not supersede rules governing the addition of options series. Therefore, the table within paragraph (f) and the rule text of paragraph (d) do not conflict with each other. Deleting the reference to paragraph (d) will avoid potential confusion.

Fourth, the Exchange proposes to delete subparagraph (f)(4), which states “[n]otwithstanding the limitations imposed by this subparagraph (f), this subparagraph (f) does not amend the range of strikes for Short Term Option Series may be listed pursuant to subparagraph (e) above.” While the range limitations continue to be applicable within paragraph (f), the strike ranges do not conflict with the strike intervals and therefore the sentence is not necessary. Removing this provision will avoid potential confusion.

Finally, the Exchange proposes to amend Rule 19.6, Interpretation and Policy .05(e) to extend \$0.50 strike price intervals in equity options to short-term options with strike prices less than \$100 instead of the current \$75. This proposed change is intended to conform this provision of the Short Term Option Series Program to that of other options exchanges.<sup>10</sup> With this proposed change, for short term options in equity option classes that do not trade in \$1 strike price intervals, the strike price interval for Short Term Option Series may be (i) \$0.50 or greater where the strike price is less than \$100; (ii) \$1.00 or greater where the strike price is between \$100 and \$150; or (iii) \$2.50 or greater for strike prices greater than \$150.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>11</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> requirements that the rules of

<sup>10</sup> This is consistent with the rules of other options exchanges. See, e.g., Cboe Options Rule 4.5(d)(5).

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(5).



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)<sup>13</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes the Strike Proposal continues to limit the intervals between strikes listed in the Short Term Option Series Program that have an expiration date more than twenty-one days.

In particular, the Exchange's proposed addition to the first sentence of Rule 19.6, Interpretation and Policy .05(f) is consistent with the Act because it clarifies that the only permitted intervals are as specified in the table within that subparagraph, as amended. The Exchange believes this proposed rule change will bring greater transparency to the rule. The proposed rule change to amend the table within Rule 19.6, Interpretation and Policy .05(f) to address potential conflicts between that paragraph and paragraph (e) with respect to the correct strike interval is consistent with the Act because it protects investors and the public interest by adding transparency to the manner in which the Exchange implements its listing rules and removes potential uncertainty. The proposed rule text specifies the applicable intervals when there is a conflict between the rule text within paragraphs (e) and (f), thereby providing certainty as to the outcome. The table within paragraph (f) impacts strike intervals and supersedes other strike interval rules but does not supersede the addition of option series. Therefore, paragraph (d) regarding the addition of option series does not conflict with the table in paragraph (f). Deleting the last sentence of the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) that includes the reference to paragraph (d) is therefore consistent with the Act. Similarly, deleting Rule 19.6, Interpretation and Policy .05(f)(4) is consistent with the Act because while the range limitations continue to be applicable, the strike ranges do not

conflict with strike intervals, rendering the sentence unnecessary. Deletion of this provision will avoid potential confusion.

The Strike Interval Proposal was designed to reduce the density of strike intervals that would be listed in later weeks, within the Short Term Option Series Program, by utilizing limitations for intervals between strikes which have an expiration date more than twenty-one days from the listing date. The Exchange's proposal intends to continue to remove certain strike intervals where there exist clusters of strikes whose characteristics closely resemble one another and, therefore, do not serve different trading needs,<sup>14</sup> rendering these strikes less useful. Also, the Strike Interval Proposal continues to reduce the number of strikes listed on the Exchange, allowing Market-Makers to expend their capital in the options market in a more efficient manner, thereby improving overall market quality on the Exchange.

Additionally, by applying the greater interval would control as between the current rule text within Rule 19.6, Interpretation and Policy .05(e) and (f), the Exchange is reducing the number of strikes listed in a manner consistent with the intent of the Strike Interval Proposal, which was to reduce strikes which were farther out in time. The result of this clarification is to select wider strike intervals for Short Term Option Series in equity options which have an expiration date more than twenty-one days from the listing date. This rule change would harmonize strike intervals as between inner weeklies (those having less than twenty-one days from the listing date) and outer weeklies (those having more than twenty-one days from the listing date) so that strike intervals are not widening as the listing date approaches.

The proposed rule change to extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it will conform this portion of the Short Term Option Series Program to that of other options exchanges.<sup>15</sup>

#### *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 Strike Interval Proposal continues to limit the number of Short Term Option Series Program strike intervals available for quoting and trading on the Exchange for all Options Members. The Exchange believes adding clarifying language to the first sentence of Rule 19.6, Interpretation and Policy .05(f) regarding which parameter the table within that provision amends within the Short Term Option Series Program will bring greater transparency to the rules. Amending the table within paragraph (f) to address potential conflicts as between the rule text of Rule 19.6, Interpretation and Policy .05(e) and (f) will bring greater transparency to and reduce potential confusion regarding the manner in which the Exchange implements its listing rules. Deleting the last sentence of the first paragraph of the introductory paragraph of Rule 19.6, Interpretation and Policy .05(f) that references paragraph (d) does not impose an undue burden on competition and will avoid potential confusion because the table within paragraph (f) impacts strike intervals and supersedes other rules pertaining to strike intervals, but the table does not supersede rules governing the addition of options series, such as paragraph (d). Deleting Rule 19.6, Interpretation and Policy .05(f)(4) will also avoid any potential confusion because, while the range limitations continue to be applicable, the strike ranges do not conflict with strike intervals and are not necessary. Extending current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will not impose an undue burden on competition, because it is consistent with the rules of other options exchanges.<sup>16</sup>

While this proposal continues to limit the intervals of strikes listed on the Exchange, the Exchange continues to balance the needs of market participants by continuing to offer a number of strikes to meet a market participant's investment objective. The Exchange's Strike Interval Proposal does not impose an undue burden on intermarket competition as this Strike Interval Proposal does not impact the listings available at another self-regulatory organization.

<sup>14</sup> For example, two strikes that are densely clustered may have the same risk properties and may also be the same percentage out-of-the-money.

<sup>15</sup> See, e.g., Cboe Options Rule 4.5(d)(5).

<sup>16</sup> See, e.g., Cboe Options Rule 4.5(d)(5).

<sup>13</sup> *Id.*

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>17</sup> and Rule 19b-4(f)(6)<sup>18</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>19</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>20</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the Exchange may implement the proposed rule change on August 1, 2022—the same time other exchanges are implementing the same change.<sup>21</sup> The Exchange states that implementing the proposal simultaneously with other option exchanges will promote the protection of investors by harmonizing the strike listing methodology across exchanges. In addition, the Exchange's proposal to extend current \$0.50 strike price intervals in equity options to short term options with strike prices less than \$100 will conform this portion of the Short Term Option Series Program to that of other options exchanges.<sup>22</sup> The Commission believes that waiver of the

30-day operative delay is consistent with the protection of investors and the public interest because the proposed rule change does not raise any new or novel issues. Accordingly, the Commission hereby waives the operative delay.<sup>23</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2022-034 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-CboeEDGX-2022-034. 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

<sup>23</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-CboeEDGX-2022-034, and should be submitted on or before August 26, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**J. Matthew DeLesDernier,**  
*Deputy Secretary.*

[FR Doc. 2022-16782 Filed 8-4-22; 8:45 am]

**BILLING CODE 8011-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #17440 and #17441; New Mexico Disaster Number NM-00080]**

**Presidential Declaration Amendment of a Major Disaster for the State of New Mexico**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of New Mexico (FEMA-4652-DR), dated 05/04/2022.

*Incident:* Wildfires, Straight-line Winds, Flooding, Mudflows, and Debris Flows directly related to the Wildfires.

*Incident Period:* 04/05/2022 through 07/23/2022.

**DATES:** Issued on 08/02/2022.

*Physical Loan Application Deadline Date:* 09/06/2022.

*Economic Injury (EIDL) Loan Application Deadline Date:* 02/06/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

<sup>24</sup> 17 CFR 200.30-3(a)(12), (59).

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>19</sup> 17 CFR 240.19b-4(f)(6).

<sup>20</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>21</sup> The Commission recently approved a substantially similar proposal. See Securities Exchange Act Release No. 95085 (June 10, 2022), 87 FR 36353 (June 16, 2022) (SR-ISE-2022-10) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 1, to Amend ISE Options 4, Section 5, Series of Options Contracts Open for Trading).

<sup>22</sup> See, e.g., Cboe Exchange, Inc. Rule 4.5(d)(5).

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the State of New Mexico, dated 05/04/2022, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 09/06/2022.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Joshua Barnes,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2022-16803 Filed 8-4-22; 8:45 am]

**BILLING CODE 8026-09-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2022-0008]

### U.S.-Kenya Strategic Trade and Investment Partnership

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for comments.

**SUMMARY:** On July 14, 2022, the United States and Kenya launched the United States-Kenya Strategic Trade and Investment Partnership (STIP). Under this initiative the two governments will pursue enhanced engagement leading to high standard commitments in a wide range of areas with a view to increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro-, small-, and medium-sized enterprises (MSMEs)); and supporting African regional economic integration. As the two governments develop a roadmap for the initial issues under that engagement, the Office of the United States Trade Representative (USTR) is seeking public comments on matters relevant to specified trade areas, including U.S. interests and priorities, in order to develop objectives and positions for enhanced engagement and subsequent negotiation.

**DATES:** The deadline for the submission of written comments is September 16, 2022.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <https://www.regulations.gov> (*Regulations.gov*). Follow the instructions for submissions in parts II and III below.

