



# FEDERAL REGISTER

---

Vol. 87

Monday

No. 151

August 8, 2022

Pages 48079–48430

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.federalregister.gov](http://www.federalregister.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at [www.govinfo.gov](http://www.govinfo.gov), a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, [gpocusthelp.com](mailto:gpocusthelp.com).

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 87 FR 12345.

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

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

Email [FRSubscriptions@nara.gov](mailto:FRSubscriptions@nara.gov)  
Phone 202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



# Contents

Federal Register

Vol. 87, No. 151

Monday, August 8, 2022

## Agency for International Development

### NOTICES

Meetings:

Board for International Food and Agricultural Development, 48147

## Agricultural Marketing Service

### PROPOSED RULES

Pecans in the Shell and Shelled Pecans:

U.S. Grade Standards, 48091

Transparency in Poultry Grower Contracting and Tournaments, 48091–48092

## Agriculture Department

*See* Agricultural Marketing Service

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48242–48250

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48147–48148

## Bureau of Consumer Financial Protection

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48370

## Civil Rights Commission

### NOTICES

Meetings:

Colorado Advisory Committee, 48148–48149

## Coast Guard

### PROPOSED RULES

Safety Zones:

Ohio River, Louisville, KY, 48125–48127

## Commerce Department

*See* Foreign-Trade Zones Board

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48252–48264

## Committee for Purchase From People Who Are Blind or Severely Disabled

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48330

## Commodity Futures Trading Commission

### PROPOSED RULES

Proposed Order:

Application for a Capital Comparability Determination From the Financial Services Agency of Japan, 48092–48118

### NOTICES

Requests for Nominations:

Agricultural Advisory Committee, 48161–48162

## Comptroller of the Currency

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Federal Financial Institutions Examination Council

Cybersecurity Assessment Tool, 48224–48225

Privacy of Consumer Financial Information, 48226–48227

## Consumer Product Safety Commission

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48372–48376

### NOTICES

Meetings:

Staff Workshop: PGA Message Set Test (Beta Pilot) of Electronic Filing of Certain Certificate of Compliance Data for Regulated Imported Consumer Products, 48162–48164

Meetings; Sunshine Act, 48164

## Defense Department

*See* Navy Department

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48266–48269, 48358–48368

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48164, 48166–48167

Meetings:

Defense Business Board, 48165–48166

## Education Department

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48272–48273

### NOTICES

Applications for Selection as a Performance Partnership Pilot:

Performance Partnership Pilots for Disconnected Youth, 48168–48174

## Energy Department

*See* Federal Energy Regulatory Commission

### PROPOSED RULES

Regulatory Agenda:

Semiannual Regulatory Agenda, 48276–48279

## Environmental Protection Agency

### PROPOSED RULES

Community Right-to-Know Toxic Chemical Release Reporting:

Addition of Diisononyl Phthalate Category, 48128–48140

Regulatory Agenda:

Semiannual Regulatory Agenda, 48332–48339

## Export-Import Bank

### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48179–48180

**Federal Aviation Administration****RULES**

## Special Condition:

Dassault Aviation Model Falcon 6X Airplane; Flight Envelope Protection: Normal Load-Factor (g) Limiting, 48084–48086

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures, 48086–48090

**NOTICES**

## Petition for Exemption; Summary:

Helicopter Association International, 48219–48220

## Request for Membership Applications:

National Parks Overflights Advisory Group, 48218–48219

**Federal Communications Commission****PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48378–48412

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48180–48181

**Federal Deposit Insurance Corporation****RULES**

Fair Housing Rule, Consumer Protection in Sales of Insurance Rule; Technical Correction, 48079–48080

**NOTICES**

Charter Amendments, Establishments, Renewals and Terminations:  
System Resolution Advisory Committee, 48181

**Federal Energy Regulatory Commission****PROPOSED RULES**

Credit-Related Information Sharing in Organized Wholesale Electric Markets, 48118–48125

**NOTICES**

## Application:

Brookfield Renewable Power Piney and Deep Creek, LLC, 48179

Combined Filings, 48176–48178

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:  
CPV Three Rivers, LLC, 48178

Records Governing Off-the-Record Communications, 48175–48176

## Request for Extension of Time:

Port Arthur LNG, LLC, Port Arthur Pipeline, LLC, 48174–48175

**Federal Maritime Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48182

**Federal Motor Carrier Safety Administration****PROPOSED RULES**

## Hazardous Materials Safety Permits:

North American Standard Out-of-Service Criteria; Incorporation by Reference, 48141–48146

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Designation of Agents, Motor Carriers, Brokers and Freight Forwarders, 48220–48221

**Federal Reserve System****PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48414–48415

**Foreign Assets Control Office****NOTICES**

Sanctions Actions, 48227–48234

**Foreign-Trade Zones Board****NOTICES**

## Authorization of Production Activity:

Swafford Warehousing, Inc. (Medical Kits), Foreign-Trade Zone 38, Spartanburg County, SC, 48149

## Proposed Production Activity:

Flemish Master Weavers (Machine-Made Woven Area Rugs), Foreign-Trade Zone 186, Waterville, ME, 48149

**General Services Administration****PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48342–48347, 48358–48368

**Health and Human Services Department**

See Health Resources and Services Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services Administration

**PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48282–48291

**NOTICES**

Findings of Research Misconduct, 48187–48188

**Health Resources and Services Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

DoNation General Workplace Campaign Scorecard, 48186–48187

Initial and Reconciliation Application Forms To Report Graduate Medical Education Data and Full-Time Equivalent Residents Trained by Hospitals Participating in the Children's Hospitals Graduate Medical Education Payment Program; etc., 48182–48186

**Homeland Security Department**

See Coast Guard

**PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48294–48299

**Housing and Urban Development Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Standardized Grant Application Forms, 48194–48196

**Interior Department**

See National Park Service

**PROPOSED RULES**

## Regulatory Agenda:

Semiannual Regulatory Agenda, 48302–48304

**NOTICES**

## Meetings:

Exxon Valdez Oil Spill Public Advisory Committee, 48196

**International Trade Administration****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:  
 Certain Collated Steel Staples From the People's Republic of China, 48153–48156  
 Certain Hardwood Plywood Products From the People's Republic of China, 48149–48151  
 Ferrovandium From the Republic of Korea, 48151–48152  
 Prestressed Concrete Steel Wire Strand From Thailand, 48152–48153

**International Trade Commission****NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:  
 Certain Corrosion-Resistant Steel Products From China, India, Italy, South Korea, and Taiwan, 48197–48198  
 Certain Video Processing Devices and Products Containing the Same, 48198–48199

**Justice Department****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48306

**NOTICES**

Proposed Consent Decree:  
 Clean Air Act and the Federal Debt Collection and Procedures Act, 48199

**Labor Department****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48308–48311

**National Aeronautics and Space Administration****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48358–48368

**National Archives and Records Administration****NOTICES**

Records Schedules, 48199–48200

**National Credit Union Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Appraisals, 48200–48201

**National Institutes of Health****NOTICES**

Meetings:  
 Council of Councils, 48189  
 National Center for Advancing Translational Sciences, 48191  
 National Institute of Allergy and Infectious Diseases, 48188–48190  
 National Institute of Diabetes and Digestive and Kidney Diseases, 48188  
 National Institute on Aging, 48189  
 Scientific Advisory Committee on Alternative Toxicological Methods, 48190–48191

**National Labor Relations Board****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48418

**National Oceanic and Atmospheric Administration****NOTICES**

Application:  
 Endangered Species; File No. 25818, 48157  
 Meetings:  
 Evaluation of State Coastal Management Program, 48156–48157  
 Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review, 48160–48161  
 Marine Fisheries Advisory Committee, 48156  
 New England Fishery Management Council, 48158–48159  
 Pacific Fishery Management Council, 48158–48159  
 Permits; Applications, Issuances, etc.:  
 Marine Mammals; File No. 24359, 48159–48160  
 Marine Mammals; File No. 26622, 48157–48158

**National Park Service****NOTICES**

National Register of Historic Places:  
 Pending Nominations and Related Actions, 48196–48197

**National Science Foundation****NOTICES**

Meetings:  
 Proposal Review, 48201

**Navy Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48167

**Neighborhood Reinvestment Corporation****NOTICES**

Meetings; Sunshine Act, 48201

**Nuclear Regulatory Commission****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48420–48422

**NOTICES**

Guidance:  
 Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident, 48202–48203  
 Licenses; Exemptions, Applications, Amendments etc.:  
 National Institute of Standards and Technology, Center for Neutron Research, 48203–48211  
 Operation Under a Combined License:  
 Southern Nuclear Operating Co., Inc., Vogtle Electric Generating Plant, Unit 3, 48201–48202

**Personnel Management Office****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48350

**Postal Regulatory Commission****PROPOSED RULES**

Periodic Reporting, 48127–48128

**NOTICES**

New Postal Products, 48211–48212

**Railroad Retirement Board****NOTICES**

Meetings; Sunshine Act, 48212

**Regulatory Information Service Center****PROPOSED RULES**

Regulatory Agenda:  
 Semiannual Regulatory Agenda, 48236–48240

**Securities and Exchange Commission****PROPOSED RULES**

Regulatory Agenda:

Semiannual Regulatory Agenda, 48424–48428

**NOTICES**

Meetings; Sunshine Act, 48216

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe BZX Exchange, Inc., 48212

Cboe EDGA Exchange, Inc.; Correction, 48215–48216

NYSE Arca, Inc., 48212–48215

**Small Business Administration****RULES**

Regulatory Reform Initiative:

Streamlining Surety Bond Guarantee Program, 48080–48084

**PROPOSED RULES**

Regulatory Agenda:

Semiannual Regulatory Agenda, 48352–48356

**State Department****NOTICES**

Meetings:

Preparation for the International Maritime Organization Carriage of Cargoes and Containers Session, 48216–48217

**Substance Abuse and Mental Health Services Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48191–48194

**Surface Transportation Board****PROPOSED RULES**

Regulatory Agenda:

Semiannual Regulatory Agenda, 48430

**Susquehanna River Basin Commission****NOTICES**

Grandfathering Registration, 48218

Projects Approved for Minor Modifications, 48217

Projects Approved:

Consumptive Uses of Water, 48217–48218

**Transportation Department***See* Federal Aviation Administration*See* Federal Motor Carrier Safety Administration**PROPOSED RULES**

Regulatory Agenda:

Semiannual Regulatory Agenda, 48314–48321

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 48223–48224

Requests for Nominations:

Advisory Committee on Human Trafficking, 48222–48223

Senior Executive Service Performance Review Board

Membership, 48221–48222

**Treasury Department***See* Comptroller of the Currency*See* Foreign Assets Control Office**PROPOSED RULES**

Regulatory Agenda:

Semiannual Regulatory Agenda, 48324–48328

**Veterans Affairs Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Veterans Benefits Administration Contractor Background Investigation Request, 48234

**Separate Parts In This Issue****Part II**

Regulatory Information Service Center, 48236–48240

**Part III**

Agriculture Department, 48242–48250

**Part IV**

Commerce Department, 48252–48264

**Part V**

Defense Department, 48266–48269

**Part VI**

Education Department, 48272–48273

**Part VII**

Energy Department, 48276–48279

**Part VIII**

Health and Human Services Department, 48282–48291

**Part IX**

Homeland Security Department, 48294–48299

**Part X**

Interior Department, 48302–48304

**Part XI**

Justice Department, 48306

**Part XII**

Labor Department, 48308–48311

**Part XIII**

Transportation Department, 48314–48321

**Part XIV**

Treasury Department, 48324–48328

**Part XV**

Committee for Purchase From People Who Are Blind or Severely Disabled, 48330

**Part XVI**

Environmental Protection Agency, 48332–48339

**Part XVII**

General Services Administration, 48342–48347

**Part XVIII**

Personnel Management Office, 48350

**Part XIX**

Small Business Administration, 48352–48356

**Part XX**

Defense Department, 48358–48368

General Services Administration, 48358–48368

National Aeronautics and Space Administration, 48358–48368

**Part XXI**

Consumer Finance Protection Bureau, 48370

**Part XXII**

Consumer Product Safety Commission, 48372–48376

**Part XXIII**

Federal Communications Commission, 48378–48412

**Part XXIV**

Federal Reserve System, 48414–48415

**Part XXV**

National Labor Relations Board, 48418

**Part XXVI**

Nuclear Regulatory Commission, 48420–48422

**Part XXVII**

Securities Exchange Commission, 48424–48428

**Part XXVIII**

Surface Transportation Board, 48430

---

**Reader Aids**

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

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

**CFR PARTS AFFECTED IN THIS ISSUE**

---

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

**7 CFR****Proposed Rules:**

51 .....48091

**9 CFR****Proposed Rules:**

201 .....48091

**12 CFR**

338 .....48079

343 .....48079

**13 CFR**

115 .....48080

**14 CFR**

25 .....48084

97 (2 documents) .....48086,  
48087**17 CFR****Proposed Rules:**

Ch. I .....48092

**18 CFR****Proposed Rules:**

35 .....48118

**33 CFR****Proposed Rules:**

165 .....48125

**39 CFR****Proposed Rules:**

3050 .....48127

**40 CFR****Proposed Rules:**

372 .....48128

**49 CFR****Proposed Rules:**

385 .....48141



# Rules and Regulations

Federal Register

Vol. 87, No. 151

Monday, August 8, 2022

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

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

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Parts 338 and 343

RIN 3064-AF84

#### Fair Housing Rule, Consumer Protection in Sales of Insurance Rule; Technical Correction

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Technical correction.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is making technical corrections to two regulations to reflect a reorganization and change in the name of its former Consumer Response Center. The new name is the National Center for Consumer and Depositor Assistance (NCDA). The two regulations are the FDIC's Fair Housing Rule and its Consumer Protection in Sales of Insurance Rule.

**DATES:** Effective August 8, 2022.

**FOR FURTHER INFORMATION CONTACT:** Alys V. Brown, Attorney, Legal Division, 202-898-3565, [alybrown@fdic.gov](mailto:alybrown@fdic.gov); Thaddeus J. King, Policy Analyst, Division of Depositor and Consumer Protection, 202-898-3541, [thking@fdic.gov](mailto:thking@fdic.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations that are subject to this technical correction are the Fair Housing Rule and the Consumer Protection in Sales of Insurance Rule. The Fair Housing Rule prohibits FDIC-supervised institutions from engaging in discriminatory advertising involving residential real estate-related transactions. The Consumer Protection in Sales of Insurance Rule prohibits certain actions in connection with retail sales practices, solicitations, advertising, or offers of insurance products.

#### Need for, and Effects of, the Technical Correction

Historically, the FDIC operated two separate offices to handle its consumer assistance and depositor assistance functions, the Consumer Response Center and the Deposit Insurance Section respectively. To improve the efficiency and effectiveness of these offices and better serve consumers and depositors, the FDIC consolidated the two offices under one organization, entitled the National Center for Consumer and Depositor Assistance.

To ensure that consumers have the most up to date information on how to contact the FDIC to submit consumer complaints and deposit insurance inquiries, the FDIC is making technical corrections to 12 CFR part 338 and 12 CFR part 343 to replace references to the "Consumer Response Center" with the "National Center for Consumer and Depositor Assistance," and to correct web addresses.

This technical correction may benefit some consumers by making it easier for them to contact the FDIC regarding complaints or questions about deposit insurance. The correction does not change any FDIC requirements affecting its supervised institutions.

#### List of Subjects

##### 12 CFR Part 338

Aged, Banks, banking, Civil rights, Credit, Fair housing, Individuals with disabilities, Marital status discrimination, Mortgages, Religious discrimination, Reporting and recordkeeping requirements, Savings associations, Sex discrimination, Signs and symbols.

##### 12 CFR Part 343

Banks, banking, Consumer protection, Insurance, Savings associations.

#### Authority and Issuance

For the reasons stated in the preamble, the FDIC amends 12 CFR parts 338 and 343 as follows:

#### PART 338—FAIR HOUSING

■ 1. The authority citation for part 338 continues to read as follows:

**Authority:** 12 U.S.C. 1817, 1818, 1819, 1820(b), 2801 *et seq.*; 15 U.S.C. 1691 *et seq.*; 42 U.S.C. 3605, 3608; 12 CFR parts 1002, 1003; 24 CFR part 110.

■ 2. Amend § 338.4 by revising paragraph (b) to read as follows:

#### § 338.4 Fair Housing Poster.

\* \* \* \* \*

(b) The Equal Housing Lender Poster shall be at least 11 by 14 inches in size and have the following text:

We Do Business in Accordance with Federal Fair Lending Laws.

UNDER THE FEDERAL FAIR HOUSING ACT, IT IS ILLEGAL, ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, HANDICAP, OR FAMILIAL STATUS (HAVING CHILDREN UNDER THE AGE OF 18) TO:

- Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to deny any loan secured by a dwelling;
- or
- Discriminate in fixing the amount, interest rate, duration, application procedures, or other terms or conditions of such a loan or in appraising property.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU SHOULD SEND A COMPLAINT TO:

Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, DC 20410.

For processing under the Federal Fair Housing Act

AND TO:

Federal Deposit Insurance Corporation, National Center for Consumer and Depositor Assistance, <https://ask.fdic.gov/fdicinformationandsupportcenter>.

For processing under the FDIC Regulations.

UNDER THE EQUAL CREDIT OPPORTUNITY ACT, IT IS ILLEGAL TO DISCRIMINATE IN ANY CREDIT TRANSACTION:

- On the basis of race, color, national origin, religion, sex, marital status, or age;
- Because income is from public assistance; or
- Because a right has been exercised under the Consumer Credit Protection Act.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU SHOULD SEND A COMPLAINT TO:

Federal Deposit Insurance Corporation, National Center for Consumer and Depositor Assistance,

<https://ask.fdic.gov/fdcinformationandsupportcenter>.

\* \* \* \* \*

## PART 343—CONSUMER PROTECTION IN SALES OF INSURANCE

■ 3. The authority citation for part 343 continues to read as follows:

**Authority:** 12 U.S.C. 1819 (Seventh and Tenth), 1831x.

■ 4. Revise appendix A to part 343 to read as follows:

### Appendix A to Part 343—Consumer Grievance Process

Any consumer who believes that any institution or any other person selling, soliciting, advertising, or offering insurance products or annuities to the consumer at an office of the institution or on behalf of the institution has violated the requirements of this part should contact the Division of Depositor and Consumer Protection, National Center for Consumer and Deposit Assistance, Federal Deposit Insurance Corporation, 1100 Walnut Street, Box #11, Kansas City, MO 64106, or telephone 1-877-275-3342, or FDIC Electronic Customer Assistance Form at <https://ask.fdic.gov/fdcinformationandsupportcenter>.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 3, 2022.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2022-16961 Filed 8-5-22; 8:45 am]

BILLING CODE 6714-01-P

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 115

RIN 3245-AH08

### Regulatory Reform Initiative: Streamlining Surety Bond Guarantee Program

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises various regulations related to SBA's Surety Bond Guarantee (SBG) program because they are obsolete, unnecessary, ineffective, or burdensome.

Additionally, this final rule clarifies and modernizes certain regulations and conforms them to industry standards.

**DATES:** This rule is effective September 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jermaine Perry, Management Analyst, Office of Surety Guarantees at (202) 401-8275 or [jermaine.perry@sba.gov](mailto:jermaine.perry@sba.gov).

**SUPPLEMENTARY INFORMATION:**

### A. General Information

The U.S. Small Business Administration (SBA) guarantees bid, payment, and performance bonds for small and emerging contractors who cannot obtain surety bonds through regular commercial channels. SBA's guarantee, authorized pursuant to part B of title IV of the Small Business Investment Act of 1958, 15 U.S.C. 694a *et seq.*, gives Sureties an incentive to provide bonding for small businesses and thereby assists small businesses in obtaining greater access to contracting opportunities. SBA's guarantee is an agreement between a Surety and SBA that SBA will assume a certain percentage of the Surety's loss should a contractor default on the underlying contract. SBA is authorized to guarantee a Surety for a contract up to \$6.5 million and, with the certification of a contracting officer of a Federal agency, up to \$10 million. For more information about SBA's Surety Bond Guarantee Program (SBG Program), see <https://www.sba.gov/funding-programs/surety-bonds>.

As part of its ongoing responsibility to ensure that the rules it issues do not have an adverse economic impact on those affected by those rules, the U.S. Small Business Administration (SBA) published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on June 3, 2019 (84 FR 25496) seeking input from the public in identifying regulations under the SBG Program that affected parties believed should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. In the ANPRM, SBA also solicited comments from the public on how SBA can improve the surety bond products, procedures, forms, and reporting requirements of the SBG Program. SBA considered the 54 comments submitted by the public in response and published a proposed rule in the **Federal Register** on September 23, 2021 (86 FR 52844) to revise various regulations in part 115 of title 13 of the Code of Federal Regulations that are obsolete, unnecessary, ineffective, or burdensome and to clarify and modernize certain regulations to conform them to industry standards. The comment period was open until November 22, 2021.

In response to the request for comments, SBA received 8 comments, including 2 from national trade associations, 5 from surety organizations, and 1 was anonymous. The commenters expressed general support for all or some of the proposed changes, and SBA received no

comments expressing opposition to any of the proposed changes (with one comment received that did not relate to any of the proposed changes).

The comments received are summarized and addressed below in the section-by-section analysis.

### C. Section-by-Section Analysis

*Section 115.10.* Under the current definition of "Contract" in this section, a Contract may include a maintenance agreement that is ancillary to a Contract for which SBA is guaranteeing the bond ("ancillary maintenance agreement"). SBA proposed to clarify the definition for these ancillary maintenance agreements and to also expand the definition of Contract to include stand-alone maintenance agreements.

Under the current definition, SBA will guarantee the bond for a maintenance agreement if the agreement is for 2 years or less and covers defective workmanship or materials only. It has been SBA's long-standing interpretation that the maintenance agreement must be ancillary to the Contract for which SBA is guaranteeing the bond and may not cover defective workmanship or materials that is covered by a manufacturer's warranty. The current definition also provides that, with SBA's written approval, the term of a maintenance agreement can be longer than 2 years for defective workmanship or materials or cover something other than defective workmanship or materials if the agreement is ancillary to the Contract for which SBA is guaranteeing a bond, is performed by the same Principal, and is customarily required in the relevant trade or industry.

For clarity, SBA proposed to modify the existing definition by expressly applying the following requirements to all ancillary maintenance agreements: (1) the agreement must be ancillary to a Contract for which SBA is guaranteeing a bond; (2) the agreement must be performed by the same Principal; and (3) the agreement may only cover defective workmanship or materials that are not covered by a manufacturer's warranty. With SBA's prior written approval, the agreement covering defective workmanship or materials may be for a term longer than 2 years, or the agreement may cover something other than defective workmanship or materials, if such agreement is customarily required in the relevant trade or industry.

SBA received one comment from a national trade association expressing support for the changes to the definition, noting that the need for the SBG Program to cover stand-alone

maintenance bonds was raised by a small contractor participant at a bonding awareness education program. The commenter also suggested that maintenance bonds can be structured as an annual renewable performance bond. However, annually renewable multi-year stand-alone maintenance agreements would be covered by SOP 50 45 3, section 5.5, which states that such contracts are eligible for SBA's guarantee provided that the contract amount does not exceed the statutory limit and provided that each option year following the initial contract year is treated as a separate obligation for which a new guarantee application must be submitted. SBA is adopting the changes as proposed.

*Section 115.12.* Under section 411(a)(1)(B) of the Small Business Investment Act of 1958, SBA may guarantee a surety bond for a total work order or contract amount that is greater than \$6,500,000 (as adjusted for inflation under 41 U.S.C. 1908), but not exceeding \$10,000,000, if a Contracting Officer (CO) of a Federal agency certifies that such a guarantee is necessary. Paragraph (e)(3) of section 115.12 currently requires the CO's certification to include a statement that the small business is experiencing difficulty obtaining a bond and that an SBA bond guarantee would be in the best interests of the Government. In response to comments received in response to the ANPRM (84 FR 25496), SBA proposed to streamline paragraph (e)(3) to remove the requirement of this statement and require only that the CO certify that the guarantee is necessary, which as noted above is the standard set forth in the statute. SBA also proposed to update the manner in which this certification may be submitted to SBA by providing that it may be either express mailed to SBA, Office of Surety Guarantees, 409 Third Street SW, Washington, DC 20416, or submitted by email to [suretybonds@sba.gov](mailto:suretybonds@sba.gov), along with additional information that identifies the small business and the contract. SBA received two comments from two national trade associations expressing support for these changes, and 4 other comments expressing general support for the proposed rule. SBA is adopting the changes as proposed.

*Section 115.14.* Paragraph (a) of this section provides that, if one of the six events listed in paragraph (a) occurs under an SBA-guaranteed bond, the Principal and its Affiliates lose eligibility for further SBA bond guarantees. One such event, described in paragraph (a)(3), is when the Surety has established a claim reserve for an SBA-guaranteed bond of at least \$1,000,

an amount which was set by the SBG Program in 1996. As SBA explained in the proposed rule, SBA considered the purpose of this provision, which is to exclude Principals that have demonstrated an unacceptable financial risk under a current SBA-guaranteed bond from receiving future SBA bond guarantees and determined that the \$1,000 claim reserve threshold no longer reflects a degree of financial risk that should trigger the Principal's ineligibility for future SBA bond guarantees. After evaluating several factors, including inflation since 1996, the increase in the maximum contract amount for which SBA can issue a bond guarantee (from \$1,250,000 in 1996 to \$6,500,000 today), and historical claim reserve data, SBA proposed to increase the amount of the claim reserve that would result in the Principal and its Affiliates losing eligibility for further SBA bond guarantees from at least \$1,000 to at least \$10,000. SBA received five comments in general support of this change, and SBA is adopting this change as proposed.

*Sections 115.19 and 115.64.* Under § 115.19(f)(1)(ii), SBA is relieved of liability under the bond guarantee if the bond was executed "after the work under the Contract had begun" unless the Surety submitted, and SBA executed, SBA Form 991, "Surety Bond Guarantee Agreement Addendum" with the evidence and certifications required by § 115.19(f)(1)(ii). Paragraph (f)(2)(i) currently provides that work under a contract is considered to have begun when a Principal "takes any action at the job site which would have exposed the Surety to liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time." In addition, under 13 CFR 115.64, a Surety participating in the Preferred Surety Bond Program (PSB Surety) is prohibited from executing or approving a bond "after commencement of work under a contract" unless the Surety obtains written approval from the Director of Office of Surety Guarantees (OSG). To apply for such approval, the Surety must submit a completed SBA Form 991 with the evidence and certifications required under § 115.19(f)(1)(ii).

SBA proposed to clarify what constitutes "commencement of work" under § 115.64 by amending both §§ 115.19(f)(2)(i) and 115.64 to state that work under a contract is considered to have begun or commenced when the contractor takes any action related to the contract or bond that would have exposed its Surety to liability under applicable law had a bond been

executed (or approved, if the Surety is legally bound by such approval) at the time. The work would not have to occur "at the job site" to find that work has begun or commenced under the contract. For example, SBA explained that work would be deemed to have begun or commenced when the contractor takes any financial action that would be typically covered under the bond, such as purchasing supplies that will be used to complete the contract.

SBA received five comments expressing general support for this change, and SBA is adopting the change as proposed.

*Section 115.30.* SBA proposed to revise the introductory language of paragraph (d)(2) to increase the maximum amount of the contracts for which a Prior Approval Surety would be permitted to use the Quick Bond Guarantee Application and Agreement (SBA Form 990A) (Quick Bond Application) from \$400,000 to \$500,000. As explained in the proposed rule, SBA conducted a risk assessment, considered factors such as the increasing average contract value, and considered the potential decrease in overall application burden on small businesses. SBA determined that increasing the maximum contract value for using the Quick Bond Application would minimally increase program risk while reducing costs to Sureties and small businesses by \$36,343 per year. In addition to reducing costs, SBA expressed hope that this change would result in the additional benefit of increasing overall access to the SBG Program.

SBA received three comments expressly supporting this change. A commenter stated this change aligns with current surety industry practices for quick/fast bond application limits. The commenter noted that participating sureties may still want to review financial information should a contractor have questionable credit history, and SBA agrees that such review would be necessary to ensure that sureties apply standards generally accepted by the surety industry for all of its bonds, including its Quick Bond applications. The commenter stated that the proposed change makes the approval process easier and faster and provides greater opportunity for small businesses. Another commenter stated that the increase will allow businesses with simple accounting needs to pursue qualified work, and the third commenter expressed general support for the change. SBA is adopting this change as proposed.

In addition, SBA proposed to allow this streamlined form to be used in additional circumstances. Paragraph (d)(2)(ii) lists the circumstances under which the Quick Bond Application may not be used. Under paragraph (d)(2)(ii)(D), the Quick Bond Application may not be used if the contract includes a provision for liquidated damages that exceeds \$1,000 per day. In response to comments received in response to the ANPRM, SBA proposed to increase this amount to \$2,500 per day to align with current industry standards. In response to the NPRM, SBA received one comment suggesting that SBA consider using a sliding scale approach based on contract size for liquidated damages instead of increasing the maximum to \$2,500 per day, stating that this approach would align with surety industry practices. However, SBA does not agree with creating a sliding scale based on contract sizes and believes that SBA's approach of creating a maximum amount reduces program complexity and provides clear guidelines allowing surety partners to easily assess program requirements. In addition, SBA received 5 comments in response to the ANPRM requesting that the maximum amount of liquidated damages be set at \$2,500. SBA is adopting this change as proposed.

In addition, paragraph (d)(2)(ii)(E) provides that the Quick Bond Application may not be used for demolition contracts. As SBA explained in the NPRM, SBA proposed, in response to comments received on the ANPRM, to remove demolition contracts from the list of categories that are excluded from using the Quick Bond Application. However, as stated in the NPRM, SBA expects that Sureties will, in their underwriting, ensure that the Principal has obtained any permit that is required for demolition pursuant to Federal, State or local law and that SBA will provide further guidance on the underwriting of demolition contracts in its Standard Operating Procedures. SBA received five comments expressing general support for this change, and SBA is adopting this change as proposed.

*Sections 115.32 and 115.67.* Paragraph (d) of § 115.32 governs when a Prior Approval Surety must notify SBA of any increase or decrease in the contract or bond amount. It also governs when any increase or decrease in the Principal and Surety fees that results from a change in the contract amount must be remitted to SBA by the Principal or Surety or will be refunded by SBA. In addition, for the PSB Program, § 115.67(a) and (b) govern

when any increase or decrease in the Principal and Surety fees resulting from a change in the contract amount must be remitted or will be refunded or adjusted. Currently, the payment for any increase in either the Principal's or the Surety's fee is due to SBA when the total amount of the change in that fee equals or exceeds \$40, and any decrease in the fee is refunded to the Principal or rebated/adjusted to the Surety by SBA when the total amount of the change in the fee equals or exceeds \$40.

SBA proposed to revise §§ 115.32(d) and 115.67 to increase the threshold amount for when an increase in the Principal or Surety fee would be due, or for when SBA would refund or rebate/adjust any decrease in these fees, from \$40 to \$250. SBA received five comments expressing general support of this change, with one commenter suggesting that this increase will save the SBA money in the long run by reducing the administrative costs involved in processing small increases in contract amounts. SBA is adopting this change as proposed.

*Section 115.33.* Under this section, SBA may approve a surety bonding line for a Prior Approval Surety under which the Surety may execute multiple bonds for a specified small business. SBA proposed to revise paragraph (d)(1), which addresses the form that must be submitted for a Bid Bond executed under a bonding line, to remove the reference to SBA Form 994B, "Surety Bond Guarantee Underwriting Review", and replace it with SBA Form 990, "Surety Bond Guarantee Agreement". SBA Form 990 is the agreement between SBA and the Surety for SBA's guarantee of the bond and is, therefore, the appropriate form for Sureties to submit for SBA approval of a bond under a bonding line. There is no need to separately refer to SBA Form 994B in this regulation because that form, as the Surety indicates in its certification in SBA Form 990, is submitted with SBA Form 990 as a supporting document. In addition, for Final Bonds executed under a bonding line, paragraph (d)(2) of this section currently states that the Surety is to submit both SBA Forms 990 and 994B to SBA for approval. For consistency and for the same reasons described above, SBA proposed to remove the reference to SBA Form 994B in paragraph (d)(2). In response to the NPRM, SBA received five comments expressing general support for these changes and SBA is adopting the changes as proposed.

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

#### *Executive Order 12866*

The Office of Management and Budget has determined that this rule does not constitute a "significant regulatory action" under Executive Order 12866.

#### *Executive Order 12988*

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

#### *Executive Order 13132*

This rule does not have federalism implications as defined in Executive Order 13132. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in the Executive Order. As such it does not warrant the preparation of a Federalism Assessment.

#### *Executive Order 13563*

Executive Order 13563, Improving Regulation and Regulatory Review (January 18, 2011), requires agencies to adopt regulations through a process that involves public participation, and to the extent feasible, base regulations on the open exchange of information and perspectives from affected stakeholders and the public as a whole. As discussed above, SBA published an ANPRM in the **Federal Register** (84 FR 25496) on June 3, 2019 seeking input from the public in identifying regulations under the SBG Program that affected parties believed should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. SBA also solicited comments from the public on how SBA can improve the surety bond products, procedures, forms, and reporting requirements of the SBG Program. The comment period for the ANPRM ended on August 2, 2019, and SBA considered the 54 comments submitted by the public in response to prepare the Notice of Proposed Rulemaking published in the **Federal Register** on September 23, 2021 (86 FR 52844). Further, in issuing this final rule, SBA considered the 8 comments SBA received in response to

the request for comments on the proposed rule.

*Congressional Review Act, 5 U.S.C. 801–808*

The Office of Management and Budget has determined that this is not a major rule under 5 U.S.C. 804(2).

*Paperwork Reduction Act, 44 U.S.C., Ch. 35*

SBA has determined that this final rule would not impose new reporting or recordkeeping requirements under the Paperwork Reduction Act. However, the rule will require a minor revision to SBA Form 990A, Quick Bond Application (OMB Control No: 3245–0378), to conform to the change in 13 CFR 115.30 increasing the maximum amount of the contracts for which a Prior Approval Surety may use this streamlined application. Revising the form to change the amount from \$400,000 to \$500,000 will not have any impact on the burden for this information collection, which is currently approved under OMB Control Number 3245–0378. OMB approved SBA's request to make this non-substantive change to the form.

*Regulatory Flexibility Act, 5 U.S.C. 601–612*

When an agency issues a final rule, the Regulatory Flexibility Act (RFA) requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” which will “describe the impact of the proposed rule on small entities.” (5 U.S.C. 603(a)). However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

In the NPRM (86 FR 52844), SBA solicited comments from the public to identify which of SBA's regulations relating to the SBG program should be repealed, replaced, or modified because they are obsolete, unnecessary, ineffective, or burdensome. SBA also solicited comments from the public on how SBA can improve the surety bond products, procedures, forms, and reporting requirements of the SBG Program. SBA's proposed revisions in response to comments received are consistent with these goals and with increasing the consistency of these regulations with industry standards.

Under 13 CFR 115.11, Sureties participating in SBA's SBG Program must be a corporation listed by the U.S. Treasury as eligible to issue bonds in connection with Federal procurement contracts. There are 256 Treasury-listed

Sureties, of which 41 are program partners in the SBG Program. SBA estimates that 12 of these 41 Surety companies are small under SBA's size standards. In addition, most small businesses that receive an SBA-guaranteed bond operate within the 236220 NAICS industry code (Commercial and Institutional Building Construction). According to the U.S. Census Bureau, there are a total of 38,079 small business companies that operate within the 236220 NAICS code, and SBA provided guarantees in 2017 for 1,602 of these small businesses. Even if the number of entities that may be affected by this rule is considered significant, SBA has determined that the economic impact on these entities would not be substantial. The rules would repeal, replace, or modify obsolete or outdated SBG Program requirements that will have the effect of reducing the burden on Sureties and small businesses that receive bonds under the SBG Program. In addition, SBA anticipates that the rules would streamline outdated procedures and increase small business access to bond guarantees. Further, the rule would reduce costs<sup>1</sup> to Sureties and small businesses receiving an SBA-guaranteed bond while any costs of adjustment to revisions are de minimis. Thus, SBA does not expect that this rule would have a significant economic impact on its program participants. Accordingly, the Administrator of the SBA hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 13 CFR Part 115

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

For the reasons stated in the preamble, SBA amends 13 CFR part 115 as follows:

#### PART 115—SURETY BOND GUARANTEE

- 1. The authority citation for part 115 is revised to read as follows:

**Authority:** 5 U.S.C. app 3; 15 U.S.C. 636i, 687b, 687c, 694a, and 694b note.

- 2. Amend § 115.10 by revising the definition of “Contract” to read as follows:

##### § 115.10 Definitions.

\* \* \* \* \*

*Contract* means a written obligation of the Principal, including an Order, requiring the furnishing of services,

<sup>1</sup> An example is the reduction in cost mentioned in the analysis of § 115.30.

supplies, labor, materials, machinery, equipment or construction. A Contract:

(1) Must not prohibit a Surety from performing the Contract upon default of the Principal;

(2) Does not include a permit, subdivision contract, lease, land contract, evidence of debt, financial guarantee (e.g., a contract requiring any payment by the Principal to the Oblige, except for contracts in connection with bid and performance bonds for the sale of timber and/or other forest products, such as biomass, that require the Principal to pay the Oblige), warranty of performance or efficiency, warranty of fidelity, or release of lien (other than for claims under a guaranteed bond); and

(3) May include a maintenance agreement under the following circumstances:

(i) The maintenance agreement is ancillary to a Contract for which SBA is guaranteeing a bond, is performed by the same Principal, is for a period of 2 years or less, and only covers defective workmanship or materials that are not covered by a manufacturer's warranty. With SBA's prior written approval, the agreement may cover a period longer than 2 years, or cover something other than defective workmanship or materials, if a longer period or something other than defective workmanship or materials is customarily required in the relevant trade or industry; or

(ii) The maintenance agreement is stand-alone and is entered into in connection with a Contract for which a bond was not required and only covers defective workmanship or materials that are not covered by a manufacturer's warranty. The agreement must cover a period of 3 years or less that begins immediately after the Contract is complete and must be executed prior to the completion of the Contract. It must also be entered into with the same Principal that completed the Contract. With SBA's prior written approval, the agreement may cover a period longer than 3 years if a longer period is customarily required in the relevant trade or industry.

\* \* \* \* \*

- 3. Amend § 115.12 by revising paragraph (e)(3) to read as follows:

##### § 115.12 General program policies and provisions.

\* \* \* \* \*

(e) \* \* \*

(3) *Federal Contracts or Orders in excess of \$6,500,000 (as adjusted for inflation in accordance with section 1908 of title 41, United States Code).* SBA is authorized to guarantee bonds

on Federal Contracts or Orders greater than \$6,500,000 (as adjusted for inflation in accordance with 41 U.S.C. 1908), but not exceeding \$10,000,000, upon a signed certification of a Federal contracting officer that the SBA guarantee is necessary. The certification must be either express mailed to SBA, Office of Surety Guarantees, 409 Third Street SW, Washington, DC 20416 or sent by email to [suretybonds@sba.gov](mailto:suretybonds@sba.gov), and include the following additional information:

- (i) Name, address and telephone number of the small business;
- (ii) Offer or Contract number and brief description of the contract; and
- (iii) Estimated Contract value and date of anticipated award determination.

\* \* \* \* \*

**§ 115.14 [Amended]**

- 4. Amend § 115.14 in paragraph (a)(3) by removing “\$1000” and adding in its place “\$10,000”.
- 5. Amend § 115.19 by revising paragraph (f)(2)(i) to read as follows:

**§ 115.19 Denial of liability.**

\* \* \* \* \*

(f) \* \* \*

(2)(i) For purposes of paragraph (f)(1)(ii) of this section, work under a Contract is considered to have begun when a Principal takes any action related to the contract or bond that would have exposed its Surety to liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time.

\* \* \* \* \*

**§ 115.30 [Amended]**

- 6. Amend § 115.30:
  - a. In paragraph (d)(2)(i) by removing “\$400,000” and adding in its place “\$500,000”;
  - b. In paragraph (d)(2)(ii)(D) by removing “\$1,000” and adding in its place “\$2,500”; and
  - c. In paragraph (d)(2)(ii)(E) by removing “demolition,”.

**§ 115.32 [Amended]**

- 7. Amend § 115.32 in paragraphs (d)(2) and (3) by removing “\$40” wherever it appears and adding in its place “\$250”.

**§ 115.33 [Amended]**

- 8. Amend § 115.33:
  - a. In paragraph (d)(1) by removing the phrase “Surety Bond Guarantee Underwriting Review” (SBA Form 994B)” and adding in its place the phrase “Surety Bond Guarantee Agreement” (Form 990)”;

■ b. In paragraph (d)(2) by removing the phrase “a Surety Bond Guarantee Underwriting Review (SBA Form 994B) and” in the first sentence, and removing the phrase “these forms” in the second sentence and adding in its place the phrase “this form”.

- 9. Amend § 115.64 by adding a new last sentence to read as follows:

**§ 115.64 Timeliness requirement.**

\* \* \* For purposes of this section, work has commenced under a Contract when a Principal takes any action related to the contract or bond that would have exposed its Surety to liability under applicable law had a bond been Executed (or approved, if the Surety is legally bound by such approval) at the time.

**§ 115.67 [Amended]**

- 10. Amend § 115.67 by removing “\$40” wherever it appears and adding in its place “\$250”.

**Isabella Casillas Guzman,**

*Administrator.*

[FR Doc. 2022-16875 Filed 8-5-22; 8:45 am]

**BILLING CODE 8026-03-P**

---

---

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

[Docket No. FAA-2021-0631; Special Conditions No. 25-813-SC]

**Special Conditions: Dassault Aviation Model Falcon 6X Airplane; Flight Envelope Protection: Normal Load-Factor (g) Limiting**

**AGENCY:** Federal Aviation Administration (FAA), DOT.  
**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Dassault Aviation (Dassault) Model Falcon 6X airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is an electronic flight-control system (EFCS) that incorporates full-time, normal load-factor limiting, designed to prevent the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety

standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on Dassault on August 8, 2022. Send comments on or before September 22, 2022.

**ADDRESSES:** Send comments identified by Docket No. FAA-2021-0631 using any of the following methods:

- *Federal eRegulations 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:* Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to <https://www.regulations.gov/>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to Troy Brown, Performance and Environment Section,

AIR-625, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1801 S Airport Rd., Wichita, KS 67209-2190; telephone and fax 405-666-1050; email [troy.a.brown@faa.gov](mailto:troy.a.brown@faa.gov). Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

*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 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:** Troy Brown, Performance and Environment Section, AIR-625, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1801 S Airport Rd., Wichita, KS 67209-2190; telephone and fax 405-666-1050; email [troy.a.brown@faa.gov](mailto:troy.a.brown@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. Therefore, the FAA finds that, pursuant to § 11.38(b), new comments are unlikely, and notice and comment prior to this publication are unnecessary.

#### **Comments Invited**

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

#### **Background**

On July 1, 2012, Dassault Aviation applied for a type certificate for its new Model Falcon 5X airplane. However, Dassault has decided not to release an airplane under the model designation Falcon 5X, instead choosing to change that model designation to Falcon 6X.

In February of 2018, due to engine supplier issues, Dassault extended the type certificate application date for its Model Falcon 5X airplane under new

Model Falcon 6X. This airplane is a twin-engine business jet with seating for 19 passengers, and has a maximum takeoff weight of 77,460 pounds.

#### **Type Certification Basis**

Under the provisions of 14 CFR 21.17, Dassault must show that the Model Falcon 6X airplane meets the applicable provisions of 14 CFR part 25, as amended by amendments 25-1 through 25-146.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 6X airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 6X airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

#### **Novel or Unusual Design Features**

The Dassault Aviation Model Falcon 6X airplane will incorporate the following novel or unusual design feature:

An EFCS that incorporates full-time, normal load-factor limiting, designed to prevent the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor.

#### **Discussion**

The normal load-factor limit on the Model Falcon 6X is unique in that traditional airplanes with conventional, mechanical-linkage flight-control systems are limited, in the pitch axis, only by the elevator surface area and deflection limit. The elevator control power is normally derived for adequate controllability and maneuverability at the most critical longitudinal pitching moment. The result is that for conventional, mechanical-linkage airplanes, a significant portion of the

flight envelope maneuverability, in excess of limit structural design values, is possible. With the normal load-factor limit engaged, the Dassault Model Falcon 6X airplane will not exhibit this excess maneuverability.

Part 25 does not specify requirements nor does any FAA policy require the applicant to demonstrate maneuver control that impose any handling qualities requirements beyond the design limit structural loads. Nevertheless, some pilots are accustomed to the availability of this excess maneuver capacity in case of extreme emergencies, such as upset recoveries or collision avoidance.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

#### **Applicability**

As discussed above, these special conditions are applicable to the Dassault Model Falcon 6X airplane. Should Dassault apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

#### **Conclusion**

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

#### **List of Subjects in 14 CFR Part 25**

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### **Authority Citation**

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

#### **The Special Conditions**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Dassault Model Falcon 6X airplanes.

In addition to the requirements of § 25.143(a), and in the absence of other limiting factors, the following apply:

(a) The positive limiting load factor must not be less than:

(1) 2.5g for the electronic flight-control system (EFCS) normal state with the high-lift devices retracted up to  $V_{MO}/M_{MO}$ . The positive limiting load factor may be gradually reduced down to 2.25g above  $V_{MO}/M_{MO}$ .



(2) 2.0g for the EFCS normal state with the high-lift devices extended.

(b) The negative limiting load factor must be equal to or more negative than:

(1) Minus 1.0g for the EFCS normal state with the high-lift devices retracted.

(2) 0.0g for the EFCS normal state with high-lift devices extended.

(c) Maximum, reachable, positive load-factor wings level may be limited by flight-control system characteristics or flight envelope protections (other than load-factor protection) provided that:

(1) The required values are readily achievable in turns, and

(2) Wings level pitch-up responsiveness is satisfactory.

(d) Maximum achievable negative load factor may be limited by flight-control system characteristics or flight envelope protections (other than load-factor protection) provided that:

(1) Pitch-down responsiveness is satisfactory

(2) From level flight, 0g is readily achievable or, alternatively, a satisfactory\* trajectory change is readily achievable at operational speeds.

\* For the FAA to consider a trajectory change as satisfactory, the applicant should propose and justify a pitch rate that provides sufficient maneuvering capability in the most critical scenarios.

(e) Compliance demonstration with the above requirements may be performed without ice accretion on the airframe.

Issued in Kansas City, Missouri, on August 2, 2022.

**Patrick R. Mullen,**

*Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.*

[FR Doc. 2022-16904 Filed 8-5-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31440; Amdt. No. 4019]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure

procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective August 8, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 8, 2022.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590-0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

#### Availability

All SIAPS and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at [nfdc.faa.gov](http://nfdc.faa.gov) to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29,

Room 104, Oklahoma City, OK 73169. Telephone (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPs. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260-3, 8260-4, 8260-5, 8260-15A, 8260-15B, when required by an entry on 8260-15A, and 8260-15C.

The large number of SIAPS, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPS, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

#### Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for Part 97 of this final rule.

#### The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less



than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on July 22, 2022.