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning written comments, please contact Spencer Smith at [Spencer.L.Smith2@ustr.eop.gov](mailto:Spencer.L.Smith2@ustr.eop.gov)

or (202) 395-2974 in advance of the deadline and before transmitting a comment. Direct all other questions to Bennett Harman, Deputy Assistant U.S. Trade Representative for Africa, at [BHarman@ustr.eop.gov](mailto:BHarman@ustr.eop.gov), or (202) 395-9612.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

During a virtual meeting on July 14, 2022, the U.S. Trade Representative and Kenya's Ministry of Industrialization, Trade and Enterprise Development Cabinet Secretary, launched the STIP. They identified the following initial issues where the United States and Kenya will develop an ambitious roadmap for enhanced cooperation with the goal of negotiating high-standard commitments in order to achieve economically meaningful outcomes.

**Agriculture.** The United States and Kenya will consider measures to facilitate agricultural trade and enhance transparency and understanding of the application of science- and risk-based sanitary and phytosanitary (SPS) measures. Both governments share an interest in fostering sustainable agricultural practices, as well as creating an enabling environment for innovative agricultural technologies that would help achieve food security goals, increase farm productivity, and improve farmer livelihoods, while addressing climate change concerns.

**Anti-corruption.** The United States and Kenya share a commitment to prevent and combat bribery and other forms of corruption. They will share information on best practices to prevent and combat bribery and corruption and will explore negotiating specific commitments.

**Digital Trade.** The United States and Kenya share an interest in fostering consumer, business, and worker trust in the digital economy, ensuring access to information, promoting the development and use of resilient and secure digital infrastructure, promoting competition and the participation of MSMEs, and addressing discriminatory practices. They will discuss measures to support digital inclusion, including accessibility, and online consumer protection. Both countries also will monitor global discussions on emerging issues in digital trade that are of mutual interest.

**Environment and Climate Change Action.** The United States and Kenya share common values with respect to environmental protection, a commitment to conservation, pursuing measures to support climate change adaptation and mitigation, and the

importance of sustainable use and management of each country's natural resources as they strengthen their trade and investment relations. They will engage on strengthening these efforts, including climate adaptation and mitigation practices. Both countries also will consider opportunities to strengthen their respective commitments in this area, including through cooperation.

**Good Regulatory Practices.** The United States and Kenya will explore negotiating high-level commitments on topics such as ensuring adequate time for public consultations on proposed regulations, posting proposed regulations for review by interested stakeholders, and basing regulatory decisions on best available information, science, and evidence, including undertaking risk analysis and regulatory impact assessment as appropriate. They also will explore negotiating provisions on services domestic regulation.

**Micro-, Small- and Medium-Sized Enterprises.** The United States and Kenya believe that the success of MSMEs, including women-owned enterprises, is a key element in promoting sustained economic growth. They will discuss approaches to integrate MSMEs into international trade, and will initiate periodic technical best practices exchanges and roundtables on MSMEs.

**Promoting Workers' Rights and Protections.** The United States and Kenya want to work together to advance and protect labor rights through enforcement of, and compliance with, labor laws, promotion of social dialogue, and cooperation in other areas of mutual interest on labor and employment priorities, including forced labor in global supply chains.

**Supporting Participation of Women, Youth, and Others in Trade.** The United States and Kenya are committed to promoting economic opportunities for women and youth and continue to examine how to develop and adopt trade policies that promote and facilitate the participation of women and youth in international trade and to promote good paying, high-quality jobs and sustainable livelihoods. Both countries will work to identify resources to support the economic empowerment and participation of women, youth, persons with disabilities, other vulnerable populations, and the African Diaspora in trade to promote equitable and inclusive development.

**Standards Collaboration.** The United States and Kenya will discuss the role of standards, conformity assessment procedures, and technical regulations that have a significant impact on trade,

including opportunities to reduce impediments to trade due to differences in their respective systems. They intend to engage on and discuss in depth their respective processes for the preparation, adoption, and application of technical regulations, standards and conformity assessment procedures based on mutually agreed best practices.

*Trade Facilitation and Customs Procedures.* The United States and Kenya recognize the pandemic's impact on supply chains and the demonstrated benefits of streamlining border procedures and accelerating World Trade Organization (WTO) Trade Facilitation Agreement implementation for trade in goods during this challenging time. They will discuss opportunities to simplify procedures, especially those that allow new entrants to engage in trade. In this regard, both countries will consider various customs practices, transparency, and cooperation on customs enforcement to inform mutual understanding, including the Agreement between the Government of the United States and the Republic of Kenya Regarding Mutual Assistance between their Customs Administrations, signed in Washington, DC, on August 6, 2014. They also will explore other topics of engagement, including trusted trader benefits for demonstrated low-risk importers, particularly those that participate in their respective country's Authorized Economic Operator program.

The United States will build upon high-standard trade commitments and develop new approaches in trade policy to advance a broad set of worker-centered priorities and promote durable, broad-based economic growth for the United States and Kenya. At this time, the Administration is not seeking to address tariff barriers.

## II. Public Comment

The Trade Policy Staff Committee (TPSC) invites interested parties to submit comments to assist USTR as it develops objectives and positions for enhanced engagement and subsequent negotiation of high standard commitments contemplated by the STIP. In particular, the TPSC invites interested parties to comment on issues that USTR should address in the STIP, including the following:

1. General negotiating objectives for the contemplated agreement.
2. Agriculture-related matters.
3. Anti-corruption-related matters.
4. Digital economy-related matters.
5. Environment- and climate change-related matters.
6. Transparency and good regulatory practice matters.

7. Matters of particular relevance to MSMEs.

8. Worker rights and protections-related matters.

9. Matters related to supporting the participation of women, youth, and others in trade.

10. Matters related to standards collaboration.

11. Customs and trade facilitation matters.

12. Other measures or practices that undermine fair market opportunities for U.S. workers, farmers, ranchers, and businesses.

USTR requests small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments to self-identify as such, so that we may be aware of issues of particular interest to small businesses.

## III. Submission Instructions

Persons submitting written comments must do so in English and must identify on the first page of the submission "Comments Regarding U.S.-Kenya Strategic Trade and Investment Partnership."

The submission deadline is September 16, 2022. USTR strongly encourages commenters to make online submissions, using *Regulations.gov*. To submit comments via *Regulations.gov*, enter docket number USTR-2022-0008 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled 'comment'. For further information on using *Regulations.gov*, please consult the resources provided on the website by clicking on 'FAQ' on the bottom of the home page.

*Regulations.gov* allows users to submit comments by filling in a 'type comment' field, or by attaching a document using an 'upload file' field. USTR prefers that you provide comments in an attached document. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field.

Filers submitting comments that do not include any business confidential information (BCI) should name their file using the name of the person or entity submitting the comments. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI.' Clearly mark any page containing BCI with

'BUSINESS CONFIDENTIAL' on the top of that page. Filers of submissions containing BCI also must submit a public version of their comments that USTR will place in the docket for public inspection. The file name of the public version should begin with the character 'P.' Follow the 'BCI' and 'P' with the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges that you file comments through *Regulations.gov*. You must make any alternative arrangements with Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395-2974 before transmitting a comment and in advance of the deadline.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on the *Regulations.gov* by entering docket number USTR-2022-0008 in the search field on the home page. General information concerning USTR is available at <https://www.ustr.gov>.

### William Shpiece,

*Chair of the Trade Policy Staff Committee,  
Office of the United States Trade Representative.*

[FR Doc. 2022-16798 Filed 8-4-22; 8:45 am]

BILLING CODE 3290-F2-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2022-0121; Summary Notice No. -2022-20]

### Petition for Exemption; Summary of Petition Received; FulcrumAir Corp.

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the

legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before August 24, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2022-0181 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jake Troutman, (202) 683-7788, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

**Timothy R. Adams,**

*Deputy Executive Director, Office of Rulemaking.*

### Petition for Exemption

*Docket No.:* FAA-2022-0181.

*Petitioner:* FulcrumAir Corp.

*Section(s) of 14 CFR Affected:*

§§ 61.3(a)(1)(i), 91.7(a), 91.109(a), 91.151(b),

91.403(b), 91.405(a), 91.407(a)(1), 91.409(a)(1), 91.409(a)(2), 91.417(a), 91.417(b), 133.19(a), 133.21(a), 133.21(b), 133.27(b), 133.33(a), 133.33(b)(1), 133.43, 133.45(a), 133.45(b), 133.45(c), 133.45(d), 133.47, 133.49, and 133.51.

*Description of Relief Sought:* FulcrumAir Corp. petitions for an exemption to operate its E7500 unmanned aircraft system (UAS), weighing over 55 pounds (lbs.) but no more than 220 lbs., to provide commercial external-load rotorcraft operations in the United States with a Part 133 Rotorcraft External-Load Operator Certificate. The E7500 UAS is an electric vertical take-off and landing heavy lift coaxial helicopter designed to sling a machine used to install Bird Flight Diverters, and other cable sensing machines on overhead power transmission lines located in low-risk remote and sparsely populated areas. The petitioner intends to operate in Class G airspace at or below 400 feet above ground level. Operations will occur within visual line of sight of the pilot and during daylight hours only. The petitioner proposes to use a pilot in command holding a remote pilot certificate issued under 14 CFR part 107.

[FR Doc. 2022-16779 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2022-37]

#### Petition for Exemption; Summary of Petition Received; The Boeing Company

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

**ACTION:** Notice of petition for exemption received.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before August 25, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2022-0555 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of

Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <https://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

*Docket:* Background documents or comments received may be read at <https://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Deana Stedman, AIR-612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206-231-3187, email [deana.stedman@faa.gov](mailto:deana.stedman@faa.gov).

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 01, 2022.

**Daniel J. Commins,**

*Manager, Technical Writing Section.*

### Petition for Exemption

*Docket No.:* FAA-2022-0555.

*Petitioner:* The Boeing Company.

*Section(s) of 14 CFR Affected:* § 25.813(e).

*Description of Relief Sought:* Petitioner is seeking relief from 14 CFR 25.813(e), which states that no door may be installed between any passenger seat that is occupiable for takeoff and landing and any passenger emergency exit, such that the door crosses any egress path (including aisles, crossaisles, and passageways). Specifically, the petitioner is proposing to install walls along the aisle in mini-suites that can be moved for the purpose of assisting passengers with reduced mobility in transferring in and out of their seat in Model 787 airplanes. The movable aisle wall, when deployed, will temporarily block the doorway of the adjacent mini-suite and consequently inhibit access to or from the seat in that adjacent mini-suite.

[FR Doc. 2022-16771 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2022–0075]

**Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Daimler Coaches North America, LLC****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA requests public comment on an application for exemption from Daimler Coaches North America, LLC to allow its driver assistance camera technology to be mounted higher in the lower area of the windshield on commercial motor vehicles than is currently permitted.

**DATES:** Comments must be received on or before September 6, 2022.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA–2022–0075 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the Public Participation and Request for Comments section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2022–0075) for this notice. Note that DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including any personal information included in a comment. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments

from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541 or [jose.cestero@dot.gov](mailto:jose.cestero@dot.gov), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

**SUPPLEMENTARY INFORMATION:****I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

*Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA–2022–0075), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA–2022–0075” in the “Keyword” box, and click “Search.” When the new screen appears, click on “Comment Now!” button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8 1/2 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 and may grant or not grant this application based on your comments.

**II. Legal Basis**

FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

**III. Background***Current Regulatory Requirements*

49 CFR 393.60(e)(1)(ii) currently requires devices meeting the definition of “vehicle safety technology,” including Daimler Coaches North America, LLC’s (DCNA) driver assistance camera technology device, to be mounted (1) not more than 4 inches below the upper edge of the area swept by the windshield wipers, or (2) not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver’s sight lines to the road and highway signs and signals. On March 7, 2022, FMCSA issued a final rule that goes into effect on May 6, 2022 (87 FR 12596). The new rule expands the mounting location of devices that meet the definition of “vehicle safety technology” and allows them to be mounted:

(A) Not more than 216 mm (8.5 inches) below the upper edge of the area swept by the windshield wipers;

(B) Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and

(C) Outside the driver’s sight lines to the road and highway signs and signals.

The revised rule only increases the upper edge area swept by the windshield wipers and does not change the lower edge area.

#### *Applicant's Request*

DCNA has applied for an exemption from 49 CFR 393.60(e)(1) to allow its driver assistance camera technology device to be mounted higher in the lower area of the windshield than is currently permitted. A copy of the application is included in the docket referenced at the beginning of this notice.

#### *Equivalent Level of Safety*

In its application, DCNA states that the functionality of its driver assistance camera technology includes the ability to manage the Lane Departure Warning System (LDWS), Adaptive Cruise Control (ACC), Active Brake Assist 5 (ABA5) which is the minimum standard safety system and integral to the Electronic Stability Program (ESP). ABA5 uses both existing radar and the new camera technology for both pedestrian and vehicle recognition, commonly referred to as a "forward collision mitigation system."

The technology housing is approximately 187 mm (7.36 inches) tall by 277 mm (10.9 inches) wide and will be mounted in the approximate lower center of the windshield with the bottom edge of the housing approximately 240 mm (about 9.44 inches) above the lower edge of the area swept by the windshield wipers. The technology will be mounted outside the driver's normal sight lines to the road ahead, signs, signals, and mirrors. This location will allow for optimal functionality of the safety features supported by DCNA's driver assistance camera technology. The location of the technology—within the sweep of the left side windshield wiper—also ensures the safe operation of the system in inclement weather, where the sensors field of view can be wiped 'clean', as required, by normal use of the windshield wiper system.

DCNA believes that mounting the driver assistance camera technology system as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

#### **IV. Request for Comments**

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on DCNA's application for an exemption. All comments received before the close of business on the comment closing date indicated at the beginning of this notice

will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2022-16868 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

#### **Notice of Final Agency Actions on Proposed Railroad Project in California**

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Railroad Administration (FRA) for the Coachella Valley-San Gorgonio Pass Rail Corridor Service Project. By this notice, FRA is advising the public of the time limit to file a claim seeking judicial review of the action.

**DATES:** A claim seeking judicial review of FRA action for the Project will be barred unless the claim is filed on or before August 5, 2024. If Federal law later authorizes a time period of less than 2 years for filing such claim, then that shorter time period applies.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Amanda Ciampolillo, Supervisory Environmental Protection Specialist, Office of Railroad Policy and Development, FRA, telephone: (617) 866-9398, email: [Amanda.Ciampolillo@dot.gov](mailto:Amanda.Ciampolillo@dot.gov). For legal questions, please contact Faris Mohammed, Attorney-Advisor, Office of the Chief Counsel, FRA, telephone: (202) 763-3230, email: [Faris.Mohammed@dot.gov](mailto:Faris.Mohammed@dot.gov).

**SUPPLEMENTARY INFORMATION:** Notice is given that FRA has taken final agency actions, subject to 49 U.S.C. 24201(a)(4) and 23 U.S.C. 139(l)(1), by issuing certain approvals for the following railroad project: Coachella Valley-San Gorgonio Pass Rail Corridor Service Project (Project). The Project consists of a corridor-wide planning study of intercity passenger rail service between

the cities of Los Angeles and Coachella, CA. FRA conducted the study in coordination with the California Department of Transportation and the Riverside County Transportation Commission. The purpose of the Project is to evaluate options for providing intercity passenger rail service to serve a range of purposes for travel between the Coachella Valley and the Los Angeles Basin, including business, social, medical, leisure, and recreational trips.

This notice applies to all decisions on the Project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to, National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Air Act [42 U.S.C. 7401-7671q]. The actions on the Project, as well as the laws under which such actions were taken, are described in the combined Final Environmental Impact Statement/Record of Decision (FEIS/ROD) approved on June 3, 2022. The FEIS/ROD and other documents are available at <https://railroads.dot.gov/environment/environment-reviews/coachella-valley-san-gorgonio-pass-corridor-investment-plan>.

(Authority: 49 U.S.C. 24201(a)(4) and 23 U.S.C. 139(l)(1))

Issued in Washington, DC.

**Jamie P. Rennert,**

*Director, Office of Infrastructure Investment.*

[FR Doc. 2022-16854 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-06-P**

## **DEPARTMENT OF TRANSPORTATION**

[Docket No. DOT-OST-2022-0082]

### **Request for Information; Thriving Communities Initiative**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).

**ACTION:** Request for information.

**SUMMARY:** The Bipartisan Infrastructure Law (BIL) enacted as the Infrastructure Investment and Jobs Act (IIJA) created several new programs at the US Department of Transportation (DOT) that allow local governments, non-profit organizations, tribal governments, and other political subdivisions of state or local governments to apply directly for DOT discretionary grant funding. In response to President Biden's Executive Orders, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," and

“Tackling the Climate Crisis at Home and Abroad,” DOT has included criteria in its notices of funding opportunity to prioritize the needs of disadvantaged communities for many of these new programs. Through this Request for Information (RFI) for the newly created Thriving Communities Initiative, DOT is looking to gain information on the technical assistance, planning, and capacity building needs faced by disadvantaged communities that are seeking to advance local transportation projects within the existing Federal, state, and regional transportation planning and project delivery methods including to access innovative finance programs offered through DOT.

**DATES:** Comments are requested by August 26, 2022.

**ADDRESSES:** Comments should refer to the docket number above and be submitted by one of the following methods:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

*Instructions:* For detailed instructions on submitting comments, see the Public Participation heading of the

**SUPPLEMENTARY INFORMATION** section of this document. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Except as provided below, all comments received into the docket will be made public in their entirety. The comments will be searchable by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You should not include information in your comment that you do not want to be made public. You may review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or at <https://www.transportation.gov/privacy>.

*Docket:* For access to the docket to read background documents or comments received, visit <https://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** For policy issues, please email [ThrivingCommunities@dot.gov](mailto:ThrivingCommunities@dot.gov) or contact Victor Austin at 202-366-2996. Office hours are from 8 a.m. to 5 p.m. EDT, Monday through Friday, except for Federal holidays.

**SUPPLEMENTARY INFORMATION:** For this notice, DOT defines technical assistance to include programs, processes, and resources that provide targeted support, knowledge, or expertise to a community, region, organization, or other beneficiary to help access and successfully deploy funding and build local capacity to develop, design, and deliver transportation plans and projects. DOT is interested in learning more about best practices in technical assistance delivery approaches from non-Federal providers and Federal agencies which disadvantaged communities feel have been successful in meeting their needs. DOT is also interested in the technical assistance challenges disadvantaged communities face or anticipate facing when seeking to access DOT-led technical assistance and capacity building opportunities.

The information gained through this RFI will assist DOT to implement the Thriving Communities Initiative and will inform technical assistance programs being coordinated through the Build America Bureau (Bureau) that advance capacity building for disadvantaged communities, including rural and tribal governments. DOT is assessing its current suite of technical assistance programs and seeks to identify emerging technical assistance needs and best practices in the delivery approaches offered by other Federal agencies and by non-Federal technical assistance and capacity building providers.