**Thomas J Nichols,**

*Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for Part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

*Effective 8 September 2022*

Hooper Bay, AK, PAHP, RNAV (GPS) RWY 14, Amdt 2  
 Hooper Bay, AK, PAHP, RNAV (GPS) RWY 32, Amdt 2  
 Hooper Bay, AK, PAHP, Takeoff Minimums and Obstacle DP, Amdt 1  
 Hooper Bay, AK, PAHP, VOR RWY 32, Amdt 1  
 Kalskag, AK, PALG, RNAV (GPS) RWY 7, Amdt 1  
 Kalskag, AK, PALG, RNAV (GPS)-A, Amdt 1  
 Kalskag, AK, PALG, Takeoff Minimums and Obstacle DP, Amdt 2  
 Tuscaloosa, AL, KTCL, RNAV (GPS) RWY 12, Orig-C  
 Tuscaloosa, AL, KTCL, VOR OR TACAN RWY 4, Amdt 11D, CANCELLED  
 Tuscaloosa, AL, KTCL, VOR OR TACAN RWY 22, Amdt 14E, CANCELLED  
 Little Rock, AR, KLIT, ILS OR LOC RWY 4L, Amdt 26C  
 Little Rock, AR, KLIT, RNAV (GPS) RWY 36, Amdt 1  
 New Haven, CT, KHVN, Takeoff Minimums and Obstacle DP, Amdt 7  
 Macon, GA, KMAC, LOC RWY 10, Amdt 9  
 Macon, GA, KMAC, VOR–A, Amdt 6A, CANCELLED  
 Montezuma, GA, 53A, Takeoff Minimums and Obstacle DP, Amdt 1  
 Perry, GA, KPXE, ILS OR LOC RWY 36, Amdt 1  
 Perry, GA, KPXE, RNAV (GPS) RWY 18, Amdt 1  
 Perry, GA, KPXE, RNAV (GPS) RWY 36, Amdt 2  
 Perry, GA, KPXE, VOR–A, AMDT 5B, CANCELLED  
 Chicago/Rockford, IL, KRFD, ILS OR LOC RWY 7, ILS RWY 7 (SA CAT I), ILS RWY 7 (CAT II), ILS RWY 7 (CAT III), Amdt 2A  
 Louisville, KY, KSDF, ILS OR LOC RWY 17R, Amdt 4A  
 Louisville, KY, KSDF, ILS OR LOC RWY 35L, ILS RWY 35L (SA CAT I), ILS RWY 35L (CAT II), ILS RWY 35L (CAT III), Amdt 4A  
 Louisville, KY, KSDF, RNAV (GPS) Y RWY 17L, Amdt 1G  
 Erwin, NC, KHRJ, LOC RWY 5, Orig-C  
 Ephraim, WI, 3D2, RNAV (GPS) RWY 14, Amdt 1  
 Ephraim, WI, 3D2, RNAV (GPS) RWY 32, Amdt 1  
 Rhinelander, WI, KRHI, ILS OR LOC RWY 9, Amdt 8E  
 Rhinelander, WI, KRHI, RNAV (GPS) RWY 9, Amdt 1E  
 Rhinelander, WI, KRHI, RNAV (GPS) RWY 15, Amdt 1E

[FR Doc. 2022–16706 Filed 8–5–22; 8:45 am]

**BILLING CODE 4910–13–P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 31441; Amdt. No. 4020]

#### Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective August 8, 2022. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 8, 2022.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

#### For Examination

1. U.S. Department of Transportation, Docket Ops–M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Information Services, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**Availability**

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:**

Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P-NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

**Availability and Summary of Material Incorporated by Reference**

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for Part 97 of this final rule.

**The Rule**

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on July 22, 2022.

**Thomas J. Nichols,**

*Aviation Safety, Flight Standards Service, Manager, Standards Section, Flight Procedures & Airspace Group, Flight Technologies & Procedures Division.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

■ 1. The authority citation for Part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

\* \* \* *Effective Upon Publication*

■ 2. Part 97 is amended to read as follows:

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Sep-22 .....	SD	Madison .....	Madison Muni .....	2/0006	7/12/22	RNAV (GPS) RWY 33, Orig-B.
8-Sep-22 .....	SD	Madison .....	Madison Muni .....	2/0007	7/12/22	RNAV (GPS) RWY 15, Orig-B.
8-Sep-22 .....	OH	Willoughby .....	Lake County Exec .....	2/0062	7/12/22	RNAV (GPS) RWY 23, Orig-C.
8-Sep-22 .....	OH	Willoughby .....	Lake County Exec .....	2/0064	7/12/22	RNAV (GPS) RWY 28, Orig-B.
8-Sep-22 .....	OH	Willoughby .....	Lake County Exec .....	2/0066	7/12/22	RNAV (GPS) RWY 5, Orig-B.
8-Sep-22 .....	PW	Babelthuap Island ...	Babelthuap/Koror .....	2/0070	7/15/22	RNAV (GPS) RWY 27, Orig-B.
8-Sep-22 .....	PW	Babelthuap Island ...	Babelthuap/Koror .....	2/0073	7/15/22	NDB RWY 9, Orig-B.
8-Sep-22 .....	AR	Magnolia .....	Ralph C Weiser Fld .....	2/0078	7/13/22	RNAV (GPS) RWY 36, Amdt 1B.
8-Sep-22 .....	AR	Magnolia .....	Ralph C Weiser Fld .....	2/0079	7/13/22	RNAV (GPS) RWY 18, Orig-B.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Sep-22	PW	Babelthuap Island	Babelthuap/Koror	2/0091	7/15/22	RNAV (GPS) RWY 9, Orig-B.
8-Sep-22	IA	Le Mars	Le Mars Muni	2/0942	6/21/22	RNAV (GPS) RWY 36, Amdt 1C.
8-Sep-22	PA	Punxsutawney	Punxsutawney Muni	2/0971	4/21/22	RNAV (GPS) RWY 24, Orig-C.
8-Sep-22	NM	Deming	Deming Muni	2/1538	7/14/22	RNAV (GPS) RWY 8, Orig-B.
8-Sep-22	NM	Deming	Deming Muni	2/1541	7/14/22	RNAV (GPS) RWY 4, Amdt 1B.
8-Sep-22	NM	Deming	Deming Muni	2/1551	7/14/22	RNAV (GPS) RWY 22, Orig-B.
8-Sep-22	NM	Deming	Deming Muni	2/1555	7/14/22	RNAV (GPS)-A, Orig.
8-Sep-22	FL	St Petersburg-Clearwater.	St Pete-Clearwater Intl	2/1579	7/15/22	VOR RWY 4, Amdt 1B.
8-Sep-22	IN	Greensburg	Greensburg Muni	2/1707	4/22/22	RNAV (GPS) RWY 36, Orig-C.
8-Sep-22	IN	Greensburg	Greensburg Muni	2/1708	4/22/22	VOR-A, Amdt 2E.
8-Sep-22	HI	Hana	Hana	2/2401	6/28/22	RNAV (GPS) RWY 26, Amdt 1.
8-Sep-22	AL	Anniston	Anniston Rgnl	2/2734	7/14/22	ILS Y OR LOC Y RWY 5, Orig.
8-Sep-22	TN	Fayetteville	Fayetteville Muni	2/2762	7/15/22	VOR/DME RWY 2, Orig-F.
8-Sep-22	AL	Anniston	Anniston Rgnl	2/2780	7/14/22	ILS Z OR LOC Z RWY 5, Amdt 4.
8-Sep-22	SC	Florence	Florence Rgnl	2/3075	7/15/22	RNAV (GPS) RWY 27, Orig-D.
8-Sep-22	OH	Akron	Akron Fulton Intl	2/3306	4/5/22	RNAV (GPS) RWY 25, Orig-C.
8-Sep-22	OH	Akron	Akron Fulton Intl	2/3307	4/5/22	NDB RWY 25, Amdt 15C.
8-Sep-22	OH	Akron	Akron Fulton Intl	2/3308	4/5/22	LOC RWY 25, Amdt 14B.
8-Sep-22	OH	Youngstown/Warren	Youngstown/Warren Rgnl	2/3397	7/15/22	VOR -A, Orig-B.
8-Sep-22	CA	Napa	Napa County	2/3507	5/25/22	RNAV (GPS) Z RWY 1L, Amdt 2.
8-Sep-22	GA	Jasper	Pickens County	2/3726	7/15/22	RNAV (GPS) RWY 16, Amdt 1B.
8-Sep-22	GA	Jasper	Pickens County	2/3738	7/15/22	RNAV (GPS) RWY 34, Orig.
8-Sep-22	NY	Watertown	Watertown Intl	2/3924	5/24/22	VOR RWY 7, Amdt 14A.
8-Sep-22	IA	Des Moines	Des Moines Intl	2/4423	4/28/22	ILS OR LOC RWY 31, Amdt 24.
8-Sep-22	IA	Des Moines	Des Moines Intl	2/4424	4/28/22	RNAV (GPS) RWY 31, Amdt 2.
8-Sep-22	ME	Oxford	Oxford County Rgnl	2/4556	7/5/22	RNAV (GPS) RWY 15, Orig-C.
8-Sep-22	ME	Oxford	Oxford County Rgnl	2/4558	7/5/22	RNAV (GPS) RWY 33, Orig-D.
8-Sep-22	GA	Cordele	Crisp County-Cordele	2/4996	6/14/22	LOC RWY 10, Amdt 1.
8-Sep-22	GA	Cordele	Crisp County-Cordele	2/4998	6/14/22	RNAV (GPS) RWY 6, Amdt 1A.
8-Sep-22	GA	Cordele	Crisp County-Cordele	2/4999	6/14/22	RNAV (GPS) RWY 10, Amdt 1A.
8-Sep-22	GA	Cordele	Crisp County-Cordele	2/5000	6/14/22	RNAV (GPS) RWY 24, Amdt 1A.
8-Sep-22	GA	Cordele	Crisp County-Cordele	2/5002	6/14/22	RNAV (GPS) RWY 28, Amdt 1A.
8-Sep-22	WY	Rock Springs	Southwest Wyoming Rgnl	2/5013	7/15/22	VOR/DME RWY 27, Amdt 2B.
8-Sep-22	PA	Wellsboro	Grand Canyon Rgnl	2/5024	5/23/22	Takeoff Minimums and Obstacle DP, Amdt 3A.
8-Sep-22	ID	Burley	Burley Muni	2/5029	4/19/22	RNAV (GPS) RWY 20, Orig-D.
8-Sep-22	AK	Unalaska	Unalaska	2/5040	4/19/22	NDB-A, Amdt 3.
8-Sep-22	IL	Chicago	Chicago O'Hare Intl	2/5175	5/18/22	ILS OR LOC RWY 4R, ILS RWY 4R (SA CAT I & II), Amdt 8A.
8-Sep-22	CO	Holyoke	Holyoke	2/5984	6/28/22	RNAV (GPS) RWY 14, Orig-F.
8-Sep-22	HI	Honolulu	Daniel K Inouye Intl	2/6151	6/28/22	ILS Z RWY 4R, Amdt 2.
8-Sep-22	HI	Honolulu	Daniel K Inouye Intl	2/6152	6/28/22	ILS Y RWY 4R, Amdt 2.
8-Sep-22	MS	Columbia	Columbia/Marion County	2/6323	6/13/22	RNAV (GPS) RWY 5, Orig-A.
8-Sep-22	NE	Neligh	Antelope County	2/6334	6/10/22	RNAV (GPS) RWY 19, Orig-A.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/6337	6/10/22	RNAV (GPS) Y RWY 28, Amdt 2C.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/6338	6/10/22	RNAV (GPS) Y RWY 10, Amdt 3C.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/6339	6/10/22	RNAV (RNP) Z RWY 10, Amdt 2C.
8-Sep-22	IL	Chicago/Prospect Heights/Wheeling.	Chicago Exec	2/6401	6/10/22	ILS OR LOC RWY 16, Amdt 3.
8-Sep-22	IL	Chicago/Prospect Heights/Wheeling.	Chicago Exec	2/6406	6/10/22	RNAV (GPS) RWY 16, Amdt 2.
8-Sep-22	IL	Chicago/Prospect Heights/Wheeling.	Chicago Exec	2/6407	6/10/22	VOR RWY 16, Orig-G.
8-Sep-22	VT	Bennington	William H Morse State	2/6567	7/5/22	RNAV (GPS) RWY 13, Orig-E.
8-Sep-22	KS	Paola	Miami County	2/6626	6/10/22	Takeoff Minimums and Obstacle DP, Orig.
8-Sep-22	KS	Paola	Miami County	2/6637	6/10/22	RNAV (GPS) RWY 3, Amdt 1A.
8-Sep-22	KS	Paola	Miami County	2/6657	6/10/22	RNAV (GPS) RWY 21, Amdt 1A.
8-Sep-22	MS	Batesville	Panola County	2/6922	7/6/22	Takeoff Minimums and Obstacle DP, Amdt 1.
8-Sep-22	KS	Syracuse	Syracuse-Hamilton County Muni.	2/6928	7/15/22	RNAV (GPS) RWY 18, Orig.
8-Sep-22	KS	Syracuse	Syracuse-Hamilton County Muni.	2/6929	7/15/22	RNAV (GPS) RWY 36, Orig-A.
8-Sep-22	NJ	Wildwood	Cape May County	2/6938	5/23/22	RNAV (GPS) RWY 28, Orig-A.
8-Sep-22	NJ	West Milford	Greenwood Lake	2/7060	7/6/22	RNAV (GPS) RWY 24, Orig-C.
8-Sep-22	NJ	West Milford	Greenwood Lake	2/7062	7/6/22	RNAV (GPS) RWY 6, Amdt 1B.
8-Sep-22	KS	Hutchinson	Hutchinson Rgnl	2/7920	7/7/22	RNAV (GPS) RWY 35, Orig-A.
8-Sep-22	KS	Hutchinson	Hutchinson Rgnl	2/7921	7/7/22	RNAV (GPS) RWY 4, Amdt 1A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
8-Sep-22	KS	Hutchinson	Hutchinson Rgnl	2/7924	7/7/22	RNAV (GPS) RWY 13, Amdt 1.
8-Sep-22	KS	Concordia	Blosser Muni	2/8104	5/16/22	RNAV (GPS) RWY 18, Orig.
8-Sep-22	KY	Hopkinsville	Hopkinsville-Christian County	2/8135	6/2/22	RNAV (GPS) RWY 26, Amdt 2.
8-Sep-22	NY	Rochester	Frederick Douglass/Greater Rochester Intl.	2/8171	7/8/22	RNAV (GPS) RWY 10, Amdt 1B.
8-Sep-22	NJ	Cross Keys	Cross Keys	2/8232	5/23/22	VOR OR GPS RWY 9, Amdt 6A.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/8312	5/23/22	RNAV (GPS) Y RWY 33L, Amdt 4A.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/8313	5/23/22	RNAV (RNP) Z RWY 33L, Amdt 3A.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/8314	5/23/22	ILS OR LOC RWY 33L, Amdt 12A.
8-Sep-22	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	2/8315	5/23/22	ILS OR LOC RWY 15R, Amdt 16.
8-Sep-22	WI	Osceola	L O Simenstad Muni	2/8392	4/18/22	RNAV (GPS) RWY 10, Orig-A.
8-Sep-22	WI	Osceola	L O Simenstad Muni	2/8393	4/18/22	RNAV (GPS) RWY 28, Amdt 1A.
8-Sep-22	ME	Waterville	Waterville Robert Lafleur	2/8516	6/23/22	ILS OR LOC/DME RWY 5, Amdt 4C.
8-Sep-22	MA	Hyannis	Cape Cod Gateway	2/8622	7/15/22	ILS OR LOC RWY 24, Amdt 19.
8-Sep-22	HI	Honolulu	Daniel K Inouye Intl	2/8642	7/15/22	RNAV (GPS) Y RWY 8L, Amdt 3A.
8-Sep-22	HI	Honolulu	Daniel K Inouye Intl	2/8647	7/15/22	RNAV (GPS) RWY 4L, Orig-B.
8-Sep-22	AZ	Phoenix	Phoenix Sky Harbor Intl	2/8836	7/15/22	RNAV (RNP) Z RWY 8, Orig-B.
8-Sep-22	AZ	Phoenix	Phoenix Sky Harbor Intl	2/8838	7/15/22	RNAV (RNP) Z RWY 7L, Orig-C.
8-Sep-22	AZ	Phoenix	Phoenix Sky Harbor Intl	2/8840	7/15/22	RNAV (RNP) Z RWY 7R, Orig-C.
8-Sep-22	TX	Panhandle	Panhandle-Carson County	2/8858	7/8/22	RNAV (GPS) RWY 35, Orig-B.
8-Sep-22	NE	Chadron	Chadron Muni	2/8942	5/11/22	ILS OR LOC RWY 3, Amdt 2D.
8-Sep-22	NE	Chadron	Chadron Muni	2/8943	5/11/22	RNAV (GPS) RWY 3, Amdt 1C.
8-Sep-22	NE	Chadron	Chadron Muni	2/8947	5/11/22	RNAV (GPS) RWY 21, Amdt 2C.
8-Sep-22	ME	Sanford	Sanford Seacoast Rgnl	2/8970	5/23/22	VOR RWY 25, Amdt 14C.
8-Sep-22	TX	Fort Hood/Killeen	Robert Gray AAF	2/8990	5/16/22	ILS OR LOC RWY 15, Amdt 7.
8-Sep-22	TX	Fort Hood/Killeen	Robert Gray AAF	2/8991	5/16/22	RNAV (GPS) RWY 15, Amdt 2.
8-Sep-22	TN	Pulaski	Abernathy Fld	2/9163	7/8/22	RNAV (GPS) RWY 16, Amdt 2C.
8-Sep-22	TN	Pulaski	Abernathy Fld	2/9164	7/8/22	RNAV (GPS) RWY 34, Amdt 2A.
8-Sep-22	MI	Romeo	Romeo State	2/9250	7/11/22	RNAV (GPS) RWY 36, Amdt 1D.
8-Sep-22	MI	Romeo	Romeo State	2/9251	7/11/22	RNAV (GPS) RWY 18, Amdt 1C.
8-Sep-22	SC	Chester	Chester Catawba Rgnl	2/9678	5/23/22	RNAV (GPS) RWY 17, Amdt 1A.
8-Sep-22	MS	Natchez	Hardy-Anders Fld/Natchez-Adams County.	2/9953	7/14/22	VOR RWY 18, Amdt 11.
8-Sep-22	IA	Boone	Boone Muni	2/9964	3/28/22	Takeoff Minimums and Obstacle DP, Amdt 6.
8-Sep-22	TN	Lafayette	Lafayette Muni	2/9995	7/15/22	RNAV (GPS) RWY 1, Orig.
8-Sep-22	TN	Lafayette	Lafayette Muni	2/9996	7/15/22	RNAV (GPS) RWY 19, Amdt 1.

[FR Doc. 2022-16707 Filed 8-5-22; 8:45 am]

BILLING CODE 4910-13-P

# Proposed Rules

Federal Register

Vol. 87, No. 151

Monday, August 8, 2022

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 51

[Doc. No. AMS–SC–21–0039, SC–21–327]

#### Revising U.S. Grade Standards for Pecans in the Shell and Shelled Pecans; Extension of Comment Period

**AGENCY:** Agricultural Marketing Service, Department of Agriculture (USDA).

**ACTION:** Notice; extension of comment period.

**SUMMARY:** Notice is hereby given that Agricultural Marketing Service (AMS) is extending the comment period for the proposed rule published in the **Federal Register** on June 1, 2022 by 30 days. The proposed rule invited comments on proposed revisions to U.S. Standards for Grades of Pecans in the Shell and U.S. Standards for Grades of Shelled Pecans.

**DATES:** Comments must be received by September 7, 2022.

**ADDRESSES:** Interested persons are invited to submit written comments to the USDA, Specialty Crops Inspection Division, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; via fax to (540) 361–1199; or, at <https://www.regulations.gov>. Comments should reference the date and page number of this issue of the **Federal Register**. Comments will be posted without change, including any personal information provided. All comments received within the comment period will become part of the public record maintained by the Agency and will be made available to the public via <https://www.regulations.gov>. Comments will be made available for public inspection at the above address during regular business hours or can be viewed at: <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Olivia Banks at the address above, or by phone (540) 361–1120; fax (540) 361–1199; or email [Olivia.Banks@usda.gov](mailto:Olivia.Banks@usda.gov). Copies of the proposed U.S Standards for Grades for Pecans in the Shell and

U.S. Standards for Grades of Shelled Pecans are available at <https://www.regulations.gov>. Copies of the current standards are available at <https://www.ams.usda.gov/nuts>.

**SUPPLEMENTARY INFORMATION:** The proposed rule was published in the **Federal Register** of June 1, 2022, (87 FR 33064) inviting comments on proposed revisions to U.S. Standards for Grades of Pecans in the Shell and U.S. Standards for Grades of Shelled Pecans. The public was invited to review and comment on the proposed rule, which was to be accompanied by copies of the proposed standards, on <https://www.regulations.gov>. On June 28, 2022, AMS noted that the proposed U.S. Standards for Grades of Pecans in the Shell and the U.S. Standards for Grades of Shelled Pecans failed to upload to <https://www.regulations.gov> and the supporting documents were uploaded to <https://www.regulations.gov> on that date. To provide all interested persons a full 60-day comment period to view copies of the proposed standards and facilitate review of the proposed rule, AMS has extended the public comment period by 30 days to September 7, 2022. The 60-day comment period for the proposed rule published in the **Federal Register** on June 1, 2022 (87 FR 33064) ended on August 1, 2022.

**Authority:** 7 U.S.C. 1621–1627.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022–16873 Filed 8–5–22; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 9 CFR Part 201

[Doc. No. AMS–FTPP–21–0044]

RIN 0581–AE03

#### Transparency in Poultry Grower Contracting and Tournaments

**AGENCY:** Agricultural Marketing Service, Department of Agriculture (USDA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Agricultural Marketing Service is extending the comment period for our proposed rule that would

revise the regulations under the Packers and Stockyards Act, 1921 to promote transparency in poultry production contracting. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** The comment period for the proposed rule published on June 8, 2022 (at 87 FR 34980) is extended. We will consider all comments received on or before August 23, 2022.

**ADDRESSES:** Comments can be submitted by either of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Enter AMS–FTPP–21–0044 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- **Postal Mail/Commercial Delivery:** Send your comment to Docket No. AMS–FTPP–21–0044, S. Brett Offutt, Chief Legal Officer, Packers and Stockyards Division, USDA, AMS, FTTPP; Room 2097–S, Mail Stop 3601, 1400 Independence Ave. SW, Washington, DC 20250–3601.

**FOR FURTHER INFORMATION CONTACT:** S. Brett Offutt, Chief Legal Officer/Policy Advisor, Packers and Stockyards Division, USDA AMS Fair Trade Practices Program, 1400 Independence Ave. SW, Washington, DC 20250; Phone: (202) 690–4355; or email: [s.brett.offutt@usda.gov](mailto:s.brett.offutt@usda.gov).

**SUPPLEMENTARY INFORMATION:** On June 8, 2022 (87 FR 34980), AMS published in the **Federal Register** a proposal to revise the regulations under the Packers and Stockyards Act (7 U.S.C. 181 *et seq.*) at 9 CFR part 201. Under the proposal, live poultry dealers would be required to make certain disclosures to poultry growers and prospective poultry growers in connection with poultry growing arrangements and to specify additional terms in poultry growing contracts. Further, live poultry dealers would be required to provide certain information to poultry growers in tournament pay systems—at the time of flock placement and at the time of settlement—about integrator-controlled inputs related to the poultry flocks growers receive for growout.

Comments on the proposed rule were required to be received on or before August 8, 2022. We are extending the comment period on Docket No. AMS–FTPP–21–0044 for an additional 15 days. This will allow interested persons additional time to prepare and submit

comments. Comments must be submitted on or before August 23, 2022.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022–16871 Filed 8–5–22; 8:45 am]

**BILLING CODE P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Chapter I

#### Notice of Proposed Order and Request for Comment on an Application for a Capital Comparability Determination From the Financial Services Agency of Japan

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed order and request for comment.

**SUMMARY:** The Commodity Futures Trading Commission is soliciting public comment on an application submitted by the Financial Services Agency of Japan requesting that the Commission determine that registered swap dealers organized and domiciled in Japan that are subject to, and comply with, certain capital and financial reporting requirements in Japan may comply with certain capital and financial reporting requirements under the Commodity Exchange Act via compliance with corresponding capital and financial reporting requirements of Japan. The Commission also is soliciting public comment on a proposed order providing for the conditional availability of substituted compliance in connection with the application.

**DATES:** Comments must be received on or before October 7, 2022.

**ADDRESSES:** You may submit comments, identified by “Japan Swap Dealer Capital Comparability Determination”, by any of the following methods:

*CFTC Comments Portal:* <https://comments.cftc.gov>. Select the “Submit Comments” link for this proposed order and follow the instructions on the Public Comment Form.

*Mail:* Send to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

*Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. To avoid possible delays with mail or in-person deliveries, submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://comments.cftc.gov>. 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 (“FOIA”), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Regulation 145.9.<sup>1</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://comments.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 proposed determination and order 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 FOIA.

**FOR FURTHER INFORMATION CONTACT:**

Amanda L. Olear, Director, 202–418–5283, [aolear@cftc.gov](mailto:aolear@cftc.gov); Thomas Smith, Deputy Director, 202–418–5495, [tsmith@cftc.gov](mailto:tsmith@cftc.gov); Rafael Martinez, Associate Director, 202–418–5462, [rmartinez@cftc.gov](mailto:rmartinez@cftc.gov); Joshua Beale, Associate Director, 202–418–5446, [jbeale@cftc.gov](mailto:jbeale@cftc.gov); Warren Gorlick, Associate Director, 202–418–5195, [wgorlick@cftc.gov](mailto:wgorlick@cftc.gov); Jennifer C.P. Bauer, Special Counsel, 202–418–5472, [jbauer@cftc.gov](mailto:jbauer@cftc.gov); Carmen Moncada-Terry, Special Counsel, 202–418–5795, [cmoncadaterry@cftc.gov](mailto:cmoncadaterry@cftc.gov); Liliya Bozhanova, Special Counsel, 202–418–6232, [lbozhanova@cftc.gov](mailto:lbozhanova@cftc.gov); Joo Hong, Risk Analyst, 202–418–6221, [jhong@cftc.gov](mailto:jhong@cftc.gov); Justin McPhee, Risk Analyst, 202–418–6223; [jmchpee@cftc.gov](mailto:jmchpee@cftc.gov), Market Participants Division; Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:** The Commodity Futures Trading Commission (“Commission” or “CFTC”) is soliciting public comment on an application submitted by the Financial Services Agency of Japan (“FSA”), dated September 30, 2021

<sup>1</sup> 17 CFR 145.9. Commission regulations referred to in this release are found at 17 CFR chapter I, and are accessible on the Commission’s website at <https://www.cftc.gov/LawRegulation/CommodityExchangeAct/index.htm>.

(“FSA Application”), requesting that the Commission determine that registered nonbank<sup>2</sup> swap dealers (“SDs”) organized and domiciled in Japan (“Japanese nonbank SDs”) may satisfy certain capital and financial reporting requirements under the Commodity Exchange Act (“CEA”) <sup>3</sup> by being subject to and complying with comparable capital and financial reporting requirements under Japanese laws and regulations.<sup>4</sup> The Commission also is soliciting public comment on a proposed Commission Comparability Determination order that would allow Japanese nonbank SDs, subject to certain conditions, to comply with certain CFTC SD capital and financial reporting requirements in the manner as set forth in the proposed order.

### I. Introduction

#### A. Regulatory Background—CFTC Capital, Margin, and Financial Reporting Requirements for Swap Dealers and Major Swap Participants

Section 4s(e) of the CEA <sup>5</sup> directs the Commission and “prudential regulators” <sup>6</sup> to impose capital requirements on SDs and major swap participants (“MSPs”) registered with the Commission. Section 4s(e) of the CEA also directs the Commission and prudential regulators to adopt regulations imposing initial and variation margin requirements on swaps entered into by SDs and MSPs that are not cleared by a registered derivatives clearing organization (“uncleared swaps”).

Section 4s(e) applies a bifurcated approach with respect to the above Congressional directives, requiring each SD and MSP that is subject to the regulation of a prudential regulator (“bank SD” and “bank MSP,” respectively) to meet the minimum capital requirements and uncleared swaps margin requirements adopted by the applicable prudential regulator, and requiring each SD and MSP that is not

<sup>2</sup> As discussed in Section I.A. below, the Commission has capital jurisdiction over registered SDs that are not subject to the regulation of a U.S. banking regulator (*i.e.*, nonbank SDs).

<sup>3</sup> 7 U.S.C. 1 *et seq.* The CEA may be accessed through the Commission’s website, [www.cftc.gov](http://www.cftc.gov).

<sup>4</sup> See Letter from Yuji Yamashita, Deputy Commissioner for International Affairs, Financial Services Agency of Japan, dated September 30, 2021. The FSA Application is available on the Commission’s website at: <https://www.cftc.gov/LawRegulation/DoddFrankAct/CDSCP/index.htm>.

<sup>5</sup> 7 U.S.C. 6s(e).

<sup>6</sup> The term “prudential regulators” is defined in the CEA to mean the Board of Governors of the Federal Reserve System (“Federal Reserve Board”); the Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the Farm Credit Administration; and the Federal Housing Finance Agency. See 7 U.S.C. 1a(39).

subject to the regulation of a prudential regulator (“nonbank SD” and “nonbank MSP,” respectively) to meet the minimum capital requirements and uncleared swaps margin requirements adopted by the Commission.<sup>7</sup> Therefore, the Commission’s authority to impose capital requirements and margin requirements for uncleared swap transactions extends to nonbank SDs and nonbank MSPs, including nonbanking subsidiaries of bank holding companies regulated by the Federal Reserve Board.

The prudential regulators implemented Section 4s(e) in 2015 by amending existing capital requirements applicable to bank SDs and bank MSPs to incorporate swap transactions into their respective bank capital frameworks, and by adopting rules imposing initial and variation margin requirements on bank SDs and bank MSPs that engage in uncleared swap transactions.<sup>8</sup> The Commission adopted final rules imposing initial and variation margin obligations on nonbank SDs and nonbank MSPs for uncleared swap transactions on January 6, 2016.<sup>9</sup> The Commission also approved final capital requirements for nonbank SDs and nonbank MSPs on July 24, 2020, which were published in the **Federal Register** on September 15, 2020 with a compliance date of October 6, 2021 (“CFTC Capital Rules”).<sup>10</sup>

Section 4s(f) of the CEA addresses SD and MSP financial reporting requirements.<sup>11</sup> Section 4s(f) of the CEA authorizes the Commission to adopt rules imposing financial condition reporting obligations on all SDs and MSPs (*i.e.*, nonbank SDs, nonbank MSPs, bank SDs, and bank MSPs). Specifically, Section 4s(f)(1)(A) of the CEA provides, in relevant part, that each registered SD and MSP must make financial condition reports as required by regulations adopted by the Commission.<sup>12</sup> The Commission’s financial reporting obligations were adopted with the Commission’s nonbank SD and nonbank MSP capital requirements, and also had a compliance date of October 6, 2021 (“CFTC Financial Reporting Rules”).<sup>13</sup>

### *B. Commission Capital Comparability Determinations for Non-U.S. Nonbank Swap Dealers and Non-U.S. Nonbank Major Swap Participants*

Regulation 23.106 establishes a substituted compliance framework whereby the Commission may determine that compliance by a non-U.S. domiciled nonbank SD or non-U.S. domiciled nonbank MSP with its home country’s capital and financial reporting requirements will satisfy all or parts of the CFTC Capital Rules and all or parts of the CFTC Financial Reporting Rules (such a determination referred to as a “Capital Comparability Determination”).<sup>14</sup> The availability of such substituted compliance is conditioned upon the Commission issuing a determination that the relevant foreign jurisdiction’s capital adequacy and financial reporting requirements, and related financial recordkeeping and reporting requirements, for non-U.S. nonbank SDs and/or non-U.S. nonbank MSPs are comparable to the corresponding CFTC Capital Rules and CFTC Financial Reporting Rules. The Commission will issue a Capital Comparability Determination in the form of a Commission order (“Capital Comparability Determination Order”).<sup>15</sup>

The Commission’s approach for conducting a comparability determination with respect to the CFTC Capital Rules and the CFTC Financial Reporting Rules is a principles-based, holistic approach that focuses on whether the applicable foreign jurisdiction’s capital and financial reporting requirements achieve comparable outcomes to the

corresponding CFTC requirements.<sup>16</sup> In this regard, the approach is not a line-by-line assessment or comparison of a foreign jurisdiction’s regulatory requirements with the Commission’s requirements.<sup>17</sup> In performing the analysis, the Commission recognizes that jurisdictions may adopt differing approaches to achieving comparable outcomes, and the Commission will focus on whether the foreign jurisdiction’s capital and financial reporting requirements are comparable to the Commission’s in purpose and effect, and not whether they are comparable in every aspect or contain identical elements.

A person requesting a Capital Comparability Determination is required to submit an application to the Commission containing: (i) a description of the objectives of the relevant foreign jurisdiction’s capital adequacy and financial reporting requirements applicable to entities that are subject to the CFTC Capital Rules and the CFTC Financial Reporting Rules; (ii) a description (including specific legal and regulatory provisions) of how the relevant foreign jurisdiction’s capital adequacy and financial reporting requirements address the elements of the CFTC Capital Rules and CFTC Financial Reporting Rules, including, at a minimum, the methodologies for establishing and calculating capital adequacy requirements and whether such methodologies comport with any international standards; and (iii) a description of the ability of the relevant foreign regulatory authority to supervise and enforce compliance with the relevant foreign jurisdiction’s capital adequacy and financial reporting requirements. The applicant must also submit, upon request, such other information and documentation as the Commission deems necessary to evaluate the comparability of the capital adequacy and financial reporting requirements of the foreign jurisdiction.<sup>18</sup>

The Commission may consider all relevant factors in making a Capital Comparability Determination, including: (i) the scope and objectives of the relevant foreign jurisdiction’s capital and financial reporting requirements; (ii) whether the relevant foreign jurisdiction’s capital and financial reporting requirements achieve comparable outcomes to the Commission’s corresponding capital

<sup>14</sup> 17 CFR 23.106. Regulation 23.106(a)(1) provides that a request for a Capital Comparability Determination may be submitted by a non-U.S. nonbank SD or non-US nonbank MSP, a trade association or other similar group on behalf of its SD or MSP members, or a foreign regulatory authority that has direct supervisory authority over one or more non-US nonbank SDs or non-U.S. nonbank MSPs. Commission regulations provide that any non-U.S. nonbank SD or non-U.S. nonbank MSP that is dually-registered with the Commission as a futures commission merchant (“FCM”) is subject to the capital requirements of Regulation 1.17 and may not petition the Commission for a Capital Comparability Determination. See 17 CFR 23.101(a)(5) and (b)(4), respectively. Furthermore, non-U.S. bank SDs and non-U.S. bank MSPs may not petition the Commission for a Capital Comparability Determination with respect to their respective financial reporting requirements under Regulation 23.105(p) (17 CFR 23.105(p)). Commission staff has issued, however, a time-limited no-action letter stating the Market Participants Division will not recommend enforcement action against a non-U.S. bank SD that files with the Commission certain financial information that is provided to its home country regulator in lieu of certain financial reports required by Regulation 23.105(p). See CFTC Staff Letter 21–18, issued on August 31, 2021.

<sup>15</sup> 17 CFR 23.106(a)(3).

<sup>16</sup> 17 CFR 23.106(a)(3)(ii). See also 85 FR 57462 at 57521.

<sup>17</sup> See 85 FR 57521.

<sup>18</sup> 17 CFR 23.106(a)(2).

<sup>7</sup> 7 U.S.C. 6s(e)(2).

<sup>8</sup> See *Margin and Capital Requirements for Covered Swap Entities*, 80 FR 74840 (Nov. 30, 2015).

<sup>9</sup> See *Margin Requirements for Uncleared Swaps for Swap Dealers and Major Swap Participants*, 81 FR 636 (Jan. 6, 2016).

<sup>10</sup> See *Capital Requirements of Swap Dealers and Major Swap Participants*, 85 FR 57462 (Sept. 15, 2020).

<sup>11</sup> 7 U.S.C. 6s(f).

<sup>12</sup> 7 U.S.C. 6s(f)(1)(A).

<sup>13</sup> See 85 FR 57462.



requirements and financial reporting requirements; (iii) the ability of the relevant foreign regulatory authority or authorities to supervise and enforce compliance with the relevant foreign jurisdiction's capital adequacy and financial reporting requirements; and (iv) any other facts or circumstances the Commission deems relevant, including whether the Commission and foreign regulatory authority or authorities have a memorandum of understanding ("MOU") or similar arrangement that would facilitate supervisory cooperation.<sup>19</sup>

In performing the comparability assessment for foreign nonbank SDs, the Commission's review will include the extent to which the foreign jurisdiction's requirements address: (i) the process of establishing minimum capital requirements for nonbank SDs and how such process addresses risk, including market risk and credit risk of the nonbank SD's on-balance sheet and off-balance sheet exposures; (ii) the types of equity and debt instruments that qualify as regulatory capital in meeting minimum requirements; (iii) the financial reports and other financial information submitted by a nonbank SD to its relevant regulatory authority and whether such information provides the regulatory authority with the means necessary to effectively monitor the financial condition of the nonbank SD; and (iv) the regulatory notices and other communications between a nonbank SD and its foreign regulatory authority that address potential adverse financial or operational issues that may impact the firm. With respect to the ability of the relevant foreign regulatory authority to supervise and enforce compliance with the foreign jurisdiction's capital adequacy and financial reporting requirements, the Commission's review will include a review of the foreign jurisdiction's surveillance program for monitoring nonbank SDs' compliance with such capital adequacy and financial reporting requirements, and the disciplinary process imposed on firms that fail to comply with such requirements.

In performing the comparability assessment for foreign nonbank MSPs,<sup>20</sup> the Commission's review will include the extent to which the foreign jurisdiction's requirements address: (1) the process of establishing minimum capital requirements for nonbank MSPs and how such process establishes a

minimum level of capital to ensure the safety and soundness of the nonbank MSP; (ii) the financial reports and other financial information submitted by a nonbank MSP to its relevant regulatory authority and whether such information provides the regulatory authority with the means necessary to effectively monitor the financial condition of the nonbank MSP; and (iii) the regulatory notices and other communications between a nonbank MSP and its foreign regulatory authority that address potential adverse financial or operational issues that may impact the firm. With respect to the ability of the relevant foreign regulatory authority to supervise and enforce compliance with the foreign jurisdiction's capital adequacy and financial reporting requirements, the Commission's review will include a review of the foreign jurisdiction's surveillance program for monitoring nonbank MSPs' compliance with such capital adequacy and financial reporting requirements, and the disciplinary process imposed on firms that fail to comply with such requirements.

Regulation 23.106 further provides that the Commission may impose any terms or conditions that it deems appropriate in issuing a Capital Comparability Determination.<sup>21</sup> Any specific terms or conditions with respect to capital adequacy or financial reporting requirements will be set forth in the Commission's Capital Comparability Determination Order. As a general condition to all Capital Comparability Determination Orders, the Commission expects to require notification from applicants of any material changes to information submitted by the applicants in support of a comparability finding, including, but not limited to, changes in the relevant foreign jurisdiction's supervisory or regulatory regime.

The Commission's capital adequacy and financial reporting requirements are designed to address and manage risks that arise from a firm's operation as a SD and MSP. Given their functions, both sets of requirements and rules must be applied on an entity-level basis (meaning that the rules apply on a firm-wide basis, irrespective of the type of transactions involved) in order to effectively address risk to the firm as a whole. Therefore, in order to rely on a Capital Comparability Determination, a nonbank SD or nonbank MSP domiciled in the foreign jurisdiction and subject to supervision by the relevant regulatory authority (or authorities) in the foreign jurisdiction must file a notice with the

Commission of its intent to comply with the applicable capital adequacy and financial reporting requirements of the foreign jurisdiction set forth in the Capital Comparability Determination in lieu of all or parts of the CFTC Capital Rules and/or CFTC Financial Reporting Rules.<sup>22</sup> Notices must be filed electronically with the Commission's Market Participants Division ("MPD").<sup>23</sup> The filing of a notice by a non-U.S. nonbank SD or non-U.S. nonbank MSP provides MPD staff, acting pursuant to authority delegated by the Commission,<sup>24</sup> with the opportunity to engage with the firm and to obtain representations that it is subject to, and complies with, the laws and regulations cited in the Capital Comparability Determination and that it will comply with any listed conditions. MPD will issue a letter under its delegated authority from the Commission confirming that the non-U.S. nonbank SD or non-U.S. nonbank MSP may comply with the foreign laws and regulations cited in the Capital Comparability Determination in lieu of complying with the CFTC Capital Rules and CFTC Financial Reporting Rules upon MPD's determination that the firm is subject to and complies with such foreign laws and regulations, is subject to the jurisdiction of the applicable foreign regulatory authority (or authorities), and can meet all of the conditions in the Capital Comparability Determination.

Each non-U.S. nonbank SD and/or non-U.S. nonbank MSP that receives, in accordance with the applicable Commission Capital Comparability Determination, confirmation from the Commission that it may comply with a foreign jurisdiction's capital adequacy and/or financial reporting requirements will be deemed by the Commission to be in compliance with the corresponding CFTC Capital Rules and/or CFTC Financial Reporting Rules.<sup>25</sup> Accordingly, if a nonbank SD or nonbank MSP fails to comply with the foreign jurisdiction's capital adequacy and/or financial reporting requirements, the Commission may initiate an action for a violation of the corresponding CFTC Capital Rules and/or CFTC Financial Reporting Rules.<sup>26</sup> In addition, a non-U.S. nonbank SD or

<sup>22</sup> 17 CFR 23.106(a)(4).

<sup>23</sup> Notices must be filed in electronic form to the following email address: [MPDFinancialRequirements@cftc.gov](mailto:MPDFinancialRequirements@cftc.gov).

<sup>24</sup> See 17 CFR 140.91(a)(11).

<sup>25</sup> 17 CFR 23.106(a)(4)(ii). Confirmation will be issued by MPD under authority delegated by the Commission. See Regulation 140.91(a)(11) (17 CFR 140.91(a)(11)).

<sup>26</sup> *Id.*

<sup>19</sup> See 17 CFR 23.106(a)(3) and 85 FR 57520-57522.

<sup>20</sup> Regulation 23.101(b) requires a nonbank MSP to maintain positive tangible net worth. There are no MSPs currently registered with the Commission.

<sup>21</sup> See 17 CFR 23.106(a)(5).



non-U.S. nonbank MSP that receives confirmation of its ability to use substituted compliance remains subject to the Commission's examination and enforcement authority.<sup>27</sup>

The Commission will consider an application for a Capital Comparability Determination to be a representation by the applicant that the laws and regulations of the foreign jurisdiction that are submitted in support of the application are finalized and in force, that the description of such laws and regulations is accurate and complete, and that, unless otherwise noted, the scope of such laws and regulations encompasses the relevant non-U.S. nonbank SDs and/or non-U.S. nonbank MSPs domiciled in the foreign jurisdiction.<sup>28</sup> A non-U.S. nonbank SD or non-U.S. nonbank MSP that is not legally required to comply with a foreign jurisdiction's laws or regulations determined to be comparable in a Capital Comparability Determination may not voluntarily comply with such laws or regulations in lieu of compliance with the CFTC Capital Rules or the CFTC Financial Reporting Rules. Each non-U.S. nonbank SD or non-U.S. nonbank MSP that seeks to rely on a Capital Comparability Determination Order is responsible for determining whether it is subject to the foreign laws and regulations found comparable in the Order.

### C. Japan Financial Services Agency's Application for a Capital Comparability Determination for Japanese-Domiciled Nonbank Swap Dealers

The FSA Application requests that the Commission issue a Capital Comparability Determination finding that compliance with certain designated capital requirements of Japan (the "Japanese Capital Rules") and certain designated financial reporting requirements of Japan (the "Japanese Financial Reporting Rules") by a Japanese nonbank SD registered with the FSA as a Type I Financial Instruments Business Operator ("FIBO") satisfies corresponding CFTC Capital Rules and CFTC Financial Reporting Rules applicable to a nonbank SD under Sections 4s(e) and (f) of the CEA and

Regulations 23.101 and 23.105.<sup>29</sup> There are currently three Japanese nonbank SDs registered with Commission, and the FSA has represented that each of the three Japanese nonbank SDs are FSA-registered and regulated FIBOs.<sup>30</sup> The FSA Application requests that the Commission's Capital Comparability Determination cover each of the three Japanese nonbank SDs and any future Japanese registered and domiciled FIBOs that register with the Commission as nonbank SDs.

The FSA has represented that the capital adequacy and financial reporting requirements for swap activities in Japan are governed by the Japanese legal framework for financial regulation, which is mainly composed of Acts, Cabinet Orders, Ministerial Orders, and FSA Notices.<sup>31</sup> With regard to the Japanese Capital Rules and the Japanese Financial Reporting Rules, the Financial Instruments and Exchange Act (Act No. 25 of 1948) ("FIEA") and its related order, Cabinet Office Order on Financial Instruments Business (Cabinet Office Order No. 52 of 2007) ("COO"), stipulate the prudential capital and financial reporting requirements applicable to FIBOs, including Japanese nonbank SDs.<sup>32</sup> FIEA, COO, and related FSA Notices impose mandatory capital and reporting requirements on FIBOs, including Japanese nonbank SDs. Comprehensive Guidelines for Supervision of Financial Instruments Business Operators, etc. ("Supervisory Guidelines for FIBO") also supplement the framework.<sup>33</sup> The technical requirements for FIBOs, including Japanese nonbank SDs, to calculate capital adequacy ratios are specified in

<sup>29</sup> The FSA's application did not request a Capital Comparability Determination with respect to nonbank MSPs as currently there are no MSPs registered with the Commission and, accordingly, no nonbank MSPs domiciled in Japan and registered with the FSA. Accordingly, the Commission's Capital Comparability Determination and proposed Order does not address nonbank MSPs.

<sup>30</sup> FSA Application, pp. 4–5 (footnote 11).

<sup>31</sup> *Id.*, p. 4.

<sup>32</sup> Businesses categorized as Type I Financial Instruments Business (Article 28(1) of the FIEA) can only be conducted by Type I FIBOs registered under Article 29 of the FIEA. Type I Financial Instruments Business includes market transactions of derivatives and foreign market derivatives transactions pertaining to certain highly liquid securities and over-the-counter transactions of derivatives.

<sup>33</sup> In order to implement and reinforce the legal framework, the FSA has developed and published supervisory guidelines. The supervisory guidelines are meant for FSA staff, but are public documents, which are expected to be followed by the applicable financial institutions. Financial institutions are consulted in connection with the establishment of, and any amendments to, the supervisory guidelines. Supervision and enforcement are conducted based on the supervisory guidelines.

the FSA Notice No. 59 of 2007 ("Notice on Capital") in accordance with Article 177(8) and Article 178(1) of the COO.

## II. General Overview of CFTC and Japanese Nonbank Swap Dealer Capital Rules

### A. General Overview of CFTC Nonbank Swap Dealer Capital Rules

The CFTC Capital Rules provide nonbank SDs with three alternative capital approaches: (i) the Tangible Net Worth Capital Approach ("TNW Approach"); (ii) the Net Liquid Assets Capital Approach ("NLA Approach"); and (iii) the Bank-Based Capital Approach ("Bank-Based Approach").<sup>34</sup>

Nonbank SDs that are "predominantly engaged in non-financial activities" may elect the TNW Approach.<sup>35</sup> The TNW Approach requires a nonbank SD to maintain a level of "tangible net worth" equal to or greater than the higher of: (i) \$20 million plus the amount of the nonbank SD's "market risk exposure requirement" and "credit risk exposure requirement" associated with the nonbank SD's swap

<sup>34</sup> 17 CFR 23.101.

<sup>35</sup> 17 CFR 23.101(a)(2). The term "predominantly engaged in non-financial activities" is defined in Regulation 23.100 (17 CFR 23.100) and generally provides that: (i) the nonbank SD's, or its parent entity's, annual gross financial revenues for either of the previous two completed fiscal years represents less than 15 percent of the nonbank SD's or the nonbank SD's parent's, annual gross revenues for all operations (*i.e.*, commercial and financial) for such years, and (ii) the nonbank SD's, or its parent entity's, total financial assets at the end of its two most recently completed fiscal years represents less than 15 percent of the nonbank SD's, or its parent's, total consolidated financial and nonfinancial assets as of the end of such years.

<sup>36</sup> The term "tangible net worth" is defined in Regulation 23.100 and generally means the net worth (*i.e.*, assets less liabilities) of a nonbank SD, computed in accordance with applicable accounting principles, with assets further reduced by a nonbank SD's recorded goodwill and other intangible assets.

<sup>37</sup> The terms "market risk exposure" and "market risk exposure requirement" are defined in Regulation 23.100 (17 CFR 23.100) and generally mean the risk of loss in a financial position or portfolio of financial positions resulting from movements in market prices and other factors. Market risk exposure is the sum of: (i) general market risks including changes in the market value of a particular asset that results from broad market movements, which may include an additive for changes in market value under stressed conditions; (ii) specific risk, which includes risks that affect the market value of a specific instrument but do not materially alter broad market conditions; (iii) incremental risk, which means the risk of loss on a position that could result from the failure of an obligor to make timely payments of principal and interest; and (iv) comprehensive risk, which is the measure of all material price risks of one or more portfolios of correlation trading positions.

<sup>38</sup> The term "credit risk exposure requirement" is defined in Regulation 23.100 (17 CFR 23.100) and generally reflects the amount at risk if a counterparty defaults before the final settlement of a swap transaction's cash flows.