A Department goal in creating new technical assistance programs is to structure capacity building approaches that facilitate cross-sector coordination, build sustained capacity in local communities both within government and by other implementation partners, and foster multi-stakeholder engagement both in their delivery and outcomes. The RFI responses will inform work by the Bureau to develop and coordinate technical assistance programs that deliver improved results to communities. This includes enabling communities to accelerate project delivery, utilize innovative finance tools, and advance transportation projects that benefit disadvantaged communities, support the overall Thriving Communities Initiative, align

with DOT’s strategic priorities, and help to implement the Equity Action Plan.<sup>1</sup>

Through this RFI, DOT requests information on the technical assistance, planning, and capacity building needs faced by disadvantaged communities seeking to advance transportation projects within existing Federal, state, and regional transportation planning and project delivery methods to inform the development of technical assistance and capacity building funded through the Thriving Communities Program (TCP), the Reconnecting Communities Pilot Program, and the Bureau. The Department is also interested in the technical assistance challenges disadvantaged communities face or anticipate facing when seeking to access innovative financing tools and Federal credit assistance programs, such as those provided through the Transportation Infrastructure Finance and Innovation Act (TIFIA) (<https://www.transportation.gov/buildamerica/financing/tifia>) or the Railroad Rehabilitation and Improvement Financing (RRIF) (<https://www.transportation.gov/buildamerica/financing/irif>).

DOT is keenly interested in ways to leverage and synergize these technical assistance programs to provide a coordinated and seamless process for their delivery and for communities to access these resources. Each of these programs, including TCP, has a place-based focus and is designed to work across a range of DOT grant programs, transportation modes, and in support of urban, suburban, rural, and tribal communities.

### Thriving Communities Initiative

The Consolidated Appropriations Act, 2022, provided \$25 million to DOT to develop and implement technical assistance, planning, and capacity building to improve and foster thriving communities through transportation improvements through the Thriving Communities Initiative. This includes a new Thriving Communities Program by which DOT will utilize cooperative agreements with capacity building and technical assistance providers to support communities seeking to advance transformative, equitable, and climate-friendly infrastructure projects that benefit disadvantaged communities. Eligible applicants to provide this assistance include philanthropic

<sup>1</sup> U.S. Department of Transportation, “FY2022–2026 Strategic Plan,” available at: <https://www.transportation.gov/dot-strategic-plan>. U.S. Department of Transportation, “Equity Action Plan” (January 2022), available at: <https://www.transportation.gov/priorities/equity/actionplan>.



entities, non-profit organizations, other Federal agencies, state or local governments and their agencies, Indian Tribes, or other technical assistance providers. The purpose of this assistance is to facilitate the planning and development of transportation and community revitalization activities supported by DOT under titles 23, 46, and 49, United States Code, that increase mobility, reduce pollution from transportation sources, expand affordable transportation options, facilitate efficient land use, preserve, or expand jobs, improve housing conditions, enhance connections to health care, education, and food security, or improve health outcomes. More information on the Thriving Communities Program is available at <https://www.transportation.gov/grants/thriving-communities>.

### Reconnecting Communities Pilot Program

The Thriving Communities Initiative will also coordinate technical assistance funded through DOT's new Reconnecting Communities Pilot program. The Reconnecting Communities Pilot (RCP) program was created in BIL (IIJA) to reconnect communities by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity. The program provides technical assistance and funding for planning and capital construction. The RCP Program provides DOT up to \$30 million, cumulatively for FY 2022–FY 2026, to provide technical assistance and capacity building support for RCP applicants and grant recipients for transportation planning and capital investment projects. Recipients of FY 2022 Planning Grants and Capital Construction Grants will have access to RCP technical assistance based on the availability of DOT resources. DOT will prioritize technical assistance for recipients serving economically disadvantaged communities. For prospective RCP applicants who are not ready to apply for a Planning or Capital Construction Grant, DOT intends to provide technical assistance through learning academies starting in 2023. More information on the RCP program is available at: <https://www.transportation.gov/grants/reconnecting-communities>.

### Build America Bureau

The TCP and RCP program technical assistance will be managed through the Bureau, which is also implementing several other technical assistance programs, some of which predate BIL.

These include the Regional Infrastructure Accelerators, the Build America Center, the Rural and Tribal Assistance Pilot Program, and Asset Concession and Innovative Finance Assistance Programs. Some Bureau programs allow for direct grant agreements or procurements of technical assistance on behalf of recipients and/or providers. All of these programs are designed to improve transportation infrastructure financing and project delivery, develop new initiatives to facilitate public and private financing mechanisms, and analyze the cost-effectiveness of new and alternative approaches. Information on the Build America Bureau is available at: <https://www.transportation.gov/buildamerica/>.

### RFI Definitions

The definitions for technical assistance, capacity building, planning, and disadvantaged communities are provided below and used for the purposes of this RFI.

*Technical assistance:* Programs, processes, and resources that provide targeted support, knowledge or expertise to a community, region, organization, or other beneficiary to help them access and utilize Federal funding to develop, analyze, design, and deliver transportation plans and projects.

*Capacity building:* Activities designed to improve the ability of an organization to design and implement the necessary technical, financial, business, data analysis, and management skills of grantees to access Federal funding, meet Federal requirements, undertake statewide and metropolitan long-range planning and programming activities, and implement other activities that broadly support project development and delivery. This includes developing long-term community capacity to sustain partnerships and engage non-governmental partners, leadership and workforce development, and program evaluation.

*Planning:* Efforts that support inclusive public participation and community engagement in developing and implementing a range of activities to identify, assess, and evaluate community needs, including but not limited to environmental reviews, data and mapping visualization, market and mobility studies, health and safety impacts, and climate vulnerability assessments. Planning assistance may involve developing or designing for a program or project that aligns with the goals of the DOT Strategic Plan: <https://www.transportation.gov/dot-strategic-plan>.

*Disadvantaged Communities:* Consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative, DOT's interim definition of Disadvantaged Communities includes (a) certain qualifying census tracts, (b) any tribal land, or (c) any territory or possession of the United States. DOT considers a census tract disadvantaged if it falls in the top 50% (75% for resilience) in at least four of the following categories—transportation access, health, environmental, economic, resilience, and equity disadvantage. For more information see <https://www.transportation.gov/grants/dot-navigator/federal-tools-determine-disadvantaged-community-status>.

### Questions to the Public

The IIJA provides communities with an unprecedented opportunity to apply directly for Federal funding. Yet accessing these resources requires local communities to have considerable technical knowledge not only of the funding programs, but also of the larger transportation planning context including compliance with the National Environmental Policy Act and other Federal requirements, and the means to successfully secure matching funds, leverage other funding and finance resources and to meet the reporting and oversight obligations of Federal grant funding. For many disadvantaged and underserved communities, these requirements create substantial barriers.

The Department seeks to gather information on technical assistance, planning, and capacity building needs and challenges and identify potential models and best practices to further improve programs being coordinated by the Bureau through the Thriving Communities Initiative. Through these coordinated efforts, DOT seeks to foster local innovation, advance DOT's equity goals, and support cross-issue and cross-sector collaboration.

The following list of questions and topic areas are intended to guide the Department in this effort. Please feel free to answer any or all of the following questions.

### Determining Technical Assistance and Capacity Building Needs

1. What are the greatest barriers to disadvantaged communities in pursuing Federal transportation funds and delivering transportation projects, particularly for rural, tribal, and smaller jurisdictions that technical assistance could help address? What information and resources would help disadvantaged communities and local

organizations pursue Federal transportation funds?

2. What types of technical assistance would be most useful or not useful to organizations serving or located in disadvantaged communities to work with local and state transportation agencies advance transportation projects that improve mobility, safety, economic development, equity outcomes and environmental issues? Are there particular issues that current DOT technical assistance programs do a good job of addressing?

3. How can DOT better provide project sponsors with technical assistance in support of competitive grants and credit program opportunities including: innovative finance tools, credit worthiness evaluation, benefit cost analyses, civil rights requirements, public engagement, and risk assessments; and are there particular challenges disadvantaged communities face in these areas that need to be addressed?

4. What other information should DOT consider as it creates new technical assistance and capacity building programs through the Bureau, particularly to support disadvantaged communities in identifying, designing, developing, financing, and implementing projects that can be supported through IIJA funding opportunities and programs?

#### **Approaches and Methods To Delivering and Evaluating Technical Assistance and Building Capacity**

5. What technical assistance delivery models (Federal or non-Federal; direct grants or through service providers) have you found to be the most beneficial to building sustained capacity in disadvantaged communities, and to reducing the burden for disadvantaged communities to access these resources? What resources, technical assistance, and training have you found to be the most beneficial to building sustained capacity in disadvantaged communities? Further, given that DOT has provided technical assistance directly through its regional, field, division, and headquarters staff; through third party contractors and Centers; through grants directly to communities; and through a variety of mediums,<sup>2</sup> please provide feedback on which of these you have found, or believe to be, the most effective models and why.

6. How could technical assistance programs be designed to support the

involvement and capacity building of disadvantaged business enterprises (DBEs), local contractors, and community organizations who may also be important partners?

7. How can interagency coordination between Federal, state, and regional offices enhance the delivery and impact of technical assistance efforts?

8. How should DOT evaluate the effectiveness of its place-based technical assistance programs and what data should it collect to assess its impact?

#### **Public Participation**

##### *How do I prepare and submit comments?*

To ensure that your comments are filed correctly, please include the docket number DOT-OST-2022-0082 in your comments. Respondents are invited to provide information responding to any or all questions.

Please submit one copy (two copies if submitting by mail or hand delivery) of your comments, including any attachments, to the docket following the instructions given above under

**ADDRESSES**. Please note, if you are submitting comments electronically as a PDF (Adobe) file, we ask that the documents submitted be scanned using an Optical Character Recognition (OCR) process, thus allowing the Agency to search and copy certain portions of your submissions.