<sup>27</sup> *Id.*

<sup>28</sup> The Commission has provided the FSA with an opportunity to review for accuracy and completeness, and comment on, the Commission's description of relevant Japanese laws and regulations on which this proposed Capital Comparability Determination is based. The Commission relies on this review and any corrections received from the FSA in making its proposal. A comparability determination based on an inaccurate description of foreign laws and regulations may not be valid.

and related hedge positions that are part of the nonbank SD's swap dealing activities; (ii) eight percent of the nonbank SD's "uncleared swap margin" amount;<sup>39</sup> or (iii) the amount of capital required by a registered futures association of which the nonbank SD is a member.<sup>40</sup> The TNW Approach is intended to ensure the safety and soundness of a qualifying nonbank SD by requiring the firm to maintain a minimum level of tangible net worth that is based on the nonbank SD's swap dealing activities to provide a sufficient level of capital to absorb losses resulting from its swap dealing and other business activities.

The TNW approach requires a nonbank SD to compute its market risk exposure requirement and credit risk exposure requirement using standardized capital charges set forth in Securities and Exchange Commission ("SEC") Rule 18a-1 (17 CFR 240.18a-1) that are applicable to entities registered with the SEC as security-based swap dealers ("SBSDs") or standardized capital charges set forth in CFTC Regulation 1.17 applicable to entities registered as FCMs or entities dually-registered as an FCM and nonbank SD.<sup>41</sup> Nonbank SDs that have received Commission or NFA approval pursuant to Regulation 23.102 may use internal models to compute market risk and/or credit risk capital charges in lieu of the SEC or CFTC standardized capital charges.<sup>42</sup>

A nonbank SD that elects the NLA Approach is required to maintain "net capital" in an amount that equals or exceeds the greater of: (i) \$20 million; (ii) 2 percent of the nonbank SD's uncleared swap margin amount; or (iii) the amount of capital required by NFA.<sup>43</sup> The NLA Approach is intended

to ensure the safety and soundness of a nonbank SD by requiring the firm to maintain at all times at least one dollar of highly liquid assets to cover each dollar of the nonbank SD's liabilities.

A nonbank SD is required to reduce the value of its highly liquid assets by the market risk exposure requirement and/or the credit risk exposure requirement in computing its net capital.<sup>44</sup> A nonbank SD that does not have Commission or NFA approval to use internal models must compute its market risk exposure requirement and/or credit risk exposure requirement using the standardized capital charges contained in SEC Rule 18a-1 (17 CFR 240.18a-1) as modified by the Commission's rule.<sup>45</sup>

A nonbank SD that has obtained Commission or NFA approval, may use internal market risk and/or credit risk models to compute market risk and/or credit risk capital charges in lieu of the standardized capital charges.<sup>46</sup> A nonbank SD that is approved to use internal market risk and/or credit risk models is further required to maintain a minimum of \$100 million of "tentative net capital."<sup>47</sup>

The Commission's NLA Approach is consistent with the SEC's SBSB capital rule, and is based on the Commission's capital rule for FCMs and the SEC's capital rule for securities broker-dealers ("BDs"). The quantitative and qualitative requirements for NLA Approach internal market and credit risk models are also consistent with the quantitative and qualitative requirements of the Commission's Bank-Based Approach as described below.

The Commission's Bank-Based Approach for computing regulatory capital for nonbank SDs is based on certain capital requirements imposed by the Federal Reserve Board for bank holding companies.<sup>48</sup> The Bank-Based Approach also is consistent with the Basel Committee on Banking Supervision's ("BCBS") international framework for bank capital requirements.<sup>49</sup> The Bank-Based

Approach requires a nonbank SD to maintain regulatory capital equal to or in excess of each of the following requirements: (i) \$20 million of common equity tier 1 capital; (ii) an aggregate of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital (including qualifying subordinated debt) equal to or greater than 8 percent of the nonbank SD's risk-weighted assets (provided that common equity tier 1 capital comprises at least 6.5 percent of the 8 percent minimum requirement); (iii) an aggregate of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital equal to or greater than 8 percent of the nonbank SD's uncleared swap margin amount; and (iv) an amount of capital required by NFA.<sup>50</sup> The Bank-Based Approach is intended to ensure that the safety and soundness of a nonbank SD by requiring the firm to maintain at all times qualifying capital in an amount sufficient to absorb unexpected losses, expenses, decrease in firm assets, or increases in firm liabilities without the firm becoming insolvent.

The terms used in the Commission's Bank-Based Approach are defined by reference to regulations of the Federal Reserve Board.<sup>51</sup> Specifically, the term "common equity tier 1 capital" is defined for purposes of the CFTC Capital Rules to generally mean the sum of a nonbank SD's common stock instruments and any related surpluses, retained earnings, and accumulated other comprehensive income.<sup>52</sup> The term "additional tier 1 capital" is defined to include the nonbank SD's common equity tier 1 capital and further includes such additional equity instruments as preferred stock.<sup>53</sup> The term "tier 2 capital" is defined to include certain types of instruments that include both debt and equity characteristics (*e.g.*, certain perpetual preferred stock instruments and subordinated term debt instruments).<sup>54</sup> Subordinated debt also must meet certain requirements to qualify as tier 2 capital, including that the term of the subordinated debt instrument is for a minimum of one year (with the exception of approved revolving subordinated debt agreements which may have a maturity term that is less than one year), and the debt instrument is an effective subordination of the

<sup>39</sup> The term "uncleared swap margin" is defined in Regulation 23.100 (17 CFR 23.100) to generally mean the amount of initial margin that a nonbank SD would be required to collect from each counterparty for each outstanding swap position of the nonbank SD. A nonbank SD must include all swap positions in the calculation of the uncleared swap margin amount, including swaps that are exempt or excluded from the scope of the Commission's uncleared swap margin regulations. A nonbank SD must compute the uncleared swap margin amount in accordance with the Commission's margin rules for uncleared swaps. See 17 CFR 23.154.

<sup>40</sup> The National Futures Association ("NFA") is currently the only entity that is a registered futures association. The Commission will refer to NFA in this document when referring to the requirements or obligations of a registered futures association.

<sup>41</sup> 17 CFR 23.101(a)(2)(ii)(A).

<sup>42</sup> *Id.*

<sup>43</sup> 17 CFR 23.101(a)(1)(ii)(A). "Net capital" consists of a nonbank SD's highly liquid assets (subject to haircuts) less all of the firm's liabilities, excluding certain qualified subordinated debt. See 17 CFR 240.18a-1 for the calculation of "net capital."

<sup>44</sup> See 17 CFR 240.18a-1(c) and (d).

<sup>45</sup> See 17 CFR 23.101(a)(1)(ii).

<sup>46</sup> See 17 CFR 23.102.

<sup>47</sup> 17 CFR 23.101(a)(1)(ii)(A)(1). The term "tentative net capital" is defined in Regulation 23.101(a)(1)(ii)(A)(1) by reference to SEC Rule 18a-1 and generally means a nonbank SD's net capital prior to deducting market risk and credit risk capital charges.

<sup>48</sup> See 17 CFR 23.101(a)(1)(i).

<sup>49</sup> The BCBS is the primary global standard-setter for the prudential regulation of banks and provides a forum for cooperation on banking supervisory matters. Institutions represented on the BCBS include the Federal Reserve Board, the European Central Bank, Deutsche Bundesbank, Bank of England, Bank of France, Bank of Japan, Banco de Mexico, and Bank of Canada.

<sup>50</sup> 17 CFR 23.101(a)(1)(i).

<sup>51</sup> *Id.* Regulation 23.101(a)(1)(i) references Federal Reserve Board Rule 217.20 (12 CFR 217.20) for purposes of defining the terms used in establishing the minimum capital requirements under the Bank-Based Approach.

<sup>52</sup> See 12 CFR 217.20(b).

<sup>53</sup> See 12 CFR 217.20(c).

<sup>54</sup> See 12 CFR 217.20(d).

rights of the lender to receive any payment, including accrued interest, to other creditors.<sup>55</sup>

Common equity tier 1 capital, additional tier 1 capital, and tier 2 capital are unencumbered and generally long-term or permanent forms of capital that help ensure that a nonbank SD will be able to absorb losses resulting from its operations and maintain confidence in the nonbank SD as a going concern. In addition, in setting an equity ratio requirement, this limits the amount of asset growth and leverage a nonbank SD can incur, as a nonbank SD must fund its asset growth with a certain percentage of regulatory capital.

A nonbank SD also must compute its risk-weighted assets using standardized capital charges or, if approved, internal models. Risk-weighting assets involves adjusting the notional or carrying value of each asset based on the inherent risk of the asset. Less risky assets are adjusted to lower values (*i.e.*, have less risk-weight) than more risky assets. As a result, nonbank SDs are required to hold lower levels of regulatory capital for less risky assets and higher levels of regulatory capital for riskier assets.

Nonbank SDs not approved to use internal models to risk-weight their assets must compute market risk capital charges using the standardized charges contained in CFTC Regulation 1.17 and SEC Rule 18a-1, and must compute their credit risk charges using the standardized capital charges set forth in regulations of the Federal Reserve Board for bank holding companies (Subpart D of 17 CFR part 217).<sup>56</sup>

Standardized market risk charges are computed under CFTC Regulation 1.17 and SEC Rule 18a-1 by multiplying, as appropriate to the specific asset schedule, the notional value or market value of the nonbank SD's proprietary financial positions (such as swaps, security-based swaps, futures, equities, and U.S. Treasuries) by fixed percentages set forth in the Regulation or Rule.<sup>57</sup> Standardized credit risk charges require the nonbank SD to multiply on-balance sheet and off-balance sheet exposures (such as receivables from counterparties, debt instruments, and exposures from derivatives) by predefined percentages set forth in the applicable Federal

Reserve Board regulations contained in Subpart D of 17 CFR part 217.

A nonbank SD also may apply to the Commission or NFA for approval to use internal models to compute market risk exposure and/or credit risk exposure for purposes of determining its total risk-weighted assets.<sup>58</sup> Nonbank SDs approved to use internal models for the calculation of credit risk or market risk, or both, must follow the model requirements set forth in Federal Reserve Board regulations for bank holding companies (Subpart E and F, respectively, of 17 CFR part 217). Credit risk and market risk capital charges computed with internal models require the estimation of potential losses, with a certain degree of likelihood, within a specified time period, of a portfolio of assets. Internal models allow for consideration of potential co-movement of prices across assets in the portfolio, leading to offsets of gains and losses. Internal credit risk models can also further include estimation of the likelihood of default of counterparties.

#### *B. General Overview of Capital Rules for Japanese Nonbank SDs*

The Japanese Capital Rules impose bank-like capital requirements on a Japanese nonbank SD that are consistent with the BCBS framework for international bank-based capital standards.<sup>59</sup> The Japanese Capital Rules are intended to require each Japanese nonbank SD to hold a sufficient amount of qualifying equity and subordinated debt to absorb decreases in the value of firm assets and to cover losses from its activities, including possible counterparty defaults and margin collateral shortfalls associated with its swap dealing activities, without the firm becoming insolvent.

The Japanese Capital Rules require each Japanese nonbank SD to hold and maintain a "capital adequacy amount" equal to 120 percent or more of the Japanese nonbank SD's "risk equivalent amount."<sup>60</sup> A Japanese nonbank SD's "capital adequacy amount" is composed of the firm's equity classified as "Basic Items" and "Supplemental Items."<sup>61</sup> Basic Items are composed of the firm's balance sheet capital including: (i) issued and outstanding shares; (ii) the payment for an application for new shares; (iii) the capital surplus; (iv) the earned surplus; (v) the negative valuation difference on available-for-

sale securities; and (vi) the firm's own treasury stock.<sup>62</sup> Supplemental Items provide an additional layer of capital beyond Basic Items and are composed of the positive valuation difference on available-for-sale securities and certain subordinated debt instruments.<sup>63</sup>

A Japanese nonbank SD's capital adequacy amount must be composed of at least 50 percent Basic Items, and limits are imposed on the aggregate amount of subordinated debt that may be used to meet the capital adequacy amount.<sup>64</sup> Subordinated debt also must satisfy specified conditions in order to be included in the Japanese nonbank SD's capital. Specifically, the subordinated debt instrument must: (i) contain special provisions subordinating the rights of the lender to the payment of principal and interest; (ii) not be secured by the Japanese nonbank SD; (iii) have a minimum original maturity of more than five years for long term subordinated debt, and at least two years for short term subordinated debt; (iv) provide that any early redemption must be done voluntarily by the Japanese nonbank SD and must be approved by the FSA; and (v) contain special provisions setting forth that no interest payment shall be made to the lender if such payment would result in the Japanese nonbank SD capital adequacy ratio falling below certain thresholds.<sup>65</sup>

A Japanese nonbank SD's "risk equivalent amount" is calculated as the sum of the firm's: (i) market risk equivalent amount, which is the amount equivalent to possible risks which may accrue due to fluctuations in the prices of securities and other proprietary assets and transactions held;<sup>66</sup> (ii) counterparty risk equivalent amount, which is the amount equivalent to possible risks which may accrue due to the default in performance of contracts by the counterparties to transactions or any other reason;<sup>67</sup> and (iii) basic risk equivalent amount, which is the amount equivalent to possible risk which may accrue in the ordinary course of

<sup>62</sup> Article 176(1)(i) through (vi) of the COO.

<sup>63</sup> Article 176(1)(vii) of the COO.

<sup>64</sup> The Japanese Capital Rules provide that the total amount of Supplemental Items must be less than the total amount of the Japanese nonbank SD's Basic Items. See Article 176(1)(vii) of the COO.

<sup>65</sup> Article 176(2) and (3) of the COO.

<sup>66</sup> Article 178(1)(i) of the COO and Article 10 through 14 of the Notice on Capital. The "market risk equivalent amount" corresponds to "market risk" in the BCBS and Bank-Based Approach frameworks.

<sup>67</sup> Article 178(1)(ii) of the COO and Article 15 through 15-7 of the Notice on Capital. The "counterparty risk equivalent amount" corresponds to "credit risk" in the BCBS and Bank-Based Approach frameworks.

<sup>55</sup> The subordinated debt must meet the requirements set forth in SEC Rule 18a-1d (17 CFR 240.18a-1d). See 17 CFR 23.101(a)(1)(i)(B).

<sup>56</sup> See 17 CFR 23.101(a)(1)(i)(B) and the definition of the term *BHC risk-weighted assets* in 17 CFR 23.100.

<sup>57</sup> See 17 CFR 1.17(c)(5) and 17 CFR 240.15c3-1(c)(2).

<sup>58</sup> See 17 CFR 23.102.

<sup>59</sup> FSA Application, p. 9.

<sup>60</sup> Article 46-6(2) of the FIEA, Article 176 of the COO and Section IV-2-1 (Preciseness of Capital Adequacy Ratio) of the Supervisory Guidelines for FIBO.

<sup>61</sup> FSA Application, p. 14.

executing business, such as errors in business handling.<sup>68</sup> The risk equivalent amount is a method of risk-weighting the Japanese nonbank SD's assets by adjusting the notional or carrying value of each asset based on the inherent risk of the asset. Less risky assets have a lower risk equivalent amount than assets with higher risk. As a result, Japanese nonbank SDs are required to hold lower levels of regulatory capital for assets with a lower risk equivalent amount and higher levels of regulatory capital for assets with a higher level of risk equivalent amount.

To calculate its risk equivalent amount, a Japanese nonbank SD risk-weights its assets and exposures using specified standardized weights or approved internal model-based methodologies. The Japanese Capital Rules, including various ordinances, notices<sup>69</sup> and guidelines,<sup>70</sup> set out quantitative and qualitative requirements that internal models must meet in order to obtain and maintain approval. Topics addressed by the quantitative and qualitative requirements include model governance, validation, monitoring, and review.

Modeled credit risk and market risk capital charges require the estimation of potential losses, with a certain degree of likelihood, within a specified time period, of a portfolio of assets.<sup>71</sup> Internal models allow for consideration of potential co-movement of prices across assets in the portfolio, leading to offsets of gains and losses. Internal credit risk models can also further include estimation of the likelihood of default of counterparties.

### III. Commission Analysis of the Comparability of the Japanese Capital Rules and Japanese Financial Reporting Rules With the CFTC Capital Rules and CFTC Financial Reporting Rules

The following section provides a description and comparative analysis of

<sup>68</sup> Article 178(1)(iii) of the COO and Article 16 of the Notice on Capital.

<sup>69</sup> Article 13 of the Notice on Capital.

<sup>70</sup> *Principles for Model Risk Management*, Financial Services Agency of Japan (November 12, 2021).

<sup>71</sup> The Japanese Capital Rules require Japanese nonbank SDs with model approval for market risk to use a VaR model with a 99 percent, one-tailed confidence interval with (i) price changes equivalent to a ten business-day movement in rates and prices, (ii) effective historical observation periods of at least one year, and (iii) at least monthly data set updates. See Article 13(3)(i), (ii), and (iv) of the Notice on Capital. Japanese nonbank SDs approved to use credit risk models are required to use specified formulas to calculate the expected exposure at default of the counterparty. See Article 15-2 of the Notice on Capital.

the regulatory requirements of the Japanese Capital Rules and Japanese Financial Reporting Rules to the CFTC Capital Rules and CFTC Financial Reporting Rules. Immediately following a description of the requirement(s) of the CFTC Capital Rules or the CFTC Financial Reporting Rules for which a comparability determination was requested by the FSA, the Commission provides a description of Japan's corresponding laws, regulations, or rules. The Commission then provides a comparative analysis of the Japanese Capital Rules or the Japanese Financial Reporting Rules with the corresponding CFTC Capital Rules or CFTC Financial Reporting Rules. The Commission identifies any material differences between the respective rules.

The Commission performed this proposed Capital Comparability Determination by assessing the comparability of the Japanese Capital Rules for Japanese nonbank SDs as set forth in the FSA Application and in the English language translation of certain Japanese laws and regulations, with the Commission's Bank-Based Approach. For clarity, the Commission did not assess the comparability of the Japanese Capital Rules to the Commission's TNW Approach or NLA Approach as the Commission understands that all Japanese nonbank SDs, as of the date of the FSA Application, are subject to the current bank-based capital approach of the Japanese Capital Rules. Accordingly, for clarity, when the Commission makes a preliminary determination herein about the comparability of the Japanese Capital Rules with the CFTC Capital Rules, the determination pertains to the comparability of the Japanese Capital Rules with the Bank-Based Approach under the CFTC Capital Rules.

As described below, it is proposed that any material changes to the Japanese Capital Rules will require notification to the Commission. Therefore, if there are subsequent material changes to the Japanese Capital Rules to include, for example, another capital approach,—the Commission will review and assess the impact of such changes on the Capital Comparability Determination Order as it is then in effect, and may amend or supplement the Order.<sup>72</sup>

In addition, although the BCBS bank capital standards establish minimum capital standards that are consistent with the requirements of the Commission's Bank-Based Approach,

<sup>72</sup> The Commission also may amend or supplement the Order to address any material changes to the CFTC Capital Rules and CFTC Financial Reporting Rules that are adopted after a final Order is issued.

the Commission notes that consistency with the BCBS standards is not determinative of a finding of comparability with the CFTC Capital Rules. In the Commission's view, a foreign jurisdiction's consistency with the BCBS international bank standards is an element in the Commission's comparability assessment, but, in and of itself, it may not be sufficient to demonstrate comparability with the CFTC Capital Rules without an assessment of the individual elements of the foreign jurisdiction's capital framework.

Capital and financial reporting regimes are complex structures comprised of a number of interrelated regulatory components. Differences in how jurisdictions approach and implement these regimes are expected, even among jurisdictions that base their requirements on the principles and standards set forth in the BCBS international framework. Therefore, the Commission's comparability determination involves a detailed assessment of the relevant requirements of the foreign jurisdiction and whether those requirements, viewed in the aggregate, lead to an outcome that is comparable to the outcome of the CFTC's corresponding requirements. Consistent with this approach, the Commission has grouped the CFTC Capital Rules and the CFTC Financial Reporting Rules into key categories that focus the analysis on whether the Japanese capital and financial reporting requirements are comparable to the Commission's requirements in purpose and effect, and not whether the Japanese requirements meet every aspect or contain identical elements as the Commission's requirements.

Specifically, as discussed in detail below, the Commission used the following key categories in its review: (i) the quality of the equity and debt instruments that qualify as regulatory capital, and the extent to which the regulatory capital represents committed and permanent capital that would be available to absorb unexpected losses or counterparty defaults; (ii) the process of establishing minimum capital requirements for a Japanese nonbank SD and how such process addresses market risk and credit risk of the firm's on-balance sheet and off-balance sheet exposures; (iii) the financial reports and other financial information submitted by a Japanese nonbank SD to its relevant regulatory authorities to effectively monitor the financial condition of the firm; and (iv) the regulatory notices and other communications between the Japanese nonbank SD and its relevant regulatory authorities that detail

potential adverse financial or operational issues that may impact the firm. The Commission also reviewed the manner in which compliance by a Japanese nonbank SD with the Japanese Capital Rules and Japanese Financial Reporting Rules is monitored and enforced. The Commission invites public comment on all aspects of the FSA Application and on the Commission's proposed Capital Comparability Determination discussed below.

*A. Regulatory Objectives of CFTC Capital Rules and CFTC Financial Reporting Rules and Japanese Capital Rules and Japanese Financial Reporting Rules*

1. Regulatory Objectives of CFTC Capital Rules and CFTC Financial Reporting Rules

The regulatory objectives of the CFTC Capital Rules and the CFTC Financial Reporting Rules are to further the Congressional mandate to ensure the safety and soundness of nonbank SDs to mitigate the greater risk to nonbank SDs and the financial system arising from the use of swaps that are not cleared.<sup>73</sup> A primary function of the nonbank SD's capital is to protect the solvency of the firm from decreases in the value of firm assets and from losses, including losses resulting from counterparty defaults and margin collateral failures, by requiring the firm to maintain an appropriate level of capital, including qualifying subordinated debt, to absorb such losses without becoming insolvent. With respect to swap positions, capital and margin perform complementary risk mitigation functions by protecting nonbank SDs, containing the amount of risk in the financial system as a whole, and reducing the potential for contagion arising from uncleared swaps.

The objective of the CFTC Financial Reporting Rules is to provide the Commission with the means to monitor and assess a nonbank SD's financial condition, including the nonbank SD's compliance with minimum capital requirements. The CFTC Financial Reporting Rules are designed to provide the Commission and NFA, which along with the Commission oversees nonbank SDs' compliance with Commission regulations, with a comprehensive view of the financial health and activities of the nonbank SD. The Commission's rules require nonbank SDs to file financial information, including periodic unaudited and annual audited financial statements, specific financial position information, and notices of

certain events that may indicate a potential financial or operational issue that may adversely impact the nonbank SD's ability to meet its obligations to counterparties and other creditors in the swaps market, or impact the firm's solvency.

2. Regulatory Objective of Japanese Capital Rules and Japanese Financial Reporting Rules

The regulatory objective of the Japanese Capital Rules is to ensure the safety and soundness of FIBOs, including Japanese nonbank SDs. The Japanese Capital Rules are designed to preserve the financial stability and solvency of a Japanese nonbank SD by requiring the firm to maintain a sufficient amount of qualifying equity and subordinated debt to absorb decreases in the value of firm assets and to cover losses from business activities, including counterparty defaults and margin collateral shortfalls associated with the firm's swap dealing activities. The Japanese Capital Rules also place an emphasis on high quality equity, as a Japanese nonbank SD must maintain at least 50 percent of its minimum capital requirement in the form of Basic Items.<sup>74</sup> The Japanese Capital Rules further enhance a Japanese nonbank SD's capital available to meet its minimum capital requirements by requiring the firm to subtract the balance sheet carrying value of its fixed assets from the firm's Basic Items in computing its minimum capital.<sup>75</sup>

The objective of the Japanese Financial Reporting Rules is to enable the FSA to assess the financial condition and safety and soundness of Japanese nonbank SDs. The Japanese Financial Reporting Rules aim to achieve this objective by requiring each Japanese nonbank SD to provide financial reports and other financial position and capital information to the FSA on a regular basis. The financial reporting by a Japanese nonbank SD provides the FSA with information necessary to effectively monitor the Japanese nonbank SD's overall financial condition and its ability to meet its regulatory obligations as a FIBO.

<sup>74</sup> The Japanese Capital Rules provide that the total amount of Supplemental Items must be less than the total amount of the Japanese nonbank SD's Basic Items. See Article 176(1)(vii) of the COO.

<sup>75</sup> Article 177 of the COO. The Japanese Capital Rules require a Japanese nonbank SD to deduct fixed assets from the firm's Basic Items to better ensure that the Japanese nonbank's regulatory capital represents more liquid assets that may be promptly liquidated at values comparable to carrying value to meet obligations to creditors and to cover losses.

3. Commission Analysis

The Commission has reviewed the FSA Application and the relevant Japanese laws and regulations, and has preliminarily determined that the overall objectives of Japanese Capital Rules and CFTC Capital Rules are comparable in that both sets of rules are intended to ensure the safety and soundness of nonbank SDs by establishing a regulatory regime that requires nonbank SDs to maintain a sufficient amount of qualifying regulatory capital to absorb losses, including losses from swaps and other trading activities, and to absorb decreases in the value of firm assets without the nonbank SDs becoming insolvent. The Japanese Capital Rules and CFTC Capital Rules are also based on, and consistent with, the BCBS international bank capital framework, which was designed to ensure that banking entities hold sufficient levels of capital to absorb losses and decreases in the value of assets without the banks becoming insolvent.

The Japanese Capital Rules are comparable in purpose and effect to the CFTC Capital Rules in that both regulatory approaches compute the minimum capital requirements based on the level of a nonbank SD's on-balance sheet and off-balance sheet exposures, with the objective and purpose of ensuring that the nonbank SD's capital is adequate to absorb losses resulting from such exposures. The Japanese Capital Rules and CFTC Capital Rules also provide for a comparable approach to the calculation of on-balance sheet and off-balance sheet risk exposures using standardized or internal model-based approaches that result in comparable risk exposure amounts. The Japanese Capital Rules' and CFTC Capital Rules' requirements for identifying and measuring on-balance sheet and off-balance sheet exposures under standardized or internal model-based approaches are also consistent with the requirements set forth under the BCBS international bank capital framework for identifying and measuring on-balance sheet and off-balance sheet exposures.

The Japanese Capital Rules and CFTC Capital Rules further achieve comparable outcomes and are comparable in purpose and effect in that both limit the types of capital instruments that may qualify as regulatory capital to cover the on-balance sheet and off-balance sheet risk exposures to high quality equity capital and qualifying subordinated debt instruments that meet conditions designed to ensure that the holders of

<sup>73</sup> See 7 U.S.C. 6s(e)(3)(A).

the debt have effectively subordinated their claims to other creditors of the nonbank SD. Both the Japanese Capital Rules and the CFTC Capital Rules define high quality capital by the degree to which the capital represents permanent capital that is contributed, or readily available to a nonbank SD, on an unrestricted basis to absorb unexpected losses, including losses from swaps trading and other activities, without the nonbank SD becoming insolvent.

The Japanese Financial Reporting Rules are also comparable in purpose and effect with the CFTC Financial Reporting Rules as both the FSA and CFTC require nonbank SDs to file periodic financial reports, including unaudited financial reports and an annual audited financial report, detailing their financial operations and demonstrating their compliance with minimum capital requirements. In addition to providing the CFTC and FSA with information necessary to comprehensively assess the financial condition of a nonbank SD on an ongoing basis, the financial reports further provide the CFTC and FSA with information regarding potential changes in a nonbank SD's risk profile by disclosing changes in account balances reported over a period of time. Such changes in account balances may indicate that the nonbank SD has entered into new lines of business, has increased its activity in an existing line of business relative to other activities, or has terminated a previous line of business.

The prompt and effective monitoring of the financial condition of nonbank SDs through the receipt and review of periodic financial reports supports the Commission and FSA in meeting their respective objectives of ensuring the safety and soundness of nonbank SDs. In this connection, the early identification of potential financial issues provides the Commission and FSA with an opportunity to address such issues with the nonbank SD before they develop to a state where the financial condition of the firm is impaired such that it may no longer hold a sufficient amount of qualifying regulatory capital to absorb decreases in the value of firm assets or cover losses from its business activities, including the firm's swap dealing activities and obligations to swap counterparties.

The Commission invites public comment on its analysis above, including comment on the FSA Application and relevant Japanese laws and regulations.

### *B. Nonbank Swap Dealer Qualifying Capital*

#### 1. CFTC Capital Rules: Qualifying Capital Under Bank-Based Approach

The CFTC Capital Rules require a nonbank SD electing the Bank-Based Approach to maintain regulatory capital in the form of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital in amounts that meet certain stated minimum requirements set forth in Regulation 23.101.<sup>76</sup> Common equity tier 1 capital, additional tier 1 capital, and tier 2 capital are composed of certain defined forms of equity of the nonbank SD, including common stock, retained earnings, and qualifying subordinated debt.<sup>77</sup> The Commission's requirement for a nonbank SD to maintain a minimum amount of defined qualifying capital and subordinated debt is intended to ensure that the firm maintains a sufficient amount of regulatory capital to absorb decreases in the value of the firm's assets and to cover losses resulting from the firm's swap dealing and other activities, without the firm becoming insolvent.

Common equity tier 1 capital is generally composed of an entity's common stock instruments and any related surpluses, retained earnings, and accumulated other comprehensive income, and is a more conservative or permanent form of capital than additional tier 1 and tier 2 capital.<sup>78</sup> Additional tier 1 capital is generally composed of equity instruments such as preferred stock and certain hybrid securities that may be converted to common stock if triggering events occur.<sup>79</sup> Total tier 1 capital is composed of common equity tier 1 capital and further includes additional tier 1 capital.<sup>80</sup> Tier 2 capital includes certain types of instruments that include both debt and equity characteristics such as qualifying subordinated debt.<sup>81</sup>

Subordinated debt must meet certain conditions to qualify as tier 2 capital under the CFTC Capital Rules. Specifically, subordinated debt instruments must have a term of at least one year (with the exception of approved revolving subordinated debt agreements which may have a maturity term that is less than one year), and contain terms that effectively subordinate the rights of lenders to

receive any payments, including accrued interest, to other creditors of the firm.<sup>82</sup>

Common equity tier 1 capital, additional tier 1 capital, and tier 2 capital are permitted to be included in a nonbank SD's regulatory capital and used to meet the firm's minimum capital requirement due to their characteristics of being permanent forms of capital that are subordinate to the claims of other creditors, which ensures that a nonbank SD will have this regulatory capital to absorb decreases in the value of the firm's assets and losses from business activities, including swap dealing activities, without the firm becoming insolvent.

#### 2. Japanese Capital Rules: Qualifying Capital

The Japanese Capital Rules require each Japanese nonbank SD to maintain a "capital adequacy amount" (*i.e.*, Basic Items and Supplemental Items) that equals or exceeds 120 percent of the firm's "risk equivalent amount," which is the sum of the firm's market risk, credit risk, and basic risk.<sup>83</sup> Basic Items are composed of the Japanese nonbank SD's balance sheet capital including: (i) issued and outstanding shares; (ii) the payment for an application for new shares; (iii) the capital surplus; (iv) the earned surplus; (v) the negative valuation difference on available-for-sale securities; and (vi) the firm's own treasury stock.<sup>84</sup> Supplemental Items include the positive valuation difference on available-for-sale securities and certain subordinated debt instruments.<sup>85</sup> Subordinated debt instruments also must meet certain conditions to qualify as Supplemental Items under the Japanese Capital Rules, including containing appropriate provisions subordinating the rights of the lender to the payment of principal and interest to other creditors of the Japanese nonbank SD.<sup>86</sup> The Japanese Capital Rules also provide that a minimum of 50 percent of a Japanese nonbank SD's capital adequacy amount must be composed of Basic Items.<sup>87</sup>

The Japanese Capital Rules further require a Japanese nonbank SD, in computing its capital adequacy amount, to deduct the balance sheet carrying

<sup>82</sup> The subordinated debt must meet the requirements set forth in SEC Rule 18a-1d (17 CFR 240.18a-1d). See 17 CFR 23.101(a)(1)(i)(B).

<sup>83</sup> See Article 46-6-2 of the FIEA, Article 176 of the COO and Section IV-2-1 (Preciseness of Capital Adequacy Ratio) of the Supervisory Guidelines for FIBO.

<sup>84</sup> See Article 176(1)(i) through (vi) of the COO.

<sup>85</sup> See Article 176(1)(vii) of the COO.

<sup>86</sup> Article 176(2) and (3) of the COO.

<sup>87</sup> FSA Application, pp. 14-15.

<sup>76</sup> See 17 CFR 23.101(a)(1)(i).

<sup>77</sup> The terms "common equity tier 1 capital," "additional tier 1 capital," and "tier 2 capital" are defined in the bank holding company regulations of the Federal Reserve Board. See 12 CFR 217.20.

<sup>78</sup> 12 CFR 217.20.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

value of fixed assets from its Basic Items.<sup>88</sup> The deduction of the carrying value of fixed assets is a conservative approach to the computation of a Japanese nonbank SD's capital adequacy amount as it excludes the value of non-liquid fixed assets from the firm's total Basic Items. The deduction of the carrying value of fixed assets from a Japanese nonbank SD's Basic Items reduces the amount of regulatory capital that the firm may recognize in meeting its capital requirements, and places an emphasis on the Japanese nonbank SD maintaining liquid assets to meet its minimum capital requirement to absorb business losses and decreases in the value of firm assets, and to satisfy financial obligations to counterparties and creditors.<sup>89</sup>

### 3. Commission Analysis

The Commission has reviewed the FSA Application and the relevant Japanese laws and regulations, and has preliminarily determined that the Japanese Capital Rules are comparable in purpose and effect to CFTC Capital Rules with regard to the types and characteristics of a nonbank SD's equity that qualifies as regulatory capital in meeting its minimum requirements. The Japanese Capital Rules and the CFTC Capital Rules for nonbank SDs both require a nonbank SD to maintain a quantity of high-quality and permanent capital that, based on the firm's activities and on-balance sheet and off-balance sheet exposures, is sufficient to absorb losses and decreases in the value of the firm's assets without resulting in the firm becoming insolvent.

The Japanese Capital Rules and the CFTC Capital Rules permit nonbank SDs to recognize comparable forms of equity capital and qualifying subordinated debt instruments toward meeting minimum capital requirements, with both the Japanese Capital Rules and the CFTC Capital Rules placing an emphasis on high quality equity capital instruments. In this regard, the types and characteristics of the equity instruments included in Basic Items under the Japanese Capital Rules are comparable to the types and characteristics of equity instruments comprising common equity tier 1 capital and additional tier 1 capital under the CFTC Capital Rules.

<sup>88</sup> See Article 177 of the COO for a breakdown of the fixed assets to be deducted from the Basic Items.

<sup>89</sup> The Japanese Capital Rules require a Japanese nonbank SD to deduct illiquid fixed assets from its regulatory capital to better ensure that the firm's regulatory capital reflects assets that may be more promptly liquidated at values comparable to carrying values to meet losses. As discussed *infra*, under the CFTC Capital Rules, fixed assets are not deducted from regulatory capital, and are included in the nonbank SD's risk weighted assets.

Specifically, the Japanese Capital Rules' Basic Items and the CFTC Capital Rules' common equity tier 1 capital and additional tier 1 capital are comparable in that these forms of equity capital have similar characteristics (*e.g.*, the equity must be in the form of high-quality, committed, and permanent capital) and these forms of capital represent contributed equity capital that generally has no priority to the distribution of firm assets or income with respect to other shareholders or creditors of the firm, which allows a nonbank SD to use this equity to absorb decreases in the value of firm assets and cover losses from business activities, including the firm's swap dealing activities.

Supplemental Items under the Japanese Capital Rules are also comparable to tier 2 capital under the CFTC Capital Rules. Specifically, the qualifying conditions imposed on subordinated debt instruments are comparable under the Japanese Capital Rules and the CFTC Capital Rules and ensure that the debt has qualities that support its recognition by a nonbank SD as equity for capital purposes, including that the debt lenders have effectively subordinated their claims for repayment on the debt to other creditors of the nonbank SD. Qualifying subordinated debt under the Japanese Capital Rules and CFTC Capital Rules also must contain provisions limiting or restricting repayment of the subordinated loans if such repayments result in the nonbank SD's equity falling below certain defined thresholds. These terms and conditions provide assurances that the subordinated debt is appropriate to be recognized as regulatory capital available to a nonbank SD to meet its obligations and to absorb business losses and decreases in the value of firm assets.

The Japanese Capital Rules differ from the CFTC Capital Rules, however, in that the Japanese Capital Rules require Japanese nonbank SDs to exclude the carrying value of fixed assets from the sum of the Basic Items in computing the capital adequacy amount. The CFTC Capital Rules do not require a nonbank SD to exclude fixed assets from the firm's common equity tier 1 capital or additional tier 1 capital. The deduction of the carrying value of fixed assets is a stricter capital standard as it imposes an obligation on Japanese nonbank SDs to meet minimum regulatory capital requirements with assets that are more liquid than fixed assets.

Having reviewed the FSA Application and the relevant Japanese laws and regulations, the Commission has made a preliminary determination that the

Japanese Capital Rules and CFTC Capital Rules impose comparable requirements on Japanese nonbank SDs with respect to the types and characteristics of equity capital that must be used to meet minimum regulatory capital requirements. The Commission invites public comment on its analysis above, including comment on the FSA Application and relevant Japanese laws and regulations.

### C. Nonbank Swap Dealer Minimum Capital Requirement

#### 1. CFTC Capital Rules: Nonbank SD Minimum Capital Requirement

The CFTC Capital Rules require a nonbank SD electing the Bank-Based Approach to maintain regulatory capital that satisfies each of the following criteria: (i) an amount of common equity tier 1 capital of at least \$20 million; (ii) an aggregate of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital in an amount equal to or in excess of 8 percent of the nonbank SD's uncleared swap margin amount; (iii) an aggregate amount of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital equal to or greater than 8 percent of the nonbank SD's total risk-weighted assets, provided that common equity tier 1 capital comprises at least 6.5 percent of the 8 percent; and (iv) the amount of capital required by the NFA.<sup>90</sup>

Prong (i) above requires each nonbank SD electing the Bank-Based Approach to maintain a minimum of \$20 million of common equity tier 1 capital in order to operate as a nonbank SD. The requirement that each nonbank SD electing the CFTC Bank-Based Approach maintain a minimum of \$20 million of common equity tier 1 capital is also consistent with the minimum capital requirement for nonbank SDs electing the NLA Approach and the TNW Approach.<sup>91</sup> The Commission adopted this minimum requirement as it believed that the role a nonbank SD performs in the financial markets by engaging in swap dealing activities warranted a minimum level of capital, stated as a fixed dollar amount that does not fluctuate with the level of the firm's

<sup>90</sup> See 17 CFR 23.101(a)(1)(i). NFA has not adopted a separate capital requirement for a nonbank SD.

<sup>91</sup> Nonbank SDs electing the NLA Approach are subject to a minimum capital requirement that includes a fixed minimum dollar amount of net capital of \$20 million. See 17 CFR 23.101(a)(1)(ii)(A)(1). Nonbank SDs electing the TNW Approach are required to maintain levels of tangible net worth that equals or exceeds \$20 million plus the amount of the nonbank SDs' market risk and credit risk associated with the firms' dealing activities. See 17 CFR 23.101(a)(2)(ii)(A).



dealing activities, to help ensure that the firm meets its financial commitments to swap counterparties and creditors without the firm becoming insolvent.<sup>92</sup>

Prong (ii) above is a minimum capital requirement that is based on the amount of uncleared margin for swap transactions entered into by the nonbank SD and is computed on a counterparty by counterparty basis. The requirement for a nonbank SD to maintain minimum capital equal to 8 percent of the firm's uncleared swap margin provides a capital floor based on a measure of the risk and volume of the swap positions, and the number of counterparties and the complexity of operations, of the nonbank SD. The intent of the minimum capital requirement based on a percentage of the nonbank SD's uncleared swap margin was to establish a minimum capital requirement that would help ensure that the nonbank SD meets all of its obligations as a SD to market participants, and to cover potential operational risk, legal risk and liquidity risk in addition to the risks associated with its trading portfolio.<sup>93</sup>

Prong (iii) above is a minimum capital requirement that is based on the Federal Reserve Board's capital requirements for bank holding companies and is consistent with the BCBS international capital adequacy framework for banking institutions. As noted above, a nonbank SD under prong (iii) must maintain an aggregate of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital in an amount equal to or greater than 8 percent of the nonbank SD's total risk-weighted assets, with common equity tier 1 capital comprising at least 6.5 percent of the 8 percent. Risk-weighted assets are a nonbank SD's on-balance sheet and off-balance sheet exposures, including proprietary swap, security-based swap, equity, and futures positions, weighted according to risk. The Bank-Based Approach requires each nonbank SD to maintain regulatory capital in an amount that equals or exceeds 8 percent of the firm's total risk-weighted assets to help ensure that the nonbank SD's level of capital is sufficient to absorb decreases in the value of the firm's assets and unexpected losses resulting from business activities, including uncollateralized defaults from swap counterparties, without the nonbank SD becoming insolvent.

A nonbank SD must compute its risk-weighted assets using standardized market risk and/or credit risk charges,

unless the nonbank SD has been approved by the Commission or NFA to use internal models.<sup>94</sup> For standardized market risk charges, the Commission adopts by reference the standardized market risk charges set forth in Regulation 1.17 for FCMs and SEC Rule 18a-1 for nonbank SBSs.<sup>95</sup> The standardized market risk charges under Regulation 1.17 and SEC Rule 18a-1 are calculated as a percentage of the market value or notional value of the nonbank SD's marketable securities and derivatives positions, with the percentages applied to the market value or notional value increasing as the expected or anticipated risk of the positions increases.<sup>96</sup> As stated above, the nonbank SD must maintain qualifying capital in an amount that equals or exceeds 8 percent of the firm's total market risk-weighted assets.<sup>97</sup>

With respect to standardized credit risk charges for exposures from non-derivatives positions, a nonbank SD computes its on-balance sheet and off-balance sheet exposures in accordance with the standardized credit risk charges adopted by the Federal Reserve Board and set forth in Subpart D of 12 CFR 217.<sup>98</sup> Standardized credit risk charges are computed by multiplying the amount of the exposure by defined counterparty credit risk factors that range from 0 percent to 150 percent.<sup>99</sup> A nonbank SD with off-balance sheet exposures is required to calculate a credit risk charge by multiplying each exposure by a credit conversion factor that ranges from 0 percent to 100

<sup>94</sup> See 17 CFR 23.101(a)(1)(i)(B) and the definition of the term *BHC equivalent risk-weighted assets* in 17 CFR 23.100.

<sup>95</sup> See paragraph (3) of the definition of the term *BHC equivalent risk-weighted assets* in 17 CFR 23.100.

<sup>96</sup> See 17 CFR 1.17(c)(5) and 17 CFR 240.18a-1(c)(1).

<sup>97</sup> See 17 CFR 23.100 (definition of *BHC equivalent risk-weighted assets*). As noted, a nonbank SD is required to maintain qualifying capital (*i.e.*, an aggregate of common equity tier 1 capital, additional tier 1 capital, and tier 2 capital) in an amount that exceeds 8 percent of its market risk-weighted assets and credit-risk-weighted assets. The regulations, however, require the nonbank SD to effectively maintain qualifying capital in excess of 100 percent of its market risk-weighted assets by requiring the nonbank SD to multiply its market-risk weighted assets by a factor of 12.5.

<sup>98</sup> See 23.101(a)(1)(i)(B) and paragraph (1) of the definition of the term *BHC equivalent risk-weighted assets* in 17 CFR 23.100.

<sup>99</sup> See 17 CFR 217.32. Lower credit risk factors are assigned to entities with lower credit risk and higher credit risk factors are assigned to entities with higher credit risk. For example, a credit risk factor of 0% is applied to exposures to the U.S. government, the Federal Reserve Bank, and U.S. government agencies (*see* 12 CFR 217.32(a)(1)), and a credit risk factor of 100% is assigned to an exposure to foreign sovereigns that are not members of the Organization of Economic Co-operation and Development (*see* 12 CFR 217.32(a)(2)).

percent, depending on the type of exposure.<sup>100</sup>

A nonbank SD may compute standardized credit risk charges for derivatives positions, including uncleared swaps and non-cleared security-based swaps, using either the current exposure method ("CEM") or the standardized approach for measuring counterparty credit risk ("SA-CCR").<sup>101</sup> Both CEM and SA-CCR are non-model, rules-based, approaches to calculating counterparty credit risk for derivatives positions. Credit risk under CEM is the sum of: (i) the current exposure (*i.e.*, the positive mark-to-market) of the derivatives contract; and (ii) the potential future exposure, which is calculated as the product of the notional principal amount of the derivatives contract multiplied by a standard credit risk conversion factor set forth in the rules of the Federal Reserve Board.<sup>102</sup> Credit risk under SA-CCR is defined as the exposure at default amount of a derivatives contract, which is computed as the sum of: (i) the replacement costs of the contract (*i.e.*, the positive mark-to-market); and (ii) the potential future exposure of the contract multiplied by a factor of 1.4.<sup>103</sup>

A nonbank SD also may obtain approval from the Commission or NFA to use internal models to compute market risk and/or credit risk charges in lieu of the standardized charges. A nonbank SD seeking approval to use an internal model is required to submit an application to the Commission or NFA.<sup>104</sup> The application is required to include, among other things, a list of categories of positions that the nonbank SD holds in its proprietary accounts and a brief description of the methods that the nonbank SD will use to calculate deductions for market risk and/or credit risk charges for such positions, as well as a description of the mathematical models used to compute market risk and credit risk charges.

A nonbank SD approved by the Commission or NFA to use internal models to compute market risk is required to comply with Subpart F of the Federal Reserve Board's Part 217

<sup>100</sup> See 17 CFR 217.33.

<sup>101</sup> See 17 CFR 217.34. *See also*, Regulation 23.100 (17 CFR 23.100) defining the term *BHC risk-weighted assets*, which provides that a nonbank SD that does not have model approval may use either CEM or SA-CCR to compute its exposures for over-the-counter derivative contracts without regard to the status of its affiliate entities to use CEM or SA-CCR under the Federal Reserve Board's capital rules.

<sup>102</sup> See 12 CFR 217.34.

<sup>103</sup> See 12 CFR 217.132(c).

<sup>104</sup> See 17 CFR 23.102(c).

<sup>92</sup> See, e.g., 85 FR 57492.

<sup>93</sup> See, 85 FR 57462.



regulations (“Subpart F”).<sup>105</sup> Subpart F is based on models that are consistent with the BCBS Basel 2.5 capital framework.<sup>106</sup> The Commission’s qualitative and quantitative requirements for internal capital models also are comparable to the SEC’s existing internal capital model requirements for broker-dealers in securities and SBSBs,<sup>107</sup> which are also broadly based on the BCBS Basel 2.5 capital framework.

A nonbank SD approved to use internal models to compute credit risk is required to perform such computation in accordance with Subpart E of the Federal Reserve Board’s Part 217 regulations.<sup>108</sup> These internal credit risk modeling requirements are also based on the Basel 2.5 capital framework and the Basel 3 capital framework.

Under the Basel 2.5 capital framework, nonbank SDs have flexibility in developing their internal models, but must follow certain minimum standards. Internal market risk and credit risk models must follow a Value at Risk (“VaR”) structure to compute, on a daily basis, a 99th percentile, one-tailed confidence interval for the potential losses resulting from an instantaneous price shock equivalent to a 10-day movement in prices (unless a different time-frame is specifically indicated). The simulation of this price shock must be based on a historical observation period of minimum length of one year, but there is flexibility on the method used to render simulations, such as variance-covariance matrices, historical simulations, or Monte Carlo.

The Commission and the Basel standards for internal models also have requirements on the selection of appropriate risk factors as well as on data quality and update frequency.<sup>109</sup>

<sup>105</sup> See paragraph (4) of the definition of *BHC equivalent risk-weighted assets* in 17 CFR 23.100.

<sup>106</sup> Compare 17 CFR 23.100 (providing for a nonbank SD that is approved to use internal models to calculate market and credit risk to calculate its RWAs using Subparts E and F of 12 CFR part 217), Subpart F of 12 CFR, 17 CFR 23.101(a)(1)(ii) (providing for an SD that elects the Net Liquid Assets Approach to calculate its net capital in accordance with Rule 18a–1), and 17 CFR 23.102(a), with Basel Committee on Banking Supervision, Revisions to the Basel II Market Risk Framework (2011), <https://www.bis.org/publ/bcbs193.pdf> (describing the revised internal model approach under Basel 2.5).