##### *How do I submit confidential business information?*

Any submissions containing Confidential Information must be delivered to DOT in the following manner:

- Submitted in a sealed envelope marked “confidential treatment requested.”
- Document(s) or information that the submitter would like withheld from the public docket should be marked “PROPIN.”
- Accompanied by an index listing the document(s) or information that the submitter would like the Department to withhold. The index should include information such as numbers used to identify the relevant document(s) or information, document title and description, and relevant page numbers and/or section numbers within a document.
- Submitted with a statement explaining the submitter’s grounds for objecting to disclosing the information to the public.

DOT will treat such marked submissions as confidential under the FOIA and not include them in the public docket. If DOT receives a FOIA

request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 CFR 7.29. DOT also requests that submitters of Confidential Information include a non-confidential version (either redacted or summarized) of those confidential submissions in the public docket. If the submitter cannot provide a non-confidential version of its submission, DOT requests that the submitter post a notice in the docket stating that it has provided DOT with Confidential Information. Should a submitter fail to docket either a non-confidential version of its submission or to post a notice that Confidential Information has been provided, we will note the receipt of the submission on the docket, with the submitter’s organization or name (to the degree permitted by law) and the date of submission.

##### *Will the Agency consider late comments?*

DOT will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent practicable, the Agency will also consider comments received after that date.

##### *How can I read the comments submitted by other people?*

You may read the comments received at the address given above under **ADDRESSES**. The hours of the docket are indicated above in the same location. You may also see the comments on the internet, identified by the docket number at the heading of this notice, at <https://www.regulations.gov>.

Please note, this RFI is a planning document and will serve as such. The RFI should not be construed as policy, a solicitation for applications, or an obligation on the part of the government.

Issued in Washington, DC, on August 2, 2022.

**Christopher Coes,**

*Assistant Secretary for Transportation Policy,  
Department of Transportation.*

[FR Doc. 2022-16860 Filed 8-4-22; 8:45 am]

**BILLING CODE 4910-9P-P**

<sup>2</sup> For reference, the DOT Navigator provides access to the suite of existing DOT technical assistance resources; available at <https://www.transportation.gov/dot-navigator>.

**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****[Docket No. DOT–OST–2018–0190]****Aviation Consumer Protection Advisory Committee; Notice of Public Meeting****AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT).**ACTION:** Notice of public meeting.

**SUMMARY:** This Notice announces the public meeting of the Aviation Consumer Protection Advisory Committee (ACPAC), to be held virtually on the topic of airline ticket refunds and related consumer protection matters.

**DATES:** The virtual meeting will be held on Monday, August 22, 2022, from 10:00 a.m. to 5:30 p.m., Eastern Daylight Time. The meeting is open to the public, subject to any technical and/or capacity limitations. Requests to attend the meeting must be submitted to [https://usdot.zoomgov.com/webinar/register/WN\\_e\\_B-NtXft8KlqgoNCH3f7w](https://usdot.zoomgov.com/webinar/register/WN_e_B-NtXft8KlqgoNCH3f7w). We encourage interested parties to register by Monday, August 15, 2022. Communication Access Real-time Translation (CART) and sign language interpretation will be provided during the meeting. Requests for additional accommodations because of a disability must be received at [ACPAC\\_08.22.2022@dot.gov](mailto:ACPAC_08.22.2022@dot.gov) by August 15, 2022. If you wish to speak during the meeting, you should submit a request at [ACPAC\\_08.22.2022@dot.gov](mailto:ACPAC_08.22.2022@dot.gov) no later than August 15, 2022.

**ADDRESSES:** The virtual meeting will be open to the public and held via the Zoom Webinar Platform. Virtual attendance information will be provided upon registration. An agenda will be available on the Department's Office of Aviation Consumer Protection website at <https://www.transportation.gov/airconsumer/ACPAC> in advance of the meeting.

**FOR FURTHER INFORMATION CONTACT:** To register and attend this virtual meeting, please use the link: [https://usdot.zoomgov.com/webinar/register/WN\\_e\\_B-NtXft8KlqgoNCH3f7w](https://usdot.zoomgov.com/webinar/register/WN_e_B-NtXft8KlqgoNCH3f7w). Attendance is open to the public subject to any technical and/or capacity limitations. For further information, please contact Cristina Draguta, Attorney-Advisor, by email at [Cristina.Draguta@dot.gov](mailto:Cristina.Draguta@dot.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

The ACPAC evaluates the Department of Transportation's current aviation

consumer protection programs and provides recommendations to the Secretary for improving them, as well as recommending any additional consumer protections that may be needed.

The subject of airline ticket refunds was discussed in an ACPAC meeting held on December 2, 2021. The Department planned for the ACPAC to continue its discussion on airline ticket refunds after issuance of the Notice of Proposed Rulemaking (NPRM) on Airline Ticket Refunds and Consumer Protections (RIN 2105–AF04). On August 2, 2022, the Department issued the NPRM, which is available at <https://www.transportation.gov/airconsumer/latest-news>. The Department is now scheduling a meeting to provide the ACPAC further opportunity to discuss issues related to airline ticket refunds, particularly the proposals in the Department's NPRM.

**II. Agenda**

During the August 22, 2022, meeting, the Department will provide an opportunity for public input and continue the discussion on airline ticket refunds and related consumer protection matters. Regarding airline ticket refunds, the Department's NPRM proposes, pursuant to 49 U.S.C. 41712, which prohibits U.S. air carriers, foreign air carriers, and ticket agents from engaging in unfair practices in the sale of air transportation, to require carriers and ticket agents to provide requested refunds to passengers when a carrier cancels or significantly changes a flight to, from, or within the United States. The Department's existing rule has not defined the terms "significant change" and "cancellation" in regulation or statute. The Department proposes to clarify and codify that, under the Department's rule requiring airlines to provide prompt refunds when ticket refunds are due and its rule requiring ticket agents to make refunds promptly when service cannot be performed as contracted, carriers and ticket agents must provide prompt ticket refunds to passengers when a carrier cancels or makes a significant change to a flight. The NPRM further proposes to define cancellation and significant change, including addressing whether new itineraries involving delayed arrivals or early departures of a certain length or additional stops constitute a significant change requiring a refund. The NPRM also addresses protections for consumers who are restricted or prohibited from traveling or determine not to travel consistent with public health guidance related to a serious communicable disease. Comments on the NPRM may be submitted into the

rulemaking Docket (DOT–OST–2022–0089) at any time during the public comment period, including before and after the ACPAC meeting. This meeting will allow the ACPAC to hear from all interested stakeholders regarding the Department's proposals and what ACPAC should consider as it determines what recommendations, if any, to make to the Secretary on this topic.

**III. Public Participation**

The August 22, 2022, meeting will begin at 10:00 a.m. EST, and the Department will provide time for opening remarks and present a summary of the Department's relevant regulations, an overview of the December ACPAC meeting, and an overview of the NPRM. The meeting will then transition to input from participants, including members of the public. There will be a lunch break and further input and discussion will continue in the afternoon to help inform the ACPAC members on what they should consider when making recommendations, if any, on this topic. To inform and enable the public to provide input, the Department summarizes the main proposals of the NPRM below and seeks information on the following questions regarding these proposals:

*1. Ticket Refunds Due to Airline Cancellations and Significant Changes of Itineraries*

a. Defining Significant Changes of Itineraries

*The Proposal:*

A "significant change of flight itinerary" is defined as a change to a covered flight itinerary made by a covered carrier where:

(1) the consumer is scheduled to depart from the origination airport three hours or more for domestic itineraries and six hours or more for international itineraries earlier than the original scheduled departure time;

(2) the consumer is scheduled to arrive at the destination airport three hours or more for domestic itineraries and six hours or more for international itineraries later than the original scheduled arrival time;

(3) the consumer is scheduled to depart from a different origination airport or arrive at a different destination airport;

(4) the consumer is scheduled to travel on an itinerary with more connection points than that of the original itinerary;

(5) the consumer is downgraded to a lower class of service; or

(6) the passenger is scheduled to travel on a different type of aircraft with

a significant downgrade of the available amenities and travel experiences.

*Question 1(a)(i):* Should the Department define a “significant change of flight itinerary” that would result in a consumer being entitled to a ticket refund or should the Department continue its current practice to allow airlines to determine their own standards for flight itinerary changes that lead to refund eligibility?

*Question 1(a)(ii):* If the Department adopts a standard for significant early departure or arrival delays that would result in refund eligibility, should the standard be a set number of hours based on domestic vs. international itineraries, as proposed in the NPRM, or a tiered standard based on the total travel duration of an itinerary? Is there any other objective benchmark that should be considered as the basis of calculating whether a refund is due because of flight delays and early departures?

*Question 1(a)(iii):* Should the Department’s rule consider the change of origination or destination airport, or the increase of the number of connections a significant change that would result in a refund due?

*Question 1(a)(iv):* What types of aircraft downgrade should be considered as a basis for a consumer to request a refund? Should the determination be made on a case-by-case basis? Are there certain types of changes in amenities or air travel experience as the results of aircraft downgrade that should automatically be considered significant for purposes of requiring a refund be offered?

*Question 1(a)(v):* Are there any other itinerary changes not proposed in the NPRM that should be considered “significant” for purposes of requiring a refund be offered?

#### b. Forms of Refund

##### *The Proposal:*

- Airlines and ticket agents must refund passengers by returning the money in the original form of payment or by providing the refund in cash or a form of cash equivalent.

- Cash equivalent is defined as a form of payment that can be used like cash, including but not limited to a check, a prepaid card, funds transferred to the passenger’s bank account, funds provided through digital payment methods (e.g., PayPal, Venmo), or a gift card that is widely accepted in commerce.

- Airlines and ticket agents may offer other compensation choices such as travel credits or vouchers and store gift cards in lieu of refunds but must first inform consumers that they are entitled to a refund if that is the case.

- Airlines and ticket agents must disclose material restrictions, conditions, and limitations on the compensation options provided to the consumer.

*Question 1(b)(i):* Should the Department’s rule mandate that refunds must be provided in the original form of payment, or should the Department allow airlines and ticket agents to choose another form of payment that is cash or cash equivalent?

*Question 1(b)(ii):* How should the form of refund affect the refund deadlines? For example, if a passenger purchased the ticket with a credit card but agrees to accept the refund by a check, which refund deadline (7 days or 20 days) should apply?

#### c. Obligations on Ticket Agents

##### *The Proposal:*

- Ticket agents must provide prompt refunds to consumers when an airline cancels or makes a significant change to a flight itinerary that the ticket agents sold directly to consumers (i.e., the ticket agents’ identities are shown in the consumers’ financial charge statements).

- Ticket agents are permitted to deduct the service fee for booking travel or issuing tickets from the refund or charge a fee for issuing the refund, as long as the amount of the fee is based on a per-passenger basis and the existence of the fee was clearly and prominently disclosed to consumers at the time of ticket purchase.

*Question 1(c)(i):* For an itinerary purchased from or through a ticket agent, which entity (the ticket agent or the airline) should be responsible for the refund when it is due? Is it reasonable to require the entity that “sold” the itinerary (i.e., the entity that shows in the consumer’s financial charge statement) be responsible for the refund?

*Question 1(c)(ii):* When issuing a refund requires actions by both a ticket agent and an airline, should the Department hold both entities liable regardless of which entity “sold” the ticket?

*Question 1(c)(iii):* If a ticket agent is relying on an airline to confirm that the consumer is eligible for a refund, should the Department allow the mandatory refund timeframes (7 days for credit card refund and 20 days for other forms of refund) to start only when the airline confirms refund eligibility?

*Question 1(c)(iv):* When issuing a refund that is due, is it reasonable to allow the ticket agents to retain the service charges for issuing the original tickets as the service has already been provided? Should the Department

require that ticket agents clearly disclose such a fee retention when consumers purchase tickets?

#### 2. Providing Travel Vouchers to Consumers Who are Restricted or Prohibited From Traveling, or Determine Not To Travel Due to Concerns Related to a Serious Communicable Disease

a. Providing Travel Credits or Vouchers to Consumers Who Are Restricted or Prohibited From Traveling or Who Determine Not To Travel Consistent With Public Health Guidance Related to a Serious Communicable Disease

##### *The Proposal:*

- Airlines and ticket agents must provide non-expiring travel credits or vouchers to a consumer if, after purchasing the tickets, a government order was issued to prohibit the consumer from leaving the origination or entering into the destination or transition point, or if the government order renders the consumer’s travel meaningless.

*Question 2(a)(i):* Should the Department’s consumer protection rule cover only situations in which travel is made physically impossible by a government restriction (e.g., stay-at-home order or border closure) or should it also cover situations in which the restriction renders the travel meaningless (e.g., a situation in which a consumer traveling to attend an event would miss the event because of a mandatory quarantine requirement at the destination)?

*Question 2(a)(ii):* Should this requirement only apply during a public health emergency or apply whenever a government restriction or prohibition on travel related to a communicable disease is imposed?

*Question 2(a)(iii):* What types of evidentiary documents should airlines and ticket agents be permitted to request as a condition to issue credits or vouchers under this requirement?

b. Providing Travel Credits or Vouchers to Consumers Who Are Advised by a Medical Professional or Determine Consistent With Public Health Guidance Not To Travel To Protect Themselves From a Serious Communicable Disease During a Public Health Emergency

##### *The Proposal:*

- Airlines and ticket agents must provide non-expiring travel credits or vouchers to consumers who are advised by a medical professional or determine consistent with public health guidance issued by the CDC, comparable foreign agencies, or WHO not to travel by air to protect themselves from a serious communicable disease during a public health emergency.

*Question 2(b)(i):* Is it reasonable to require airlines and ticket agents to issue travel credits or vouchers to consumers, who have purchased their tickets before the declaration of a public health emergency, because they have been advised by a medical professional or determined, consistent with public health guidance, that they need to postpone or cancel travel to protect themselves from a serious communicable disease?

*Question 2(b)(ii):* Should this requirement also cover consumers who have purchased their tickets after the declaration of the public health emergency but later find out that certain conditions (e.g., the consumer's health condition) have changed and because of such change they need to postpone or cancel travel?

*Question 2(b)(iii):* Should this requirement cover only consumers who have legitimate concerns about their own health conditions, or should this requirement also cover:

- consumers who are reluctant to travel because of the risk they may bring to others (e.g., family members they care for); and/or

- consumers who are unable to travel alone because their travel companion decides not to travel due to health reasons (e.g., the minor child of a consumer who decides not to travel to protect his or her own health)?

*Question 2(b)(iv):* What types of evidentiary documents should airlines and ticket agents be permitted to request as a condition for issuance of credits or vouchers under this requirement?

*The proposal:*

- Regardless whether there is a public health emergency, airlines and ticket agents must provide a non-expiring travel credit or voucher to a consumer who is advised by a medical professional or determines consistent with public health guidance issued by CDC, comparable foreign agencies, or WHO not to travel by air because the consumer has or may have contracted a serious communicable disease and the consumer's condition is such that traveling on a commercial flight would pose a direct threat to the health of others.

c. Providing Travel Credits or Vouchers to Consumers Who Have or May Have a Serious Communicable Disease

*Question 2(c)(i):* Is it reasonable to define a serious communicable disease, for the purpose of requesting a travel credit or voucher, as a communicable disease that is readily transmissible in the aircraft cabin environment and would likely cause significant health consequences?

*Question 2(c)(ii):* Are there concerns about potential abuse of this requirement? To prevent abuse, is it reasonable for airlines or ticket agents to request a written statement by a medical professional for the specific consumer requesting the credit or voucher?

*Question 2(c)(iii):* Instead of issuing travel credits or vouchers, are there other ways to protect the interests of affected consumers and promote public health, such as requiring airlines and ticket agents to waive the ticket change fees or keep the ticket open for future travel?

d. Type and Value of Travel Credits or Vouchers, Supporting Documentation, and Service Fees

*The proposal:*

- The travel vouchers or credits provided to eligible consumers must be non-expiring.

- The value of the credit or voucher must be equal to or greater than the fare (including taxes and fees and unused ancillary service fees); ticket agents are allowed to deduct from the value any service fees paid for the issuance of the original ticket.

- Carriers and ticket agents may not impose conditions, limitations, and restrictions on the credits or vouchers that are unreasonable and would materially reduce their value in comparison to the original purchase prices.

- To determine whether a consumer is eligible for the travel credit or voucher under this proposal, airlines and ticket agents may require the consumer to present supporting documentation, as appropriate, such as government travel restriction orders or a statement from a medical professional.

- Airlines and ticket agents may impose a service fee for issuing the credit or voucher; the existence of the fee must be disclosed to consumers at the time of ticket sale.

*Question 2(d)(i):* Is it reasonable to require airlines and ticket agents to issue non-expiring travel credits or vouchers to consumers who are restricted or prohibited from traveling, or advised by a medical professional or determines consistent with public health guidance not to travel due to concerns of a serious communicable disease? Instead of non-expiring credits or vouchers, is it adequate for consumer protection purpose to require the credit or vouchers be transferrable but with a limited validity period? Should airlines and ticket agents be required to allow multiple transfers?

*Question 2(d)(ii):* What type of travel credits or vouchers would be preferred by most consumers—credits or vouchers

of the same or greater value of the original ticket price, or credits or vouchers redeemable for the same itinerary in the future regardless of the price?

*Question 2(d)(iii):* Is it reasonable to allow carriers and ticket agents to charge a service fee for issuing the travel credits or vouchers?

3. Providing Refunds to Consumers Who Are Restricted or Prohibited From Traveling, or Advised by a Medical Professional or Determine Consistent With Public Health Guidance Not To Travel, Due to Concerns Related to a Serious Communicable Disease During a Public Health Emergency if Airlines or Ticket Agents Receive Significant Government Financial Assistance

*The proposal:*

- When there is a declaration of a public health emergency and DOT has published a determination that a covered carrier or ticket agent received significant government financial assistance as a result of the public health emergency, the covered airline or ticket agent must provide a requested refund to a consumer in lieu of the non-expiring travel credit or voucher as required by the proposal.

- In order to receive the refund, an eligible consumer must make a request from the carrier or ticket agent within 12 months of the date that DOT publishes a determination that the government financial assistance received by the carrier or ticket agent is significant.

- Airlines and ticket agents may charge a service fee for issuing the refund and may require supporting documentation from consumers to prove eligibility.

*Question (3)(a):* Should airlines and ticket agents be required to provide refunds, in lieu of travel credits or vouchers, to eligible consumers who are restricted, prohibited, or advised not to travel during a public health emergency due to concerns related to a serious communicable disease if the airlines or ticket agents receive significant government financial assistance related to that public health emergency?

*Question (3)(b):* For the purpose of this requirement, should the Department consider not only Federal government financial assistance provided to U.S. airlines and ticket agents, but also foreign central government financial assistance provided to foreign airlines and ticket agents selling air transportation to the United States?

*Question (3)(c):* Is the process proposed in the NPRM to determine what government financial assistance is "significant" reasonable (i.e., for each

public health emergency, the Department would apply relevant factors in the determination and seek public comments before finalizing the threshold)?

*Question (3)(d):* What factors should be considered when the Department determines whether the amount of government financial assistance provided to an airline or ticket agent is “significant”? Is it reasonable to consider the size of the entity (annual enplanements for airlines, annual revenue and the number of employees for airlines and ticket agents), year-over-year comparison of traffic and revenue before and after the declaration of the public health emergency, the amount of government financial assistance accepted in relation to the entity’s annual revenue? Is it reasonable to also consider a foreign carrier’s annual enplanement to and from the United States in addition to total enplanement globally? What other considerations are relevant in this determination? Should there be different standards for airlines and for ticket agents?