<sup>107</sup> The SEC internal model requirements for SBSBs are listed in 17 CFR 240.18a–1(d). See also SEC FOCUS Report Part II, Computation of Net Capital (Filer Authorized to Use Models) (providing for inclusion of a market risk exposure section for Basel 2.5 firms).

<sup>108</sup> 12 CFR 217 Subpart E.

<sup>109</sup> See 17 CFR Appendix A to Subpart E of Part 23(j)(2)(iii), and Basel Committee on Banking Supervision, Revisions to the Basel II Market Risk

One specific concern is that internal models must capture the non-linear price characteristics of options positions, including but not limited to, relevant volatilities at different maturities.<sup>110</sup>

In addition, BCBS standards for market risk models include a series of additive components for risks for which the broad VaR is ill-suited or that may need targeted calculation. These include the calculation of a Stressed VaR measure (with the same specifications as the VaR, but calibrated to historical data from a continuous 12-month period of significant financial stress relevant to the firm’s portfolio); a Specific Risk measure (which includes the effect of a specific instrument); an Incremental Risk measure (which addresses changes in the credit rating of a specific obligor which may appear as a reference in an asset); and a Comprehensive Risk measure (which addresses risk of correlation trading positions).

## 2. Japanese Capital Rules: Japanese Nonbank Swap Dealer Minimum Capital Requirements

The Japanese Capital Rules impose bank-like capital requirements on a Japanese nonbank SD that, consistent with the BCBS international bank capital framework, require the Japanese nonbank SD to hold a sufficient amount of qualifying equity capital and subordinated debt to absorb decreases in the value of a firm assets and to cover losses from its business activities, including the firm’s swap dealing activities, without the firm becoming insolvent. Specifically, the Japanese Capital Rules require each Japanese nonbank SD to maintain a “capital adequacy amount” that equals or exceeds 120 percent of the firm’s “risk equivalent amount.”<sup>111</sup> The “capital adequacy amount” is calculated as the Japanese nonbank SD’s qualifying balance sheet equity capital in the form of Basic Items and Supplemental Items. The Japanese Capital Rules further require that at least 50 percent of the Japanese nonbank SD’s capital used to meet the 120 percent minimum requirement must be composed of Basic Items, and any subordinated debt

Framework (2011), paragraph 718(Lxxvi)(e), available at: <https://www.bis.org/publ/bcbs193.pdf>.

<sup>110</sup> The Commission’s requirement is set forth in paragraph (i)(2)(iv)(A) of Appendix A to Subpart E of 17 CFR part 23. See also, Basel Committee on Banking Supervision, Revisions to the Basel II Market Risk Framework (2011), paragraph 718(Lxxvi)(h), available at: <https://www.bis.org/publ/bcbs193.pdf>.

<sup>111</sup> Article 46–6(2) of the FIEA, Article 176 of the COO and Section IV–2–1 (Preciseness of Capital Adequacy Ratio) of the Supervisory Guidelines for FIBO.

included in Supplemental Items must meet regulatory requirements designed to ensure that the debt is adequately subordinated to claims of other potential creditors of the firm.<sup>112</sup>

The Japanese nonbank SD’s “risk equivalent amount” is calculated as the sum of the: (i) market risk equivalent amount; (ii) counterparty risk equivalent amount; and (iii) basic risk equivalent amount.<sup>113</sup> Comparable to nonbank SDs under the CFTC Bank-Based Approach, the Japanese Capital Rules require Japanese nonbank SDs to compute market risk and/or credit risk using a standardized approach or, if approved to use internal models, market risk and/or credit risk models. The basic risk equivalent amount is computed as an amount equal to 25 percent of the Japanese nonbank SD’s defined annual operating expenses, and is intended to provide a capital cushion to cover risks that may accrue in the course of executing ordinary business operations, such as error in business transactions.<sup>114</sup>

For standardized market risk charges, the Japanese Capital Rules require a Japanese nonbank SD to calculate a market risk equivalent amount to reflect possible decreases in value of the firm’s financial positions including equity risk, interest rate risk, foreign exchange risk, commodity risk, crypto asset risk, and option risk.<sup>115</sup> The market risk equivalent amount is calculated by the Japanese nonbank SD by multiplying specified market risk charges set forth in the Japanese Capital Rules by the notional or market value of the relevant assets and positions. A Japanese nonbank SD is further required to include the full value of its market risk equivalent amount in its aggregate risk equivalent amount, which effectively requires the Japanese nonbank SD to hold qualifying equity capital and subordinated debt in an amount that equals or exceeds 120 percent of the market risk equivalent amount.

With respect to credit risk for non-derivatives positions, the Japanese Capital Rules require a Japanese nonbank SD to calculate its standardized counterparty risk equivalent amount by multiplying its exposure under a given transaction by the specific risk weight applicable to the counterparty under the provisions of the

<sup>112</sup> Article 176(1)(vii) of the COO.

<sup>113</sup> Article 46–6(2) of the FIEA, Article 176 of the COO and Section IV–2–1 (Preciseness of Capital Adequacy Ratio) of the Supervisory Guidelines for FIBO.

<sup>114</sup> Article 178(1)(iii) of the COO and Article 16 of the Notice on Capital.

<sup>115</sup> FSA Notice No. 59 of 2007, Chapter III, Section 2, Article 4.

Japanese Capital Rules. In this regard, the Japanese Capital Rules impose risk-weights ranging from 0 percent to 25 percent on exposures to governmental financial institutions, non-governmental financial institutions, general corporations, and individuals.<sup>116</sup> For certain exposures, credit ratings are used to determine the percentage of the counterparty credit risk exposure and, if no credit ratings are available, the Japanese nonbank SD generally applies a 25 percent risk-weight.

A Japanese nonbank SD is required to include the full amount of the counterparty risk equivalent in its aggregate risk equivalent amount. Therefore, a Japanese nonbank SD is effectively required to maintain a capital adequacy amount that is equal to or in excess of 120 percent of its credit risk equivalent amount.

With respect to credit risk for derivatives positions, the Japanese Capital Rules require a Japanese nonbank SD that is not approved to use credit risk models to calculate its exposure using the CEM, which is one of the standardized methods that a nonbank SD may use to calculate its credit risk exposure under a derivatives transaction pursuant to the Commission's Bank-Based Approach.<sup>117</sup> Under the CEM, a Japanese nonbank SD calculates its exposures for over-the-counter derivatives using a standardized rules-based approach, and is required to hold an amount of qualifying capital that equals or exceeds 120 percent of the aggregate derivatives exposures.

Japanese nonbank SDs may use internal models approved by the FSA to calculate their market risk equivalent amount and/or counterparty risk equivalent amount in lieu of the standardized charges. Japanese Capital Rules set out qualitative and quantitative requirements<sup>118</sup> that internal models must meet in order to be approved for use. The Japanese Capital Rules also require Japanese nonbank SDs to satisfy qualitative and quantitative requirements in order to continue to use models after obtaining the initial approval. These qualitative and quantitative requirements address: the effective review and assessment of models during development, validation, and periodic examinations; identification of key assumptions and limitations; and management of model risk. In this regard, Japanese nonbank SDs approved to use internal models for capital purposes are subject to principles for model risk

management.<sup>119</sup> The principles lay out practices for nonbank SDs, covering model governance, model risk rating, documentation, testing, monitoring, independent validation, controls of vendor products and external resources, and internal audit. The ongoing monitoring includes frequent tests, such as stress testing, backtesting and benchmarking. The FSA periodically confirms that firms using models are adhering to the conditions set.

The internal market risk model-based methodology contained in the Japanese Capital Rules is based on the Basel 2.5 standard,<sup>120</sup> and requires a Japanese nonbank SD to use a VaR model with a 99 percent, one-tailed confidence level with: (i) price changes equivalent to a 10 business-day movement in rates and prices; (ii) effective historical observation periods of at least one year; and (iii) at least monthly data set updates.<sup>121</sup> The Japanese Capital Rules require a Japanese nonbank SD using approved internal models for market risk to calculate a stressed VaR, specific risk, incremental risk, and comprehensive risk of correlation trading.<sup>122</sup>

The Japanese Capital Rules' internal credit risk model-based methodology is also based on the Basel 2.5 standard. The Japanese Capital Rules allow for the estimation of expected exposure, as a measure of potential future exposure, based on VaR techniques as well, with adjustments to the period of risk, as appropriate to the asset and counterparty.<sup>123</sup> Credit risk models may include internal ratings based on the estimation of default probabilities, consistent with the Basel framework and subject to the same model risk management guidelines.

### 3. Commission Analysis

The Commission has reviewed the FSA Application and the relevant Japanese laws and regulations, and has preliminarily determined that the Japanese Capital Rules are comparable in purpose and effect to CFTC Capital Rules with regard to the establishment of a nonbank SD's minimum capital requirement and the calculation of the nonbank SD's amount of regulatory capital. Although there are differences

in the minimum capital requirements and calculation of regulatory capital between the Japanese Capital Rules and the CFTC Capital Rules, as discussed below, the Commission preliminarily believes that the Japanese Capital Rules and CFTC Capital Rules are designed to ensure the safety and soundness of a nonbank SD and, subject to the proposed condition discussed below, will achieve comparable outcomes by requiring the firm to maintain a minimum level of qualifying regulatory capital and subordinated debt to absorb losses from the firm's business activities, including its swap dealing activities, and decreases in the value of the firm's assets, without the nonbank SD becoming insolvent.

The CFTC Capital Rules require a nonbank SD electing the Bank-Based Approach to maintain regulatory capital in an amount that meets or exceeds each of the following requirements: (i) \$20 million of common equity tier 1 capital; (ii) 8 percent of the nonbank SD's uncleared swap margin amount; (iii) 8 percent of the nonbank SD's risk-weighted assets (with common equity tier 1 capital comprising at least 6.5 percent of the 8 percent); and (iv) the amount of capital required by NFA.<sup>124</sup> The Japanese Capital Rules require a Japanese nonbank SD to maintain regulatory capital in an amount equal to or in excess of 9.6 percent of the market risk, credit risk, and operational risk of the firm.<sup>125</sup>

The Japanese Capital Rules differ from the CFTC Capital Rules in that the Japanese Capital Rules do not impose a capital requirement on Japanese nonbank SDs based on a minimum dollar amount or based on a percentage of the margin for uncleared swap transactions. However, the approach for conducting a Capital Comparability Determination is a principles-based, holistic approach that focuses on whether the applicable foreign jurisdiction's capital requirements achieve comparable outcomes to the corresponding CFTC requirements for nonbank SDs.<sup>126</sup> The focus of the comparability determination is on

<sup>124</sup> 17 CFR 23.101(a)(1)(i). NFA has not adopted additional capital requirements for nonbank SDs and, therefore, an analysis of the comparability of this element of the CFTC Capital Rules with the Japanese Capital Rules is not applicable.

<sup>125</sup> The Japanese Capital Rules require a Japanese nonbank SD to maintain a capital adequacy amount that equals or exceeds 120 percent of its risk-weighted assets. Adjusting the Japanese Capital Rules approach to be consistent with the CFTC Capital Rules approach results in a Japanese nonbank SD having an effective minimum capital requirement of 9.6 percent of its risk weighted assets.

<sup>126</sup> 17 CFR 23.106(a)(3)(ii). See also 85 FR 57520 at 57521.

<sup>116</sup> Article 15(3) of the Notice on Capital.

<sup>117</sup> See 17 CFR 23.101(a)(1)(i) and *supra*, note 78.

<sup>118</sup> Article 13 of the Notice on Capital.

<sup>119</sup> *Principles for Model Risk Management*, Financial Services Agency (November 12, 2021). The principles are available at: <https://www.fsa.go.jp/en/news/2021/2021112en.html>.

<sup>120</sup> Compare Article 1 through 14–11 of the Notice on Capital with Revisions to the Basel II Market Risk Framework.

<sup>121</sup> Article 13(3)(i), (ii) and (iv) of the Notice on Capital.

<sup>122</sup> Article 13–2 and 14–9 of the Notice on Capital.

<sup>123</sup> FSA Notice 15.2–2.

whether the foreign jurisdiction's capital requirements are comparable to the Commission's in purpose and effect, and not on whether the foreign jurisdiction's capital requirements are comparable in every aspect or contain identical elements based on a line-by-line assessment or comparison of the foreign jurisdiction's regulatory requirements with the Commission's regulatory requirements.<sup>127</sup>

Based on a principles-based assessment, the Commission preliminarily believes, subject to the proposed condition below, and further subject to its consideration of public comments to the proposed Capital Comparability Determination and Order, that the purpose and effect of the Japanese Capital Rules and the CFTC Capital Rules are comparable. In this connection, the Japanese Capital Rules and CFTC Capital rules are both designed to require a nonbank SD to maintain a sufficient amount of qualifying regulatory capital and subordinated debt to absorb losses resulting from the firm's business activities, and decreases in the value of firm assets, without the nonbank SD becoming insolvent. As discussed below, the Commission specifically seeks public comment on the question of whether requirements under the Japanese Capital Rules are comparable in purpose and effect to the Commission's requirement for a nonbank SD to hold regulatory capital equal to or greater than 8 percent of its uncleared swap margin amount.

The Commission preliminarily believes that the Japanese Capital Rules and CFTC Capital Rules impose a comparable approach by requiring a nonbank SD to maintain qualifying equity capital and qualifying subordinated debt in an amount that equals or exceeds the nonbank SD's risk-weighted assets, which are composed of the aggregate of the firm's market risk and credit risk charges. The Japanese Capital Rules, however, require a Japanese nonbank SD to maintain a higher percentage of regulatory capital relative to the firm's risk-weighted assets than the CFTC Capital Rules require. Specifically, the Japanese Capital Rules require a Japanese nonbank SD to maintain regulatory capital equal to or greater than 9.6 percent of the firm's risk-weighted assets.<sup>128</sup>

<sup>127</sup> *Id.*

<sup>128</sup> As previously noted, the Japanese Capital Rules require a Japanese nonbank SD to maintain a capital adequacy amount that equals or exceeds 120 percent of its risk-weighted assets. For purposes of comparison of the two rules, the Japanese Capital Rules effectively require a Japanese nonbank SD to

Furthermore, the Japanese Capital Rules add operational risk to the market risk and credit risk charges in setting the minimum capital requirements whereas the CFTC Capital Rules sets operational risk as a separate minimum capital requirement from the market risk and credit risk calculation of the risk weighted assets.<sup>129</sup> Specifically, as noted above, under the Japanese Capital Rules the basic risk equivalent amount is computed as an amount equal to 25 percent of the Japanese nonbank SD's defined annual operating expenses, and is intended to provide a capital cushion to cover risks that may accrue in the course of executing ordinary business operations, such as error in business transactions.<sup>130</sup> In addition, the Japanese Capital Rules require a Japanese nonbank SD to deduct the carrying value of fixed assets from its Basic Items in computing its regulatory capital, which promotes a degree of liquidity into the Japanese nonbank SD's regulatory capital. The Commission preliminarily believes the inclusion of an operational risk charge with the market risk and credit risk charges, and the deduction of the carrying value of fixed assets from regulatory capital, will achieve a comparable outcome to the Commission's requirement for nonbank SDs to hold regulatory capital in excess of 8 percent of its uncleared swap margin amount. The Commission specifically seeks public comment below on the comparability of this Commission requirement with the Japanese requirements designed to address operational risk.

The calculation of market risk charges and credit risk charges is also comparable under the Japanese Capital Rules and the CFTC Capital Rules. Both regimes require a nonbank SD to use standardized approaches to compute

maintain an effective minimum capital ratio of 9.6 percent of the firm's risk-weighted assets and the CFTC Capital Rules require a nonbank SD to maintain a minimum capital ratio of 8 percent of the firm's risk-weighted assets.

<sup>129</sup> In establishing the requirement that a nonbank SD must maintain a level of regulatory capital in excess of 8 percent of the uncleared swap margin amount associated with the firm's swap transactions, the Commission stated that the intent of the uncleared swap margin amount was to establish a method of developing a minimum amount of capital for a nonbank SD to meet all of its obligations as a SD to market participants, and to cover potential operational risk, legal risk and liquidity risk, and not just the risks of its trading portfolio. *See*, 85 FR 57462 at 57485.

<sup>130</sup> Article 178(1)(iii) of the COO and Article 16 of the Notice on Capital. The basic risk equivalent amount is calculated as 25 percent of certain defined operating expenses incurred by the Japanese nonbank SD over a 12-month period, and includes general expenses, selling expenses, and financial expenses.

market and credit risk, unless the firms are approved to use internal models. The standardized approaches follow the same structure that is now the common global standard: allocating assets to categories according to risk and assigning each a risk weight; allocating counterparties to categories according to risk assessments and assigning each a risk factor; calculating gross exposures based on the valuation of assets; calculating a net exposure allowing offsets following well defined procedures and subject to clear limitations; adjusting the net exposure by the market risk weights; and finally, for credit risk exposures, multiplying the sum of net exposures to each counterparty by the corresponding risk factor. After reviewing the standardized risk weights contained in the Japanese Capital Rules and the CFTC Capital Rules, the Commission preliminarily believes that the resulting risk charges are comparable for corresponding categories of instruments and credit exposures.

Internal market risk and credit risk models under the Japanese Capital Rules and the CFTC Capital Rules are based on the BCBS framework and contain comparable quantitative and qualitative requirements covering the same risks, including comparable model risk management requirements. As both rule sets address the same types of risk, with similar allowed methodologies, calibrated to similar risk levels and under similar controls, the Commission preliminarily believes that these requirements are comparable, as they produce similar market and credit risk charges for comparable exposures. Market risk charges increase capital requirements, or conversely are deducted from available capital, in full amount. Credit risk charges increase capital requirements, or conversely are deducted from available capital, with an adjustment. This adjustment to credit risk charges is applied in the CFTC Capital Rules as a final multiplication of credit risk weights by 8 percent, while the Japanese Capital Rules apply a comparable adjustment directly via the counterparty risk weights. The Japanese Capital Rules and the CFTC Capital Rules contain comparable requirements for the management of model risk, which depend on a series of controls, including the independence of validation, ongoing monitoring and audit. The ongoing monitoring includes frequent tests, such as stress testing, backtesting and benchmarking.

The Japanese Capital Rules differ from the CFTC Capital Rules in that the Japanese Capital Rules do not contain a requirement that each Japanese nonbank

SD maintain a fixed amount of regulatory capital. As noted previously, the requirement in the CFTC Capital Rules for a non-bank SD to maintain a minimum of \$20 million of common equity tier 1 capital is intended to ensure that each nonbank SD maintains a level of capital, without regard to the firm's level of dealing activities, sufficient to meet its obligations to swap market participants given the firm's status as a registered SD.

The Commission preliminarily believes that each CFTC-registered nonbank SD should maintain a minimum level of regulatory capital to help ensure that it satisfies its regulatory obligations and meets its financial commitments to swap counterparties and creditors without the firm becoming insolvent. Therefore, the Commission is proposing to condition the proposed Capital Comparability Determination Order to require each Japanese nonbank SD to maintain a minimum level of regulatory capital in the form of Basic Items, as defined in Article 176 of the COO. Specifically, the proposed condition would require each Japanese nonbank SD to maintain at all times regulatory capital in the form of Basic Items in an amount denominated in yen that is equivalent to or greater than \$20 million in U.S. dollars. The Commission is also proposing that a Japanese nonbank SD may convert the yen-denominated amount of its Basic Items to the U.S. dollar equivalent based on a commercially reasonable and observed exchange rate.

Having compared the minimum capital requirements and the calculation of regulatory capital under the Japanese Capital Rules for Japanese nonbank SDs with the corresponding minimum capital requirements and calculation of regulatory capital under the CFTC's Capital Rules for nonbank SDs, the Commission preliminarily finds that, subject to the proposed condition discussed above, the minimum capital requirements and calculation of regulatory capital are comparable. The Commission invites public comment on its analysis above, including comment on the FSA Application and Japanese laws and regulations, and the Commission's preliminary determination that the Japanese Capital Rules and the CFTC Capital Rules are comparable in purpose and effect and achieve comparable outcomes with respect to the minimum regulatory capital requirements and the calculation of regulatory capital for nonbank SDs.

The Commission also specifically seeks public comment on the question of whether the requirement under the Japanese Capital Rules for a Japanese

nonbank SD to hold qualifying capital in an amount equal to 25 percent of its defined annual operating expenses is sufficiently comparable in purpose and effect to the CFTC's requirement for a nonbank SD to hold qualifying capital in amount equal to at least 8 percent of the nonbank SD's uncleared swap margin amount.

The Commission further requests comment on the proposed condition that each Japanese nonbank SD maintains a minimum level of regulatory capital in the form of yen-denominated Basic Items (as defined in Article 176 of the COO) that equals or exceeds the equivalent of \$20 million U.S. dollars. Lastly, the Commission requests comment on the proposed requirement that a Japanese nonbank SD determine the amount of yen-denominated Basic Items it holds in U.S. dollars by using a commercially reasonable and observed yen/U.S. dollar exchange rate.

#### *D. Nonbank Swap Dealer Financial Reporting Requirements*

##### **1. CFTC Financial Recordkeeping and Reporting Rules for Nonbank Swap Dealers**

The CFTC Financial Reporting Rules impose financial recordkeeping and reporting requirements on nonbank SDs. In this regard, the CFTC Financial Reporting Rules require each nonbank SD to prepare and keep current ledgers or similar records summarizing each transaction affecting the nonbank SD's asset, liability, income, expense, and capital accounts.<sup>131</sup> The nonbank SD's ledgers and similar records must be prepared in accordance with generally accepted accounting principles as adopted in the United States ("U.S. GAAP"), except that if the nonbank SD is not otherwise required to prepare financial statements in accordance with U.S. GAAP, the nonbank SD may prepare and maintain its accounting records in accordance with International Financial Reporting Standards ("IFRS") issued by the International Accounting Standards Board.<sup>132</sup>

The CFTC Financial Reporting Rules also require each nonbank SD to prepare and file with the Commission and NFA periodic unaudited and annual audited financial statements.<sup>133</sup> A nonbank SD that elects the TNW Approach is required to file unaudited financial statements within 17 business days of the close of each fiscal quarter, and its annual audited financial statements

within 90 days of its fiscal year-end.<sup>134</sup> A nonbank SD that elects either the NLA Approach or the Bank-Based Approach is required to file unaudited financial statements within 17 business days of the end of each month, and its annual audited financial statements within 60 days of the end of its fiscal year.<sup>135</sup>

The CFTC Financial Reporting Rules further provide that a nonbank SD's unaudited financial statements must include: (i) a statement of financial condition; (ii) a statement of income/loss; (iii) a statement of changes in liabilities subordinated to claims of general creditors; (iv) a statement of changes in ownership equity; (v) a statement demonstrating compliance with, and calculation of, the applicable regulatory minimum capital requirement; and (vi) such further material information necessary to make the required statements not misleading.<sup>136</sup> The annual audited financial statements must include: (i) a statement of financial condition; (ii) a statement of income/loss; (iii) a statement of cash flows; (iv) a statement of changes in liabilities subordinated to claims of general creditors; (v) a statement of changes in ownership equity; (vi) a statement demonstrating the calculation of, and compliance with, the applicable regulatory minimum capital requirement; (vii) appropriate footnote disclosures; and (viii) a reconciliation of any material differences between the annual audited financial statements and the unaudited financial statements prepared as of the nonbank SD's year-end date.<sup>137</sup>

A nonbank SD that has obtained approval from the Commission or NFA to use internal capital models also must submit certain model metrics, such as aggregate VaR and counterparty credit risk information, each month to the Commission and NFA.<sup>138</sup> A nonbank SD also is required to provide the Commission and NFA with a detailed list of financial positions reported at fair market value as part of its monthly unaudited financial statements.<sup>139</sup> Each nonbank SD is also required to provide information to the Commission and NFA regarding its counterparty credit concentration for the 15 largest exposures in derivatives, a summary of its derivatives exposures by internal credit ratings, and the geographic

<sup>134</sup> 17 CFR 23.105(d)(1) and (e)(1).

<sup>135</sup> *Id.*

<sup>136</sup> 17 CFR 23.105(d)(2).

<sup>137</sup> 17 CFR 23.105(e)(4).

<sup>138</sup> 17 CFR 23.105(k) and (l) and Appendix B to Subpart E of Part 23.

<sup>139</sup> 17 CFR 23.105(l) and Appendix B to Subpart E of Part 23.

<sup>131</sup> 17 CFR 23.105(b).

<sup>132</sup> *Id.*

<sup>133</sup> 17 CFR 23.105(d) and (e).

distribution of derivatives exposures for the 10 largest countries.<sup>140</sup>

The CFTC Financial Reporting Rules also require a nonbank SD to attach to each unaudited and audited financial report an oath or affirmation that to the best knowledge and belief of the individual making the affirmation the information contained in the financial report is true and correct.<sup>141</sup> The individual making the oath or affirmation must be a duly authorized officer if the nonbank SD is a corporation, or one of the persons specified in the regulation for business organizations that are not corporations.<sup>142</sup>

The CFTC Financial Reporting Rules further require a nonbank SD to make certain financial information publicly available by posting the information on its public website.<sup>143</sup> Specifically, a nonbank SD must post on its website a statement of financial condition and a statement detailing the amount of the nonbank SD's regulatory capital and the minimum regulatory capital requirement based on its audited financial statements and based on its unaudited financial statements that are as of a date that is six months after the nonbank SD's audited financial statements.<sup>144</sup> Such public disclosure is required to be made within 10 business days of the filing of the audited financial statements with the Commission, and within 30 calendar days of the filing of the unaudited financial statements required with the Commission.<sup>145</sup> A nonbank SD also must obtain written approval from NFA to change the date of its fiscal year-end for financial reporting.<sup>146</sup>

The CFTC Financial Reporting Rules also require a nonbank SD to provide the Commission and NFA with information regarding the custodianship of margin for uncleared swap transactions ("Margin Report").<sup>147</sup> The Margin Report must contain: (i) the name and address of each custodian holding initial margin or variation margin that is required for uncleared swaps subject to the CFTC margin rules ("uncleared margin rules"), on behalf of the nonbank SD or its swap counterparties; (ii) the amount of initial and variation margin required by the uncleared margin rules held by each custodian on behalf of the nonbank SD

and on behalf its swap counterparties; and (iii) the aggregate amount of initial margin that the nonbank SD is required to collect from, or post with, swap counterparties for uncleared swap transactions subject to the uncleared margin rules.<sup>148</sup> The Commission requires this information in order to monitor the use of custodians by nonbank SDs and their swap counterparties. Such information assists the Commission in monitoring the safety and soundness of a nonbank SD by monitoring whether the firm is current with its swap counterparties with respect to the posting and collecting of margin required by the uncleared margin rules. By requiring the nonbank SD to report the required amount of margin to be posted and collected, and the amount of margin that is actually posted and collected, the Commission could identify potential issues with the margin practices and compliance by nonbank SDs that may hinder the ability of the firm to meet its obligations to market participants. The Margin Report also allows the Commission to identify custodians used by nonbank SDs and their counterparties, which may permit the Commission to assess potential market issues, including a concentration of custodial services by a limited number of banks.

## 2. Japanese Nonbank Swap Dealer Financial Reporting Requirements

The Japanese Financial Reporting Rules impose financial reporting requirements on FIBOs, including Japanese nonbank SDs. Specifically, the Japanese Financial Reporting Rules require each of the Japanese nonbank SDs to submit monthly monitoring survey reports ("Monthly Monitoring Reports") to the FSA.<sup>149</sup> The Monthly Monitoring Reports are required to report on the Japanese nonbank SD's balance sheet, profit and loss statement, capital adequacy ratio, market risk, counterparty risk and liquidity risk.<sup>150</sup> The Monthly Monitoring Reports are typically submitted by the Japanese

nonbank SDs within 2–3 weeks of the end of each month.<sup>151</sup>

Each Japanese nonbank SD is also required to submit a business report to the Commissioner of the FSA within three months of the end of the firm's fiscal year ("Annual Business Report").<sup>152</sup> The Annual Business Report must include a balance sheet, profit and loss statement, statement of changes in shareholders' equity, balance of subordinated debt and statement of capital adequacy ratio.<sup>153</sup>

Furthermore, each Japanese nonbank SD is required to prepare financial statements and business reports every business year pursuant to the Japanese Companies Act (Act No. 86 of 2005). The financial statements include a balance sheet, profit and loss statement, and statement of changes in shareholders' equity, and are required to be audited by an accounting auditor ("Annual Audited Financial Report").<sup>154</sup> The Annual Audited Financial Report must be submitted to and approved by the shareholders' meeting within 3 months of the Japanese nonbank SD's fiscal year-end.<sup>155</sup>

## 3. Commission Analysis

The Commission has reviewed the FSA Application and the relevant Japanese laws and regulations, and has preliminarily determined that the financial reporting requirements of the Japanese Financial Reporting Rules, subject to the conditions specified

<sup>151</sup> There are various types of reports which are required of the Japanese nonbank SDs under "Reporting orders" issued by the FSA in accordance with Article 56–2(1) of the FIEA. Some reports are required to be submitted on monthly basis, whereas other reports are required to be submitted on a quarterly basis, semi-annual basis, or annual basis. In terms of the filing due dates of those reports, the FSA typically does not set a specific deadline and instead requests all reports to be submitted "without delay." In case of monthly reports, the normal practice is for firms to submit such reports within 2 to 3 weeks from the prior month-end.

<sup>152</sup> Article 46–3(1) of the FIEA and Article 172 of the COO.

<sup>153</sup> Appended Forms No.12 of the COO.

<sup>154</sup> Article 328(1) and (2) and Article 435(2) and 436(2)(i) of the Companies Act, and Article 59 of Rules of Corporate Accounting (Ordinance of the Ministry of Justice No. 13 of 2006). The audit requirement applies to a "Large Company," which is defined by Article 2(vi) of the Companies Act as a stock company that satisfies any of the following requirements: (a) that the amount of stated capital in the balance sheet as of the end of the firm's most recent business year is JPY 500 million or more; or (b) that the total sum of the liabilities section of the balance sheet as of the end of the firm's most recent business year is JPY 20 billion or more. The FSA has represented that each of the Japanese nonbank SDs is a Large Company under the Companies Act, and is subject to the audit requirement for its financial statements. See FSA Application p. 18.

<sup>155</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> See II–1–4 (General Supervisory Processes) of the Supervisory Guidelines for FIBO, which directs the FSA (and other supervisors) as part of its offsite monitoring to require FIBOs (including the Japanese nonbank SDs) to submit a monitoring survey report regarding the following matters: capital adequacy ratio, status of business operations and accounting (including a balance sheet and profit and loss statement), status of segregated management of customer assets, market risk, counterparty risk, operational risk, and liquidity risk. The FSA has, pursuant to Article 56–2(1) of the FIEA, ordered the Japanese nonbank SDs to submit monthly monitoring reports to the FSA.

<sup>150</sup> *Id.*

<sup>140</sup> 17 CFR 23.105(l) in Schedules 2, 3, and 4, respectively.

<sup>141</sup> 17 CFR 23.105(f).

<sup>142</sup> *Id.*

<sup>143</sup> 17 CFR 23.105(i).

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> 17 CFR 23.105(g).

<sup>147</sup> 17 CFR 23.105(m).

below, are comparable to CFTC Financial Reporting Rules in purpose and effect as they are intended to provide the FSA and Commission, respectively, with financial information to monitor and assess the financial condition of nonbank SDs and their ongoing ability to absorb decreases in the value of firm assets and to cover losses from business activities, including swap dealing activities, without the firm becoming insolvent.

The Japanese Financial Reporting Rules require Japanese nonbank SDs to file financial reports with the FSA that are comparable with respect to the content of the financial reporting and the frequency of the submission of the financial reports with the requirements for nonbank SDs under the CFTC Financial Reporting Rules. In this regard, the Japanese Financial Reporting Rules require Japanese nonbank SDs to prepare and submit reports that include statements of financial condition, statements of profit and loss, and statements of capital adequacy that are comparable to the statements required of nonbank SDs under Regulation 23.105 of the CFTC Financial Reporting Rules. Accordingly, the Commission has preliminarily determined that a Japanese nonbank SD may comply with the financial reporting requirements contained in Commission Regulation 23.105 by complying with the corresponding Japanese Financial Reporting Rules, subject to the conditions set forth below.<sup>156</sup>

Such substituted compliance is proposed to be conditioned upon a Japanese nonbank SD providing the Commission and NFA with copies of its Monthly Monitoring Report and Annual Business Report filed with the FSA pursuant to Article 56–2(1) and Article 46–3(1), respectively, of the FIEA. It is proposed that a Japanese nonbank SD also must provide the Commission and NFA with a copy of its Annual Audited Financial Report that is required to be prepared pursuant to Article 453(2) of the Companies Act. The Monthly Monitoring Report, Annual Business Report, and Annual Audited Financial Report must be translated into the English language.<sup>157</sup> The Monthly

Monitoring Report and the Annual Business Report must have balances converted from yen to U.S. dollars. The Commission, however, recognizes that the requirement to translate accounts denominated in yen to U.S. dollars on the audited financial statements may impact the opinion provided by the public accountant. The Commission is therefore proposing to accept the Annual Audited Financial Report denominated in yen, provided that the report is translated into the English language.

The Commission also is proposing to condition the Capital Comparability Determination Order below on the Japanese nonbank SD filing (i) its Annual Business Report with the Commission and NFA within 15 business days of the earlier of the date the report is filed with the FSA or the date that the report is required to be filed with the FSA; (ii) its Annual Audited Financial Statement with the Commission and NFA within 15 business days of the approval of the report at the Japanese nonbank SD's shareholder meeting; and (iii) its Monthly Monitoring Report within 15 business days of the earlier of the date the report is filed with the FSA or 35 calendar days after the month-end reporting date.<sup>158</sup> The Commission preliminarily believes that these proposed filing dates provide sufficient time for the respective reports to be translated into the English language and balances converted from yen to U.S. dollars, where applicable.

The filing of English language financial reports by a Japanese nonbank SD with the Commission and NFA is necessary as financial reporting is a critical and central component of the Commission's and NFA's ability to assess the safety and soundness of registered nonbank SDs as required under Section 4s(e) of the CEA.

Although the Commission is proposing to permit Japanese nonbank SDs to comply with the form and content requirements for the financial reports set forth in the Japanese Financial Reporting Rules, the receipt of English language financial reports that have balances converted to U.S. dollars (with the exception of the Annual Audited

Financial Report) is necessary for the Commission to effectively monitor the ongoing financial condition of all nonbank SDs, including Japanese nonbank SDs, to help ensure their safety and soundness and ability to meet their financial obligations to customers, counterparties, and general market participants.

The Commission preliminarily believes that its proposed approach of requiring Japanese nonbank SDs to provide the Commission and NFA with copies of the Monthly Monitoring Reports, Annual Business Reports, and Annual Audited Financial Reports that the firms currently file with the FSA or otherwise prepare strikes an appropriate balance of ensuring that the Commission and NFA receive the financial reporting necessary for the effective monitoring of the financial condition of the nonbank SDs, while also recognizing the appropriateness of providing substituted compliance based on the existing FSA financial reporting requirements and regulatory structure.

The Commission is also proposing to condition the Capital Comparability Determination Order on Japanese nonbank SDs filing the aggregate securities, commodities, and swap positions information set forth in Schedule 1 of Appendix B to Subpart E of Part 23 on a monthly basis with the Commission and NFA.<sup>159</sup> Schedule 1 provides the Commission and NFA with detailed information regarding the financial positions that a nonbank SD holds as of the end of each month, including the firm's swaps positions, which will allow the Commission and NFA to monitor the types of investments and other activities that the firm engages in and will enhance the Commission's and NFA's ability to monitor the safety and soundness of the firm.

The Commission is also proposing to condition the Capital Comparability Determination Order on a Japanese nonbank SD submitting with each Monthly Monitoring Report, Annual Business Report, and Annual Audited Financial Report, as well as the applicable Schedule 1, a statement by an authorized representative or representatives of the Japanese nonbank SD that to the best knowledge and belief of the person(s) the information contained in the respective report is true

<sup>156</sup> A Japanese nonbank SD that qualifies and elects to seek substituted compliance with Japanese Capital Rules must also seek substituted compliance with the Japanese Financial Reporting Rules.

<sup>157</sup> The translation of audited financial statements into the English language is not required to be subject to the audit of the public accountants. The Monthly Monitoring Report and Annual Business Report must convert balances into U.S. dollars. A Japanese nonbank SD must report the exchange rate that it used to convert balances from yen to U.S.

dollars to the Commission and NFA as part of the financial reporting.

<sup>158</sup> As previously noted, the FSA does not set a specific filing date for Monthly Monitoring Reports, electing to instead require firms to file such reports "without delay." The Commission proposes to establish a due date that is no later than 35 calendar days from the reporting date in order to set a definitive filing date that also provides Japanese nonbank SDs with sufficient time to translate the reports into English and convert balances to U.S. dollars.

<sup>159</sup> Schedule 1 of Appendix B to Subpart E of Part 23 includes a nonbank SD's holding of U.S. Treasury securities, U.S. government agency debt securities, foreign debt and equity securities, money market instruments, corporate obligations, spot commodities, and cleared and uncleared swaps, security-based swaps, and mixed swaps in addition to other position information.

and correct, including the translation of the report into the English language and conversion of balances in the reports to U.S. dollars. The statement by the authorized representative or representatives of the Japanese nonbank SD is in lieu of the oath or affirmation required of nonbank SDs under Regulation 23.105(f),<sup>160</sup> and is intended to ensure that reports filed with the Commission and NFA are prepared and submitted by firm personnel with knowledge of the financial reporting of the firm who can attest to the accuracy of the reporting and translation.

The Commission is further proposing to condition the Capital Comparability Determination Order on a Japanese nonbank SD filing the Margin Report specified in Regulation 23.105(m) with the Commission and NFA. The Margin Report contains: (i) the name and address of each custodian holding initial margin or variation margin required by the uncleared margin rules on behalf of the nonbank SD or its swap counterparties; (ii) the amount of initial and variation margin required by the uncleared margin rules held by each custodian on behalf of the nonbank SD and on behalf its swap counterparties; and (iii) the aggregate amount of initial margin required by the uncleared margin rules that the nonbank SD is required to collect from, or post to, swap counterparties for uncleared swap transactions.<sup>161</sup>

The Commission believes that receiving this margin information from Japanese nonbank SDs will assist in the Commission's assessment of the safety and soundness of the Japanese nonbank SDs. Specifically, the Margin Report will provide the Commission with information regarding a Japanese nonbank SD's swap book, the extent to which it has uncollateralized exposures to counterparties or has not met its financial obligations to counterparties. This information, along with the list of custodians holding both the firm's and counterparties' swaps collateral, will assist the Commission in assessing and monitoring potential financial impacts to the nonbank SD resulting from defaults on its swap transactions. The Commission is further proposing to require a Japanese nonbank SD to file its Margin Report at the same time that the Japanese nonbank SD files its Monthly Monitoring Report, and to require the Margin Report to be prepared in the English language with balances reported in U.S. dollars.

The Commission is not proposing to require a Japanese nonbank SD that has

been approved by FSA to use capital models to file the monthly model metric information contained in Regulation 23.105(k) with the Commission or NFA.<sup>162</sup> Regulation 23.105(k) requires a nonbank SD that has obtained approval from the Commission or NFA to use internal capital models to submit to the Commission and NFA each month information regarding its risk exposures, including VaR and credit risk exposure information when applicable. The model metrics are intended to provide the Commission and NFA with information that would assist with the ongoing oversight and assessment of internal market risk and credit risk models that have been approved for use by a nonbank SD. The Commission preliminarily believes, however, that the receipt by the Commission and NFA of model metrics set forth in Regulation 23.105(k) from Japanese nonbank SDs is not necessary as the initial approval and the ongoing assessment of the performance of a Japanese nonbank SD's models will be performed by the FSA as part of its oversight function.

The Commission also is proposing not to require a Japanese nonbank SD to file the monthly counterparty credit exposure information specified in Regulation 23.105(l) and Schedules 2, 3, and 4 of Appendix B to Subpart E of Part 23 with the Commission or NFA. Regulation 23.105(l) requires each nonbank SD to provide information to the Commission and NFA regarding its counterparty credit concentration for the 15 largest exposures in derivatives, a summary of its derivatives exposures by internal credit ratings, and the geographic distribution of derivatives exposures for the 10 largest countries in Schedules 2, 3, and 4, respectively. The Commission preliminarily believes that, under a substituted compliance regime, the FSA is best positioned to monitor a Japanese nonbank SD's credit exposures, which may be comprised of credit exposures to primarily other Japanese counterparties, as part of the FSA's overall monitoring of the financial condition of the firm.

Furthermore, the Commission, in making the preliminary determination to not require a Japanese nonbank SD to file the model metrics and counterparty exposures required by Regulations 23.105(k) and (l), respectively, recognizes that NFA's current risk monitoring program requires each bank SD and each nonbank SD, including each Japanese nonbank SD, to file risk metrics addressing market risk and credit risk with NFA on a monthly basis. This information includes: (i)

monthly VaR for interest rates, credit, foreign exchange, equities, commodities, and total VaR; (ii) total stressed VaR; (iii) interest rate, credit spread, foreign exchange market, and commodity sensitivities; (iv) total swaps current exposure both before and after offsetting against collateral held by the firm; and (v) a list of the 15 largest swaps counterparty current exposures.<sup>163</sup> While there are differences between the information filed with the NFA and the information required under Regulations 23.105(k) and (l), the NFA risk metrics provide a level of information that allows NFA to identify SDs that may pose heightened risk and to allocate appropriate NFA regulatory oversight resources. The Commission preliminarily believes that the proposed financial reporting set forth as conditions in the proposed Capital Comparability Determination Order, and the risk metric and counterparty exposure information required to be reported by nonbank SDs (including Japanese nonbank SDs) under NFA rules, provide the appropriate balance of recognizing the comparability of the Japanese Financial Reporting Rules to the CFTC Financial Reporting Rules while also ensuring that the Commission and NFA receive sufficient data to monitor and assess the overall financial condition of nonbank Japanese SDs.

The Commission invites public comment on its analysis above, including comment on the FSA Application and relevant Japanese Financial Reporting Rules. The Commission also invites comment on the proposed conditions listed above. The Commission recognizes that while the Monthly Monitoring Reports, Annual Business Reports, and Annual Audited Financial Reports contain financial information regarding a Japanese nonbank SD that is comparable to the financial information required of nonbank SDs under Regulation 23.105 (such as statements of financial condition, statements of income, and statements demonstrating compliance with capital requirements), the reports also contain financial information that exceeds the requirements of regulation 23.105 (such as information regarding the holding of customer funds under Japanese laws). The Commission requests comment on the scope of the financial information that Japanese nonbank SDs should be required to file

<sup>160</sup> 17 CFR 23.105(f).

<sup>161</sup> 17 CFR 23.105(m).

<sup>162</sup> 17 CFR 23.105(k).

<sup>163</sup> See NFA Financial Requirements, Section 17—Swap Dealer and Major Swap Participant Reporting Requirements, and Notice to Members—Monthly Risk Data Reporting for Swap Dealers (May 30, 2017).



with the Commission and NFA. Should the Commission limit the financial information required of Japanese nonbank SDs to the types of financial information required of nonbank SDs under regulation 23.105?

The Commission also invites comment on its proposal not to require Japanese nonbank SDs to submit to the Commission and NFA the information set forth in Regulations 23.105(k) and (l). Are there specific elements of the data required under Regulations 23.105(k) and (l) that the Commission should require of Japanese nonbank SDs for purposes of monitoring model performance?

The Commission requests comment on the proposed filing dates for the reports and information specified above. Specifically, do the proposed filing dates provide sufficient time for Japanese nonbank SDs to prepare the reports, translate the reports into English, and, where required, convert balances into U.S. dollars? If not, what period of time should the Commission consider imposing on one or more of the reports?

The Commission also specifically requests comment regarding the setting of compliance dates for the reporting conditions that the proposed Capital Comparability Determination Order would impose on Japanese nonbank SDs. In this connection, if the Commission were to require Japanese nonbank SDs to file the Margin Report as set forth in the proposed Order below, how much time would Japanese nonbank SDs need to develop new systems or processes to capture information that is required? Would Japanese nonbank SDs need a period of time to develop any systems or processes to meet any other reporting conditions in the proposed Capital Comparability Determination Order? If so, what would be an appropriate amount of time for a Japanese nonbank SD to develop and implement such systems or processes?

#### E. Notice Requirements

##### 1. CFTC Nonbank SD Notice Reporting Requirements

The CFTC Financial Reporting Rules require nonbank SDs to provide the Commission and NFA with written notice of certain defined events.<sup>164</sup> The notice provisions are intended to provide the Commission and NFA with an opportunity to assess whether the information contained in the written notices indicates the existence of actual or potential financial and/or operational

issues at a nonbank SD, and, when necessary, allows the Commission and NFA to engage the nonbank SD in an effort to minimize potential adverse impacts on swap counterparties and the larger swaps market. The notice provisions are part of the Commission's overall program for helping to ensure the safety and soundness of nonbank SDs and the swaps markets in general.

The CFTC Financial Reporting Rules require a nonbank SD to provide written notice within specified timeframes if the firm is: (i) undercapitalized; (ii) fails to maintain capital at a level that is in excess of 120 percent of its minimum capital requirement; or (iii) fails to maintain current books and records.<sup>165</sup> A nonbank SD is also required to provide written notice if the firm experiences a 30 percent or more decrease in excess regulatory capital from its most recent financial report filed with the Commission.<sup>166</sup> A nonbank SD also is required to provide notice if the firm fails to post or collect initial margin for uncleared swap and non-cleared security-based swap transactions or exchange variation margin for uncleared swap or non-cleared security-based swap transactions as required by the Commission's uncleared swaps margin rules or the SEC's non-cleared security-based swaps margin rules, respectively, if the aggregate is equal to or greater than: (i) 25 percent of the nonbank SD's required capital under Regulation 23.101 calculated for a single counterparty or group of counterparties that are under common ownership or control; or (ii) 50 percent of the nonbank SD's required capital under Regulation 23.101 calculated for all of the firm's counterparties.<sup>167</sup>

The CFTC Financial Reporting Rules further require a nonbank SD to provide advance notice of an intention to withdraw capital by an equity holder that would exceed 30 percent of the firm's excess regulatory capital.<sup>168</sup> Finally, a nonbank SD that is dually-registered with the SEC as an SBSB or major security-based swap participant ("MSBSP") must file a copy of any notice with the Commission and NFA that the SBSB or MSBSP is required to file with the SEC under SEC Rule 18a-8 (17 CFR 240.18a-8).<sup>169</sup> SEC Rule 18a-8 requires SBSBs and MSBSPs to provide written notice to the SEC for comparable reporting events as the CFTC Capital Rules in Regulation

23.105(c), including if a SBSB or MSBSP is undercapitalized or fails to maintain current books and records.

##### 2. Japanese Nonbank Swap Dealer Notice Requirements

The FSA maintains a system of notice reporting requirements ("Early Warning System") that is designed to provide the FSA with notice of, and an opportunity to react to, potential financial and/or operational issues with a Japanese nonbank SD prior to the firm falling below the FSA's minimum capital requirements. Specifically, each Japanese nonbank SD is required to submit an immediate notification to the FSA if its capital adequacy ratio falls below 140 percent.<sup>170</sup> The Japanese nonbank SD's notification submitted to the FSA must be accompanied by a Plan Regarding Specific Voluntary Measures to Be Taken in Order to Maintain the Capital Adequacy Ratio, which is expected to include concrete measures that the firm will take to maintain a capital adequacy ratio above 140 percent.<sup>171</sup> The FSA also has the authority to examine the future outlook on the Japanese nonbank SD's capital adequacy ratio through hearings and to urge the firm to make voluntary improvement efforts.<sup>172</sup>

A Japanese nonbank SD also must submit an immediate notification and a Plan Regarding Specific Voluntary Measures to Be Taken in Order to Improve the Capital Adequacy Ratio (the "Plan") to the FSA if the firm's capital adequacy ratio falls below the minimum capital adequacy ratio of 120 percent.<sup>173</sup> The FSA reviews the Plan and, when necessary, identifies the specific method by which a Japanese nonbank SD must bring its capital adequacy ratio back above the prescribed minimum level and the estimated date of the recovery. In situations where the Japanese nonbank SD fails to maintain the minimum level of regulatory capital, the FSA will also examine other aspects of the firm's operations, including the status of segregated management of customer assets and fund-raising. If the FSA finds it to be necessary and appropriate in the public interest or for the protection of investors, the Commissioner of the FSA may order a change of business

<sup>170</sup> The notification is required to be filed pursuant to Article 179 of the COO. As noted in section C.2 above, each Japanese nonbank SD is required to maintain a minimum capital adequacy ratio of 120 percent.