*Question (3)(e):* Is it reasonable to require consumers, who have not already requested a travel credit or voucher, to make a refund request from the airlines or ticket agents within 12 months after a determination has been made by the Department that the airline or ticket agent has received “significant” government financial assistance?

At the August meeting, individual members of the public will have an opportunity to make remarks. However, depending on the volume of requests for oral comments that we receive and the time available, we may not be able to hear from everyone who submitted a request. Any oral comments presented must be limited to the objectives of the committee and will be limited to three (3) minutes per person. Individual members of the public who wish to present oral comments must notify the Department of Transportation, no later than Monday, August 15, 2022, via email at [ACPAC\\_08.22.2022@dot.gov](mailto:ACPAC_08.22.2022@dot.gov) that they wish to present oral comments. The email should (1) identify (by the question number as listed in this Notice) the specific question(s) on which you wish to provide comments; (2) state the organization or entity you are representing or that you are speaking as a member of the public; and (3) provide a written summary of the oral comments you wish to present at the meeting on the question(s). Due to the limited time during the meeting, the Department will review all speaking request submissions and notify those who are selected to

speak in advance of the meeting. If there is an interest in addressing a question not identified in this Notice but related to airline ticket refunds, please identify that topic in your request. All prepared remarks submitted on time will be accepted and considered as part of the meeting’s record.

Members of the public who do not wish to speak at the meeting but have comments that are specifically directed to the ACPAC members for consideration may submit their written comments electronically at any time prior to August 19, 2022, to the ACPAC Docket (DOT–OST–2018–0190). In addition, any substantive comments on the NPRM to be considered by the Department in the rulemaking should be submitted into the NPRM Docket (DOT–OST–2022–0089) directly.

#### IV. Viewing Documents

Documents associated with the ACPAC may be accessed in the ACPAC Docket (DOT–OST–2018–0190). Documents associated with the NPRM on Airline Ticket Refunds and Consumer Protections may be accessed in the rulemaking Docket (DOT–OST–2022–0089). Dockets may be accessed at <https://www.regulations.gov>. After entering the relevant docket number click the link to “Open Docket Folder” and choose the document to review.

Signed in Washington, DC, on this 2nd day of August 2022.

**John E. Putnam,**  
General Counsel.

[FR Doc. 2022–16843 Filed 8–4–22; 8:45 am]

**BILLING CODE 4910–9X–P**

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Affordable Care Act Internal Claims and Appeals and External Review Disclosures

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the Affordable Care Act internal claims and appeals and external review disclosures.

**DATES:** Written comments should be received on or before October 3, 2022 to be assured of consideration

**ADDRESSES:** Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to [pra.comments@irs.gov](mailto:pra.comments@irs.gov). Include OMB control number 1545–2182 or Affordable Care Act Internal Claims and Appeals and External review Disclosures, in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at [Kerry.L.Dennis@irs.gov](mailto:Kerry.L.Dennis@irs.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Affordable Care Act Internal Claims and Appeals and External review Disclosures.

*OMB Number:* 1545–2182.

*Regulation Number:* T.D. 9494 and T.D. 9955.

*Abstract:* This collection of information request includes the information collection and third-party notice and disclosure requirements that a plan must satisfy under final regulations implementing provisions of the Affordable Care Act pertaining to internal claims and appeals, and the external review process. The No Surprise Act extends the balance billing protections related to external reviews to grandfathered plans. The definitions of group health plan and health insurance issuer that are cited in section 110 of the No Surprises Act include both grandfathered and non-grandfathered plans and coverage. Accordingly, the practical effect of section 110 of the No Surprises Act is that grandfathered health plans must provide external review for adverse benefit determinations involving benefits subject to these surprise billing protections. Grandfathered and non-grandfathered plans must provide claimants, free of charge, any new or additional evidence considered, relied upon, or generated by the plan or issuer in connection with the claim, and the requirement to comply either with a State external review process or a Federal review process. The disclosure requirements of the Federal external review process require (1) a preliminary review by plans of requests for external appeals; (2) Independent Review Organizations (IROs) to notify claimants of eligibility and acceptance for external review; (3) the plan or issuer to provide IROs with documentation and other

information considered in making adverse benefit determination; (4) the IRO to forward to the plan or issuer any information submitted by the claimant; (5) plans to notify the claimant and IRO if it reverses its decision; (6) the IRO to notify the claimant and plan of the result of the final external appeal; (7) the IRO to maintain records for six years.

*Current Actions:* There is a change to the paperwork burden previously approved by OMB. Adjustments to the burden estimates result from updated estimates on the number of ERISA-covered plans and policyholders.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits, Not-for-profit institutions.

### Group Health Plans Internal Claims and Appeals and External Review Processes

*Estimated Number of Respondents:* 314,560.

*Estimated Time per Respondent:* .5 hours.

*Estimated Total Annual Burden Hours:* 14,432 hours.

### Procedures for Federal External Review and Model Notices Relating to Internal Claims and Appeals and External Review Under the Patient Protection and Affordable Care Act

*Estimated Number of Respondents:* 76,014.

*Estimated Total Annual Burden Hours:* .4 hours.

*Estimated Number of Respondents:* 4,615.

*Total Estimated Time per Respondent:* 390,574.

*Total Estimated Annual Burden Hours:* 19,047 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 2, 2022.

**Kerry L. Dennis,**

*Tax Analyst.*

[FR Doc. 2022-16856 Filed 8-4-22; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Financial Research Advisory Committee

**AGENCY:** Office of Financial Research, Treasury.

**ACTION:** Financial Research Advisory Committee-Solicitation of applications for committee membership.

**SUMMARY:** The Office of Financial Research is soliciting applications for membership on its Financial Research Advisory Committee.

**FOR FURTHER INFORMATION CONTACT:** Melissa Avstreich, Designated Federal Officer, Office of Financial Research, Department of The Treasury, (202) 425-2483.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, (Pub. L. 92-463, 5 U.S.C. app. 2 1-16, as amended), the Treasury Department established a Financial Research Advisory Committee (FRAC, or Committee) to provide advice and recommendations to the Office of Financial Research (OFR) and to assist the OFR in carrying out its duties and authorities.

#### (I) Authorities of the OFR

##### *Background*

The OFR was established under Title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, July 21, 2010). The purpose of the OFR is to support the Financial Stability Oversight Council (Council) in fulfilling the purposes and duties of the Council and to support the Council's member agencies by:

- Collecting data on behalf of the Council, and providing such data to the Council and member agencies;
- Standardizing the types and formats of data reported and collected;
- Performing applied research and essential long-term research;
- Developing tools for risk measurement and monitoring;
- Performing other related services;
- Making the results of the activities of the OFR available to financial regulatory agencies; and
- Assisting such member agencies in determining the types and formats of data authorized by the Dodd-Frank Act to be collected by such member agencies.

#### (II) Scope and Membership of the FRAC

The FRAC was established to advise the OFR on issues related to the responsibilities of the office. It may provide its advice, recommendations, analysis, and information directly to the OFR and the OFR may share the Committee's advice and recommendations with the Secretary of the Treasury or other Treasury officials. The OFR will share information with the Committee as the OFR Director determines will be helpful in allowing the FRAC to carry out its role.

The FRAC is an advisory committee that was originally established on April 6, 2012. Its charter was renewed several times, most recently on January 26, 2022. The OFR is currently soliciting applications for membership in order to provide for rotation of membership, as provided in its original and current charter, as well as to provide for a diverse and balanced body with a variety of interests, backgrounds, and viewpoints represented. Providing for such diversity enhances the views and advice offered by the FRAC.

#### (II) Application for Advisory Committee Appointment

Treasury seeks applications from individuals representative of a constituency within the fields of economics, financial institutions and markets, statistical analysis, financial markets analysis, econometrics, applied sciences, risk management, data management, information standards, technology, or other areas related to OFR's duties and authorities. The terms of members chosen to serve are typically three years. No member of the Committee serving in their individual capacity (as opposed to those members specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons, or nongovernmental entities) may be a Federally-registered lobbyist.

Membership on the Committee is limited to the individuals appointed and is non-transferrable. Regular attendance is essential to the effective operation of the Committee. Some members of the Committee may be required to adhere to the conflict of interest rules applicable to Special Government Employees, as such employees are defined in 18 U.S.C. 202(a). These rules include relevant provisions in 18 U.S.C. related to criminal activity, Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635), and Executive Order 12674 (as modified by Executive Order 12731).

To apply, an applicant must submit an appropriately detailed resume and a cover letter describing their interest, reasons for application, and qualifications. In accordance with Department of Treasury Directive 21–03, a clearance process includes criminal and subversive name checks or fingerprint checks with the Federal Bureau of Investigation for proposed advisory committee members, as well as pre-appointment tax checks with the Internal Revenue Service for all proposed and reappointed members.

The application period for interested candidates will close on September 9, 2022. Applications should be submitted in sufficient time to be received by the close of business on the closing date and should be sent to [OFR\\_FRAC@ofr.treasury.gov](mailto:OFR_FRAC@ofr.treasury.gov).

Dated: August 2, 2022.