<sup>171</sup> *Id.*

<sup>172</sup> IV-2-2 (Supervisory Response to Cases of Financial Instruments Business Operators' Capital Adequacy Ratio Falling Below Prescribed Level) (1) of the Supervisory Guidelines for FIBO.

<sup>173</sup> Article 179 of the COO.

<sup>164</sup> 17 CFR 23.105(c).

<sup>165</sup> 17 CFR 23.105(c)(1), (2), and (3).

<sup>166</sup> 17 CFR 23.105(c)(4).

<sup>167</sup> 17 CFR 23.105(c)(7).

<sup>168</sup> 17 CFR 23.105(c)(5).

<sup>169</sup> 17 CFR 23.105(c)(6).



methods, order assets to be deposited, or issue orders with respect to matters that are otherwise necessary from a supervisory perspective.<sup>174</sup>

If a Japanese nonbank SD's capital adequacy ratio falls below 100 percent, the Commissioner of the FSA may order the suspension of all or part of the firm's business activities for a period not to exceed three months if the FSA deems such action to be necessary and appropriate for the public interest or for the protection of investors.<sup>175</sup> If the Japanese nonbank SDs capital adequacy ratio does not exceed 100 percent, and the FSA determines that the firm's capital adequacy ratio status is not likely to recover, the Commissioner of the FSA may rescind the registration of the firm.<sup>176</sup>

In addition to the above measures, the FSA may order a Japanese nonbank SD to change its business methods or to otherwise take measures that are necessary for improving its business operations or the state of its assets if the FSA finds such action necessary and appropriate in the public interest or for the protection of investors.<sup>177</sup> Finally, the Prime Minister of Japan may rescind the registration of a Japanese nonbank SD, or order the suspension of all or a part of its business activities for a period of no longer than six months, if the Japanese nonbank SD violates a disposition by a government agency,<sup>178</sup> or is likely to become insolvent due to the state of its business and assets.<sup>179</sup>

### 3. Commission Analysis

The Commission has reviewed the FSA Application and the relevant Japanese laws and regulations, and has preliminarily determined that the Japanese Financial Reporting Rules related to notice provisions, subject to

the conditions specified below, are comparable to the notice provisions of the CFTC Financial Reporting Rules in purpose and effect as each regulator's requirements are intended to provide the FSA and Commission with prompt notice of potential or actual financial or operational issues at a nonbank SD that may impact its ability to continue to meet its financial obligations to swap counterparties and other creditors, or otherwise impair its safety and soundness. The Commission is therefore proposing to issue a Capital Comparability Determination Order providing that a Japanese nonbank SD may comply with the notice provisions required under Japanese laws and regulations in lieu of certain notice provisions required of nonbank SDs under Regulation 23.105(c), subject to the conditions set forth below.

The Japanese Financial Reporting Rules require a Japanese nonbank SD to provide notice to the FSA if the firm experiences a reduction of its regulatory capital that exceeds certain predefined limits ("Japanese Early Warning Notices"). As noted above, pursuant to the Japanese Early Warning Notices, a Japanese nonbank SD is required to provide the FSA with notices if its regulatory capital falls below: (i) 140 percent; or (ii) 120 percent of its minimum capital requirement. The Japanese Early Warning Notices are also required to contain information regarding actions that the Japanese nonbank SD will take to ensure that the firm is properly capitalized.

The Commission has preliminarily determined that these Japanese Early Warning Notices achieve comparable outcomes to CFTC notice provisions contained in Regulation 23.105(c)(1) and (2) that require a nonbank SD to provide notice to the Commission and to NFA if a nonbank SD fails to meet its minimum capital requirement or if the firm's regulatory capital falls below 120 percent of its minimum capital requirement. These notice provisions set forth in the Japanese Financial Reporting Rules and the CFTC Financial Reporting Rules are further comparable in purpose and effect in that the provisions are intended to alert the FSA and Commission/NFA, respectively, of potential financial or operational issues that could have an adverse impact on the safety and soundness of a nonbank SD, including the nonbank SD's ability to meet its financial obligations to customers, counterparties, creditors, and general market participants. The notices are also intended to provide an opportunity for the applicable regulator to monitor a nonbank SD's financial condition and operations to ensure that

the firm takes appropriate actions to maintain, or to regain, compliance with its minimum capital requirements.

The Japanese Financial Reporting Rules differ from the CFTC Financial Reporting Rules in certain respects. Specifically, unlike the CFTC Financial Reporting Rules, the Japanese Financial Reporting Rules do not contain explicit requirements for a Japanese nonbank SD to notify the FSA if the firm fails to maintain current books and records, experiences a decrease in capital over levels previously reported, or fails to collect or post initial margin or variation margin for uncleared swap transactions with swap counterparties that exceed certain threshold levels.<sup>180</sup> The Japanese Financial Reporting Rules also do not require a Japanese nonbank SD to provide the FSA with advance notice of capital withdrawals initiated by equity holders that exceed defined amounts or percentages of the firm's excess regulatory capital.<sup>181</sup>

The Commission is proposing to condition the Capital Comparability Determination Order on a Japanese nonbank SD providing the Commission and NFA with notice if the firm fails to make or to keep current books and records required by the FSA. For avoidance of doubt, in this context the Commission believes that books and records would include current ledgers or other similar records which show or summarize, with appropriate references to supporting documents, each transaction affecting the Japanese nonbank SD's asset, liability, income, expense and capital accounts in accordance with the accounting principles accepted by the FSA.<sup>182</sup> The Commission preliminarily believes that the maintenance of current books and records is a fundamental and essential component of operating as a registered nonbank SD and that the failure to comply with such a requirement may indicate an inability of the firm to promptly and accurately record transactions and to ensure compliance with regulatory requirements, including regulatory capital requirements. Therefore, the proposed Order below is conditioned on a Japanese nonbank SD providing the Commission and NFA with a written notice within 24 hours if

<sup>174</sup> Article 53(1) of the FIEA. IV-2-2 (Supervisory Response to Cases of Financial Instruments Business Operators' Capital Adequacy Ratio Falling Below Prescribed Level) (3) of the Supervisory Guidelines for FIBO indicates four examples of the order: (i) To draft and implement measures (including the drafting of specifics and the implementation schedule) to bring the capital adequacy ratio back above the legally prescribed level and maintain the ratio above that level on a permanent basis; (ii) To implement measures to ensure the protection of investors in preparation for an unexpected event, through appropriate management of securities and cash and careful management of fund-raising; (iii) To avoid activities that could lead to wasteful use of corporate assets; and (iv) To compile the projections of the balance sheet and fund-raising status on a daily basis and the projection of the capital adequacy ratio in ways to reflect the specific measures to be implemented, in order to bring the capital adequacy ratio back above the legally prescribed level.

<sup>175</sup> Article 53(2) of the FIEA.

<sup>176</sup> Article 53(3) of the FIEA.

<sup>177</sup> Article 51 of the FIEA.

<sup>178</sup> Article 52(1)(vii) of the FIEA.

<sup>179</sup> Article 52(1)(viii) of the FIEA.

<sup>180</sup> See 17 CFR 23.105(c)(3), (4), and (7).

<sup>181</sup> See 17 CFR 23.105(c)(5), which requires a nonbank SD to provide written notice to the Commission and NFA two business days prior to the withdrawal of capital by action of the equity holders if the amount of the withdrawal exceeds 30 percent of the nonbank SD's excess regulatory capital.

<sup>182</sup> For comparison, see 17 CFR 23.105(b), which similarly defines the term 'Current books and records' as used in the context of Commission's requirements.

the firm fails to maintain on a current basis the books and records required by the FSA.

The Commission is also proposing to condition the Capital Comparability Determination Order on a Japanese nonbank SD providing the Commission and NFA with a written notice within 24 hours of the firm filing a notice with the FSA pursuant to Article 179(3) of the COO that the firm's regulatory capital has fallen below 140 percent of its minimum requirement. It is proposed that a Japanese nonbank SD also must provide the Commission and NFA with written notice within 24 hours of filing a notice with the FSA that the firm's regulatory capital has fallen below 120 percent of its minimum requirement.

The requirement for a nonbank SD to file notice with the Commission and NFA of a decrease of excess regulatory capital below defined levels is a central component of the Commission's and NFA's oversight program for nonbank SDs.<sup>183</sup> Therefore, the Commission preliminarily believes that it is necessary for the Commission and NFA to receive notice from a Japanese nonbank SD that the firm has filed a regulatory notice with the FSA that its capital level has decreased below 140 percent or 120 percent of its minimum regulatory capital requirement. The notice must be filed by the Japanese nonbank SD within 24 hours of the filing of the notice with the FSA, and the Commission expects that, upon the receipt of a notice, Commission staff and NFA staff will engage with staff of the FSA to obtain an understanding of the facts that led to the filing of the notice and will discuss with the FSA its plan for any ongoing monitoring of the Japanese nonbank SD. Therefore, the Commission's proposal would not require the Japanese nonbank SD to file copies of its recovery plan that is filed with the FSA with the Commission or NFA. To the extent the Commission needs further information from the Japanese nonbank SD, the Commission expects to request such information as part of its assessment of the notice and its discussions with the FSA.

The proposed Capital Comparability Determination Order also requires a Japanese nonbank SD to file notice with the Commission and NFA if: (i) a single counterparty, or group of counterparties under common ownership or control, fails to post required initial margin or pay required variation margin on

uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceeds 25 percent of the Japanese nonbank SD's minimum capital requirement; (ii) counterparties fail to post required initial margin or pay required variation margin to the Japanese nonbank SD for uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceed 50 percent of the Japanese nonbank SD's minimum capital requirement; (iii) a Japanese nonbank SD fails to post required initial margin or pay required variation margin for uncleared swap and non-cleared security-based swap positions to a single counterparty or group of counterparties under common ownership and control that, in the aggregate, exceeds 25 percent of the Japanese nonbank SD's minimum capital requirement; and (iv) a Japanese nonbank SD fails to post required initial margin or pay required variation margin to counterparties for uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceeds 50 percent of the Japanese nonbank SD's minimum capital requirement. The Commission is proposing to require this notice so that, in the event that such a notice is filed, it and NFA may commence communication with the Japanese nonbank SD and the FSA in order to obtain an understanding of the facts that led to the failure to exchange material amounts of initial margin or variation margin in accordance with the applicable margin rules, and to assess whether there is a concern regarding the financial condition of the firm that may impair its ability to meet its financial obligations to customers, counterparties, creditors, and general market participants, or otherwise adversely impact the firm's safety and soundness.

The proposed Capital Comparability Determination Order does not require a Japanese nonbank SD to file notices with the Commission concerning withdrawals of capital or changes in capital levels as such information will be reflected in the financial statement reporting filed with the Commission and NFA as conditions of the order, and because the Japanese nonbank SD's capital levels are monitored by the FSA, which the Commission preliminarily believes renders the separate reporting to the Commission superfluous.

The proposed Capital Comparability Determination Order requires a Japanese nonbank SD to file any notices required under the Order with the Commission and NFA in English and, where applicable, with any balances reported in U.S. dollars. Each notice required by the proposed Capital Comparability

Determination Order must be filed in accordance with instructions issued by the Commission or NFA.

The Commission invites public comment on its analysis above, including comment on the FSA Application and relevant Japanese Financial Reporting Rules. The Commission also invites comment on the proposed conditions to the Capital Comparability Determination Order that are listed above.

The Commission requests comment on the timeframes set forth in the proposed conditions for Japanese nonbank SDs to file notices with the Commission and NFA. In this regard, the proposed conditions would require Japanese nonbank SDs to file certain written notices with the Commission within 24 hours of the occurrence of a reportable event or of being alerted to a reportable event by the FSA. These notices would have to be translated into English prior to being filed with the Commission and NFA. The Commission request comment on the issues Japanese nonbank SDs may face meeting the filing requirements given time-zone difference and translation issues. The Commission also requests specific comment regarding the setting of compliance dates for the notice reporting conditions that the proposed Capital Comparability Determination Order would impose on Japanese nonbank SDs.

#### *F. Supervision and Enforcement*

##### *1. Commission and NFA Supervision and Enforcement of Nonbank SDs*

The Commission and NFA conduct ongoing supervision of nonbank SDs to assess their compliance with the CEA, Commission regulations, and NFA rules by reviewing financial reports, notices, risk exposure reports, and other filings that nonbank SDs are required to file with the Commission and NFA. The Commission and NFA also conduct periodic examinations as part of their supervision of nonbank SDs, including routine onsite examinations of nonbank SDs' books, records, and operations to ensure compliance with CFTC and NFA requirements.<sup>184</sup>

As noted in section D.1 above, financial reports filed by a nonbank SD provide the Commission and NFA with information necessary to ensure the

<sup>183</sup> See Regulation 23.105(c)(4) which requires a nonbank SD to file notice with the Commission and NFA if it experiences a decrease in excess capital of 30 percent or more from the excess capital reported in its last financial filing with the Commission.

<sup>184</sup> Section 17(p)(2) of the CEA (7 U.S.C. 21(p)(2)) requires NFA as a registered futures association to establish minimum capital and financial requirements for nonbank SDs and to implement a program to audit and enforce compliance with such requirements. Section 17(p)(2) further provides that NFA's capital and financial requirements may not be less stringent than the capital and financial requirements imposed by the Commission.

firm's compliance with minimum capital requirements and to assess the firm's overall safety and soundness and its ability to meet its financial obligations to customers, counterparties, creditors, and general market participants. A nonbank SD is also required to provide written notice to the Commission and NFA if certain defined events occur, including that the firm is undercapitalized or maintains a level of capital that is less than 120 percent of the firm's minimum capital requirements.<sup>185</sup> The notice provisions, as stated in section E.1 above, are intended to provide the Commission and NFA with information of potential issues at a nonbank SD that may impact the firm's ability to maintain compliance with the CEA and Commission regulations. The Commission and NFA also have the authority to require a nonbank SD to provide any additional financial and/or operational information on a daily basis or at such other times as the Commission or NFA may specify to monitor the safety and soundness of the firm.<sup>186</sup>

The Commission also has authority to take disciplinary actions against a nonbank SD for failing to comply with the CEA and Commission regulations. Section 4b-1(a) of the CEA provides the Commission with exclusive authority to enforce the capital requirements imposed on nonbank SDs adopted under Section 4s(e) of the CEA.

## 2. FSA Supervision and Enforcement of Japanese Nonbank SDs

The FSA has supervision, audit, and investigation authority with respect to Japanese nonbank SDs, including the authority to require such firms to provide all necessary information for FSA to carry out its supervisory responsibilities.<sup>187</sup> Specifically, the FSA has the authority to require Japanese nonbank SDs to submit documents to the FSA and to conduct onsite inspections at the business offices of the Japanese nonbank SDs.<sup>188</sup>

The FSA also monitors the capital adequacy ratios of Japanese nonbank SDs through supervisory measures on an ongoing basis. The monitoring includes a system of notice requirements, discussed in section E.2 above, that obligate Japanese nonbank SDs to provide notice to the FSA if certain triggering conditions are met. The FSA also has a variety of measures in place to address actual cases of a

Japanese nonbank SD's failure to maintain its required level of minimum capital. Specifically, a Japanese nonbank SD is required to submit a notification and an action plan to the FSA if the Japanese nonbank SD's capital adequacy ratio falls below 120 percent.<sup>189</sup> The FSA will review the plan and, when necessary, identify the specific method by which the Japanese nonbank SD is required to bring its capital adequacy ratio back above the prescribed minimum level. The FSA also may order a Japanese nonbank SD to change its business methods, order assets to be deposited, or issue orders with respect to matters that are otherwise necessary from a supervisory perspective, if the FSA finds it in the public interest or for the protection of customers to take such actions.<sup>190</sup> Furthermore, a Japanese nonbank SD may have all or parts of its business suspended for a period of no more than six months or have its registration revoked if the firm violates certain laws or regulations in connection with the financial instruments business or services,<sup>191</sup> or if the firm is likely to become insolvent.<sup>192</sup> Finally, a Japanese nonbank SD is subject to fines and other possible actions if it fails to submit documents that are required by law to be filed with the FSA.<sup>193</sup>

## 3. Commission Analysis

The Commission has a long history of regulatory cooperation with the FSA. In this connection, the Commission and FSA entered into a Memorandum of Cooperation ("MOC") with regard to the cooperation and the exchange of information in the supervision and oversight of regulated entities that operate on a cross-border basis in both the U.S. and Japan ("Cross-Border Covered Entities"), including nonbank SDs registered with the Commission and FIBOs registered with the FSA.<sup>194</sup> Pursuant to the MOC, the Commission and FSA expressed an intent to consult regularly, as appropriate, regarding: (i) general supervisory issues, including regulatory, oversight, or other related developments; (ii) issues relevant to the operations, activities, and regulation of Cross-Border Covered Entities; and (iii) any other areas of mutual supervisory interest, and to meet periodically to

discuss their respective functions and regulatory oversight programs.<sup>195</sup> The MOC further provides for the Commission and FSA to inform each other of certain events, including any material events that could adversely impact the financial or operational stability of a Cross-Border Covered Entity, and provides a procedure for the Commission or FSA to conduct on-site examinations in, respectively, Japan or the U.S.<sup>196</sup> Pursuant to the terms of the MOC, the Commission intends to communicate and consult with the FSA regarding the supervision of the financial and operational condition of Japanese nonbank SDs.

In addition, as discussed above, as part of FSA's ongoing prudential regulation and supervision of FSA regulated entities, it is able to take all measures necessary to ensure that FSA's capital, financial and reporting rules are implemented.<sup>197</sup> Thus, the Commission preliminarily finds that FSA has the necessary powers and ability to supervise and enforce Japanese nonbank SDs' compliance with Japanese capital adequacy and financial reporting requirements.<sup>198</sup>

The Commission invites public comment on its analysis above, including comment on the FSA Application and relevant Japanese laws and regulations.

## IV. Proposed Capital Comparability Determination Order

### A. Commission's Proposed Comparability Determination

The Commission's preliminary view, based on the FSA's Application and the Commission's review of applicable Japanese laws and regulations, is that the Japanese Capital Rules and the Japanese Financial Reporting Rules, subject to the conditions set forth in the proposed Capital Comparability Determination Order below, achieve comparable outcomes and are comparable in purpose and effect to the

<sup>195</sup> MOC, paragraphs 19 and 26.

<sup>196</sup> MOC, paragraphs 22 and 29. Event-triggered notification in paragraph 22 of the MOC includes any known adverse material change in the ownership, operating environment, operations, financial resources, management, or systems and controls of a Cross-Border Covered Entity, and the failure of a Cross-Border Covered Entity to satisfy any of its requirements for continued authorization or registration where that failure could have a material adverse effect in the jurisdiction of Commission or FSA.

<sup>197</sup> FSA Application, pp 19-20.

<sup>198</sup> In addition, both the Commission and the FSA are signatories to the *IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information* (revised May 2012), which covers primarily information sharing in the context of enforcement matters.

<sup>185</sup> See 17 CFR 23.105(c).

<sup>186</sup> See 17 CFR 23.105(h).

<sup>187</sup> FSA Application, p. 16.

<sup>188</sup> Article 56-2 of the FIEA.

<sup>189</sup> Article 53(2) of the FIEA.

<sup>190</sup> *Id.*

<sup>191</sup> Article 52(1)(vii) of the FIEA.

<sup>192</sup> Article 52(1)(viii) of the FIEA.

<sup>193</sup> Article 198-6 of the FIEA.

<sup>194</sup> *Memorandum of Cooperation Related to the Supervision of Cross-Border Covered Entities* (Mar. 10, 2014). See the Commission's website at <https://www.cftc.gov/International/MemorandaofUnderstanding/index.htm>.

CFTC Capital Rules and CFTC Financial Reporting Rules. In reaching this preliminary conclusion, the Commission recognizes that there are certain differences between the Japanese Capital Rules and CFTC Capital Rules and certain differences between the Japanese Financial Reporting Rules and the CFTC Financial Reporting Rules. The proposed Capital Comparability Determination Order is subject to proposed conditions that are preliminarily deemed necessary to promote consistency in regulatory outcomes, or to reflect the scope of substituted compliance that would be available notwithstanding certain differences. In the Commission's preliminary view, the differences between the two rule sets would not be inconsistent with providing a substituted compliance framework for Japanese nonbank SDs subject to the conditions specified in the proposed Order below.

Furthermore, the proposed Capital Comparability Determination Order is limited to the comparison of the Japanese Capital Rules to the Bank-Based Approach under the CFTC Capital Rules. As noted previously, the FSA has not requested, and the Commission has not performed, a comparison of the Japanese Capital Rules to the Commission's NAL Approach or TNW Approach.

#### *B. Proposed Capital Comparability Determination Order*

The Commission invites comments on all aspects of the FSA Application, relevant Japanese laws and regulations, the Commission's preliminary views expressed above, the question of whether requirements under the Japanese Capital Rules are comparable in purpose and effect to the Commission's requirement for a nonbank SD to hold regulatory capital equal to or greater than 8 percent of its uncleared swap margin amount, and the Commission's proposed Capital Comparability Determination Order, including the proposed conditions included in the proposed Order, set forth below.

#### **Proposed Order Providing Conditional Capital Comparability Determination for Japanese Nonbank Swap Dealers**

*It is hereby determined and ordered,* pursuant to Commodity Futures Trading Commission ("CFTC" or "Commission") Regulation 23.106 (17 CFR 23.106) under the Commodity Exchange Act ("CEA") (7 U.S.C. 1 *et seq.*) that a swap dealer ("SD") organized and domiciled in Japan and subject to the Commission's capital and

financial reporting requirements under Sections 4s(e) and (f) of the CEA (7 U.S.C. 6s(e) and (f)) may satisfy the capital requirements under Section 4s(e) of the CEA and CFTC Regulation 23.101(a)(1)(i) (17 CFR 23.101(a)(1)(i)) ("CFTC Capital Rules"), and the financial reporting rules under Section 4s(f) of the CEA and Commission Regulation 23.105 (17 CFR 23.105) ("CFTC Financial Reporting Rules"), by complying with certain specified Japanese laws and regulations cited below and otherwise complying with the following conditions, as amended or superseded from time to time:

(1) The SD is not subject to regulation by a prudential regulator defined in section 1a(39) of the CEA (7 U.S.C. 1a(39));

(2) The SD is organized under the laws of Japan and is domiciled in Japan (a "Japanese nonbank SD");

(3) The Japanese nonbank SD is registered as a Type I Financial Instruments Business Operator ("FIBO") with the Japan Financial Services Agency;

(4) The Japanese nonbank SD is subject to and complies with: Articles 28(1), 29, 46-3, 46-6(2), 52(1), 53(1) through (3), 56-2, and 198-6 of the Financial Instruments and Exchange Act (Act No. 25 of 1948); Section II-1-4 (General Supervisory Processes), Section IV-2-1 (Preciseness of Capital Adequacy Ratio), and Section IV-2-2 (Supervisory Response to Cases of Financial Instruments Business Operators' Capital Adequacy Ratio Falling Below Prescribed Level) of the Comprehensive Guidelines for Supervision of Financial Instruments Business Operators; Articles 172, 176, 177(8), 178(1), 179(3), and Appended Forms No. 12 of the Cabinet Office Order on Financial Instruments Business (Cabinet Office Order No. 52 of 2007); Articles 1 through 17 of the Financial Services Agency Notice No. 59 of 2007; Articles 2(vi), 328(1) and (2), 435(2), and 436(2)(i) of the Japanese Companies Act (Act No. 86 of 2005); and Article 59 of the Rules of Corporate Accounting (Ordinance of the Ministry of Justice No. 13 of 2006) (collectively, the "Japanese Capital Rules and Japanese Financial Reporting Rules");

(5) The Japanese nonbank SD maintains at all times an amount of regulatory capital in the form of Basic Items, as defined in Article 176 of the Cabinet Office Order No. 52 of 2007, equal to or in excess of the equivalent of \$20 million in United States dollars ("U.S. dollars"). The Japanese nonbank SD shall use a commercially reasonable and observed yen/U.S. dollar exchange

rate to convert the value of the yen-denominated Basic Items to U.S. dollars;

(6) The Japanese nonbank SD has filed with the Commission a notice stating its intention to comply with the applicable Japanese Capital Rules and Japanese Financial Reporting Rules in lieu of the CFTC Capital Rules and the CFTC Financial Reporting Rules. The notice of intent must include the Japanese nonbank SD's representation that the firm is organized and domiciled in Japan; is a registered FIBO; and is subject to, and complies with, the Japanese Capital Rules and Japanese Financial Reporting Rules. The Japanese nonbank SD may not rely on this Capital Comparability Determination Order until it receives confirmation from Commission staff, acting pursuant to authority delegated by the Commission, that the Japanese nonbank SD may comply with the applicable Japanese Capital Rules and Japanese Financial Reporting Rules in lieu of the CFTC Capital Rules and CFTC Financial Reporting Rules. Each notice filed pursuant to this condition must be prepared in the English language and submitted to the Commission via email to the following address: [MPDFinancialRequirements@cftc.gov](mailto:MPDFinancialRequirements@cftc.gov);

(7) The Japanese nonbank SD prepares and keeps current ledgers and other similar records in accordance with accounting principles required by the Financial Services Agency;

(8) The Japanese nonbank SD files with the Commission and with the National Futures Association ("NFA") a copy of its Monthly Monitoring Report that is required to be filed with the Financial Services Agency pursuant to Article 56-2(1) of the Financial Instruments and Exchange Act. The Monthly Monitoring Report must be translated into the English language and balances must be converted to U.S. dollars. The Monthly Monitoring Report must be filed with the Commission and NFA within 15 business days of the date the Monthly Monitoring Report is filed with the Financial Services Agency or 35 days after the month-end reporting date, whichever is earlier;

(9) The Japanese nonbank SD files with the Commission and with NFA a copy of its Annual Business Report that is required to be filed with the Financial Services Agency in accordance with Article 46-3(1) of the Financial Instruments and Exchange Act and Article 172 of the Cabinet Office Order on Financial Instruments Business. The Annual Business Report must be translated into the English language and balances must be converted to U.S. dollars. The Annual Business Report must be filed with the Commission and

NFA within 15 business days of the earlier of the date the Annual Business Report is filed with the Financial Services Agency or the date that the Annual Business Report is required to be filed with the Financial Services Agency.

(10) The Japanese nonbank SD files with the Commission and with NFA a copy of its Annual Audited Financial Report that is required to be prepared pursuant to Article 435(2) of the Japanese Companies Act (Act No. 86 of 2005). The Annual Audited Financial Report must be translated into the English language and balances may be reported in yen. The Annual Audited Financial Report must be filed with the Commission and NFA within 15 business days of approval of the report at the shareholders' meeting of the Japanese nonbank SD;

(11) The Japanese nonbank SD files Schedule 1 of Appendix B to Subpart E of Part 23 of the CFTC's regulations (17 CFR 23 Subpart E—Appendix B) with the Commission and NFA on a monthly basis. Schedule 1 must be prepared in the English language with balances reported in U.S. dollars and must be filed with the Commission and NFA with the Japanese nonbank SD's Monthly Monitoring Report;

(12) The Japanese nonbank SD submits with each Monthly Monitoring Report, Schedule 1, Margin Report, Annual Business Report, and Annual Audited Financial Report a statement by an authorized representative or representatives of the Japanese nonbank SD that to the best knowledge and belief of the representative or representatives the information contained in the report, including as applicable the translation of the report into the English language and conversion of balances in the report to U.S. dollars, is true and correct. The statement must be prepared in the English language;

(13) The Japanese nonbank SD files a margin report containing the information specified in CFTC Regulation 23.105(m) (17 CFR 23.105(m)) with the Commission and with NFA on a monthly basis. The margin report must be prepared in the English language with balances reported in U.S. dollars and must be filed with the Commission and NFA with the Japanese nonbank SD's Monthly Monitoring Report;

(14) The Japanese nonbank SD files a notice with the Commission and NFA within 24 hours of being informed by the Financial Services Agency that the firm is not in compliance with any component of the Japanese Capital Rules or Japanese Financial Reporting

Rules. The notice must be prepared in the English language;

(15) The Japanese nonbank SD files a notice within 24 hours with the Commission and NFA if it fails to maintain regulatory capital in the form of Basic Items, as defined in Article 176 of the Cabinet Office Order No. 52 of 2007, equal to or in excess of the U.S. dollar equivalent of \$20 million using a commercially reasonable and observed yen/U.S. dollar exchange rate. The notice must be prepared in the English language;

(16) The Japanese nonbank SD provides the Commission and NFA with notice within 24 hours of filing a notice with the Financial Services Agency pursuant to Article 179 of the Cabinet Office Order on Financial Instruments Business that the firm's capital adequacy ratio has fallen below the early warning level of 140 percent. The notice filed with the Commission and NFA must be prepared in the English language;

(17) The Japanese nonbank SD provides the Commission and NFA with notice within 24 hours of filing a notice with the Financial Services Agency pursuant to Article 179 of the Cabinet Office Order on Financial Instruments Business that the firm's capital adequacy ratio has fallen below 120 percent. The notice filed with the Commission and NFA must be prepared in the English language;

(18) The Japanese nonbank SD files a notice with the Commission and NFA within 24 hours if it fails to make or keep current the financial books and records required by the Financial Services Agency. The notice must be prepared in the English language;

(19) The Japanese nonbank SD files a notice with the Commission and NFA within 24 hours of the occurrence of any of the following: (i) a single counterparty, or group of counterparties under common ownership or control, fails to post required initial margin or pay required variation margin on uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceeds 25 percent of the Japanese nonbank SD's minimum capital requirement; (ii) counterparties fail to post required initial margin or pay required variation margin to the Japanese nonbank SD for uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceeds 50 percent of the Japanese nonbank SD's minimum capital requirement; (iii) the Japanese nonbank SD fails to post required initial margin or pay required variation margin for uncleared swap and non-cleared

security-based swap positions to a single counterparty or group of counterparties under common ownership and control that, in the aggregate, exceeds 25 percent of the Japanese nonbank SD's minimum capital requirement; or (iv) the Japanese nonbank SD fails to post required initial margin or pay required variation margin to counterparties for uncleared swap and non-cleared security-based swap positions that, in the aggregate, exceeds 50 percent of the Japanese nonbank SD's minimum capital requirement. The notice must be prepared in the English language;

(20) The Japanese nonbank SD files a notice with the Commission and NFA of a change in its fiscal year-end approved or permitted to go into effect by the Financial Services Agency. The notice required by this paragraph will satisfy the requirement for a nonbank SD to obtain the approval of NFA for a change in fiscal year-end under CFTC Regulation 23.105(g) (17 CFR 23.105(g)). The notice of change in fiscal year-end must be prepared in the English language and filed with the Commission and NFA at least 15 business days prior to the effective date of the Japanese nonbank SD's change in fiscal year-end;

(21) The Financial Services Agency notifies the Commission of any material changes to the information submitted in its application, including, but not limited to, material changes to the Japanese Capital Rules or Japanese Financial Reporting Rules imposed on Japanese nonbank SDs, the Financial Services Agency's supervisory authority or supervisory regime over Japanese nonbank SDs, and proposed or final material changes to the Japanese Capital Rules or Japanese Financial Reporting Rules as they apply to Japanese nonbank SDs; and

(22) Unless otherwise noted in the conditions above, the reports, notices, and other statements required to be filed by the Japanese nonbank SD with the Commission and NFA pursuant to the conditions of this Capital Comparability Determination Order must be submitted electronically to the Commission and NFA in accordance with instructions provided by the Commission or NFA.

Issued in Washington, DC, on July 29, 2022, by the Commission.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

**Note:** The following appendices will not appear in the Code of Federal Regulations.

## Appendices to Notice of Proposed Order and Request for Comment on an Application for a Capital Comparability Determination From the Financial Services Agency of Japan—Commission Voting Summary, Chairman’s Statement, and Commissioners’ Statements

### Appendix 1—Commission Voting Summary

On this matter, Chairman Behnam and Commissioners Johnson, Goldsmith Romero, and Mersinger voted in the affirmative. Commissioner Pham voted to concur. No Commissioner voted in the negative.

### Appendix 2—Statement of Support of Chairman Rostin Behnam

As CFTC provisionally-registered swap dealers (SDs) operate and manage risk globally, the Commission’s supervisory framework must acknowledge the realities of multi-jurisdictional operations. I support the Commission’s proposed order and request for comment on its preliminary determination that nonbank<sup>1</sup> swap dealers (SDs) organized and domiciled in Japan are subject to, and comply with, capital and financial reporting requirements in Japan that are comparable to certain capital and financial reporting requirements under the Commodity Exchange Act and the Commission’s regulations (Capital Comparability Determination), subject to certain conditions.

Today’s preliminary Capital Comparability Determination is the first such order proposed by the Commission since adopting its regulatory substituted compliance framework for non-U.S. domiciled nonbank SDs in July 2020.<sup>2</sup> The Commission is proposing this order in response to an application submitted by the Financial Services Agency of Japan (FSA), which has direct supervisory authority over the three Japanese nonbank SDs that are provisionally-registered with the Commission.

The Commission’s principles-based approach to the proposed determination focuses on whether the FSA’s capital and financial reporting requirements achieve comparable outcomes to the corresponding CFTC requirements.<sup>3</sup> Specifically, the Commission has also considered the scope and objectives of FSA’s capital adequacy and financial reporting requirements; the ability of FSA to supervise and enforce compliance with its capital and financial reporting requirements; and other facts or circumstances the Commission has deemed relevant for this application.

Throughout its analysis, the Commission recognized that jurisdictions may adopt unique approaches to achieving comparable

<sup>1</sup> The Commission has capital jurisdiction over registered SDs that are not subject to the regulation of a U.S. banking regulator (*i.e.*, nonbank SDs). 7 U.S.C. 6s(e)(1).

<sup>2</sup> See 85 FR 57462, 57520 (Sept. 15, 2020). Regulation 23.106 also sets forth the Commission’s substituted compliance requirements for major swap participants; however, there are not any registered with the Commission.

<sup>3</sup> 17 CFR 23.106(a)(3)(ii). See also 85 FR 57462 at 57521.

outcomes, and the Commission has focused on how the FSA’s capital and financial reporting requirements are comparable to its own in purpose and effect, rather than whether each are comparable in every particular aspect or contain identical elements. In this regard, the approach was not a line-by-line assessment or comparison of FSA’s regulatory requirements with the Commission’s requirements.<sup>4</sup>

Consistent with the Commission’s authority to issue a Capital Comparability Determination with terms and conditions it deems appropriate, today’s proposed order contains 22 conditions. These conditions aim to ensure that the proposed order, if finalized, would only apply to Japanese nonbank SDs that are eligible for substituted compliance and that these Japanese nonbank SDs comply with FSA’s capital and financial reporting requirements as well as certain additional capital, margin, position, financial reporting, required recordkeeping, and regulatory notice requirements.

If the Commission, upon consideration of the comments received, determines to issue a favorable comparability determination, an eligible Japanese nonbank SD would be required to file a notice of its intent to comply with FSA’s capital adequacy and financial reporting rules in lieu of the Commission’s requirements.<sup>5</sup> The Commission (or the Market Participants Division through delegated authority) would then be obligated to confirm to the Japanese nonbank SD that it may comply with the foreign jurisdiction’s rules as well as any conditions that would be adopted as part of the final determination, and that, by doing so, it would be deemed to be in compliance with the Commission’s corresponding capital adequacy and financial reporting requirements.

I believe it is important to note that today’s proposed Capital Comparability Determination, if finalized, would not compromise the Commission’s capital and financial reporting requirements. Instead, it recognizes the global nature of the swap markets with dually-registered SDs that operate in multiple jurisdictions that mandate prudent capital and financial reporting requirements. A capital and financial reporting comparability determination order of this kind is not a compromise or deference to a foreign regulatory authority. The Commission would retain its enforcement authority and examinations authority as well as obtain all financial and event specific reporting to maintain direct oversight of nonbank SDs located in Japan.

While the CFTC and the FSA have a pre-existing memorandum of understanding (MOU) in place, it is important to note that an MOU or a similar agreement is not necessary for the Commission and the National Futures Association to monitor these firms’ compliance with the conditions of a capital comparability determination.

I look forward to the public’s submission of comments and feedback on this proposed determination and order.

<sup>4</sup> See 85 FR 57462, 57521.

<sup>5</sup> See 17 CFR 23.106(a)(4).

I wish to again thank the hardworking staff in the Market Participants Division for all of their efforts towards bringing us here today.

### Appendix 3—Statement of Support of Commissioner Kristin N. Johnson

I support the Commission’s issuance of the proposed capital comparability order for comment (Proposed Order). I commend staff’s hard work on this matter and their meticulous review of the capital and financial reporting requirements in Japan, as well as their outstanding cooperation with the Financial Services Agency of Japan (JFSA). I also appreciate the JFSA’s sustained and meaningful engagement of Commission staff during the entirety of the review process.

The Commission’s capital and financial reporting requirements are critical to ensuring the safety and soundness of our regulated swap dealers.<sup>1</sup> Ensuring necessary levels of capital, as well as accurate and timely reporting about financial conditions, helps to protect swap dealers and the broader financial markets ecosystem from shocks, thereby ensuring resiliency.

Prior to the adoption of the CFTC’s final rules regarding swap dealer capital which published in the **Federal Register** on September 15, 2020,<sup>2</sup> with a compliance date of October 6, 2021,<sup>3</sup> the Commission had issued interpretive guidance allowing for substituted compliance determinations to be made with respect to other components of the Commission’s swap dealer requirements. Under that guidance, the Commission has issued comparability determinations relating to market participants operating in several jurisdictions including the EU, Australia, Canada, Hong Kong, Switzerland, and, notably, Japan.<sup>4</sup> The Proposed Order before the Commission is, however, the first capital comparability determination.

When the Commission initially issued interpretive guidance, many jurisdictions had not yet implemented swaps reforms addressing risk management failures that precipitated the 2008 financial crisis. Today, many jurisdictions have made great strides to adopt effective regulatory regimes, mitigating the systemic risks that previously pervaded global markets. The current procedure for regulatory capital and financial reporting requirements set forth in regulation 23.106 permits foreign nonbank swap dealers, a trade association on behalf of one or more foreign nonbank swap dealers, or a foreign regulatory authority with jurisdiction over a foreign nonbank swap dealer (as the JFSA has done) to file an application for substituted compliance. The Proposed Order, if

<sup>1</sup> See 7 U.S.C. 6s(e); 17 CFR subpart E.

<sup>2</sup> See Capital Requirements of Swap Dealers and Major Swap Participants, 85 FR 57462 (Sept. 15, 2020) (CFTC Capital Rules).

<sup>3</sup> *Id.* at 57462.

<sup>4</sup> The Commission has issued comparability determinations for certain entity-level requirements (Australia, Canada, EU, Hong Kong, Japan, Switzerland), certain transaction-level requirements (EU, Japan), and margin requirements for uncleared swaps (EU, Japan). See CFTC, Comparability Determinations for Substituted Compliance Purposes, <https://www.cftc.gov/LawRegulation/DoddFrankAct/CDSCL/index.htm>.

approved, will allow registered nonbank swap dealers organized and domiciled in Japan to satisfy certain capital and financial reporting requirements under the Commodity Exchange Act<sup>5</sup> by being subject to and complying with comparable capital and financial reporting requirements under Japanese laws and regulations.

I support acknowledging market participants' compliance with the regulations of foreign jurisdictions when the requirements lead to an outcome that is comparable to the outcome of complying with the CFTC's corresponding requirements. Substituted compliance must not, however, be confused with deference. To the contrary, the swap dealers that qualify for substituted compliance under regulation 23.106 must be Commission registrants. The Proposed Order, if approved, would continue to ensure that relevant Japan-based swap dealers are subject to the Commission's examination and enforcement authority over the firms.

Capital requirements play a critical role in fostering the safety and soundness of financial markets. As indicated in the Commodity Exchange Act, capital requirements protect market participants against risks such as counterparty default.<sup>6</sup> Robust capital requirements enable individual market participants to absorb losses, meet their obligations, and successfully navigate challenges that may threaten their integrity or trigger systemic risk concerns. As a result, the Commission must be measured in applying its framework for capital comparability determinations. I look forward to reviewing the public comments on this proposed determination.

#### Appendix 4—Statement of Support of Commissioner Christy Goldsmith Romero

I support the Commission's efforts for strong capital requirements and financial reporting to help ensure the safety and soundness of swap dealers whose activities could affect U.S. markets, including through this proposed Capital Comparability Determination for Japan. The proposal promotes financial stability, and the benefits of global harmonization with a like-minded regulator for the global swaps markets. Thank you to the staff for their hard work, and for their thoughtful engagement with me and my office on changes to improve the proposal.

#### *The 2008 Financial Crisis and TARP Capital Injections*

A key cause of the financial crisis was the failure of bank regulators to require financial institutions to have high quality capital in a sufficient amount to serve as a buffer against risk. This included the lack of capital requirements that would ensure that financial institutions that were swap dealers, and other major participants in swaps markets, had adequate capital to absorb losses. The devastating result of this undercapitalization swept rapidly through the highly interconnected financial system. The default or margin failure of one counterparty triggered another, and then

another—which led to a short-term liquidity crisis. Risk and losses also cascaded from subsidiaries and affiliates to bank parent companies and/or bank holding companies, including across borders.

The financial contagion was not limited to major players in the markets. The entire economy suffered, with Main Street bearing the consequences of Wall Street. The federal government made unprecedented capital injections of hundreds of billions of taxpayer dollars into more than 700 financial institutions through the Troubled Asset Relief Program (“TARP”). For the last decade, I served as the Special Inspector General for TARP (“SIGTARP”), providing oversight over TARP programs. I have testified before Congress and reported publicly on lessons learned from inadequate capital requirements pre-crisis, and the need for strong levels of high-quality capital to lower systemic risk in the financial system.

#### *The Dodd Frank Act's Capital Requirements for Swap Dealers*

Swap dealer capital requirements are one of the most critical reforms in the Dodd-Frank Act for derivatives markets. These reforms led the CFTC to allow nonbank swap dealers to use a capital framework similar to what prudential banking regulators apply to banks.<sup>1</sup>

Capital protects the solvency of the swap dealer from unexpected losses such as counterparty defaults and margin collateral failures. Capital requirements are aimed at ensuring a swap dealer has the ability to absorb losses and they prevent market disruption by helping to ensure that swap dealers continue to perform their critical function to provide liquidity and market making. Capital along with margin requirements for uncleared swaps reduces the potential for contagion, thereby lowering systemic risk in the financial system, and promoting financial stability.

#### *The CFTC's First Substituted Compliance Determination for Capital Requirements*

The global nature of the financial crisis also highlighted the need for the CFTC to coordinate with foreign regulators as swap activities in a foreign jurisdiction may have an impact here in the United States. For example, risk of a foreign subsidiary can flow to their U.S. parent company.

The CFTC's “substituted compliance” framework leverages a second regulator, a like-minded foreign regulator that has rules, supervision and enforcement that are comparable in purpose and effect to the CFTC's. Under this global harmonization, the CFTC would allow a non-U.S. entity to be deemed in compliance with CFTC requirements if the non-U.S. entity complied with the foreign regulator's comparable rules.

I am mindful that this proposal is the first of its kind—the first substituted compliance determination for the CFTC's capital rules. Therefore, we should proceed carefully, as we are establishing precedent.

<sup>1</sup> This bank-based approach is consistent with the Basel Committee on Banking Supervision's international framework for bank capital requirements.

The proposal today is for nonbank swap dealers that are domiciled in Japan, where we have a Memorandum of Cooperation and a long history of cooperation with the Japanese Financial Services Agency.<sup>2</sup> Currently, this proposal would apply to Japanese affiliates of Bank of America, Morgan Stanley and Goldman Sachs—three systemically important institutions and three of the largest TARP recipients having collectively received \$60 billion in TARP capital injections. Therefore, it is vital that the CFTC ensures that these swap dealers have adequate amounts of high-quality capital. Public comment will be helpful on whether the CFTC is correct in its preliminary determinations of comparability.

I highlight, and express my appreciation for, the involvement of the Japanese Financial Services Agency in this process. CFTC staff's engagement with our regulatory counterparts in Japan has helped to ensure the accuracy of the staff's assessment of Japanese capital and financial reporting requirements, along with supervisory and enforcement programs.<sup>3</sup>

Substituted compliance does not require an all or nothing determination. The CFTC may continue to require compliance with certain of its rules, and impose any terms or conditions that it deems appropriate.<sup>4</sup>

The CFTC proposes to continue to require that Japanese nonbank swap dealers comply with the CFTC's \$20 million capital requirement, as Japan has no minimum requirement.<sup>5</sup> I strongly support retaining the \$20 million capital requirement. However, the CFTC is not requiring compliance with our requirement that the \$20 million be in the form of common equity tier 1 capital—one of the strongest forms of capital. Instead, the proposal would allow the \$20 million requirement to be satisfied with types of capital defined in a category called “Basic Items” under Japanese regulation. I look forward to commenters' response on whether allowing the \$20 million capital requirement to be satisfied with this category of “Basic Items” is comparable in purpose and effect to the CFTC's requirement that only common equity tier 1 capital be included in the \$20 million.

Japan also does not have a minimum requirement for capital that is tied to the

<sup>2</sup> As noted in the proposal, in making a Capital Comparability Determination the Commission may consider any facts or circumstances it deems relevant, including whether the relevant foreign regulatory authority has a memorandum of understanding or similar arrangement with the Commission that would facilitate supervisory cooperation. See 17 CFR 23.106(a)(3)(iv).

<sup>3</sup> The Commission may consider all relevant factors in making a Capital Comparability Determination, including the ability of the relevant foreign regulatory authority to supervise and enforce compliance with the foreign jurisdiction's capital adequacy and financial reporting requirements. See 17 CFR 23.106(a)(3)(iii). The proposal also makes a preliminary determination that the Japanese financial reporting rules are conditionally comparable in purpose and effect with the CFTC's financial reporting rules.

<sup>4</sup> See 17 CFR 23.106(a)(5).

<sup>5</sup> Japanese capital requirements are consistent with Basel bank capital standards, similar to the CFTC.

<sup>5</sup> 7 U.S.C. 1 *et seq.*

<sup>6</sup> 7 U.S.C. 6s(e).



margin for uncleared swaps entered into by the nonbank swap dealer. The CFTC requires an aggregate of common equity tier 1 capital, additional tier 1 capital and tier 2 capital equal to or greater than 8 percent of the nonbank swap dealer's uncleared swap margin amount. I look forward to commenters' response on the question as to whether Japan's capital requirement in an amount equal to 25% of operating expenses is comparable in purpose and effect to the CFTC's capital requirement equal to 8% of the uncleared swap margin amount.

It is a priority for me to ensure that the CFTC guards against complacency with post-crisis reforms, particularly after market stresses from the pandemic and geopolitical events. We should remember that our capital rules serve as critical pillars of Dodd-Frank reforms to help ensure the safety and soundness of financial institutions, and to protect the market from serious risks and contagion. The CFTC has a duty to ensure that our comparability assessment is sound, and that the foreign regulator is like-minded in not only rules but in their approach, supervision and enforcement. Substituted compliance must leave U.S. markets and our economy at no greater risk than full compliance with our rules.

#### Appendix 5—Concurring Statement of Commissioner Caroline D. Pham

I respectfully concur with the notice of proposed order and request for comment on an application for a capital comparability determination submitted by the Financial Services Agency (FSA) of Japan.

First, I want to recognize the staff's work as each of my fellow Commissioners has done because this is not easy—not only for this rulemaking, but also, generally speaking, swap dealer oversight is an incredibly complex regulatory regime. I also appreciate your commitment to providing substituted compliance.

In addition, in my past work in Japan and with their financial sector, I have enjoyed working with the FSA for many years, and I appreciate their thoughtful and robust oversight of their regulated firms. I also want to say that my thoughts and heart are with the people of Japan regarding the tragic loss of Prime Minister Shinzo Abe.

As I mentioned in my opening statement, the CFTC should take an outcomes-based approach to substituted compliance that appropriately balances and recognizes the nature of cross-border regulation of global markets and firms, and that preserves access for U.S. persons to other markets.<sup>1</sup> I appreciate the Chairman's remarks and I welcome comments, particularly on operational issues with additional reporting requirements given the time difference, language translation, conversion to USD, local governance and regulatory requirements, and differences in financial reporting.

I urge a pragmatic approach with sufficient time to implement conditions before any

<sup>1</sup> See Statement of Dissent by Commissioner Scott D. O'Malia on Comparability Determinations for Australia, Canada, the European Union, Hong Kong, Japan, and Switzerland: Certain Entity and Transaction-Level Requirements (Dec. 20, 2013).

compliance date, and I appreciate the thought that the staff have been putting into that. I speak from my past experience as a global head of swap dealer compliance who had to implement global regulatory reforms. I'll also note that in a crisis, such as during the early days of the COVID-19 pandemic, there was timely and effective engagement between and amongst CFTC registrants and U.S. regulators. I have been on many calls and spoken to many regulators all over the world, not only during COVID-19, but also during times of market disruption or potentially material events.

There is a difference between a phone call and a formal written notice, and that's just one example of the conditions in this proposal. So, I appreciate receiving comments on this and any other operational issues and the careful consideration by the staff and the Commission of how to take a practical approach to achieving appropriate oversight and mitigation of risk to the United States and to our markets.

[FR Doc. 2022-16684 Filed 8-5-22; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

[Docket No. RM22-13-000]

#### Credit-Related Information Sharing in Organized Wholesale Electric Markets

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is proposing, pursuant to section 206 of the Federal Power Act, to amend its regulations to permit credit-related information sharing in organized wholesale electric markets to ensure that credit practices in those markets result in jurisdictional rates that are just and reasonable. The Commission seeks public comment on the proposed regulations.

**DATES:** Comments are due October 7, 2022. Reply comments are due November 7, 2022.

**ADDRESSES:** Comments, identified by docket number, may be filed in the following ways. Electronic filing through <http://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- **Mail via U.S. Postal Service Only:** Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **Hand (including courier) Delivery:** Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Comment Procedures Section of this document contains more detailed filing procedures.

**FOR FURTHER INFORMATION CONTACT:**

David Bowers (Technical Information), Office of Energy Policy and Innovation, 888 First Street NE, Washington, DC 20426, 202-502-8594, [David.Bowers@ferc.gov](mailto:David.Bowers@ferc.gov)  
Patrick Metz (Legal Information), Office of the General Counsel, 888 First Street NE, Washington, DC 20426, 202-502-8197, [Patrick.Metz@ferc.gov](mailto:Patrick.Metz@ferc.gov)

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

1. Pursuant to section 206 of the Federal Power Act (FPA),<sup>1</sup> the Commission is proposing to revise § 35.47 of title 18 of the Code of Federal Regulations to permit regional transmission organizations (RTO) and independent system operators (ISOs) to share among themselves credit-related information regarding market participants in organized wholesale electric markets.<sup>2</sup> The ability of RTOs/ISOs to share credit-related information among themselves could improve their ability to accurately assess market participants' credit exposure and risks related to their activities across organized wholesale electric markets. The ability to share such information could also enable RTOs/ISOs to respond to credit events more quickly and effectively, minimizing the overall credit-related risks of unexpected defaults by market participants in organized wholesale electric markets.

2. To ensure that RTOs'/ISOs' credit policies remain just and reasonable, the Commission proposes to revise its regulations to require each RTO/ISO to adopt tariff provisions that permit the sharing of its market participants' credit-related information with other RTOs/ISOs to enhance credit risk

<sup>1</sup> 16 U.S.C. 824e.

<sup>2</sup> See *Credit Reforms in Organized Wholesale Elec. Mkts.*, Order No. 741, 75 FR 65942 (Oct. 21, 2010), 133 FERC ¶ 61,060, at P 1 n.1 (2010) (“[O]rganized wholesale electric markets include energy, transmission and ancillary service markets operated by independent system operators . . . and regional transmission organizations” which are “responsible for administering electric energy and financial transmission rights markets.”), *order on reh'g*, Order No. 741-A, 134 FERC ¶ 61,126, *reh'g denied*, Order No. 741-B, 135 FERC ¶ 61,242 (2011).



assessment efforts. The Commission seeks public comment on this proposed reform.

## II. Background

### A. Previous Commission Action

3. Credit policies of regulated utilities have long been a component of the Commission's regulatory agenda. For example, when the Commission issued its pro forma Open Access Transmission Tariff (OATT) in Order No. 888, the Commission required each transmission provider's tariff to include reasonable creditworthiness standards.<sup>3</sup> The Commission did not prescribe specific credit standards and processes, however, and thus left substantial discretion to transmission providers in assessing and managing credit risks.

4. In light of major distress in financial markets during the 2008 financial crisis, the Commission explored the role of credit in the organized wholesale electric markets and the potential for policy reforms to strengthen credit practices and mitigate credit-related risks.<sup>4</sup> Subsequently, the Commission issued Order No. 741, which promulgated regulations establishing minimum standards for several aspects of credit policy in organized wholesale electric markets, collectively aimed at reducing mutualized default risk, *i.e.*, the risk that a default by one market participant is unsupported by collateral and therefore must be socialized among all market participants.<sup>5</sup> As the Commission explained, risk management and creditworthiness practices are important to the organized wholesale electric markets because of this mutualized default risk.<sup>6</sup>

<sup>3</sup> *Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036, at 31,937 (1996) (cross-referenced at 75 FERC ¶ 61,080) (setting forth section 11 (Creditworthiness) of the pro forma OATT), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. N. Y. v. FERC*, 535 U.S. 1 (2002).

<sup>4</sup> *Credit Reforms in Organized Wholesale Electric Mkts.*, Notice of Proposed Rulemaking, 75 FR 4310 (Jan. 27, 2010), FERC Stats. & Regs. ¶ 32,651 (2010).

<sup>5</sup> Order No. 741, 133 FERC ¶ 61,060 at PP 4, 12; *see also* 18 CFR 35.47 (setting forth tariff provisions related to credit practices in organized wholesale electric markets).

<sup>6</sup> Order No. 741, 133 FERC ¶ 61,060 at P 7.

### B. Current Practices

5. RTOs/ISOs assess a market participant's financial condition using credit-related information provided by market participants and prospective market participants. RTOs/ISOs generally receive this credit-related information at specified intervals or upon specific milestone events, including from: (1) interconnection customers during the generator interconnection process;<sup>7</sup> (2) prospective market participants during the assessment of applications for market participant status;<sup>8</sup> (3) market participants during annual or periodic credit reviews;<sup>9</sup> and (4) market participants in response to periodic requests by RTO/ISO credit departments.<sup>10</sup>

6. Market participants and prospective market participants generally do not make the credit-related information they provide to RTOs/ISOs publicly available, and RTOs/ISOs treat market participants' credit-related information as confidential information subject to tariff provisions that limit the use of this information to specific purposes and limit the ability of RTOs/ISOs to share this information with other parties.<sup>11</sup>

7. Generally, in each Commission-jurisdictional organized wholesale electric market, if a market participant defaults and its collateral is insufficient to cover the amount of its outstanding obligations, the remaining cost of those obligations is spread across the organized wholesale electric market's market participants (*i.e.*, the default is "mutualized").<sup>12</sup> An RTO's/ISO's ability to reduce mutualized default risk can

<sup>7</sup> *See, e.g.*, PJM, Intra-PJM Tariffs, OATT, section 222 (0.0.0) (requiring PJM to keep confidential any information provided by interconnection customers).

<sup>8</sup> *See, e.g.*, SPP Open Access Transmission Tariff, Sixth Revised Volume No. 1, attach. AE, section 3.7 (0.0.0) (requiring SPP to validate that prospective market participants meet SPP's credit requirements).

<sup>9</sup> *See, e.g.*, NYISO MST, 26.1 MST attach. K (Minimum Participation Criteria) (4.0.0), section 26.1.2 (requiring customers to demonstrate ongoing compliance with the minimum participation requirements in section 26.1.1).

<sup>10</sup> PJM, Intra-PJM Tariffs, OATT, attach. Q (45.0.0), section I.IE (requiring market participants to provide information on an ongoing basis).

<sup>11</sup> *See, e.g.*, ISO-NE, Transmission, Markets, and Services Tariff, attach. D (ISO-NE Information Policy) (22.0.0), section 2.0 (requiring ISO-NE entities to use Confidential Information "solely to perform their obligations under the NEPOOL Agreement and the Participants Agreement").

<sup>12</sup> *See, e.g.*, PJM, Intra-PJM Tariffs, OA, section 15.2.2 (7.0.0); SPP, Open Access Transmission Tariff, Sixth Revised Volume No. 1, attach. L, section V (1.0.0).

help to prevent defaults and minimize the costs resulting from such defaults.

### C. Technical Conference

8. In 2019, Energy Trading Institute (ETI) submitted a petition requesting that the Commission convene a technical conference and consider a potential rulemaking to improve RTO/ISO credit practices.<sup>13</sup> In response to ETI's petition, the Commission received comments suggesting that the industry would benefit from a discussion about best practices and the differences among RTO/ISO credit policies.<sup>14</sup>

9. On February 25 and 26, 2021, Commission staff convened a technical conference to discuss principles and best practices for credit risk management in organized wholesale electric markets. Panelists at the technical conference included credit risk experts, market participants with experience in RTO/ISO credit policy compliance, and RTO/ISO risk officers. Among other topics, the technical conference addressed whether RTOs/ISOs could share market participants' credit-related information with one another, whether market participants had expressed concern about RTOs/ISOs sharing such information, whether there were rules or other barriers that prevented RTOs/ISOs from sharing such information, and how the Commission could address concerns regarding the confidential treatment of such information.<sup>15</sup>

10. Panelists at the technical conference stated that there could be risk management benefits from sharing market participants' credit-related information among RTO/ISO credit departments.<sup>16</sup> For example, one panelist explained that it would be helpful for an RTO/ISO credit

<sup>13</sup> Energy Trading Institute Request for Technical Conference and Petition for Rulemaking to Update Credit and Risk Management Rules and Procedures in the Organized Markets, *Credit Reforms in Organized Wholesale Electric Markets*, Docket No. AD20-6-000 (Dec. 16, 2019).

<sup>14</sup> Comments of the Indicated PJM Transmission Owners at 1-2, 4; Comments of Edison Electric Institute at 3-4; Comments of International Energy Credit Association at 9-10; Notice of Request for Technical Conference and Petition for Rulemaking, Docket No. AD20-6-000 (Feb. 11, 2020).

<sup>15</sup> *See* Supplemental Notice of Technical Conference, *RTO/ISO Credit Principles and Practices*, Docket No. AD21-6-000, et al. (Feb. 10, 2021).

<sup>16</sup> *See RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21-6-000, et al., Tr. 100:24-102:20, 106:1-24 (Błoczynski) (Feb. 25, 2021); *id.* at Tr. 102:25-104:5 (Brown); *id.* at Tr. 104:7-105:9 (Prevratil); *id.* at Tr. 105:12-24 (Seghesio). Further, one panelist stated that credit-related information sharing would bring additional transparency to organized wholesale electric markets, which would build confidence in those markets to the benefit of market participants and consumers. *See id.* at Tr. 30:15-23, 58:1-9 (Heinle).

department to know that a market participant is experiencing financial distress in another organized wholesale electric market in which it transacts because the RTO/ISO credit department could then focus its attention on whether the market participant's financial distress in another market could impact its own markets.<sup>17</sup>

11. In its post-technical conference comments, the ISO/RTO Council (IRC)<sup>18</sup> stated that credit-related information sharing among RTOs/ISOs would improve the RTOs'/ISOs' ability to anticipate and respond to credit risks or prevent the occurrence of negative credit events.<sup>19</sup> The IRC explained that the primary obstacles to RTOs/ISOs sharing credit-related information are: (1) the confidentiality provisions included in RTO/ISO OATTs; and (2) the lack of specific Commission authorization or policy favoring credit-related information sharing among RTOs/ISOs.<sup>20</sup>

12. The IRC therefore recommended that the Commission require RTOs/ISOs to adopt tariff revisions permitting RTOs/ISOs to share credit-related information with other RTOs/ISOs. The IRC recommended that the Commission afford RTOs/ISOs the flexibility to manage and mitigate credit risks, and to allow each RTO/ISO to take any action permitted under its OATT that the RTO/ISO deems necessary in response to the receipt of credit-related information.<sup>21</sup> The IRC further explained that each RTO/ISO that receives credit-related information from another RTO/ISO should be required to protect that information in accordance with the receiving RTO's/ISO's existing confidentiality provisions.<sup>22</sup> The IRC also recommended that the Commission state explicitly that RTOs/ISOs need not obtain consent of market participants before sharing credit-related information, and argued that market participants would be on notice that

RTOs/ISOs may share their credit-related information by virtue of language included in the RTOs'/ISOs' OATTs.<sup>23</sup>

13. The IRC argued that sharing market participants' credit-related information would be most effective with uniform rules across all of the RTOs/ISOs.<sup>24</sup> The IRC provided the following tariff language that each RTO/ISO could include in its OATT in order to implement IRC's credit-related information sharing approach:

[Transmission Provider] is permitted to share [Market Participant and Applicant] credit information with and receive [Market Participant and Applicant] credit information from other Commission-authorized Regional Transmission Organizations and Independent System Operators, for the purpose of credit risk management and mitigation, provided those entities agree to treat [Market Participant and Applicant] information as confidential under the terms for confidential treatment of [Market Participant and Applicant] information under their own tariffs or other governing documents. [Transmission Provider] is permitted to use [Market Participant and Applicant] information received from the entities listed above to the same extent it may use similar information from other [Market Participants and Applicants] under the terms of this Tariff.<sup>25</sup>

### III. Need for Reform

14. We preliminarily find that it is unjust and unreasonable for RTOs/ISOs to be unable to share with each other credit-related information about their market participants. Further, we preliminarily find that tariff provisions that prohibit or otherwise limit an RTO/ISO from sharing credit-related information are unjust and unreasonable. Tariff provisions that prohibit or limit sharing of credit-related information can hinder an RTO's/ISO's ability to evaluate a market participant's creditworthiness and respond to credit events, and, thus, in turn, can hinder its ability to prevent or mitigate default by market participants. Because the costs of such defaults are typically borne by non-defaulting market participants, an RTO's/ISO's lack of access to credit-related information may lead to unjust and unreasonable rates for its market participants.

15. As the entities responsible for administering the organized wholesale electric markets, RTOs/ISOs are responsible for credit risk management.

RTOs/ISOs perform this responsibility in the organized wholesale electric markets by instituting, maintaining, and enforcing policies that balance the need for robust market participation and liquidity while seeking to minimize mutualized default risk.

16. We believe that, in order to manage credit risk in the organized wholesale electric markets, RTOs/ISOs must have adequate information on their market participants' financial standing and on their business and operational activities, including credit-related information on their activities in other organized wholesale electric markets. This information allows for a more effective assessment of those market participants' default risk. Currently, however, each RTO/ISO only has access to publicly available information and to the credit-related information provided by its own market participants. Each RTO/ISO thus may have limited visibility, if any, into their market participants' activities in other organized wholesale electric markets.

17. Market participants increasingly operate in multiple organized wholesale electric markets, whether directly or through affiliated entities, and their trading activities have become more complex and sophisticated.<sup>26</sup> These developments have complicated the ability of an individual RTO/ISO credit department to develop a complete, accurate, and up-to-date picture of a market participant's current financial condition due to real or perceived barriers to information sharing among RTOs/ISOs.<sup>27</sup>

18. Negative credit events affecting a market participant's credit standing in one market may impact its credit standing in other markets.<sup>28</sup> An RTO/ISO that cannot obtain market participants' credit-related information arising from their activities in other organized wholesale electric markets may not be able to fully protect its organized wholesale electric market from mutualized default risk. Therefore, in order to ensure just and reasonable rates in the organized wholesale electric markets by minimizing mutualized default risk, we propose to permit each RTO/ISO to share with other RTOs/ISOs market participants' credit-related information.

<sup>26</sup> See *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21-6-000, et al., Tr. 30:12-14 (Heinle) (Feb. 25, 2021).

<sup>27</sup> IRC Comments at 2.

<sup>28</sup> Order No. 741, 133 FERC ¶ 61,060 at P 3; see also *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21-6-000, et al., Tr. 44:15-23 (Wasserman) (Feb. 25, 2021); *id.* at Tr. 105:1-6 (Prevratil).

<sup>17</sup> *Id.* at Tr. 104:21-105:6 (Prevratil).

<sup>18</sup> The IRC is composed of Commission-jurisdictional RTOs/ISOs, including PJM Interconnection, L.L.C. (PJM), ISO New England Inc. (ISO-NE), California Independent System Operator Corporation (CAISO), New York Independent System Operator, Inc. (NYISO), Midcontinent Independent System Operator, Inc. (MISO), and Southwest Power Pool, Inc. (SPP), as well as three transmission system operators that are not Commission-jurisdictional, including Electric Reliability Council of Texas, Inc. (ERCOT), the Alberta Electric System Operator (AESO), and the Independent Electricity System Operator (IESO).

<sup>19</sup> Comments of the ISO/RTO Council, *RTO/ISO Credit Principles and Practices*, Docket No. AD21-6-000, et al., at 2, 5-6 (filed June 7, 2021) (IRC Comments).

<sup>20</sup> *Id.* at 5.

<sup>21</sup> *Id.* at 7-8.

<sup>22</sup> *Id.* at 3.

<sup>23</sup> *Id.* at 7.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 6. IRC also proposed language related to sharing market participants' credit-related information with ERCOT, AESO, and IESO that is omitted here.

19. Currently, RTO/ISO OATTs generally contain provisions that treat a market participant's credit-related information as confidential information and, in most instances, prohibit an RTO/ISO from sharing that credit-related information with other RTOs/ISOs without the consent of the market participant.<sup>29</sup> Effectively, such tariff provisions allow a market participant to limit the amount and quality of information that an RTO/ISO may access and use to assess that market participant's financial standing, and these provisions therefore may pose an unreasonable barrier to credit risk management and mitigation by the RTOs/ISOs.<sup>30</sup>

20. To minimize the costs of mutualized defaults and ensure just and reasonable rates, we preliminarily find that tariff provisions that limit sharing credit-related information among other RTOs/ISOs limits the ability of an RTO/ISO to perform accurate credit assessments to limit the likelihood of defaults in its marketplace and to mitigate such defaults. Limits on sharing this information may cause unnecessary costs to be incurred by non-defaulting market participants resulting in rates that are unjust and unreasonable. Given the role RTOs/ISOs play in protecting organized wholesale electric markets from the risks of mutualized default, we preliminarily find that these tariff provisions are unjust or unreasonable.

#### IV. Proposal

21. To address RTOs'/ISOs' access to credit-related information, we propose to amend the Commission's regulations to require RTOs/ISOs to include in their OATTs provisions that permit them to share market participants' credit-related information with other RTOs/ISOs for the purpose of credit risk management and mitigation. We also propose to permit the receiving RTO/ISO to use market participant credit-related information received from another RTO/ISO to the same extent and for the same purposes that the receiving RTO/ISO may use credit-related information

collected from its own market participants.

22. These tariff provisions would allow RTOs/ISOs to share a range of credit-related information, such as the following: (1) lists of market participants with positions in that market; (2) reports and metrics around risk and credit exposures; (3) disclosure that a market participant or affiliate has defaulted on any of its financial or contractual obligations, failed to pay invoices on a timely basis, or failed to meet a collateral call; (4) information regarding a market participant's or its affiliate's unresolved credit/collateral issues; (5) information indicating that a market participant or its affiliate has an increased risk of default, such as instances where a market participant or its affiliate has experienced a material adverse condition or material adverse change under an RTO/ISO OATT or related agreement; and (6) any other information on a market participant or its affiliate that indicates a possible material adverse change in creditworthiness or financial status or an unreasonable credit risk. We seek comment on what restrictions, if any, there should be on the types of credit-related information that may be shared between RTOs/ISOs.

23. We also preliminarily find that an RTO's/ISO's sharing of a market participant's credit-related information with another RTO/ISO must not be conditioned on the consent of the market participant. As discussed above, current tariff provisions implicitly impose this barrier to credit-related information sharing, and we believe that this barrier is unjust and unreasonable. As IRC argues, a market participant facing financial difficulty would have little incentive to consent to credit-related information sharing.<sup>31</sup> Under our proposal, RTOs/ISOs would not be required to notify market participants before sharing credit-related information with another RTO/ISO. Instead, under our proposal, the RTOs'/ISOs' OATTs as revised would provide notice that credit-related information could be shared on a confidential basis with other RTOs/ISOs for the purpose of credit risk management and mitigation. We agree with IRC that permitting RTOs/ISOs to share credit-related information without their having to obtain a market participant's consent or to provide notice would facilitate expeditious information sharing and would thus allow for improved risk mitigation.<sup>32</sup>

24. To properly manage credit risk, reduce the likelihood of credit defaults, protect non-defaulting market participants, and minimize mutualized default risk, RTOs/ISOs currently (1) monitor and analyze credit-related information on an ongoing basis, and (2) use available credit-related information to respond effectively to negative credit events. We believe that the reform proposed herein would allow RTOs/ISOs to gain additional visibility into their market participants' financial condition and to administer organized wholesale electric markets more effectively both as part of ongoing "business-as-usual" credit risk management practices and during market or credit events.

25. The RTO/ISO credit departments regularly meet with each other to discuss policies that could reduce credit risks, but they currently do not disclose or discuss issues related to the activities of specific market participants that operate in multiple organized wholesale electric markets.<sup>33</sup> Technical conference panelists stated that an RTO/ISO may benefit simply from the ability to request that another RTO/ISO verify that a market participant has participated appropriately in another organized wholesale electric market.<sup>34</sup> We preliminarily find that RTOs/ISOs would benefit from the ability to discuss the creditworthiness of specific market participants, and permitting RTOs/ISOs to share credit-related information with other RTOs/ISOs will allow these discussions to take place and better inform RTOs/ISOs in the management of credit risk in the organized wholesale electric markets on an ongoing basis.

26. Further, we believe that credit-related information sharing would prove especially useful before, during, and after a credit event.<sup>35</sup> The sharing of market participant-specific credit-related information could help RTOs/ISOs prevent or mitigate losses in the event that a market participant experiences financial distress, and potentially prevent default in one organized wholesale electric market from triggering default in another.<sup>36</sup> Credit-related information sharing would give RTOs/ISOs better visibility into a market participant's credit standing in other organized wholesale electric markets. This visibility could

<sup>29</sup> See, e.g., ISO-NE, Transmission, Markets, and Services Tariff, attach. D (ISO-NE Information Policy) (22.0.0), section 2.1(e) (designating information disclosed by a market participant to satisfy ISO-NE minimum criteria for market participation as Confidential Information in certain circumstances); PJM, Intra-PJM Tariffs, OATT, attach. Q (45.0.0), section III.C (same).

<sup>30</sup> At the technical conference, MISO's Chief Financial Officer stated that the MISO OATT prohibits the disclosure of a MISO market participant's financial distress even if that market participant is on the verge of default. See *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21-6-000, et al., Tr. 116:6-10 (Brown) (Feb. 25, 2021).

<sup>31</sup> IRC Comments at 7.

<sup>32</sup> *Id.*

<sup>33</sup> *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21-6-000, et al., Tr. 106:3-24 (Bloczynski) (Feb. 25, 2021).

<sup>34</sup> *Id.* at Tr. 110:12-22 (Prevratil); *id.* at Tr. 111:19-23 (Bloczynski).

<sup>35</sup> See *id.* at Tr. 117:5-13 (Brown) (emphasizing the potential value in sharing credit-related information during credit events).

<sup>36</sup> *Id.* at Tr. 106:21-24 (Bloczynski).

allow RTOs/ISOs to take action to protect non-defaulting market participants in their own markets from costs associated with potential and actual defaults, such as restricting market activity in response to negative credit events in other markets.

27. Because credit events can develop rapidly<sup>37</sup> and we cannot anticipate every potential credit event<sup>38</sup> or factor that may call for the sharing of credit-related information, we propose to provide each RTO/ISO with the discretion to share credit-related information as it sees fit. An RTO/ISO would have discretion as to what credit-related information it chooses to provide to other RTOs/ISOs and under what circumstances and on what timeline it chooses to do so. However, we expect that RTOs/ISOs would use reasonable efforts to respond expeditiously to reasonable requests for credit-related information from other RTOs/ISOs. We seek comment on whether RTOs'/ISOs' discretion in sharing market participant credit-related information with each other should be limited in any specific ways or to any specific circumstances.

28. The proposal would not change the existing discretion an RTO/ISO has to act on credit-related information, regardless of the source of that information. This approach is consistent with the Commission's past precedent to provide RTOs/ISOs discretion in matters of creditworthiness.<sup>39</sup> The discretion provided to RTOs/ISOs in managing negative credit events is not unfettered, and the regulation we propose would clarify that the receiving RTO/ISO can use market participant credit-related information received from another RTO/ISO to the same extent and for the same purposes that the receiving RTO/ISO may use credit-related information collected from its own market participants. We seek comment on whether RTOs'/ISOs' discretion in acting on market participant credit-related information it receives from another RTO/ISO be limited in any specific ways or under any specific circumstances.

29. Further our proposed regulation would require that an RTO/ISO that

receives credit-related information from another RTO/ISO keep confidential that credit-related information as it would any other credit-related information received directly from one of its own market participants. We preliminarily find that this would ensure that all market participants' credit-related information would continue to be safeguarded by an RTO/ISO in accordance with the confidentiality protections of the receiving RTO's/ISO's OATT.

30. At the technical conference, panelists expressed concerns about the confidentiality protections of shared credit-related information.<sup>40</sup> Additionally, a commenter expressed concern about using market-related events as the triggering factor for information sharing as it could exacerbate the event by burdening the market participants and RTO/ISO staff.<sup>41</sup> To address such concerns, we seek comment on any additional restrictions that should be placed on RTOs/ISOs in their management and use of credit-related information obtained through sharing or the types of credit-related information that could be shared.

31. We clarify that we are not proposing that RTOs/ISOs be required to adopt IRC's proposed tariff language. Instead, we propose that each RTO/ISO would submit a compliance filing that would be consistent with a final rule in this proceeding. In that filing, the RTO/ISO would propose revisions to their OATTs or other governing documents that would permit credit-related information sharing as provided in the final rule. We also seek comment on whether 60 days after the effective date of any final rule is sufficient time to develop new tariff language in response to a potential final rule on credit-related information sharing.

32. We clarify that our proposal here would permit but not require RTOs/ISOs to share credit-related information with other RTOs/ISOs. As discussed above, an RTO/ISO would retain the discretion on whether to share credit-related information. This approach addresses the problem identified at the technical conference and in post-conference comments: that RTOs/ISOs may be constrained by the

confidentiality provisions of each RTO's/ISO's OATT from sharing credit-related information with each other. By relying on the discretion of RTOs/ISOs, this proposal would allow RTO/ISO credit departments to share credit-related information without the potential burden of reporting requirements.

33. While we believe the structure proposed herein is a just and reasonable approach, we acknowledge the potential benefits of adopting requirements that RTOs/ISOs share credit-related information with other RTOs/ISOs. Adopting requirements that RTOs/ISOs share credit-related information with other RTOs/ISOs could potentially ensure a baseline sharing of credit-related information, which may reduce the financial losses to non-defaulting market participants during credit events. In particular, RTOs/ISOs may be able to mitigate or even prevent credit events if they obtain more complete credit-related information about market participants prior to any credit event, and mandatory credit-related information sharing could increase the likelihood that RTOs/ISOs have that more complete information available. Accordingly, we seek comment on whether the Commission should adopt requirements that RTOs/ISOs share credit-related information with other RTOs/ISOs on a routine basis (e.g., monthly sharing of a list of market participants), in certain circumstances (e.g., when a market participant misses a collateral call), or upon the request of another RTO/ISO, as well as any proposals on the frequency or timeliness of such sharing. We seek comment on the types or categories of credit-related information that might be included in any sharing requirement. In particular, we seek comment on whether and, if so, how to require sharing of the categories of information discussed above.<sup>42</sup>

34. While we recognize the potential benefits of requiring RTOs/ISOs to share credit-related information, we also acknowledge the potential burdens that may accompany such an approach. For example, some rules could diminish the flexibility an RTO/ISO has to respond to a dynamic credit-related event. Other rules may require RTOs/ISOs to expend additional resources on credit risk management, which could raise costs or impose additional burdens on both RTOs/ISOs and market participants.<sup>43</sup> Accordingly, we also seek comment on the benefits and burdens (if any) of any

<sup>37</sup> *Id.* at Tr. 105:14–16 (Seghesio).

<sup>38</sup> For purposes of this notice of proposed rulemaking (NOPR), "credit event" means any type of event that could affect a market participants' credit standing.

<sup>39</sup> See, e.g., *N.Y. Indep. Sys. Operator, Inc.*, 170 FERC ¶ 61,054, at P 30 (2020) ("We agree with NYISO that the proposed tariff language will allow NYISO the reasonable discretion to evaluate individual facts and circumstances, as necessary, to protect the NYISO-administered markets without limiting NYISO to act only in specific scenarios of increased credit risk enumerated in the tariff").

<sup>40</sup> See *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21–6–000, et al., Tr. 103:7–12 (Brown) (Feb. 25, 2021).

<sup>41</sup> ETI Comments at 13 ("If extreme events are the only trigger, the Commission risks burdening market participants and RTO/ISO staff as they manage through those events as well as making the extreme events worse by taking actions that exacerbate the event, such as demanding additional collateral that would halt beneficial market activity.")

<sup>42</sup> See *supra* P 22.

<sup>43</sup> See *RTO/ISO Credit Principles and Practices*, Technical Conference, Docket No. AD21–6–000, et al., Tr. 103:13–17 (Brown) (Feb. 25, 2021).

potential requirements to share credit-related information on RTOs/ISOs and market participants.

35. Finally, we note that the IRC requested that the Commission allow RTOs/ISOs to share credit-related information not only with other RTOs/ISOs, but also with other market operators, such as ERCOT, AESO, and IESO. We recognize that market participants in Commission-jurisdictional organized wholesale electric markets also transact in markets that are not Commission-jurisdictional,<sup>44</sup> and also commodities and derivative markets that are subject to the jurisdiction of other regulators, including the Commodity Futures Trading Commission.

36. We do not propose herein to require tariff provisions that would allow for credit-related information sharing with markets that are not Commission-jurisdictional, however, because we believe that there are unresolved issues with such a proposal, including how the Commission could ensure the protection of market participants' confidential information in the absence of authority to take remedial action. We seek comment on possible frameworks that would account for jurisdictional limitations while still enabling Commission-jurisdictional RTOs/ISOs to share and receive credit-related information with and from other non-jurisdictional market operators.

## V. Information Collection Statement

37. The Office of Management and Budget's (OMB) regulations require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number.

38. This notice of proposed rulemaking proposes to amend the Commission's regulations pursuant to

section 206 of the Federal Power Act, to permit RTOs/ISOs to share among themselves credit-related information about market participants in organized wholesale electric markets. To accomplish this, the Commission proposes to require RTOs/ISOs to adopt tariff revisions reflecting this reform. Such filings would be made under Part 35 of the Commission's regulations.

39. The Commission is submitting these reporting requirements to OMB for its review and approval under section 3507(d) of the Paperwork Reduction Act. Comments are solicited on whether the information will have practical utility, the accuracy of provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing the respondent's burden, including the use of automated information techniques.

40. Please send comments concerning the collection of information and the associated burden estimates to: Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Federal Energy Regulatory Commission. Due to security concerns, comments should be sent electronically to the following email address: [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Comments submitted to OMB should refer to OMB Control No. 1902-[TBD].

41. Please submit a copy of your comments on the information collection to the Commission via the eFiling link on the Commission's website at <http://www.ferc.gov>. If you are not able to file comments electronically, please send a copy of your comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Comments on the information collection that are sent to FERC should refer to Docket No. RM22-13-000.

42. *Title:* Credit-Related Information Sharing in Organized Wholesale Electric Markets.

43. *Action:* Proposed collection of information in accordance with RM22-13-000.

44. *OMB Control No.:* 1902-[TBD].

45. *Respondents for this Rulemaking:* RTOs/ISOs.

46. *Frequency of Information Collection:* One-time compliance filing and ongoing information sharing (the latter information would not be submitted to the Commission).

47. *Necessity of Information:* The proposed rule will require that RTOs/ISOs submit to the Commission a one-time compliance filing proposing tariff revisions. Additionally, RTOs/ISOs will be permitted to share credit related information among themselves to improve their ability to accurately assess market participants' credit exposure and risks related to their activities across organized wholesale electric markets.

48. *Internal Review:* The Commission has reviewed the changes and has determined that such changes are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry in support of the Commission's ensuring just and reasonable rates. The Commission has specific, objective support for the burden estimates associated with the information collection requirements.

49. The Commission's estimate contains two sub-estimates regarding burden and cost. One estimate is for the one-time compliance filing that will be submitted to the Commission by RTOs/ISOs for the purpose of revising or amending their tariffs to allow credit-related information sharing, as outlined in this proposal. The second estimate is of the ongoing costs associated with RTOs/ISOs sharing credit-related information with each other.<sup>45</sup>

50. The Commission estimates burden<sup>46</sup> and cost<sup>47</sup> as follows:

<sup>45</sup> **Note:** The information sharing between RTOs/ISOs will not be submitted to the Commission; the estimate reflects the time and resources required for individual RTOs/ISOs to share information with one another.

<sup>46</sup> "Burden" is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the estimated burden, refer to 5 CFR 1320.3.

<sup>47</sup> Commission staff estimates that the respondents' skill set (and wages and benefits) for Docket No. RM22-13-000 are comparable to those of Commission employees. Based on the Commission's Fiscal Year 2021 average cost of \$180,703/year (for wages plus benefits, for one full-time employee), \$87.00/hour is used.

<sup>44</sup> For example, the default and bankruptcy of the Brazos Electric Power Cooperative in ERCOT after Winter Storm Uri resulted in claimed losses of \$9,757,536 by MISO in February 2021. *Brazos Elec. Power Coop. Inc.*, No. 4:21-BK-30725 (Bankr. S.D. Tex.).

A. Collection	B. Number of respondents	C. Annual number of responses per respondent	D. Total number of responses  (Column B × Column C)	E. Average burden hrs. & cost per response	F. Total annual hr. burdens & total annual cost  (Column D × Column E)	G. Cost per respondent  (Column F ÷ Column B)
RTO/ISOs (one-time compliance filing) <sup>48</sup> .	6	1	6	25 hrs.; \$2,175	150 hrs.; \$13,050.	\$2,175
RTO/ISOs (ongoing information sharing) <sup>49</sup> .	6	2	12	4 hrs.; \$348 .....	48 hrs.; \$4,176	\$696
Totals .....	.....	—	.....	— .....	198 hrs.; \$17,226.	—

**VI. Environmental Analysis**

51. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.<sup>50</sup> We conclude that neither an Environmental Assessment nor an Environmental Impact Statement is required for this NOPR under section 380.4(a)(15) of the Commission’s regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale of electric energy subject to the Commission’s jurisdiction, plus the classification, practices, contracts and regulations that affect rates, charges, classifications, and services.<sup>51</sup>

**VII. Regulatory Flexibility Act Analysis**

52. The Regulatory Flexibility Act of 1980 (RFA)<sup>52</sup> generally requires a description and analysis of proposed and final rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration (SBA) sets the threshold for what constitutes a small business. Under SBA’s size standards,<sup>53</sup> RTOs/ISOs fall under the category of Electric Bulk Power Transmission and Control (North American Industry Classification System (NAICS) code

221121), with a size threshold of 500 employees (including the entity and its associates).<sup>54</sup>

53. The six RTOs/ISOs (SPP, MISO, PJM, ISO-NE, NYISO, and CAISO) each employ more than 500 employees and are not considered small.

54. According to SBA guidance, the determination of significance of impact “should be seen as relative to the size of the business, the size of the competitor’s business, and the impact the regulation has on larger competitors.”<sup>55</sup> We do not consider the estimated costs of the proposals in this NOPR to be a significant economic impact. As a result, we certify that the proposals in this NOPR will not have a significant economic impact on a substantial number of small entities.

**VIII. Comment Procedures**

55. The Commission invites interested persons to submit comments on the matters and issues addressed and the regulation proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due October 7, 2022; reply comments are due November 7, 2022. Comments must refer to Docket No. RM22–13–000, and must include the commenter’s name, the organization they represent, if applicable, and their address in their comments. All comments will be placed in the Commission’s public files and may be viewed, printed, or downloaded

remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

56. The Commission encourages comments to be filed electronically via the eFiling link on the Commission’s website at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software must be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

57. Commenters that are not able to file comments electronically may file an original of their comment by USPS mail or by courier-or other delivery services. For submission sent via USPS only, filings should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

**IX. Document Availability**

58. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the President’s March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

59. From the Commission’s Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary,

<sup>48</sup>The Commission’s hourly and cost estimates for the one-time compliance filing assumes that each RTO/ISO would need to develop and file tariff revisions with the Commission.

<sup>49</sup>The Commission does not know the extent of information sharing that would occur in this proposed rule but estimates that information sharing may occur roughly twice per year on average, per RTO/ISO. The Commission invites comment by affected entities if they believe the estimate is unreasonable.

<sup>50</sup>*Reguls. Implementing the Nat’l Envnt’l Pol’y Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

<sup>51</sup>18 CFR 380.4(a)(15).

<sup>52</sup>5 U.S.C. 601–612.

<sup>53</sup>13 CFR 121.201.

<sup>54</sup>The RFA definition of “small entity” refers to the definition provided in the Small Business Act, which defines a “small business concern” as a business that is independently owned and operated and that is not dominant in its field of operation. The Small Business Administrations’ regulations at 13 CFR 121.201 define the threshold for a small Electric Bulk Power Transmission and Control entity (NAICS code 221121) to be 500 employees. See 5 U.S.C. 601(3) (citing section 3 of the Small Business Act, 15 U.S.C. 632).

<sup>55</sup>U.S. Small Business Administration, “A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act,” at 18 (May 2012), [https://www.sba.gov/sites/default/files/advocacy/rfaqguide\\_0512\\_0.pdf](https://www.sba.gov/sites/default/files/advocacy/rfaqguide_0512_0.pdf).

type the docket number excluding the last three digits of this document in the docket number field.

60. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

#### List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

By direction of the Commission.

Issued: July 28, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

In consideration of the foregoing, the Commission proposes to amend part 35, subpart J, title 18, Code of Federal Regulations, as follows:

#### PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Amend § 35.47 by adding paragraph (h) to read as follows:

#### § 35.47 Tariff provisions regarding credit practices in organized wholesale electric markets.

\* \* \* \* \*

(h) Permit the sharing of market participant credit-related information with, and receipt of market participant credit-related information from, other organized wholesale electric markets for the purpose of credit risk management and mitigation, provided such market participant credit-related information is treated upon receipt as confidential under the terms for the confidential treatment of market participant information set forth in the tariff or other governing document of the receiving organized wholesale electric market; and permit the receiving organized wholesale electric market to use market participant credit-related information received from another organized wholesale electric market to the same extent and for the same purposes that the receiving organized wholesale electric market may use credit-related information collected from its own market participants.

[FR Doc. 2022-16609 Filed 8-5-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2022–0652]

RIN 1625-AA00

#### Safety Zone; Ohio River, Louisville, KY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary safety zone for all navigable waters of the Ohio River from mile marker (MM) 602.5 to MM 603.5 from 7 p.m. to 1 a.m. on October 24 and 25, 2022. This action is necessary to provide for the safety of life on these navigable waters near Louisville, KY during a film stunt. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port 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 September 7, 2022.

**ADDRESSES:** You may submit comments identified by docket number USCG–2022–0652 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 MST2 Christopher Roble, U.S. Coast Guard; telephone 502-779-5336, email [Christopher.J.Roble@uscg.mil](mailto:Christopher.J.Roble@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**

On July 22, 2022, Messiah's Star LLC notified the Coast Guard that it will be conducting a film stunt from 7 p.m. on October 24, 2022 to 1 a.m. on October 25, 2022, as part of filming for a film titled “Just One Life.” The stunt is a

controlled fall and is to take place from the Big Four Pedestrian Bridge to the Ohio River below at MM 603. The event will include 3 swimmers, a deck boat, and a houseboat.

The purpose of this rulemaking is to ensure the safety of vessels, stunt crew personnel, and the navigable waters before, during, and after the scheduled 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 7 p.m. on October 24, 2022 to 1 a.m. on October 25, 2022. The safety zone would cover all navigable waters of the Ohio River between MM 602.5 and MM 603.5. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 7 p.m. to 1 a.m. film stunt. 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. This safety zone would restrict transit on a one-mile stretch of the Ohio River for 6 hours on one night. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about 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.

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this 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 potential 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 6 hours that would prohibit entry .5 nautical mile of a film stunt. 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–2022–0652 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 record keeping 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.T08–0652 to read as follows:

**§ 165.T08–0652 Safety Zone; Ohio River, Miles 602.5–603.5, Louisville, KY.**

(a) *Location.* The following area is a temporary safety zone: all navigable waters of the Ohio River between MM 602.5 and MM 603.5.

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

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of persons and vessels into the security zone described in paragraph (a) of this section is prohibited unless authorized by the COTP or a designated representative.

(2) Persons or vessels requiring entry into or passage through the zone must request permission from the COTP or a designated representative. The COTP's representative may be contacted at 502–779–5336.

(d) *Enforcement period.* This section is effective from 7 p.m. on October 24, 2022, through 1 a.m. on October 25, 2022.

Dated: August 3, 2022.

**H.R. Mattern,**

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

[FR Doc. 2022–16945 Filed 8–5–22; 8:45 am]

**BILLING CODE 9110–04–P**

**POSTAL REGULATORY COMMISSION****39 CFR Part 3050**

[Docket No. RM2022–11; Order No. 6242]

**Periodic Reporting**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is acknowledging a recent filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic

reports (Proposal Five). This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* September 20, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:****Table of Contents**

- I. Introduction
- II. Proposal Five
- III. Notice and Comment
- IV. Ordering Paragraphs

**I. Introduction**

On July 29, 2022, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.<sup>1</sup> The Petition identifies the proposed analytical changes filed in this docket as Proposal Five.

**II. Proposal Five**

*Background.* Contract Delivery Services (CDS) suppliers are independent contractors who provide delivery on specific routes that are not serviced by city or rural carriers. Petition, Proposal Five at 1. The Postal Service initiated research into the estimation of accrued costs and product costs of CDS in response to USPS Office of Inspector General (OIG) Report No. 20–313–R21. *Id.* That report recommended that the Postal Service: (1) reevaluate the cost proportion percentages used to estimate accrued CDS costs and assess the possibility of using actual CDS payment data to calculate product costs; and (2) conduct a study to whether the mail volumes delivered on CDS and rural routes are similar and consider an update to the

distribution keys used to attribute CDS costs. *Id.* at 1–2.

CDS costs are not separately identified in the Postal Service's general ledger (GL). *Id.* at 2. Instead, CDS accrued costs are included as a portion of different GL expense accounts contained in cost segment 14 (purchased transportation), components 143 (Highway) and 145 (Domestic Water) and reported in GL Account No. 53605—Intra-CSD Regular (Intra-District)—and Account No. 53601—Intra-processing & distribution center (P&DC) Regular. *Id.* The Postal Service states that costs in these two accounts “comprise the overwhelming majority of all CDS costs and have a distinct treatment.” *Id.*

Currently, the Postal Service calculates the CDS volume variability by developing a cost-to-capacity variability and a capacity-to-volume variability and then multiplying these variabilities together to produce an overall volume variability for the contract costs. *Id.* at 2–3. The calculation of volume variable Intra-sectional center facility (SCF) costs relies upon two econometric analyses, approved in Docket Nos. RM2016–12 and RM2021–1, which updated the capacity-to-volume and cost-to-capacity variabilities, respectively. *Id.* at 3.

The Intra-P&DC and Intra-District account categories are made up of four transportation technologies and route types, including box, city, van, and tractor trailer. *Id.* Within each type, the costs are summed to form the account category's cost proportions. *Id.* The Postal Service individually estimates the cost-to-capacity volume variabilities for the Intra-District and the Intra-P&DC accounts as the cost-weighted averages of the variabilities of the four transportation/route types. *Id.*

The CDS costs in Intra-SCF accounts are distributed based on the Intra-SCF distribution factors estimated by the Transportation Cost System (TRACS) on a quarterly basis as a proxy because CDS routes are not sampled in TRACS. *Id.*

*Proposal.* The Postal Service proposes two revisions to analytical principles related to CDS costs based on its investigation into the OIG's recommendations.

First, the Postal Service proposes to update the Intra-P&DC and Intra-District cost proportions annually using Transportation Contract Support System (TCSS) data. More specifically, to update the cost proportions used for the GL accounts that it states comprise the majority of CDS costs, GL Account Nos. 53605 and 53601, using TCSS data. *Id.* at 4.

The Postal Service states that it assessed the feasibility of using CDS

<sup>1</sup> Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), July 29, 2022 (Petition). The Petition was accompanied by a report supporting its proposal. See Report on Contract Delivery Service Cost Attribution Accrued Cost and Distribution Key, July 29, 2022. The Postal Service also filed a notice of filing of public and non-public materials relating to Proposal Five. Notice of Filing of USPS–RM2022–11–1 and USPS–RM2022–11–NP1 and Application for Nonpublic Treatment, July 29, 2022.

payment data from the Accounts Payable Excellence System (APEX) to form the cost proportions for the Intra-P&DC and Intra-District account categories, as the OIG recommended, but determined that APEX data does not contain the information necessary on vehicle capacity necessary to apportion payments between the four transportation/route types. *Id.*

Second, the Postal Service proposes using the rural cost distribution key (CS10, component 260) to attribute CDS costs to products. *Id.* at 6. The Postal Service states “that both operational protocols and field observations support the hypothesis that similar mail volumes are delivered on CDS routes and rural routes.” *Id.* Furthermore, the Postal Service contends that “support for the similarities between CDS contractors and rural carriers is found in the process that exists for the conversion of CDS routes to rural routes in comparable offices.” *Id.* at 7.

*Impact.* The Postal Service states that applying an initial update to the Intra-P&DC and Intra-District cost proportions, the first proposed revision, would result in an increase in volume variable highway costs by 0.03 percent. *Id.* at 9. The Postal Service reports that applying the rural cost distribution key to CDS costs, the second proposed change, would result in an increase “by \$33.7 M, or 0.9 percent” in volume variable highway costs. *Id.*

The Postal Service states that implementing both of the proposed revisions would have resulted “in a shift of \$42.6 M, or 1.2 percent, in highway costs from institutional to volume variable costs” using FY 2021 data. *Id.* at 11. The Postal Service reports that Competitive highway costs would decrease by 0.02 percent under this proposal while Market Dominant costs would increase by 2.5 percent. *Id.* The Postal Service acknowledges that highway costs for High Density and Saturation Flats/Parcels increase “significantly” on a percentage basis but states that the proposed changes result in less than a \$0.01 increase on a unit cost basis. *Id.* The Postal Service states that the proposed methodology would result in approximately 0.2 percent of the volume variable costs for highway transportation being attributed to Total Domestic Market Dominant Services. *Id.*

### III. Notice and Comment

The Commission establishes Docket No. RM2022–11 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s website at <http://www.prc.gov>. Interested persons may submit comments on the

Petition and Proposal Five no later than September 20, 2022. Pursuant to 39 U.S.C. 505, Almaroof Agoro is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

### IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. RM2022–11 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), filed July 29, 2022.

2. Comments by interested persons in this proceeding are due no later than September 20, 2022.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Almaroof Agoro to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Jennie L. Jbara,**

*Alternate Certifying Officer.*

[FR Doc. 2022–16879 Filed 8–5–22; 8:45 am]

**BILLING CODE 7710–FW–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 372

[EPA–HQ–TRI–2022–0262; FRL–2425.1–04–OCSPP]

RIN 2025–AA17

### Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rulemaking; supplemental notice.

**SUMMARY:** On September 5, 2000, in response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA issued a proposed rule to add a diisononyl phthalate (DINP) category to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA proposed to add this chemical category to the EPCRA toxic chemical list based on its preliminary conclusion that this category met the EPCRA toxicity criterion. EPA has updated its hazard

assessment for DINP and is proposing to add DINP as a category defined to include branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. The updated hazard assessment demonstrates that the proposed DINP category meets the EPCRA toxicity criterion because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans; specifically, developmental, kidney, and liver toxicity. EPA is proposing to add the DINP category to the toxic chemical list on this basis and is requesting comment on the updated DINP hazard assessment and associated updated economic analysis.

**DATES:** Comments must be received on or before October 7, 2022.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–TRI–2022–0262, using the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

### FOR FURTHER INFORMATION CONTACT:

*For technical information contact:* Daniel R. Bushman, Data Gathering and Analysis Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0743; email: [bushman.daniel@epa.gov](mailto:bushman.daniel@epa.gov).