**Emily Anderson,**

*Acting Deputy Director of Operations.*

[FR Doc. 2022–16813 Filed 8–4–22; 8:45 am]

BILLING CODE 4810–25–P

## UNIFIED CARRIER REGISTRATION PLAN

### Sunshine Act; Meeting

**TIME AND DATE:** August 11, 2022, 1:30 p.m. to 5:30 p.m., Central time.

**PLACE:** This meeting will take place at the Minneapolis Marriott City Center in Minneapolis, MN, 30 South 7th Street, Minneapolis, MN 55402 and will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1–929–205–6099 (US Toll) or 1–669–900–6833 (US Toll) or (ii) 1–877–853–5247 (US Toll Free) or 1–888–788–0099 (US Toll Free), Meeting ID: 997 8535 5481, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/meeting/register/tj0qf->

*yrqz4uEtXBJWhM2TG6xVDoKd*  
*qaZNOW.*

### Agenda

#### I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

#### II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email, followed by subsequent publication of the notice in the **Federal Register**.

#### III. Review and Approval of Board Agenda—UCR Board Chair

*For Discussion and Possible Board Action*

The proposed Agenda will be reviewed, and the Board will consider adoption.

#### Ground Rules

> Board actions taken only in designated areas on agenda

#### IV. Approval of Minutes of the June 7, 2022 UCR Board Meeting—UCR Board Chair

*For Discussion and Possible Board Action*

Draft Minutes from the June 7, 2022 UCR Board meeting will be reviewed. The Board will consider action to approve.

#### V. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on relevant activity.

#### VI. State Officials From the North Carolina DOT and the South Carolina DMV Will Appear Before the UCR Board To Explain Their Non-Compliance With UCR State Performance Standards—UCR Executive Director

The UCR Executive Director will provide background regarding the non-compliance of North Carolina and South Carolina with UCR performance standards for reporting year 2021, and introduce the representative from each of those two states. The UCR Plan is asking North Carolina and South Carolina to explain why the deficiency occurred, what is being done to prevent a deficiency in the future, and to

determine whether North Carolina or South Carolina need resources from UCR auditors to help each state achieve compliance in the future.

#### VII. Renewal of UCR Contracts With Contractors (Kellen and AAG3 LLC)—UCR Finance Subcommittee Chair and UCR Chief Legal Officer

*For Discussion and Possible Board Action*

The UCR Finance Subcommittee Chair and UCR Chief Legal Officer will discuss possible extensions to the contracts with the Kellen Company (UCR Administrator) and AAG3 LLC (UCR Executive Director). The Finance Subcommittee recommends the UCR Board extend both contracts as presented.

#### VIII. Establishment of a UCR Plan Enforcement Subcommittee—UCR Board Chair and UCR Executive Director

*For Discussion and Possible Board Action*

The UCR Board Chair and UCR Executive Director will discuss the merits of establishing a UCR Plan Enforcement Subcommittee. The Board may consider and take action to establish a UCR Plan Enforcement Subcommittee.

#### IX. Board Policy Applicable Once a Board Member Leaves the Board—UCR Board Chair

*For Discussion and Possible Board Action*

The UCR Board Chair will propose a new policy providing that once a Board member no longer serves as a Board Member, that Board member is automatically removed from all UCR Plan Subcommittees. The proposed policy would apply retroactively and prospectively. The Board may consider and take action to adopt a policy applicable to Board members who serve on UCR Plan Subcommittees but who no longer serve on the UCR Plan Board.

#### X. Subcommittee Reports

*Audit Subcommittee—UCR Audit Subcommittee Chair*

A. Additional Compliance Evaluation Tools for the Annual State Audit Progress Report—UCR Audit Subcommittee Chair

*For Discussion and Possible Board Action*

The UCR Audit Subcommittee Chair will discuss the current evaluation process for the participating states' audit programs currently required by the UCR



Agreement. The Board may discuss and approve options to require states to review and close all unregistered motor carriers in Brackets 5 and 6. The Audit Subcommittee recommends the UCR Board adopt this proposal.

B. Potential Revisions to the UCR Handbook—UCR Audit Subcommittee Chair and UCR Executive Director

For Discussion and Possible Board Action

The UCR Audit Subcommittee Chair and UCR Executive Director will lead a discussion regarding potential revisions and clarifications to the language in the UCR Handbook pertaining to the usage of the term “operated” as it relates to a motor carrier beginning operations. An update on other proposed revisions to the UCR Handbook will also be presented and discussed. The Board may take action to approve revisions to the UCR Handbook. The Audit Subcommittee recommends the UCR Board adopt this proposal.

C. State Compliance Review Program—UCR Audit Subcommittee Chair and UCR Depository Manager

The UCR Audit Subcommittee Chair and the UCR Depository Manager will discuss the program objectives and states scheduled for review in 2022.

D. Maximizing the Value of the Should Have Been (SHB) and Enforcement Efficiency Tools—UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair and DSL Transportation Services, Inc. (DSL)

The UCR Audit Subcommittee Chair, UCR Audit Subcommittee Vice-Chair and DSL will provide an update on the value achieved by utilizing the SHB and other tools in the National Registration System (NRS). The discussion will highlight the benefit to the states’ registration percentages by working with enforcement agencies in their respective states and explaining the value that issuing violations brings to the UCR Plan and the industry.

E. Review of States’ Audit Compliance Rates for Registration Years 2021 and 2022—UCR Audit Subcommittee Chair

The UCR Subcommittee Chair will review audit compliance rates for the states for registration years 2021 and 2022 and related compliance percentages for FARs, retreat audits and registration compliance percentages.

*Finance Subcommittee—UCR Finance Subcommittee Chair*

A. Review Potential 2024 and 2025 Fee Recommendation—UCR Finance Subcommittee Chair and UCR Depository Manager

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and the UCR Depository Manager will discuss the results of an analysis of actual and forecasted 2022 registration year revenues for the purpose of proposing a fee change recommendation for the 2024 and 2025 registration years. The Board may consider and take action to make a recommendation to the Secretary of the United States Department of Transportation (the “Secretary”) containing a fee change for the 2024 and 2025 UCR registration years, and all state entitlements and administrative costs for each of those two years. The Finance Subcommittee recommends the UCR Board submit a fee change recommendation to the Secretary as presented.

B. Review Performance of the 3 Current Pilot Projects—UCR Finance Subcommittee Chair and DSL

For Discussion and Possible Board Action

The UCR Finance Subcommittee Chair and DSL will review the performance of the 3 current pilot projects focused on enhancing registration percentages of motor carriers (new and old) domiciled in non-participating states. Contracts for the 3 pilot projects will terminate on September 30, 2022 unless the UCR Board takes action to extend. The Board may consider and take action to extend the 3 pilot projects for additional 1-year terms. The Finance Subcommittee recommends the UCR Board extend all 3 pilot projects for additional 1-year terms.

*Education and Training Subcommittee—UCR Education and Training Subcommittee Chair*

*Update on Current and Future Training Initiatives—UCR Education and Training Subcommittee Chair and UCR Staff Executive*

The Education and Training Subcommittee Chair and the UCR Staff Executive will provide an update on current and planned future training initiatives and the E-Certificate program.

*Industry Advisory Subcommittee—UCR Industry Advisory Subcommittee Chair*

Update on Truck Parking Initiative—UCR Industry Advisory Subcommittee Chair

For Discussion and Possible Board Action

The Industry Advisory Subcommittee Chair will provide an update on the truck parking initiative and the letter of recommendation tabled at the last UCR Plan Board Meeting on June 7, 2022. Such letter would direct the UCR Board Chair to draft, sign, and send a letter to Congress recommending enactment of legislation pertaining to providing additional parking to motor carriers. The Board may consider and approve a letter of recommendation to Congress to enact legislation pertaining to providing additional parking for motor carriers.

#### **XI. Contractor Reports—UCR Executive Director**

- *UCR Executive Director’s Report*

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

- *DSL Transportation Services, Inc.*

DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, pilot projects and other matters.

- *Seikosoft*

Seikosoft will provide an update on recent/new activity related to the NRS.

- *UCR Administrator Report (Kellen)*

The UCR Staff Executive will provide a management report covering recent activity for the Depository, Operations, and Communications.

#### **XII. Other Business—UCR Board Chair**

The UCR Board Chair will call for any other business, old or new, from the floor.

#### **XIII. Adjournment—UCR Board Chair**

The UCR Board Chair will adjourn the meeting.

The agenda will be available no later than 5 p.m. Eastern time, August 3, 2022 at: <https://plan.ucr.gov>.

#### **CONTACT PERSON FOR MORE INFORMATION:**

Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, [eleaman@board.ucr.gov](mailto:eleaman@board.ucr.gov).

#### **Alex B. Leath,**

*Chief Legal Officer, Unified Carrier Registration Plan.*

[FR Doc. 2022-16923 Filed 8-3-22; 11:15 am]

**BILLING CODE 4910-YL-P**



# FEDERAL REGISTER

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Vol. 87

Friday,

No. 150

August 5, 2022

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Part II

The President

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Notice of August 4, 2022—Continuation of the National Emergency With Respect to Export Control Regulations



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**Presidential Documents**

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Title 3—

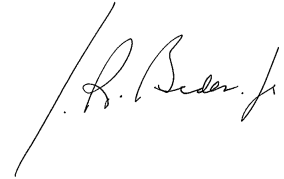
Notice of August 4, 2022

The President

**Continuation of the National Emergency With Respect to Export Control Regulations**

On August 17, 2001, the President issued Executive Order 13222 pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). In that order, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States related to the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. 4601 *et seq.*). Because the implementation of certain sanctions authorities, including sections 11A, 11B, and 11C of such Export Administration Act of 1979, consistent with section 1766(b) of Public Law 115–232, the Export Control Reform Act of 2018 (50 U.S.C. 4801 note), is to be carried out under the International Emergency Economic Powers Act, the national emergency declared on August 17, 2001, must continue in effect beyond August 17, 2022. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222, as amended by Executive Order 13637 of March 8, 2013.

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



THE WHITE HOUSE,  
August 4, 2022.

# Reader Aids

Federal Register

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