*For general information contact:* The Emergency Planning and Community Right-to-Know Hotline; telephone numbers: toll free at (800) 424–9346 (select menu option 3) or (703) 348–5070 in the Washington, DC Area and International; or go to <https://www.epa.gov/home/epa-hotlines>.

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this action apply to me?

You may be potentially affected by this action if you own or operate a facility that manufactures, processes, or otherwise uses any chemicals in the proposed DINP category. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather

provides a guide to help readers determine whether this document applies to them. Facilities subject to reporting under EPCRA section 313 include:

- Facilities included in the following NAICS manufacturing codes (corresponding to Standard Industrial Classification (SIC) codes 20 through 39): 311\*, 312\*, 313\*, 314\*, 315\*, 316, 321, 322, 323\*, 324, 325\*, 326\*, 327, 331, 332, 333, 334\*, 335\*, 336, 337\*, 339\*, 111998\*, 211130\*, 212324\*, 212325\*, 212393\*, 212399\*, 488390\*, 511110, 511120, 511130, 511140\*, 511191, 511199, 512230\*, 512250\*, 519130\*, 541713\*, 541715\* or 811490\*.

\*Exceptions and/or limitations exist for these NAICS codes.

- Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 211130 (corresponds to SIC code SIC 1321, Natural Gas Liquids and SIC 2819, Industrial Inorganic Chemicals, Not Elsewhere Classified); or 212111, 212112, 212113 (corresponds to SIC code 12, Coal Mining (except 1241)); or 212221, 212222, 212230, 212299 (corresponds to SIC code 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221118, 221121, 221122, 221330 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (corresponds to SIC codes 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (limited to facilities previously classified in SIC code 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC code 5171, Petroleum Bulk Terminals and Plants); or 562112 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC code 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (corresponds to SIC code 4953, Refuse Systems).

- Federal facilities.

A more detailed description of the types of facilities covered by the NAICS codes subject to reporting under EPCRA section 313 can be found at: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-covered-industry-sectors>. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in 40 CFR part 372, subpart B. Federal facilities are required to report under Executive Order 13834 (<https://www.govinfo.gov/content/pkg/>

*FR-2018-05-22/pdf/2018-11101.pdf*) as explained in the Implementing Instructions from the Council on Environmental Quality ([https://www.sustainability.gov/pdfs/eo13834\\_instructions.pdf](https://www.sustainability.gov/pdfs/eo13834_instructions.pdf)). If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### B. What action is the Agency taking?

In response to a petition, EPA is proposing to add DINP as a category to the list of toxic chemicals subject to the reporting requirements under section 313 of EPCRA. As discussed in more detail later in this document, EPA is proposing to conclude that the members of the DINP category meet the EPCRA section 313(d)(2)(B) criteria for listing.

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

This action is issued under EPCRA sections 313(d), 313(e)(1) and 328, 42 U.S.C. 11023(d), 11023(e)(1) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

EPCRA section 313, 42 U.S.C. 11023, requires owners/operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their facilities' environmental releases and other waste management information on such chemicals annually. These facility owners/operators must also report pollution prevention and recycling data for such chemicals, pursuant to PPA section 6607, 42 U.S.C. 13106.

Under EPCRA section 313(c), Congress established an initial list of toxic chemicals subject to EPCRA toxic chemical reporting requirements that was comprised of 308 individually listed chemicals and 20 chemical categories.

EPCRA section 313(d) authorizes EPA to add or delete chemicals from the list and sets criteria for these actions. EPCRA section 313(d)(2) states that EPA may add a chemical to the list if any of the listing criteria in EPCRA section 313(d)(2) are met. Therefore, to add a chemical, EPA must determine that at least one criterion is met, but need not determine whether any other criterion is met. Conversely, to remove a chemical from the list, EPCRA section 313(d)(3) dictates that EPA must determine that none of the criteria in EPCRA section 313(d)(2) are met. The listing criteria in EPCRA section 313(d)(2)(A)–(C) are as follows:

- The chemical is known to cause or can reasonably be anticipated to cause

significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

- The chemical is known to cause or can reasonably be anticipated to cause in humans: cancer or teratogenic effects, or serious or irreversible reproductive dysfunctions, neurological disorders, heritable genetic mutations, or other chronic health effects.

- The chemical is known to cause or can be reasonably anticipated to cause, because of its toxicity, its toxicity and persistence in the environment, or its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

EPA often refers to the EPCRA section 313(d)(2)(A) criterion as the “acute human health effects criterion;” the EPCRA section 313(d)(2)(B) criterion as the “chronic human health effects criterion;” and the EPCRA section 313(d)(2)(C) criterion as the “environmental effects criterion.”

Under EPCRA section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA issued a statement of policy in the **Federal Register** of February 4, 1987 (52 FR 3479) providing guidance regarding the recommended content of and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued guidance regarding the recommended content of petitions to delete individual members of the metal compounds categories reportable under EPCRA section 313. EPA published in the **Federal Register** of November 30, 1994 (59 FR 61432) (FRL-4922-2) a statement clarifying its interpretation of the EPCRA section 313(d)(2) and (d)(3) criteria for modifying the EPCRA section 313 list of toxic chemicals.

#### D. Why is the Agency taking this action?

EPA is taking this action in response to a petition submitted under EPCRA section 313(e)(1). EPA is required to respond to petitions by either initiating a rulemaking to grant the petition or publishing an explanation of why the petition is denied. In this case, EPA is proposing to grant the petition to list DINP.

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

EPA prepared an economic analysis for this action entitled, “Economic Analysis for the Addition of Diisononyl Phthalate Category; Community Right-

to-Know Toxic Chemical Release Reporting” which presents an analysis of the costs of the proposed addition of the DINP category (Reference (Ref.) 1). EPA estimates that this action would result in an additional 198 to 396 reports being filed annually. EPA estimates that the costs of this action will be approximately \$920,938 to \$1,839,925 in the first year of reporting and approximately \$438,542 to \$876,155 in the subsequent years. In addition, EPA has determined that of the 181 to 362 small businesses affected by this action, none are estimated to incur annualized cost impacts of more than 1%. Thus, this action is not expected to have a significant adverse economic impact on a substantial number of small entities.

*F. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit CBI information to EPA through <https://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets#tips>.

## II. What is the petition and EPA's response?

*A. Who submitted the petition and what was requested?*

On February 29, 2000, EPA received a petition from the Washington Toxics Coalition (which is now called Toxic-Free Future) requesting that EPA add DINP to the list of toxic chemicals subject to reporting under EPCRA Section 313 and PPA section 6607 (Ref. 2). The petitioner indicated that the composition of DINP varies, and that DINP is known by at least three CAS numbers: 28553-10-0, 68515-48-0, and 71549-78-5. The petitioner asserted that DINP causes cancer, systemic toxicity, developmental toxicity, and endocrine disruption, and therefore

should be added to the list of chemicals subject to reporting under EPCRA Section 313 and PPA section 6607. The petitioner also stated that DINP is a dangerous phthalate ester used as the principal plasticizer in toys and other products used by children and adults. The petitioner asserted that in all studies conducted to measure DINP exposure from children's use of plastic, DINP migrates from the plastic into saliva when the plastic item is chewed or put into the child's mouth. (Ref. 2)

*B. How did EPA initially respond to the petition?*

In response to the petition to add DINP to the EPCRA section 313 list of toxic chemicals, EPA published a proposed rule to add DINP as a category to the EPCRA section 313 list (65 FR 53681, September 5, 2000) (FRL-6722-3). The proposed rule was based on information contained in the hazard assessment for DINP that was developed in response to the petition. EPA proposed to list the DINP category based on cancer and serious or irreversible chronic health effects including liver, kidney, and developmental toxicity. In response to comments on the proposal, EPA revised its hazard assessment for DINP and issued a notice of data availability (NODA) requesting comments on the revised hazard assessment (70 FR 34437, June 14, 2005) (FRL-7532-4). In the NODA, EPA proposed to list DINP based on serious or irreversible chronic health effects including liver, kidney, and developmental toxicity but reserved judgment on whether cancer was an endpoint of concern for DINP.

*C. How is EPA updating its response to the petition?*

Note that a considerable amount of time has elapsed since the DINP petition was received and EPA published the 2000 proposal and 2005 NODA. Therefore, EPA has prepared an updated hazard assessment based on currently available information, including studies developed since 2005 (Ref. 3). EPA has also updated the economic analysis for the addition of the DINP category (Ref. 1). For the reasons more fully explained in the updated hazard assessment (Ref. 3), EPA is now proposing to list the DINP category based on our preliminary conclusion that it is reasonably anticipated to cause cancer and serious or irreversible chronic health effects including developmental, kidney, and liver toxicity.

This supplemental proposal provides the public an opportunity to comment on all aspects of the proposed addition of the DINP category to the EPCRA

section 313 toxic chemical list. EPA specifically requests comments on all parts of the updated hazard assessment and updated economic analysis as well as any other issues related to the addition of the DINP category. Note that EPA does not intend to respond to comments received in response to its 2000 proposal to add the DINP category to the EPCRA toxic chemicals list or those received in response to the associated 2005 NODA. This supplemental proposal presents an updated hazard assessment for DINP and an updated economic analysis for the proposed action. As such, comments on the prior hazard assessment and prior economic analysis are not relevant to the current proposed action. If a commenter believes a previously submitted comment is relevant to this proposed action, the commenter should resubmit the comment to the docket for this supplemental proposal. Also note that DINP is also undergoing a risk evaluation required under section 6(b) of the Toxic Substances Control Act (TSCA) and that the scientific analyses used for this listing will undergo further analyses and review as part of the TSCA risk evaluation process. Having chemicals on the TRI list can be helpful to the TSCA risk evaluation process, as well as any related risk management activities, as TRI can provide information concerning releases and waste management activities. Such information can help inform what potential exposures are present, as well as help identify facilities that deal with a given chemical (e.g., chemicals in the proposed TRI DINP category). Nevertheless, EPA is not requesting comment in response to this present Notice on any issues related to the TSCA 6(b) risk evaluation as part of this rulemaking; rather, only comments directly related to the TRI listing proposal are relevant to this action.

## III. What is EPA's technical evaluation of the toxicity of DINP?

*A. What is the chemistry and use of DINP?*

The DINP category for purposes of this action is a category of chemicals that includes the branched alkyl diesters of 1,2 benzenedicarboxylic acid in which the alkyl ester moieties contain a total of nine carbons. The DINP category is a family of di-ester phthalates widely used as plasticizers. These chemicals are colorless, oily liquids with high boiling points, low volatilities, and are poorly soluble in water (less than 10<sup>-4</sup> milligrams per liter (mg/L)). Multiple Chemical Abstracts Service (CAS) numbers are associated with DINPs

including 28553-12-0, 71549-78-5, 14103-61-8 and 68515-48-0. There is no single generic CAS number that represents all DINPs. The chemicals represented by CAS numbers 28553-12-0 and 71549-78-5 consist of a mixture of isomers (compounds which have the same molecular formula but differ in the arrangement of their atoms). CAS number 14103-61-8 represents a single isomeric structure of DINP (bis(3,5,5-trimethylhexyl) phthalate). The alkyl ester moieties of the diisononyl phthalate esters represented by the three CAS numbers stated above are branched and contain a total of nine carbons. These alkyl ester moieties are represented by the molecular formula C<sub>9</sub>H<sub>19</sub>. The molecular formulas of these nine-carbon alkyl ester moieties are the same for these DINP isomers. They differ in structure mainly due to the variable location of the methyl group on the alkyl ester moieties. CAS number 68515-48-0 is also a DINP, but unlike the chemicals represented by the other three CAS numbers discussed above, 68515-48-0 consists of di-ester phthalates with nine-carbon alkyl ester moieties (approximately 70% by weight), mixed with lesser amounts of di-ester phthalates with eight- and ten-carbon alkyl ester moieties.

Of the chemicals represented by the four CAS numbers stated above, two (68515-48-0 and 28553-12-0) were reported by industry to EPA under the Chemical Data Reporting regulations at 40 CFR part 711 as having production volumes of greater than 25,000 pounds per year per manufacturing or importing site. While reviewing data for the hazard assessments, EPA noted that only a limited number of studies reported the CAS numbers for the DINP test chemical base stocks. When studies did report CAS numbers, the CAS numbers were either 68515-48-0 or 28553-12-0. These two CAS numbers represent the primary DINP products manufactured commercially in the United States. Again, these two CAS numbers represent a mixture of DINP isomers and not any one single specific DINP isomer. There was no literature available for review which identified a single specific DINP isomer as the test chemical. Please refer to EPA's updated hazard assessment (Ref. 3) for more details on the chemistry and environmental fate of DINP.

The principle use of DINP is as a plasticizer, particularly in the production of polyvinyl chloride (PVC) (Ref. 3). The treatment of plastics with DINP provides greater flexibility and softness to the final product. Some of the uses of DINP treated plastics are the production of coated fabrics, plastic

toys, electrical insulation, and vinyl flooring. On October 27, 2017, the U.S. Consumer Product Safety Commission (CPSC) issued a final phthalates rule (82 FR 49938, 16 CFR part 1307) that made permanent the interim prohibition on children's toys that can be placed in a child's mouth and child care articles that contain concentrations of more than 0.1 percent of DINP.

*B. What technical data supports EPA's proposed addition of the DINP category to the EPCRA section 313 list?*

EPA reviewed the available data on human health and ecological effects associated with DINP and has presented this information in an updated hazard assessment document (Ref. 3). Based on EPA's evaluation of the available data, EPA is proposing to conclude that DINP satisfies the criteria for listing under EPCRA section 313(d)(2)(B) because the members of the category can reasonably be anticipated to cause cancer and serious or irreversible chronic health effects in humans; specifically, developmental, kidney, and liver toxicity. Brief summaries of the available human health information that support listing the DINP category under EPCRA section 313(d)(2)(B) are provided in this Unit. Readers should consult the updated hazard assessment document (Ref. 3) for more detailed information about the effects discussed here as well as other human health and ecological effects associated with DINP.

1. *What carcinogenicity data were found for DINP?* In the following subsections a-c, EPA discusses some of the available cancer data for DINP. Subsection d summarizes the cancer data that supports EPA's proposed conclusion that DINP can reasonably be anticipated to cause cancer in humans. Additional information is provided in the updated DINP hazard assessment (Ref. 3).

EPA's evaluation used a weight of the evidence (or weight-of-evidence (WoE)) approach, which means a comprehensive evaluation of evidence and information, taking into consideration the strengths, limitations, and uncertainties across streams of evidence within a discipline. This yields a qualitative, overall summary of the strength of each evidence stream and an overall judgment across all relevant evidence (Ref. 4).

a. *Liver Tumors.* Chronic dietary exposure to DINP induced liver tumors in male and female rats fed 12,000 parts per million (ppm) (Ref. 5), in male mice fed 4,000 ppm and above, and in female mice fed 1,500 ppm and above (Ref. 6) when tested in 2-year oral bioassays. An increased incidence of liver carcinoma

was also observed in male rats fed 6,000 ppm in the 2-year bioassay conducted by Lington *et al.* (Ref. 7), although the response did not reach statistical significance. These data indicate that DINP is a liver carcinogen in rats and mice.

The mode of action (MOA) for induction of hepatic tumors in rodents by DINP is by inducing peroxisome proliferation. Peroxisome proliferators are a structurally diverse group of non-mutagenic chemicals that induce a broad range of responses via interaction with peroxisome proliferator activated receptors (PPAR). There is evidence to suggest that the liver tumors which develop in rats and mice chronically exposed to DINP are mechanistically related to activation of PPAR receptor subtype alpha (PPAR $\alpha$ ) (Refs. 8, 9 and 10). Transgenic mice that lack PPAR $\alpha$  are generally resistant to the pleiotropic effects of peroxisome proliferators, such as peroxisome proliferation, liver enlargement, and liver cancer (Refs. 11 and 12). There have been no 2-year studies of DINP in transgenic mice that lack PPAR $\alpha$  to determine whether tumors would develop in this scenario. However, there are long term studies (about 70 weeks) available that show, development of hepatocellular carcinomas in PPAR $\alpha$  transgenic mice with human PPAR $\alpha$  agonists (GW7647), suggesting that PPAR $\alpha$  is indeed responsible for carcinogenesis albeit at a diminished level (~35-72%) to a rodent PPAR $\alpha$  driven carcinogenesis (Refs. 13 and 14).

There are no adequate epidemiological studies on cancer in humans exposed to PPAR $\alpha$  agonists. Humans and non-human primates express functional PPAR $\alpha$ , and hypolipidemic drugs are known to act through PPAR $\alpha$  in humans. However, *in vivo* studies of DINP in primates (*e.g.*, Refs. 15 and 16) and *in vitro* studies of cultured primate or human cells (Refs. 17 and 18) exposed to DINP or its metabolite mono-isononyl phthalate (MINP) suggest that primates (including humans) are resistant to the induction of peroxisome proliferation. The basis for the species differences in these studies is unknown but may be related to differences in the quantity of PPAR $\alpha$  or to differences in the regulatory sequences of the rodent and primate genes (Ref. 18). Human and mouse adenoviral recombinant PPAR $\alpha$  expressed in PPAR $\alpha$  deficient mice fully restored the development of peroxisome proliferator-induced immediate pleiotropic responses, including peroxisome proliferation and enhanced expression of genes involved in lipid metabolism, suggesting that the human

PPAR $\alpha$  is functionally competent and is equally as dose-sensitive as mouse PPAR $\alpha$  in inducing peroxisome proliferation within the context of mouse liver environment (Ref. 19). Absolute levels of PPAR $\alpha$  are generally thought to be lower in human compared with rodent liver. However, PPAR $\alpha$  amount varies by an order of magnitude among individuals (Refs. 20 and 21); for example, one of the six human samples examined expressed levels comparable to the mouse in one study (Ref. 22).

New information has emerged from recent literature (post 2005), on the mechanism(s) by which multiple nuclear receptors are activated by chemicals producing certain carcinogenic responses in rodents, including advances in the understanding of the underlying genetic factors that mediate the biochemical and cellular responses to such chemicals (summarized in Refs. 23, 24, and 25). To study the question of whether peroxisome proliferating chemicals such as DINP are a hazard to humans considering this new information, several panels and workshops have been convened and charged with reviewing the state of the science on the relationship between peroxisome proliferation and hepatocarcinogenesis in rodents and the human relevance of PPAR $\alpha$ -induced liver tumors. One of the first panels, composed of government, academic and industry scientists and organized by Toxicology Excellence for Risk Assessment (TERA), concluded that significant quantitative differences in PPAR $\alpha$ -induced liver effects associated with hepatic tumor formation exist between humans and rodents (Ref. 24). Based on quantitative differences between species, most panel members felt that the PPAR $\alpha$  MOA for liver tumorigenesis is “not relevant to humans;” however, several panel members concluded that it was more appropriate to conclude that the PPAR $\alpha$  mode of action is “unlikely to be relevant to humans.” In a subsequent workshop sponsored by the Toxicology Forum, the human relevance of rodent PPAR $\alpha$  and constitutive androstane receptor (CAR) mediated modes of action for liver tumors were considered by industry, academic, and government experts (Refs. 23 and 26). Similar to the first panel, most workshop participants concluded that the PPAR $\alpha$  and CAR modes of action are not relevant to humans based on qualitative and quantitative differences. However, there is evidence to show that the mouse and human PPAR $\alpha$  expression levels are almost similar (Rakshshandehroo et al

Ref. 27) and the set of genes/pathways regulated are similar to one another.

In considering the role of PPAR $\alpha$  in inducing liver tumors, the California Office of Environmental Health Hazard Assessment (OEHHA) classified DINP as a carcinogen under California’s Proposition 65 based in part on evidence that DINP can induce liver tumors in mice and rats (Refs. 28 and 9) and concluded that there was sufficient evidence to suggest that “PPAR alpha activation may not be causally related to DINP-induced liver tumors in rats and mice” and that other mechanisms may be involved (Ref. 29). Similarly, Environment Canada and Health Canada concluded that the mechanisms of DINP-induced liver tumorigenesis have not been fully elucidated, but that there is sufficient evidence to suggest that multiple mechanisms, including PPAR $\alpha$ -independent mechanisms, may be involved (Ref. 30). Based on this, Health Canada (Ref. 10) concluded that the phthalates in their evaluation (including DINP) pose a carcinogenic hazard to humans. While the relevance of PPAR $\alpha$ -mediated carcinogenic MOA to humans is not entirely clear, evidence suggests that peroxisome proliferating chemicals such as DINP are a hazard to humans because of its ability to cause liver cancer.

b. *Kidney Tumors.* In the study conducted in rats by Moore (Ref. 5), renal tubule cell carcinoma was observed in 2/65 high-dose (12,000 ppm) males and 4/50 recovery males compared to 0/65 in the control group. The response in recovery males was statistically significant relative to the control group. In the Lington *et al.* study (Ref. 7), renal tubule cell carcinoma was observed in 1/80 low-dose (300 ppm) males and 2/80 high-dose males (6,000 ppm). No preneoplastic or neoplastic lesions were observed in females. Treatment-related histopathologic changes in the kidneys of rats were consistent with male rat-specific  $\alpha$ 2u-globulin nephropathy. Additional evidence for  $\alpha$ 2u-globulin nephropathy was obtained in the retrospective evaluation of archived kidney tissue from the Lington *et al.* study (Ref. 7) conducted by Caldwell *et al.* (Ref. 31).

As discussed in the updated hazard assessment (Ref. 3), the data obtained in these studies were evaluated against published criteria for male-specific  $\alpha$ 2u-globulin nephropathy and its relevance to kidney tumors in humans (USEPA (Ref. 32); International Agency for Research on Cancer (IARC) 1999 (Ref. 33)). The EPA criteria (Ref. 32) are: (1) Increase in number and size of hyaline (protein) droplets in kidney proximal tubule cells of treated male rats; (2)

Immunohistochemical evidence of  $\alpha$ 2u-globulin accumulating protein in the hyaline droplets; and (3) Histopathological evidence of kidney lesions associated with  $\alpha$ 2u-globulin nephropathy. The IARC criteria (Ref. 33) are: (1) Tumors occur only in male rats; (2) Acute exposure exacerbates hyaline droplet formation; (3)  $\alpha$ 2u-Globulin accumulates in hyaline droplets; (4) Subchronic lesions include granular casts and linear papillary mineralization; (5) Absence of hyaline droplets and other histopathological changes in female rats and mice; and (6) Negative for genotoxicity. Additional IARC Supporting Evidence includes: (1) Reversible binding of chemical to  $\alpha$ 2u-globulin; (2) Increased sustained cell proliferation in proximal tubule (P2 segment) and (3) Dose-response relationship between hyaline droplet severity and renal tumor incidence. For DINP, the EPA criteria for the  $\alpha$ 2u-globulin MOA have been met. However, for DINP, only three of the IARC criteria were met (1, 3, and 6) the other three criteria (2, 4, and 5) were not met. The data for DINP do not meet any of the IARC supporting criteria. In addition, the evaluation noted that (1) kidney weight increases along with histopathological changes (increase tubule cell pigmentation) were identified in female rats and (2) exposure resulted in nephropathy in female mice. Thus,  $\alpha$ 2u-globulin accumulation in the renal tubules of male rats alone do not explain the MOA for renal tubule carcinomas observed in DINP-exposed rodents.

Based on this evaluation, EPA along with the California Environmental Protection Agency (CalEPA) (Ref. 9) and the Consumer Product Safety Commission (Refs. 34 and 35) have determined that DINP-induced kidney tumors are relevant to estimating cancer hazard to humans as part of WoE approach described in Unit III.B.1.

c. *Mononuclear Cell Leukemia (MNCL).* The incidence of MNCL was significantly elevated in male and female rats exposed to DINP in the diet when compared to study control animals and the corresponding spontaneous/background incidence in two independent chronic/ carcinogenicity rat studies (Refs. 5 and 7). The key issue in use of these data to assess the hazard of DINP exposure is the relevance of MNCL to human health as part of the WoE to suggest the carcinogenic hazard of DINP to humans. As fully explained in the revised hazard assessment (Ref. 3), the WoE supports a finding that DINP can reasonably be anticipated to cause MNCL in humans.

MNCL, also referred to as large granular lymphocyte (LGL) leukemia or T (lymphocyte) leukemia, is a spontaneously occurring neoplasm of the hematopoietic system that is one of the most common tumor types in the Fischer-344 rat strain. MNCL is life threatening in Fischer rats and results in a decreased life span. In contrast, MNCL is rare in other strains of rats and does not occur in mice. Although MNCL is recognized as a common neoplasm in Fischer rats, the MOA for induction of MNCL is not completely understood. In addition, there are differing views on the existence of a close human correlate to MNCL (Refs. 31 and 36).

The increased mortality due to MNCL in DINP-treated rats suggests that DINP is associated with the elevated incidence, progression, and severity of MNCL. Findings indicate that the time to onset of tumor was decreased and the disease was more severe in treated than in control animals. On the basis of these data, the increase in severity of MNCL with increasing dose in male rats is indicative of a carcinogenic response to DINP. However, EPA notes that there are several sources of uncertainty in the interpretation of the experimental data. These include high and variable background rate and possible strain-specificity as well as incomplete information on the MOA for induction of MNCL. However, full details on MOA are not required to establish a cancer hazard unless there is evidence to suggest that the MOA is not applicable to an assessment of human cancer, which is not the case in the context of MNCL derived cancer hazard discussed here.

Overall, there is some scientific uncertainty as to the human significance of the MNCL observed in rats, and whether DINP can reasonably be anticipated to cause MNCL in humans. However, the WoE within the MNCL dataset supports a finding that DINP can reasonably be anticipated to cause MNCL in humans.

d. *Additional considerations and conclusions.* As discussed above in sections a through c and in full detail in the updated hazard assessment (Ref. 2), evidence for carcinogenicity of DINP is provided by multiple studies in rats and mice exposed chronically via oral route. Statistically significant increases in many tumor types were observed in rats and mice such as increase in hepatocellular tumors (Refs. 5 and 7), hepatocellular adenoma and carcinoma (Refs. 5, 6, and 37) mononuclear cell leukemia of the spleen (Refs. 5, 6, and 7), and renal tubular cell carcinomas (Refs. 5, 6, and 7). In addition, other non-significant increases in tumor types

considered rare and/or uncommon were noted in DINP-treated animals, including renal tubular and transitional cell carcinoma (Refs. 5, 6, and 7), pancreatic islet cell carcinoma (Refs. 6 and 37), testicular interstitial (Leydig) cell carcinoma (Ref. 37), and uterine adenocarcinoma (Ref. 37). All the above enumerated significant and non-significant increases in tumor, carcinoma and adenomas were also evaluated by CPSC in 2001 and 2010 (Refs. 34 and 35).

To date, DINP has been classified as a human carcinogen by OEHHA of CalEPA, but not by any international agencies. OEHHA has published a document on the evidence on the carcinogenicity of DINP in which members of the Carcinogen Identification Committee (CIC) conclude that DINP has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer and should be listed under California's Proposition 65 as a carcinogen (Ref. 9). Accordingly, DINP was listed under California's Proposition 65 at the end of 2013 (Ref. 28). California OEHHA (Ref. 24) cites evidence from multiple studies in mice and rats to support the Proposition 65 listing of DINP, including identification of:

- Liver tumors in female SD rats;
- Liver tumors in male and female F344 rats;
- Liver tumors in male and female B6C3F1 mice;
- Mononuclear cell leukemia (MNCL) in male and female F344 rats;
- Renal tubular cell carcinomas, which are rare or uncommon, in male F344 rats;
- Renal transitional cell carcinomas, which are rare, in male F344 rats;
- Pancreatic islet cell carcinomas, which are rare, in male SD rats and female B6C3F1 mice;
- Testicular interstitial (Leydig) cell carcinomas, which are uncommon, in male SD rats; and
- Uterine adenocarcinomas, which are rare, in female SD rats.

DINP, similar to other phthalates, was negative in the limited number of genotoxic assays and ruled-out as a genotoxic carcinogen. However, that determination leaves non-genotoxic mechanisms for consideration as plausible carcinogenic mechanisms for DINP. DINP has been found to induce in vitro cell transformation in only one out of eight studies conducted with Balb/c-3T3 A31 mouse cells (Refs. 38 and 39). DINP binds to PPAR and activates both rodent and human PPAR $\alpha$  and PPAR gamma but not PPAR beta receptors (Ref. 40). MINP, the metabolite of DINP,

activated both the mouse and human PPAR $\alpha$  and PPAR gamma receptors, but the degree of PPAR $\alpha$  and PPAR gamma activation was greater for the mouse receptor than for the human receptor for both receptor types in the tested conditions (Ref. 40).

DINP has been shown to activate human CAR (hCAR2) and pregnane X receptor (PXR), and the metabolites of DINP, specifically MINP, activates hCAR2 isoform, suggesting that DINP and its metabolites have more than one MOA (Ref. 41). DINP has also been shown to promote and induce tumorigenesis in a variety of cell types through aryl hydrocarbon receptors (AhR)-mediated genomic and nongenomic pathways (Ref. 42). DINP induces several changes in rodent liver consistent with PPAR $\alpha$  activation (Ref. 41). DINP induces some of these liver changes independently of PPAR $\alpha$  activation as shown in PPAR $\alpha$ -null mice (Ref. 12).

Tumor necrosis factor-alpha (TNF- $\alpha$ ) plays a pivotal role in a number of cell signaling pathways involved in inflammation, cell proliferation, and apoptosis (Ref. 43). Although inconsistently reported with DINP treatment, TNF- $\alpha$  functional perturbation contributes to carcinogenesis (Ref. 43). In studies conducted in a human promonocyte cell line, DINP reduced phagocytosis in a dose-dependent manner and increased TNF- $\alpha$  levels (Ref. 44). DINP is shown to inhibit hepatic gap junctional intercellular communication (GJIC), and the inhibition of GJIC has been proposed as a non-genotoxic carcinogenic mechanism in rodents exposed to DINP for 2 or 4 weeks (Refs. 45 and 46).

In considering the structure activity relationships (*i.e.*, the read-across approach) between similar phthalates, DINP is structurally similar to di(2-ethylhexyl)phthalate (DEHP). Both the phthalates have phthalic acid as the common structure with different branched alkyl chains for the ester portion. DEHP has an eight carbon alkyl chain with an ethyl branch at the 2 position and DINP has a nine carbon alkyl chain with a methyl group at various positions. One of the commercially available DINP mixtures (CAS number 68515-48-0) contains ~70% nine-carbon alkyl ester chains with the rest being eight- and ten-carbon alkyl ester chains. Analog searches with AIM (<https://www.epa.gov/tsca-screening-tools/analog-identification-methodology-aim-tool>) and GenRA (<https://comptox.epa.gov/genra>), identified DEHP as the analog to DINP. DEHP and DINP are carcinogenic in rodents, are metabolized via similar



detoxification pathways, and have similar modes of action (e.g., PPAR $\alpha$  is believed to play a role in liver tumorigenesis for most phthalates (Refs. 23 and 24). Due to these similarities, DEHP carcinogenicity data is useful for a read-across approach to DINP. DEHP has been classified by IARC as a Group 2B (possibly carcinogenic to humans) carcinogen (Refs. 47 and 48); by EPA as a Class B2 (Probable human carcinogen) carcinogen (Ref. 49); by the National Toxicology Program (NTP) to be reasonably anticipated to be a human carcinogen (Ref. 50); and is listed by CalEPA under California's Proposition 65 as causing cancer (Ref. 51). These previous assessments indicate DEHP is a carcinogenic hazard to humans. Based on available toxicity data for DINP in multiple species (mouse and rats) and adverse effects on multiple tissues (liver, kidney, uterus and testicular), with similar mechanism of action (MOA), through activation of multiple toxicity pathways by multiple nuclear receptors (such as PPAR $\alpha/\gamma$ , CAR, AhR), leading to cancer in multiple organs and structural similarities between DEHP and DINP, it is reasonable to assume that DINP would be a carcinogenic hazard to humans.

In summary, the available literature as discussed above and in the updated hazard assessment (Ref. 3), provides evidence that DINP can be reasonably anticipated to cause cancer in humans. EPA proposes to conclude that the available cancer data provides a sufficient basis for listing DINP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B)(i) because it demonstrates that DINP can reasonably be anticipated to cause cancer in humans.

2. *What chronic developmental toxicity data were found for DINP?* In this section, EPA discusses the available developmental toxicity data that supports EPA's proposed conclusion that DINP can reasonably be anticipated to cause serious or irreversible developmental effects in humans. Additional information is provided in the updated hazard assessment (Ref. 3).

The available data for developmental toxicity (see Table 22 of Ref. 3) generally shows a consistent pattern of effects within the window of exposure (*in utero*, prenatal, and post natal exposure). The results of the one- and two-generation reproductive studies indicate that DINP affects post natal growth, as evident from significantly reduced pup growth at doses of 143–285 milligrams per kilogram per day (mg/kg/day) (during gestation and lactation (Refs. 52 and 53)). The results of two developmental toxicity studies on DINP

(Refs. 52 and 53) are also consistent. In both studies, DINP exposure *in utero* resulted in increased incidences of rudimentary lumbar and/or supernumerary cervical ribs and adverse renal effects in fetuses. Hellwig *et al.* (Ref. 52) identified a no-observed-adverse-effect level (NOAEL) and a lowest-observed-adverse-effect level (LOAEL) of 200 and 1,000 mg/kg/day, respectively, for these developmental effects. EPA has identified lower NOAEL and LOAEL values of 100 and 500 mg/kg/day, respectively, based on effects observed in the developmental study conducted by Waterman *et al.* (Ref. 53). DINP causes malformations of the reproductive tract and alterations in fetal testicular testosterone production and content in male offspring of rats exposed to 750 mg/kg/day during gestation (Refs. 54 and 55).

In a study of male sexual development, timed pregnant Crl:CD Sprague-Dawley rats were administered the test substance in corn oil via oral gavage at target doses of 0 (vehicle), 50, 250, or 750 mg/kg/day (corresponding to mean analytical doses of 0, 47, 242, or 760 mg/kg/day) from gestation days (GDs) 12–19 (Ref. 56). The maternal NOAEL and LOAEL were determined to be 47 and 242 mg/kg/day based on increased liver weights in dams. The developmental NOAEL and LOAEL were determined to be 47 and 242 mg/kg/day based on induction of multinucleated gonocytes (MNGs) and reduced testosterone in fetal testes.

In a prenatal developmental toxicity study, timed pregnant female Sprague-Dawley rats (20/group, 24 controls) were administered the test substance in the diet at target concentrations of 0 (base diet), 760, 3,800, or 11,400 ppm (target doses of 0, 50, 250, or 750 mg/kg/day, respectively) from GD 12 through post natal day (PND) 14 (Ref. 57). The study identified a LOAEL for maternal effects of 11,400 ppm (~750 mg/kg/day) based on reduced body weight, body weight gain, and food consumption during gestation and lactation; the NOAEL was 3,800 ppm (~250 mg/kg/day). The developmental LOAEL was 3,800 ppm (~250 mg/kg/day) for effects seen in male pups, including reduced pup weight and increased MNGs at greater than 3,800 ppm and decreased anogenital distance (AGD) and increased Leydig cell (LC) aggregation at 11,400 ppm. The developmental NOAEL was found to be 760 ppm (~50 mg/kg/day).

The WoE from the available reproductive and developmental toxicity studies that were considered and presented in Table 22 of the hazard assessment (Ref. 3) demonstrates that

DINP causes serious or irreversible developmental effects in animals. The adverse effects include decreased body weight of pups during lactation in a rat two-generation reproductive toxicity study and in a multi-dose perinatal exposure study (Refs. 53 and 54); adverse renal and skeletal effects observed in two rat developmental toxicity studies (Refs. 52 and 58); altered sexual differentiation observed in a single dose gavage study (750 mg/kg/day) of perinatally-exposed male rats (Ref. 55); and occurrence of histological lesions in the ovaries and testes of male and female rats exposed perinatally via the diet (1,164–2,656 mg/kg/day) (Ref. 59).

Reduction in the mean body weight of pups exposed to DINP either for one generation, two generations, or perinatally is a sensitive indicator of developmental toxicity, in part because it is a continuous variable. The Agency believes that the weight of evidence indicates reduced pup body weight is a serious effect because (1) the observed responses were statistically significant; (2) the responses were dose-related, (3) the reductions ranged from 9–43% below control values (a range that is consistent with biological significance); (4) the magnitude of the response tended to increase with DINP exposure over time via lactation exposure during the post-natal period; (5) the reductions were observed in both sexes and in both F1 and F2 generations of the two-generation study; (6) the weight reductions were noted in both one- and two-generation and perinatal exposure studies; and (7) the response may have long-term consequences. Although there is always a question as to whether weight reduction is a permanent or transitory effect, little is known about the long-term consequences of short-term fetal or neonatal weight changes; however, a previous study has shown that exposure to chemicals during organogenesis that reduced pup birth weight also permanently reduced adult mouse weight with about 50% of the chemicals (about 40 tested) (Ref. 60), and there is growing epidemiological evidence of the long-term consequences of low birth weight in humans (Ref. 61). Therefore, EPA has concerns for potentially serious developmental effects of DINP in humans.

The kidney and skeletal variations observed in rats treated with DINP are serious because they are structural effects that indicate that development has been disrupted. The observed renal effects and skeletal variations occurred in the absence of or at minimal maternal toxicity. In particular, the occurrence of extra cervical ribs may be of serious



health consequence. As noted by National Toxicology Program Center for the Evaluation of Risks to Human Reproduction (Ref. 62), supernumerary cervical ribs are an uncommon finding, and their presence may indicate a disruption of gene expression leading to this structural anomaly. In addition, there is concern that cervical ribs may interfere with normal nerve function and blood flow.

The effects on sexual differentiation observed in male rats by Gray *et al.* (Ref. 54) are serious because they represent gross morphological malformations not normally seen in development of this species. The discrepancy between the antiandrogenic effects observed in the perinatal exposure study (Ref. 54) and the absence of similar effects in the two-generation reproductive study conducted by Waterman *et al.* (Ref. 53) may be explained, in part, by the dose (750 mg/kg) used by Gray *et al.* (Ref. 54) and by differences in the protocol used for each study. Exposures during gestation in the two-generation study did not reach the dose that was used in the Gray *et al.* (Ref. 54) perinatal exposure study during gestation (approximately 560 mg/kg/day vs. 750 mg/kg/day, respectively) and the reproductive parameters affected in the study by Gray *et al.* (Ref. 54), including nipple retention, anogenital distance, age at testes descent, and age at preputial separation, were not measured in the two-generation reproductive study.

Furthermore, the number of F1 animals examined by Waterman *et al.* (Ref. 53) was not sufficient to detect the low (7.7%) but statistically significant incidence of malformations observed by Gray *et al.* (Ref. 54). The perinatal exposure study reported by Masutomi *et al.* (Ref. 59) did not detect the same type of alterations reported by Gray *et al.* (Ref. 54), although the administered dietary concentrations resulted in doses (306.7–656.7 mg/kg/day and 1,164–2,657 mg/kg/day) that bracketed the single gavage dose of 750 mg/kg/day administered by Gray *et al.* (Ref. 54). However, Masutomi *et al.* (Ref. 59) examined fewer litters (5 vs. 14), examined fewer pups (number of pups and developmental endpoints examined prior to culling were not reported) and did not report use of the same type of detailed internal and external examinations used by Gray *et al.* (Ref. 54) to detect areolas, retained nipples, and other developmental effects. In addition, the differing routes of administration (gavage vs. diet) used in these studies may have resulted in different peak blood concentrations of DINP.

Although the study by Gray *et al.* (Ref. 54) used a single dose and a NOAEL/LOAEL could not be established, the observed effects indicate that DINP has the potential for antiandrogenic effects in neonatal male rats when tested at 750 mg/kg/day. The effects of DINP on sexual differentiation were characterized by the study authors as malformations for the tested species and are therefore believed to be permanent (*i.e.*, not transient or reversible) and adverse. The observed effects may have resulted from inhibition of fetal testis hormone production during sexual differentiation, a process that is critical in all mammals including humans. It has been demonstrated that several other structurally related phthalate esters (dibutyl phthalate (DBP), DEHP, and benzyl butyl phthalate (BBP)) also alter sexual differentiation and do so by altering fetal testis testosterone production and/or content (Refs. 63 and 64) and insulin-like hormone 3 (Insl3) production (Ref. 65), resulting in malformations of male reproductive tissues that require these hormones for development. The results of a recent study by Borch *et al.* (Ref. 55), which showed decreased fetal testis production and content of testosterone in offspring of female rats treated with DINP during gestation, are consistent with this pattern and increase the WoE for disruption of testosterone synthesis as a potential MOA for the observed effects on the male reproductive system. Although information is currently lacking on (1) the precise mechanism(s) responsible for DINP-induced malformations and its relevance to humans, and (2) the critical window of susceptibility for these effects during reproductive development, based upon the WoE, EPA concludes that humans can reasonably be anticipated to be affected if exposed to sufficient concentrations of DINP or its metabolites at critical stages of reproductive development.

In summary, the available literature as discussed above and in the updated hazard assessment (Ref. 3), provides evidence that DINP can be reasonably anticipated to cause developmental toxicity in humans. EPA proposes to conclude that the available developmental toxicity data provides a sufficient basis for listing DINP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B)(ii) because it demonstrates that DINP can reasonably be anticipated to cause serious or irreversible chronic developmental toxicity.

3. *What chronic kidney toxicity data were found for DINP?* In this section, EPA discusses the available kidney

toxicity data that supports EPA's proposed conclusion that DINP can reasonably be anticipated to cause chronic kidney toxicity in humans. Additional information is provided in the updated hazard assessment (Ref. 3).

The kidney is both a cancer and a non-cancer target organ of DINP in chronic toxicity studies in rats and mice. In rats, increased relative kidney weights were seen in a 21-day (Ref. 66) and three 2-year rodent studies of DINP (Refs. 5, 6, and 7). In the 2-year study conducted by Lington *et al.* (Ref. 7), exposure to dietary levels of 152 and 307 mg/kg/day increased relative kidney weights of both male and female rats. An increase in tubular cell pigment was also noted in the tubular epithelium of high-dose males at 18 months. In the 2-year study reported by Moore (Ref. 5), increased relative kidney weights occurred in rats receiving dietary doses greater than 359 mg/kg/day for males and 442 mg/kg/day for females. Urinalysis findings from the chronic studies included significant increases in urine output and corresponding decreases in electrolyte levels in high-dose males, suggesting compromised ability to concentrate urine in the renal tubule epithelium. These effects occurred at the same dosages that produced changes in kidney weights. In the Moore (Ref. 5) study, serum urea levels (a marker of kidney toxicity) were significantly increased in rats exposed to 359 mg/kg/day and higher during the second half of the study. Increases in urine volume and kidney lesions were observed in the recovery group exposed to 733 mg/kg/day.

In the Moore (Ref. 5) study, male rats with increased kidney weights also had increased mineralization of renal papillae. However, it is unlikely that the histological effects reported (mineralization of renal papillae in male rats and pigmentation of kidney tubule cells) account for the increased weights of the kidneys because routine histological observations do not account for observations of mineralizations and pigmentations in the kidney.

The kidney was also a target organ for DINP toxicity in the chronic study in mice (Ref. 6). Kidney weights were significantly decreased at doses of 1,500 ppm (276 mg/kg/day) and above in male mice. This decrease in kidney weight correlated with clinical chemistry findings of higher urine volumes accompanied by lower osmolality (with lower concentrations of sodium, potassium and chlorides) in the highest dose group and recovery groups of both sexes. The urinalysis findings suggest compromised ability to concentrate urine in the renal tubule epithelium.

Histopathology findings included a DINP-induced increase in the incidence of chronic progressive nephropathy in females of the highest dose group (but not in males). Granular pitted/rough kidneys were observed in female mice receiving the 8,000 ppm diet (1,888 mg/kg/day) and corresponded to increased incidence/severity of treatment-related nephropathy. The recovery group had a decreased incidence of chronic progressive nephropathy, suggesting that the effects of DINP were partially reversible upon cessation of DINP treatment or that cessation of treatment prevented exacerbation of existing lesions. Kidney changes in female mice (increased incidence and severity of nephrotoxicity) occurred at 8,000 ppm (1,888 mg/kg/day) and in male and female rats (increased kidney weights, compromised ability to concentrate urine) at 6,000 ppm (359 and 442 mg/kg/day, respectively). Such changes are indicative of kidney toxicity. Although effects in male rats appear to be due to  $\alpha$ 2u-globulin nephropathy, the toxic kidney effects in female mice and increased kidney weights in female rats cannot be explained by an  $\alpha$ 2u-globulin MOA.

In summary, the available literature as discussed above and in the updated hazard assessment (Ref. 3), provides evidence that DINP can be reasonably anticipated to cause chronic kidney toxicity in humans. EPA proposes to conclude that the available kidney toxicity data provides a sufficient basis for listing DINP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B)(ii) because it demonstrates that DINP can reasonably be anticipated to cause serious or irreversible chronic effects on the kidney.

4. *What chronic liver toxicity data were found for DINP?* In this section, EPA discusses the available liver toxicity data that supports EPA's proposed conclusion that DINP can reasonably be anticipated to cause chronic liver toxicity in humans. Additional information is provided in the updated hazard assessment (Ref. 3).

Adverse liver effects were noted in rats following chronic DINP exposure in three independent studies (Refs. 5, 6, and 7). Spongiosis hepatitis, also called cystic or microcystic degeneration, has been identified as the most sensitive non-neoplastic response resulting from DINP exposure and is thus considered the critical non-cancer effect. The incidence of spongiosis hepatitis was dose-related, and significantly elevated in male rats chronically treated with DINP in three studies conducted by different laboratories (Refs. 5, 6, and 7).

In the Lington *et al.* (1997) study (Ref. 7), the LOAEL for spongiosis hepatitis was 152 mg/kg/day, while the LOAEL in the Moore study (Ref. 5) was 359 mg/kg/day; the NOAELs were 15 and 88 mg/kg/day, respectively. A Histopathology Peer Review and Pathology Working Group (Ref. 67) independently evaluated the liver slides from rats chronically treated with DINP (Refs. 5 and 7) and confirmed that the incidence of spongiosis hepatitis was increased in male rats in each study.

There is general agreement that spongiosis hepatitis develops from the perisinusoidal (Ito) cells of the liver. The existing data support the conclusion that the increased incidence of spongiosis hepatitis in dosed rats is clearly related to DINP treatment. In evaluating the data for hepatic spongiosis, EPA considered (1) the possibility that occurrence of spongiosis hepatitis and induction of peroxisome proliferation were related; (2) the possibility that the occurrence of spongiosis hepatitis was a consequence of MNCL; (3) the relationship of spongiosis hepatitis to hepatocellular cancer; and (4) the human relevance of hepatitis spongiosis.

The occurrence of spongiosis hepatitis and peroxisome proliferation in the livers of rats exposed to DINP are likely to be unrelated due to two different MOAs. Although peroxisome proliferation appeared to occur in both sexes of rats and mice, the incidence of spongiosis hepatitis was increased only in male rats. In addition, spongiosis hepatitis occurred in control animals and in treated animals at doses that did not induce peroxisome proliferation. These data indicate that induction of peroxisome proliferation per se is not a prerequisite for induction of spongiosis hepatitis.

The increased incidence of spongiosis hepatitis observed in rats exposed to DINP is not due to MNCL. This conclusion is based on the findings of the Experimental Pathology Laboratories (Ref. 67), which noted that only about 50% of the animals with spongiosis hepatitis also had MNCL and that the incidence of spongiosis hepatitis increased in some rats that did not show signs of MNCL.

Spongiosis hepatitis may be associated with or located within foci of cellular alteration or hepatocellular neoplasms. This association has prompted questions regarding the relationship of this lesion to carcinogenic processes in the liver. EPA considers the relationship between spongiosis hepatitis and hepatic carcinogenesis to be two independent events. There does not appear to be strong correlation between the

induction of spongiosis hepatitis and the occurrence of hepatocellular neoplasms in rats treated with DINP. In addition, 4 of the 12 studies reviewed by Karbe and Kerlin (Ref. 68) reported spongiosis hepatitis in the absence of hepatocellular neoplasms while a fifth study observed hepatocellular cancer in females only.

Spontaneous and induced spongiosis hepatitis lesions have been observed in fish as well as rats, but the existence of the lesion in humans and other species is less well supported (Ref. 68). It is unknown whether human Ito cells are capable of developing spongiosis hepatitis as observed in rats. In the absence of information that clearly indicates a species-specific MOA for development of spongiosis hepatitis, the occurrence of this lesion in rats is assumed to be relevant to humans (Ref. 68).

Based on the available data, the WoE indicates that the spongiosis hepatitis is a treatment-related lesion in rats treated with DINP and that the occurrence of this lesion in animals is relevant to human health. EPA has identified NOAEL and LOAEL values of 15 and 152 mg/kg/day, respectively, for the Lington study (Ref. 7) and 88 and 359 mg/kg/day, respectively, for the Moore study (Ref. 5) based on indications of serious liver damage (*i.e.*, a statistically significant increased incidence of spongiosis hepatitis and increased liver weight and liver enzyme activities) in male rats chronically exposed to DINP for 2 years.

In summary, the available literature as discussed above and in the updated hazard assessment (Ref. 3), provides evidence that DINP can be reasonably anticipated to cause chronic liver toxicity in humans. EPA proposes to conclude that the available liver toxicity data provides a sufficient basis for listing DINP on the EPCRA section 313 toxic chemicals list pursuant to EPCRA section 313(d)(2)(B)(ii) because it demonstrates that DINP can reasonably be anticipated to cause serious or irreversible chronic effects on the liver.

#### **IV. What is EPA's rationale for listing the DINP category?**

Based on EPA's review of the available carcinogenicity data, EPA proposes to conclude that DINP can reasonably be anticipated to cause cancer in humans. In addition, based on EPA's review of the available chronic toxicity data, EPA proposes to conclude that DINP can reasonably be anticipated to cause serious or irreversible chronic human health effects at moderately low to low doses including developmental effects, kidney toxicity, and liver toxicity. The data for DINP

demonstrates that DINP has moderately high to high human health toxicity based on the available animal studies. Therefore, EPA proposes to conclude that, based on the available toxicity data summarized above and in the updated hazard assessment, DINP meets the criteria in EPCRA section 313(d)(2)(B) for listing on the EPCRA section 313 toxic chemicals list.

EPA is proposing to add DINP to the EPCRA section 313 list as a chemical category under the name “Diisononyl Phthalates (DINP): Includes branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons.” As explained in Unit III.A., DINP includes the branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which the alkyl ester moieties contain a total of nine carbons and there is no single generic CAS number that represents all DINPs. This category includes the four CAS numbers that represent the DINP esters identified in Unit III.A., as well as any other branched alkyl di-ester of 1,2-benzenedicarboxylic acid in which the alkyl ester moieties contain a total of nine carbons. As EPA has explained in the past (see 59 FR 61442–61443, November 30, 1994)(FRL–4922–2), EPCRA allows the Agency, in its discretion, to add a chemical category to the list, where EPA identifies the toxic effect of concern for at least one member of the category and then shows why that effect can reasonably be expected to be caused by all other members of the category. Given the structural similarities of the members of the proposed DINP category, it is reasonable to anticipate that all members of the DINP category as described will exhibit similar toxicity. For this reason, creating a category of DINP is the most appropriate way to list this class of chemicals.

EPA has concluded that it is not appropriate to consider exposure for chemicals that are moderately high to highly toxic based on a hazard assessment when determining if a chemical should be added for chronic human health effects pursuant to EPCRA section 313(d)(2)(B) (see 59 FR 61440–61442). Therefore, in accordance with EPA’s standard policy on the use of exposure assessments (see November 30, 1994 (59 FR 61432, FRL–4922–2), an exposure assessment is neither necessary nor appropriate for determining whether DINP meets the criteria of EPCRA section 313(d)(2)(B).

## V. References

The following is a listing of the documents that are specifically

referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not itself physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

- USEPA. Economic Analysis for the Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting. Prepared by Abt Associates. May 4, 2022.
- Letter to EPA Administrator Carol M. Browner. Re: Petition to Add Diisononyl Phthalate (DINP) to the Emergency Planning and Community Right-to-Know Act Section 313 List of Toxic Chemicals. From Laurie Valeriano, Policy Director, Wastington Toxics Coalition. February 24, 2000.
- USEPA. Technical Review of Diisononyl Phthalate (*i.e.*, updated hazard assessment). Office Pollution Prevention and Toxics Data Gathering and Analysis Division and Existing Chemicals Risk Assessment Division. April 11, 2022.
- USEPA. Documents available on the website: Draft Protocol for Systematic Review in TSCA Risk Evaluations (<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/draft-protocol-systematic-review-tsca-risk-evaluations>) 2022.
- Moore, M.R. 1998. Oncogenicity study in rats with di(isononyl)phthalate including ancillary hepatocellular proliferation and biochemical analyses. TSCATS Doc# 89980000308. Old Doc 8EHQ099813083. Fiche # OTS05562832. Submitted by Aristech Chemical Corporation. Produced by Covance Laboratories 2598–104.
- Moore M.R. 1998. Oncogenicity study in mice with di(isononyl)phthalate including ancillary hepatocellular proliferation and biochemical analyses. TSCATS Doc# 89990000046. Old Doc 8EHQ119813083. Fiche # OTS05562833. Submitted by Aristech Chemical Corp. Produced by Covance 2598–105.
- Lington, A.W.; Bird M.G.; Plutnick, R.T.; Stubblefield, W.A.; and Scala, R.A. 1997. Chronic toxicity and carcinogenic evaluation of diisononyl phthalate in rats. *Fundam. Appl. Toxicol* 36: 79–89.
- Kaufmann W.; Deckardt, K.; McKee, R.H.; Butala, J.H.; Bahnemann, R.; 2002. Tumor induction in mouse liver: di-isononyl phthalate acts via peroxisome proliferation. *Regul. Toxicol. Pharmacol.* 36:175–183.
- Office of Environmental Health Hazard Assessment. 2013. Evidence on the carcinogenicity of diisononyl phthalate (DINP). Reproductive and Cancer Hazard Assessment Branch. California Environmental Protection Agency. Available from: <https://oehha.ca.gov/files/proposition-65/dinphid100413pdf-0>.
- Health Canada. 2015. Supporting documentation: carcinogenicity of phthalates—common MOA by tumor types. Ottawa (ON): Health Canada.
- Lee, S.S.-T.; Pineau, T. Drago, J; Lee, E.J.; Owens, J.W.; Kroetz, D.L.; Fernando-Salguero, P.M.; Westphal, H.; Gonzalez, F.L. 1995. Targeted disruption of the isoform of the peroxisome proliferator-activated receptor gene in mice results in abolishment of the pleiotropic effects of peroxisome proliferators. *Mol. Cell. Biol.* 15(6):3012–3022.
- Valles, E.G.; Laughter, A.R.; Dunn, C.S.; Cannelle, S.; Swanson, C.L.; Cattley, R.C.; Corton, J.C. 2003. Role of the peroxisome proliferator-activated receptor alpha in responses to diisononyl phthalate. *Toxicol.* 191(2–3):211–225.
- Foreman, J.E.; Koga, T.; Kosyk, O.; Kang, B.; Zhu, X.; Cohen, S.M.; Billy, L.J.; Sharma, A.K.; Amin, S.; Gonzalez, F.J.; Rusyn, I.; and Peters, J.M. 2021. Diminished Hepatocarcinogenesis by a Potent, High-Affinity Human PPAR $\alpha$  Agonist in PPARA-Humanized Mice, *Toxicological Sciences*, 183(1), 70–80.
- Foreman, J.E.; Koga, T.; Kosyk, O.; Kang, B.; Zhu, X.; Cohen, S.M.; Billy, L.J.; Sharma, A.K.; Amin, S.; Gonzalez, F.J.; Rusyn, I.; and Peters, J.M. 2021. Species Differences between Mouse and Human PPAR $\alpha$  in Modulating the Hepatocarcinogenic Effects of Perinatal Exposure to a High-Affinity Human PPAR $\alpha$  Agonist in Mice, *Toxicological Sciences*, 183(1), 81–92.
- Hall, M.; Matthews, A.; Webley, L.; and Harling R. 1999. Effects of di-isononyl phthalate (DINP) on peroxisomal markers in the marmoset—DINP is not a peroxisome proliferator. *J. Toxicol. Sci.* 24: 237–244.
- Pugh, G.; Isenberg, J.S.; Kamendulis, L.M.; Ackley, DC; Clare, L.J.; Brown, R.; Lington, A.W.; Smith, J.H.; and Klaunig, J.E. 2000. Effects of di-isononyl phthalate, di-2-ethylhexyl phthalate, and clofibrate in cynomolgus monkeys. *Toxicol. Sci.* 56:181–188.
- Benford, D.J.; Patel, S.; Reavy, H.J.; Mitchell, A.; Sarginson, N.J. 1986. Species differences in the response of cultured hepatocytes to phthalate esters. *Food Chem. Toxicol.* 24:799–800.
- Shaw, D.; Lee, R.; Roberts, R.A. 2002. Species differences in response to the phthalate plasticizer monoisononylphthalate (MINP) in vitro: a comparison of rat and human hepatocytes. *Arch. Toxicol.* 76:344–350.
- Yu, S.; Cao, W.Q.; Kashireddy, P.; Meyer, K.; Jia, Y.; Hughes, D.E.; Tan, Y.; Feng, J.; Yeldandi, A.V.; Rao, M.S.; Costa, R.H.; Gonzalez, F.J.; Reddy, J.K. 2001. Human peroxisome proliferator-activated receptor  $\alpha$  (PPAR $\alpha$ ) supports the induction of peroxisome proliferation in PPAR $\alpha$ -deficient mouse liver. *J Biol Chem.* 2001 Nov 9;276(45):42485–42491.
- Palmer, C.N.; Hsu, M.H.; Griffin, K.J.; Raucy, J.L.; Johnson, E.F. 1998. Peroxisome proliferator activated receptor-alpha expression in human liver. *Mol Pharmacol* 53(1):14–22.
- Tugwood, J.D.; Aldridge, T.C.; Lambe, K.G.; Macdonald, N.; Woodyatt, N.J.

1996. Peroxisome proliferator-activated receptors: structures and function. *Ann N Y Acad Sci* 804:252–265.
22. Walgren, J.E.; Kurtz, D.T.; McMillan, J.M. 2000. Expression of PPAR(alpha) in human hepatocytes and activation by trichloroacetate and dichloroacetate. *Res Commun Mol Pathol Pharmacol* 108(1–2):116–132.
23. Klaunig, J.E.; Babich, M.A.; Baetcke, K.P.; Cook, J.C.; Corton, J.C.; David, R.M.; DeLuca, J.G.; Lai, D.Y.; McKee, R.H.; Peters, J.M.; Roberts, R.A.; Fenner-Crisp, P.A. 2003. PPAR $\alpha$  agonist-induced rodent tumors: modes of action and human relevance. *Crit. Rev. Toxicol.* 33(6):655–780.
24. Corton, J.C.; Cunningham, M.L.; Hummer, B.T.; Lau, C.; Meek, B.; Peters, J.M.; Popp, J.A.; Rhomberg, L.; Seed, J.; Klaunig, J.E. 2014. Mode of action framework analysis for receptor-mediated toxicity: The peroxisome proliferator-activated receptor alpha (PPAR $\alpha$ ) as a case study. *Crit. Rev. Toxicol. Jan*; 44(1):1–49.
25. Corton, J.C.; Peters, J.M.; Klaunig, J.E. 2018. The PPAR $\alpha$ -dependent rodent liver tumor response is not relevant to humans: addressing misconceptions. *Arch. Toxicol. Jan*; 2(1):83–119.
26. Felter, S.P.; Foreman, J.E.; Boobis, A.; Corton, J.C.; Doi, A.M.; Flowers, L.; Goodman, J.; Haber, L.T.; Jacobs, A.; Klaunig, J.E.; Lynch, A.M.; Moggs, J.; Pandiri, A. 2018. Human relevance of rodent liver tumors: Key insights from a Toxicology Forum workshop on nongenotoxic modes of action. *Regul. Toxicol. Pharmacol. Feb*; 92:1–7.
27. Rakhshandehroo, M.; Hooiveld G.; Müller M.; Kersten S. 2009. Comparative Analysis of Gene Regulation by the Transcription Factor PPAR $\alpha$  between Mouse and Human. *PLoS ONE* 4(8): e6796. doi:10.1371/journal.pone.0006796.
28. Office of Environmental Health Hazard Assessment. 2013. Chemical listed effective December 20, 2013 as known to the state of California to cause cancer: Diisononyl Phthalate (DINP). Available from: <https://oehha.ca.gov/proposition-65/cmr/chemical-listed-effective-december-20-2013-known-state-california-cause-cancer>.
29. Guyton, K.Z.; Chiu, W.A.; Bateson, T.F.; Jinot, J.; Scott, C.S.; Brown, R.C.; Caldwell, J.C. 2009. A reexamination of the PPAR-alpha activation mode of action as a basis for assessing human cancer risks of environmental contaminants. *Environ Health Perspect.* Nov; 117(11):1664–72.
30. Health Canada. 2015. State of the Science Report: the Phthalate Substance Grouping: 1,2-Benzenedicarboxylic acid, diisononyl ester; 1,2-Benzenedicarboxylic acid, di-C8–10-branched alkyl esters, C9-rich (DINP). Chemical Abstracts Service Registry Numbers: 28553–12–0, 68515–48–0. Gatineau (QC): Environment Canada, Health Canada: Existing Substances Program.
31. Caldwell, D.J.; Eldridge, S.R.; Lington, A.W.; and McKee, R.H. 1999. Retrospective evaluation of alpha 2u-globulin accumulation in male rat kidneys following high doses of diisononyl phthalate. *Toxicol. Sci.* 51:153–160.
32. USEPA, 1991b. Alpha-2u-globulin: Association with Chemically Induced Renal Toxicity and Neoplasia in the Male Rat. Risk Assessment Forum. EPA/625/3–91/019F.
33. IARC, 1995. International Agency for Research on Cancer. Peroxisome Proliferation and Its Role in Carcinogenesis. Views and Opinions of an IARC Working Group. IARC Technical Report No. 24. World Health Organization, IARC, Lyon, France.
34. Chronic Hazard Advisory Panel on Diisononyl Phthalate. Report to the U.S. Consumer Product Safety Commission. June 2001. U.S. Consumer Product Safety Commission, Bethesda, MD.
35. Chronic Hazard Advisory Panel on Diisononyl Phthalate. Report to the U.S. Consumer Product Safety Commission. April 2010. U.S. Consumer Product Safety Commission, Bethesda, MD.
36. Caldwell, D.J. 1999. Review of mononuclear cell leukemia (MNCL) in F–344 rat bioassays and its significance to human cancer risk: A case study using alkyl phthalates. *Regul. Toxicol. and Pharmacol.* 30:45–53.
37. Biodynamics 1986: Daly, I. (Study Director) 1981–1983. A Chronic Toxicity/Carcinogenicity Feeding Study in Rats with Santicizer 900. Performing Laboratory: Bio/dynamics, Inc., East Millstone, NJ. Laboratory Study Number: 81–2572. Sponsor: Monsanto Company, St. Louis, MO.
38. Barber, E.D.; Cifone, M.; Rundell, J.; Przygoda, R.; Astill, B.D.; Moran, E.; Mulholland, A.; Robinson, E.; Schneider, B. (2000) Results of the L5178Y mouse lymphoma assay and the Balb/3T3 cell in vitro transformation assay for eight phthalate esters. *J. Appl. Toxicol.*, 20:69–80.
39. Microbiological Associates (1981b) Activity of T1677 in the in vitro mammalian cell transformation assay in the absence of exogenous metabolic activation. Unpublished laboratory report from Microbiological Associates submitted to Tenneco Chemicals Company, MA project No. T1677.108.
40. Bility, M.T.; Thompson, J.T.; McKee, R.H.; David, R.M.; Butala, J.H.; Vanden Heuvel, J.P.; Peters, J.M. Activation of Mouse and Human Peroxisome Proliferator-Activated Receptors (PPARs) by Phthalate Monoesters, *Toxicological Sciences*, Volume 82, Issue 1, November 2004, Pages 170–182.
41. Laurenzana, E.M.; Coslo, D.M.; Vigilar, M.V.; Roman, A.M.; Omiecinski, C.J. 2016. Activation of the Constitutive Androstane Receptor by Monophthalates. *Chem. Res. Toxicol.* Oct 17; 29(10):1651–1661. doi: 10.1021/acs.chemrestox.6b00186. Epub 2016 Sep 13. PMID: 27551952; PMCID: PMC5144158.
42. Wang, Y.C.; Chen, H.S.; Long, C.Y.; Tsai, C.F.; Hsieh, T.H.; Hsu, C.Y.; Tsai, E.M. 2012. Possible mechanism of phthalates-induced tumorigenesis. *Kaohsiung J. Med. Sci.* Jul; 28(7 Suppl):S22–27.
43. Bachegowda, L.; Gligich, O.; Mantzaris, I.; Schinke, C.; Wyville, D.; Carrillo, T.; Braunschweig, I.; Steidl, U.; Verma, A. 2013. Signal transduction inhibitors in treatment of myelodysplastic syndromes. *J Hematol Oncol* 6:50.
44. Bennastrou, A.; Rojas, L.; Foucaud, L.; Goulaouic, S.; Laval-Gilly, P.; Fickova, M.; Couleau, N.; Durandet, C.; Henry, S.; Falla, J. 2012. Effects of 4-nonylphenol and/or diisononylphthalate on THP–1 cells: impact of endocrine disruptors on human immune system parameters. *Int J Immunopathol Pharmacol* 25:365–376.
45. Trosko, J.E.; Chang, C.C.; Madhukar, B.V. 1990. Modulation of intercellular communication during radiation and chemical carcinogenesis. *Radiat Res* 123:241–251.
46. Smith, J.H.; Isenberg, J.S.; Pugh Jr, G.; Kamendulis, L.M.; Ackley, D.; Lington, A.W.; Klaunig, J.E. 2000. Comparative in vivo hepatic effects of di-isononyl phthalate (DINP) and related C7–C11 dialkyl phthalates on gap junctional intercellular communication (GJIC), peroxisomal beta-oxidation (PBOX), and DNA synthesis in rat and mouse liver. *Toxicol Sci* 54:312–321.
47. IARC. 2013. Di(2-ethylhexyl)phthalate. IARC Monographs on the evaluation of carcinogenic risks to humans. Volume 101: Some chemicals present in industrial and consumer products, food and drinking-water. Lyon, France: International Agency for Research on Cancer. 149–284. <https://publications.iarc.fr/125>. April 27, 2017.
48. IARC. 2017. Agents classified by the IARC Monographs, Volumes 1–118. Lyon, France: International Agency for Research on Cancer.
49. IRIS. 1988. Di(2-ethylhexyl)phthalate (DEHP); CASRN 117–81–7. Integrated Risk Information System. Washington, DC: U.S. Environmental Protection Agency. [https://cfpub.epa.gov/ncea/iris/iris\\_documents/documents/subst/0014\\_summary.pdf](https://cfpub.epa.gov/ncea/iris/iris_documents/documents/subst/0014_summary.pdf). April 27, 2017.
50. NTP. 2016. Di(2-ethylhexyl) phthalate. In: Report on carcinogens. 14th ed. Research Triangle Park, NC: National Toxicology Program, <https://ntp.niehs.nih.gov/ntp/roc/content/profiles/diethylhexylphthalate.pdf>. August 27, 2020.
51. Office of Environmental Health Hazard Assessment. 2003 <https://oehha.ca.gov/proposition-65/chemicals/di2-ethylhexylphthalate-dehp>.
52. Hellwig, J.; Freudenberger, H.; and Jackh, R. 1997. Differential prenatal toxicity of branched phthalate esters in rats. *Food and Chem. Toxicol.* 35:501–512.
53. Waterman, S.J.; Keller, L.H.; Trimmer, G.W.; Freeman, J.J.; Nikiforov, A.I.; Harris, S.B.; Nicolich, M.J.; and McKee, R.H. 2000. Two generation reproduction study in rats given di-isononyl phthalate in the diet. *Reprod. Toxicol.* 14(1):21–36.
54. Gray, L.E.; Jr, Ostby, J.; Furr, J.; Price, M.; Rao Veeramachaneni, D.N.; and Parks, L. 2000. Perinatal exposure to the

- phthalates DEHP, BBP, and DINP, but not DEP, DMP, or DOTP, alters sexual differentiation of the male rat. *Toxicol. Sci.* 58:350–365.
55. Borch, J.; Ladefoged, O.; Hass, U.; Vingaard, A.M. 2004. Steroidogenesis in fetal male rats is reduced by DEHP and DINP, but endocrine effects of DEHP are not modulated by DEHA in fetal, prepubertal and adult male rats. *Reprod. Toxicol.* 18:53–61.
56. Clewell, R. 2011. Pharmacokinetics and Fetal Testes Effects after Diisononyl Phthalate Administration in Rat Gestation. Performing laboratory: The Hamner Institutes for Health Sciences, Research Triangle Park, NC. Laboratory Study Number: 09016. Sponsor: ExxonMobil Biomedical Sciences, Inc, Annandale, NJ.
57. Clewell, R. 2011. A Dose Response Study of the Effects on Male Rat Sexual Development After Administration of Diisononyl Phthalate to the Pregnant and Lactating Dam. Performing laboratory: The Hamner Institutes for Health Sciences, Research Triangle Park, NC. Laboratory Study Number: 10003. Sponsor: ExxonMobil Biochemical Sciences Inc., location not reported.
58. Waterman, S.J.; Ambroso, J.L.; Keller, L.H.; Trimmer, G.W.; Nikiforov, A.I.; Harris, S.B. 1999. Developmental toxicity of di-isodecyl and di-isononyl phthalates in rats. *Reprod. Toxicol.* 13(2):131–136.
59. Masutomi, N.; Shibutani, M.; Takagi, H.; Uneyama, C.; Takahashi, N.; Hirose, M. 2003. Impact of dietary exposure to methoxychlor, genistein, or diisononyl phthalate during the perinatal period on the development of the rat endocrine/reproductive systems in later life. *Toxicology* 192:149–170.
60. Gray, L.E. Jr; Kavlock, R.J. An extended evaluation of an in vivo teratology screen utilizing postnatal growth and viability in the mouse. *Teratog Carcinog Mutagen.* 1984;4(5):403–26. doi: 10.1002/tcm.1770040504. PMID: 6150557.
61. Hack, M.; Klein, N.K.; Taylor, H.G. 1995. Long-Term Developmental Outcomes of Low Birth Weight Infants. *The Future of Children*, vol. 5, no. 1, 1995, pp. 176–96.
62. National Toxicology Program Center for the Evaluation of Risks to Human Reproduction Expert Panel Report on Diisononyl Phthalate. Center for the Evaluation of Risks to Human Reproduction. October, 2000.
63. Parks, L.G.; Ostby, J.S.; Lambright, C.R.; Abbott, B.D.; Klinefelter, G.R.; Barlow, N.J.; Gray, L.E. Jr. 2000. The plasticizer diethylhexyl phthalate induces malformations by decreasing fetal testosterone synthesis during sexual differentiation in the male rat. *Toxicol. Sci.* 58:339–349.
64. Thompson, C.J.; Ross, S.M.; Gaido, K.W. 2004. Di(n-Butyl) phthalate impairs cholesterol transport and steroidogenesis in the fetal rat testis through a rapid and reversible mechanism. *Endocrinol.* 145(3):1227–1237.
65. Wilson, V.S.; Lambright, C.; Furr, J.; Ostby, J.; Wood, C.; Held, G.; Gray, L.E. 2004. Phthalate ester-induced gubernacular lesions are associated with reduced insl3 gene expression in the fetal rat testis. *Toxicol. Lett.* 146(3):207–215.
66. The British Industrial Biological Research Association. 1986. 21 day Feeding Study of Diisononyl Phthalate to Rats: Effects on the Liver and Liver Lipids, Fiche No. OTS0509544. TSCATS Doc# 40–8626208A.
67. Experimental Pathology Laboratories. 1999. Histopathology peer review and pathology working group review of selected lesions of the liver and spleen in male and female F344 rats exposed to di(isononyl)phthalate. EPL Project number 303–013, Pathology Report.
68. Karbe, E. and Kerlin, R.L. 2002. Cystic degeneration/spongiosis hepatitis in rats. *Toxicol. Pathol.* 30:216–227.

## VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

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

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

### B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR 1320.3(b). OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control numbers 2070–0212 and 2050–0078. Currently, the facilities subject to the reporting requirements under EPCRA section 313 and PPA section 6607 may use either EPA Toxic Chemicals Release Inventory Form R (EPA Form 9350–1), or EPA Toxic Chemicals Release Inventory Form A (EPA Form 9350–2). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, EPA established an alternative threshold for facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternative manufacture, process, or otherwise use

threshold of 1 million pounds per year of the chemical, provided that certain conditions are met, and submit the Form A instead of the Form R. In addition, respondents may designate the specific chemical identity of a substance as a trade secret pursuant to EPCRA section 322, 42 U.S.C. 11042, 40 CFR part 350.

OMB has approved the reporting and recordkeeping requirements related to Forms A and R, supplier notification, and petitions under OMB Control number 2070–0212 (EPA Information Collection Request (ICR) No. 2613.02) and those related to trade secret designations under OMB Control 2050–0078 (EPA ICR No. 1428). As provided in 5 CFR 1320.5(b) and 1320.6(a), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers relevant to EPA's regulations are listed in 40 CFR part 9 and displayed on the information collection instruments (e.g., forms, instructions).

### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* The small entities subject to the requirements of this action are small manufacturing facilities. The Agency has determined that of the 198 to 396 entities estimated to be impacted by this action, 181 to 362 are small businesses; no small governments or small organizations are expected to be affected by this action. All small businesses affected by this action are estimated to incur annualized cost impacts of less than 1%. Thus, this action is not expected to have a significant adverse economic impact on a substantial number of small entities. A more detailed analysis of the impacts on small entities is located in EPA's economic analysis (Ref. 1).

### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action is not subject to the requirements of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. EPA did not identify any small governments that would be impacted by this action. EPA's economic analysis indicates that the total industry cost of this action is

estimated to be \$920,938 to \$1,839,925 in the first year of reporting and \$438,542 to \$876,155 in subsequent years (Ref. 1).

E. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13175 does not apply to this action.

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

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

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. As such, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color) and low-income populations. The EPA believes that this type of action does not directly concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or indigenous peoples. This regulatory action adds an additional chemical category to the EPCRA section 313 reporting requirements; it does not have any impact on human health or the environment. This action does not

address any human health or environmental risks and does not affect the level of protection provided to human health or the environment. This action adds an additional chemical category to the EPCRA section 313 reporting requirements which provides information that government agencies and others can use to identify potential problems, set priorities, and help inform activities.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: August 2, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, for the reasons set forth in the preamble, EPA proposes that 40 CFR chapter I be amended as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

2. In § 372.65, adding in alphabetical order an entry to Table 3 in paragraph (c) for "Diisononyl Phthalates (DINP)" to read as follows:

§ 372.65 Chemicals and chemical categories to which this part applies.

\* \* \* \* \*

(c) \* \* \*

TABLE 3 TO PARAGRAPH (c)

Table with 2 columns: Category name, Effective date. Row 1: Diisononyl Phthalates (DINP): Includes branched alkyl di-esters of 1,2 benzenedicarboxylic acid in which alkyl ester moieties contain a total of nine carbons. (This category includes but is not limited to the chemicals covered by the CAS numbers and names listed here) ..... 1/1/2024. Subsequent rows list specific chemical categories like Diisononyl phthalate, Branched dinonyl phthalate, Bis(3,5,5-trimethylhexyl) phthalate, and Di(C8-10, C9 rich) branched alkyl phthalates.

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration****49 CFR Part 385**

[Docket No. FMCSA–2022–0128]

RIN 2126–AC48

**Incorporation by Reference; North American Standard Out-of-Service Criteria; Hazardous Materials Safety Permits**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** FMCSA proposes amendments to its Hazardous Materials Safety Permits regulations to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route controlled quantities of radioactive material. The OOSC provide enforcement personnel nationwide, including FMCSA’s State partners, with uniform enforcement tolerances for inspections. Currently, the regulations reference the April 1, 2021, edition of the handbook. Through this notice, FMCSA proposes to incorporate by reference the April 1, 2022, edition.

**DATES:** Comments must be received on or before September 7, 2022.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA-2022–0128 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov/docket/FMCSA-2022-0128/document>. Follow the online instructions for submitting comments.

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

- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

- *Fax:* (202) 493–2251.

*Viewing incorporation by reference material:* You may inspect the material

proposed for incorporation by reference at U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 8 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–1812. Copies of the material are available as indicated in the “EXECUTIVE SUMMARY AND 1 CFR 51” section of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Mr. José Cestero, Vehicle and Roadside Operations Division, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–5541, [jose.cestero@dot.gov](mailto:jose.cestero@dot.gov). If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:** FMCSA organizes this notice of proposed rulemaking (NPRM) as follows:

- I. Public Participation and Request for Comments
  - A. Submitting Comments
  - B. Viewing Comments and Documents
  - C. Privacy
- II. Executive Summary
- III. Abbreviations
- IV. Legal Basis
- V. Background
- VI. Discussion of Proposed Rulemaking
- VII. International Impacts
- VIII. Section-by-Section Analysis
- IX. Regulatory Analyses
  - A. E.O. 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures
  - B. Congressional Review Act
  - C. Advance Notice of Proposed Rulemaking
  - D. Regulatory Flexibility Act (Small Entities)
  - E. Assistance for Small Entities
  - F. Unfunded Mandates Reform Act of 1995
  - G. Paperwork Reduction Act
  - H. E.O. 13132 (Federalism)
  - I. Privacy
  - J. E.O. 13175 (Indian Tribal Governments)
  - K. National Environmental Policy Act of 1969

**I. Public Participation and Request for Comments****A. Submitting Comments**

If you submit a comment, please include the docket number for this NPRM (FMCSA–2022–0128), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body

of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2022-0128/document>, click on this NPRM, click “Comment,” and type your comment into the text box on the following screen.

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

FMCSA will consider all comments and material received during the comment period.

**Confidential Business Information (CBI)**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as “PROPIN” to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Mr. Brian Dahlin, Chief, Regulatory Analysis Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington DC 20590–0001. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

**B. Viewing Comments and Documents**

To view any documents mentioned as being available in the docket, go to <https://www.regulations.gov/docket/FMCSA-2022-0128/document> and choose the document to review. To view comments, click this NPRM, then click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets



Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

### C. Privacy

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

## II. Executive Summary and 1 CFR 51

This NPRM proposes to update an incorporation by reference found at 49 CFR 385.4(b)(1) and referenced at § 385.415(b). The provision at § 385.4(b)(1) currently references the April 1, 2021, edition of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." The CVSA handbook contains inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of transuranic waste and highway route controlled quantities of radioactive material. The OOSC, while not regulations, provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. The material is available, and will continue to be available, for inspection at the FMCSA, Office of Safety, 1200 New Jersey Avenue SE, Washington, DC 20590 (Attention: Chief, Compliance Division) at (202) 366-1812. The document may be purchased from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770, (301) 830-6143, [www.cvsa.org](http://www.cvsa.org).

In this NPRM, FMCSA proposes to incorporate by reference the April 1, 2022, edition of the handbook. This NPRM will discuss all updates to the currently incorporated 2021 edition of the handbook.

Fourteen updates distinguish the April 1, 2022, handbook edition from the 2021 edition. The incorporation by reference of the 2022 edition does not impose new regulatory requirements.

## III. Abbreviations

CDL Commercial Driver's License  
 CVSA Commercial Vehicle Safety Alliance  
 DOT Department of Transportation  
 FMCSA Federal Motor Carrier Safety Administration  
 FMCSRs Federal Motor Carrier Safety Regulations  
 FR Federal Register  
 MCMIS Motor Carrier Management Information System  
 OOS Out-of-Service  
 OOSC Out-of-Service Criteria  
 RFA Regulatory Flexibility Act  
 UMRA The Unfunded Mandates Reform Act of 1995  
 U.S.C. United States Code

## IV. Legal Basis for the Rulemaking

Congress has enacted several statutory provisions to ensure the safe transportation of hazardous materials in interstate commerce. Specifically, in provisions codified at 49 U.S.C. 5105(d), relating to inspections of motor vehicles carrying certain hazardous material, and 49 U.S.C. 5109, relating to motor carrier safety permits, the Secretary of Transportation is required to promulgate regulations as part of a comprehensive safety program on hazardous materials safety permits. The FMCSA Administrator has been delegated authority under 49 CFR 1.87(d)(2) to carry out the rulemaking functions vested in the Secretary of Transportation. Consistent with that authority, FMCSA has promulgated regulations under 49 CFR part 385, subpart E to address the congressional mandate on hazardous materials safety permits. Those regulations are the underlying provisions to which the material incorporated by reference discussed in this notice is applicable.

## V. Background

In 1986, the U.S. Department of Energy and CVSA entered into a cooperative agreement to develop a higher level of inspection procedures, out-of-service (OOS) conditions and/or criteria, an inspection decal, and a training and certification program for inspectors to conduct inspections on shipments of transuranic waste and highway route controlled quantities of radioactive material. CVSA developed the North American Standard Level VI Inspection Program for Transuranic Waste and Highway Route Controlled Quantities of Radioactive Material. This inspection program for select radiological shipments includes inspection procedures, enhancements to the North American Standard Level I Inspection, radiological surveys, CVSA Level VI decal requirements, and the "North American Standard Out-of-Service Criteria and Level VI Inspection

Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403." As of January 1, 2005, all vehicles and carriers transporting highway route controlled quantities of radioactive material are regulated by the U.S. Department of Transportation. All highway route controlled quantities of radioactive material must pass the North American Standard Level VI Inspection prior to the shipment being allowed to travel in the United States. All highway route controlled quantities of radioactive material shipments entering the United States must also pass the North American Standard Level VI Inspection either at the shipment's point of origin or when the shipment enters the United States.

Section 385.415 of title 49, Code of Federal Regulations, prescribes operational requirements for motor carriers transporting hazardous materials for which a hazardous materials safety permit is required. Section 385.415(b) requires that motor carriers ensure a pre-trip inspection is performed on each motor vehicle to be used to transport a highway route controlled quantity of a Class 7 (radioactive) material, in accordance with the requirements of CVSA's handbook titled "North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403."

According to 2018–2021 data from FMCSA's Motor Carrier Management Information System (MCMIS), approximately 2.86 million Level I–Level VI inspections were performed annually. Nearly 96 percent of these were Level I,<sup>1</sup> Level II,<sup>2</sup> and Level III<sup>3</sup> inspections. During the same period, an average of 670 Level VI inspections were performed annually, comprising only 0.02 percent of all inspections. On average, OOS violations were cited in

<sup>1</sup> Level I is a 37-step inspection procedure that involves examination of the motor carrier's and driver's credentials, record of duty status, the mechanical condition of the vehicle, and any hazardous materials/dangerous goods that may be present.

<sup>2</sup> Level II is a driver and walk-around vehicle inspection, involving the inspection of items that can be checked without physically getting under the vehicle.

<sup>3</sup> Level III is a driver-only inspection that includes examination of the driver's credentials and documents.



only 4 Level VI inspections annually (0.6 percent), whereas on average, OOS violations were cited in 212,603 Level I inspections (26 percent), 249,550 Level II inspections (25 percent), and 52,911 Level III inspections (6 percent) annually. As these statistics demonstrate, OOS violations are cited in a far lower percentage of Level VI inspections than Level I, II, and III inspections, due largely to the enhanced oversight and inspection of these vehicles because of the sensitive nature of the cargo being transported.

The changes to the 2022 edition of the CVSA handbook are intended to ensure clarity in the presentation of the OOS conditions and are generally editorial or ministerial. As discussed below, FMCSA does not expect the changes made in the 2022 edition of the CVSA handbook to affect the number of OOS violations cited during Level VI inspections.

## VI. Discussion of Proposed Rulemaking

Section 385.4(b)(1), as amended on December 23, 2021 (86 FR 72854), references the April 1, 2021, edition of the CVSA handbook. This NPRM proposes to amend § 385.4(b)(1) by replacing the reference to the April 1, 2021, edition date with a reference to the new edition date of April 1, 2022.

The changes made based on the 2022 edition of the handbook are outlined below. It is necessary to update the materials incorporated by reference to ensure motor carriers and enforcement officials have convenient access to the correctly identified inspection criteria referenced in the rules.

### *April 1, 2022, Changes*

Fourteen changes in the 2022 edition of the CVSA handbook distinguish it from the April 1, 2021, edition:

(1) The Policy Statement of Part I was amended to provide a clear definition of OOSC and define the term “imminent hazard.” CVSA determined that the term “imminent hazard” should be used to describe an OOSC. As such, wording was used to provide consistency between the OOSC and the Federal Motor Carrier Safety Regulations (FMCSRs). A note was also added to clarify that the OOSC in Part I does not apply to a co-driver. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(2) Part I, Item 2.a. and Item 3.a., was amended to add a note clarifying that information received from the National Law Enforcement Telecommunication System or the Commercial Driver’s License Information System may be

used for U.S. home jurisdiction license verification without the need of additional confirmation. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(3) Part I, Item 2.b. and Item 3.c., were amended to clarify in the note on Mexico’s “Licencia Federal de Conductor” (LFC) that only Class E requires an endorsement. Prior to February 25, 2016, a driver with Mexico’s Class B license could operate a commercial motor vehicle combination that included double trailers. The “Observaciones” section on the back of the license did not include an explicit doubles endorsement. Similarly, a driver could obtain Mexico’s Class E license and the “Observaciones” section on the back of the license did not include an explicit hazardous materials endorsement. After February 25, 2016, Mexico’s Dirección General de Autotransporte Federal, Secretaría de Infraestructura, Comunicaciones, y Transportes required a new Class E license for drivers that wish and are qualified to operate doubles and/or transport hazardous materials. Additionally, the “Observaciones” section on the back of the license has an explicit endorsement specifying whether the driver is authorized to use doubles or transport hazardous materials or both. However, a clarification was needed to specify that the endorsement on the back of the license is for the Class E license, not the Class B license. This information had already been updated in the LFC Inspection Schematic issued in April 2021. This amendment is applicable only to the enforcement of Mexican regulations and will not have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(4) Part I, Item 7.c., was amended to add a table clarifying the Commercial Driver’s License (CDL) and non-CDL drivers prohibited in the Drug and Alcohol Clearinghouse. Currently, this section details the OOS actions that are required to be taken when a driver is recorded in the Drug and Alcohol Clearinghouse as prohibited from performing safety-sensitive functions per 382.501(a). However, CVSA noted that the current FMCSRs, specifically § 382.501, do not state that a driver operating a non-CDL required vehicle and engaged in intrastate commerce be placed OOS. Therefore, a guidance table was provided to clarify the OOSC for CDL and non-CDL drivers prohibited from performing safety sensitive

functions during intrastate and interstate commerce. A note was also added explaining the applicability of the table. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(5) The Policy Statement of Part II was amended to provide a clear definition of OOSC and define the term “imminent hazard.” CVSA determined that the term “imminent hazard” should be used to describe an OOSC. As such, wording was used to provide consistency between the OOSC and the FMCSRs. A note was also added to clarify that the OOSC in Part I does not apply to a co-driver. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(6) The chart for “Defective Brakes” in Part II, Item 1.a., was amended to add a note to clarify that brakes on wheels required or not shall be used in the 20 percent calculation for the total number of brakes. Clarification was necessary specifically in driveaway/towaway combination cases where brakes are not required on the towed unit. The 20 percent calculation is only used to determine if the vehicle or combination is OOS based on the number of defective brakes versus the number of operational brakes. Therefore, CVSA determined that all brakes must be considered for the purpose of imminent hazard, whether they are required or not. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(7) Part II, Item 1.d.2., was amended to add language to specify that a breakaway device can be attached to a permanently mounted hitch. Clarification was needed to specify that a hitch that is bolted to the towing vehicle should be considered permanently attached to the vehicle. Thus, a breakaway device like a cable attached to a permanent hitch is acceptable. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(8) Reference table Part II, Item 1.h.1. was amended to clarify when an air hose should be placed OOS. CVSA contacted the industry to discuss air brake hose failure modes and OOS conditions. Brake hose manufacturers provided information indicating that when the reinforcement ply layer is frayed the integrity of the brake hose is compromised and thus, to prevent a

failure, the brake hose should be placed OOS. According to this information, The Society of Automotive Engineers provided updated language and guidance to the OOS condition. As such, CVSA added language to the OOS reference table and updated the diagram for air hoses/tubing. In addition, a note was also added to define the term “reinforcement ply.” The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(9) Part II, Item 1.o., was amended to add an OOS condition to address a situation where the entire master cylinder assembly is found loose. In response to a video that shows an inspection where the entire master cylinder assembly, including the backup system, was loose on the firewall, CVSA determined that this condition, although rare, would cause a severe reduction in braking action and, in other cases, brake failure if the assembly is completely detached from the firewall. Part II, Item 1.o. was amended to add an OOS condition that a vehicle should be placed OOS when the master cylinder assembly including the backup system, power assist, or power brake unit has loose or missing mounting bolts. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(10) Part II, Item 9.b. was amended to clarify that this section only applies to lighting systems and no other electrical systems. There have been instances where inspectors have been using this section and applying it incorrectly to electric brakes. The purpose of the OOS condition in the “Lighting Devices” section was to only address lighting. However, for further clarity, CVSA determined that the term “lighting” should be added to the existing language to clarify that this condition only applies to the lights. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(11) Part II, Item 12.a.2., was amended to remove the reference to “breaker strip” in a steering tire. The term “breaker strip” in the OOSC is outdated nomenclature that is no longer used in reference materials describing radial truck tires. Enforcement personnel therefore have trouble identifying and finding the area of the “breaker strip” in supporting documentation. Also, the

sidewall and tread area OOS conditions cover the same area of the tire rendering the term redundant. As such, CVSA determined that the term “breaker strip” should be removed from the section. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(12) The Policy Statement of Part III was amended to provide a clear definition of OOSC and define the term “imminent hazard.” CVSA determined that the term “imminent hazard” should be used to describe an OOSC. As such, wording was used to provide consistency between the OOSC and the FMCSRs. A note was also added to clarify that the OOSC in Part III does not apply to a co-driver. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

(13) Part III, Item 4.a., was amended to clarify in the notes that the identification number is not required on the transport vehicle if it is visible on the bulk packaging. CVSA determined that if there is no identification number on the transport vehicle, the identification number displayed on an orange panel or incorporated with a placard (in the United States and Canada), or on a white square-on-point (United States only) that is visible on a bulk package is sufficient to satisfy the requirement. The changes are intended to ensure clarity in the presentation of the OOS conditions and are not expected to affect the number of OOS violations cited during Level VI inspections in the United States.

(14) The Policy Statement of Part IV was amended to provide a better description of OOSC and define the term “imminent hazard.” The former policy statement stated that an “Out of Service Violation” preclude a driver from further operation of a commercial motor vehicle for a specified period of time or for some violations until a required condition is met. CVSA found that the language in the OOSC description needed consistency with the FMCSRs and determined that a driver that presents an “imminent hazard” precluding safe operation of a commercial motor vehicle should be used to describe OOSC. Specifically, 383.5 defines imminent hazard as the existence of any condition of a driver that substantially increases the likelihood of serious injury or death if not discontinued immediately. As such, CVSA updated the language in the OOSC and defined “imminent hazard”

as described in the FMCSRs. A note was also added to clarify that the OOSC in Part IV does not apply to a co-driver. This clarification is not expected to have any effect on the number of OOS violations cited during Level VI inspections in the United States.

## VII. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries that they operate in, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences between nations.

The CVSA is an organization representing Federal, State, and Provincial motor carrier safety enforcement agencies in the United States, Canada, and Mexico. The OOSC provide uniform enforcement tolerances for inspections conducted in all three countries.

## VIII. Section-By-Section Analysis

### *Section 385.4 Matter Incorporated by Reference*

Section 385.4(b)(1), as amended on December 23, 2021, references the April 1, 2021, edition of the CVSA handbook. This NPRM would replace the reference to the April 1, 2021, edition date with a reference to the new edition date of April 1, 2022.

## IX. Regulatory Analyses

### *A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures*

FMCSA has considered the impact of this notice of proposed rulemaking under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and DOT’s regulatory policies and procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this notice of proposed rulemaking is not a significant regulatory action under section 3(f) of E.O. 12866, as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. Accordingly, OMB has not reviewed it under that E.O.

The proposed rule, if finalized, would update an incorporation by reference from the April 1, 2021, edition to the April 1, 2022, edition of CVSA’s handbook titled “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-

of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403.” FMCSA reviewed its MCMIS data on inspections performed from 2018 to 2021 and does not expect the handbook updates to have any effect on the number of OOS violations cited during Level VI inspections. Therefore, the proposed rule’s impact would be de minimis.

#### B. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).<sup>4</sup>

#### C. Advance Notice of Proposed Rulemaking

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking, if a proposed rule is likely to lead to the promulgation of a major rule. As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

#### D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>5</sup> requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term small entities comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. None of the updates from the 2022 edition impose new requirements or

<sup>4</sup> A “major rule” means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of \$100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (49 CFR 389.3).

<sup>5</sup> Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

make substantive changes to the FMCSRs.

When an Agency issues a rulemaking proposal, the RFA requires the Agency to “prepare and make available an initial regulatory flexibility analysis” that will describe the impact of the proposed rule on small entities (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, instead of preparing an analysis, if the proposed rule is not expected to impact a substantial number of small entities. The proposed rule would update an incorporation by reference found at § 385.4(b)(1) and referenced at § 385.415(b), and would incorporate by reference the April 1, 2022, edition of the CVSA handbook. The changes to the 2022 edition of the CVSA handbook from the 2021 edition are intended to ensure clarity in the presentation of the OOS conditions and are generally editorial or ministerial. As noted above, FMCSA does not expect the changes made in the 2022 edition of the CVSA handbook to affect the number of OOS violations cited during Level VI inspections in the United States. Accordingly, I certify that the proposed action would not have a significant economic impact on a substantial number of small entities.

#### E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>6</sup> FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. 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 consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration’s Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see <https://www.sba.gov/about-sba/oversight-advocacy/office-national-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

<sup>6</sup> Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

#### F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. 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 \$178 million (which is the value equivalent of \$100 million in 1995, adjusted for inflation to 2021 levels) or more in any 1 year. Though this NPRM would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

#### G. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

#### I. Privacy

The Consolidated Appropriations Act, 2005,<sup>7</sup> requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information.

#### J. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it

<sup>7</sup> Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

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.

*K. National Environmental Policy Act of 1969*

FMCSA analyzed this proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), Appendix 2, paragraph 6(b). This Categorical Exclusion (CE) covers minor revisions to regulations. The proposed requirements in this rulemaking are covered by this CE.

**List of Subjects in 49 CFR 385**

Administrative practice and procedure, Highway safety, Incorporation by reference, Mexico, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, FMCSA proposes to amend 49 CFR chapter III, part 385, as set forth below:

**PART 385—SAFETY FITNESS PROCEDURES**

■ 1. The authority citation for part 385 continues to read as follows:

**Authority:** 49 U.S.C. 113, 504, 521(b), 5105(d), 5109, 5113, 13901–13905, 13908, 31135, 31136, 31144, 31148, 31151, 31502; sec. 113(a), Pub. L. 103–311, 108 Stat. 1673, 1676; sec. 408, Pub. L. 104–88, 109 Stat. 803, 958; sec. 350, Pub. L. 107–87, 115 Stat. 833, 864; sec. 5205, Pub. L. 114–94, 129 Stat. 1312, 1537; and 49 CFR 1.87.

■ 2. Amend § 385.4 by revising paragraphs (a) and (b)(1) to read as follows:

**§ 385.4 Matter incorporated by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the FMCSA and at the National Archives and Records Administration (NARA). Contact FMCSA at: Federal

Motor Carrier Safety Administration, Office of Enforcement and Compliance, 1200 New Jersey Ave. SE, Washington, DC 20590; Attention: Chief, Compliance Division at (202) 366–1812. 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 source in the following paragraph of this section.

(b) \* \* \*

(1) “North American Standard Out-of-Service Criteria and Level VI Inspection Procedures and Out-of-Service Criteria for Commercial Highway Vehicles Transporting Transuranics and Highway Route Controlled Quantities of Radioactive Materials as defined in 49 CFR part 173.403,” April 1, 2022, incorporation by reference approved for § 385.415(b).

\* \* \* \* \*

Issued under authority delegated in 49 CFR 1.87.

**Robin Hutcheson,**  
*Deputy Administrator.*

[FR Doc. 2022–16510 Filed 8–5–22; 8:45 am]

**BILLING CODE 4910–EX–P**

# Notices

Federal Register

Vol. 87, No. 151

Monday, August 8, 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.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Notice of Meeting of the Board for International Food and Agricultural Development and Request for Public Comment

**AGENCY:** Agency for International Development.

**ACTION:** Notice.

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a public meeting of the Board for International Food and Agricultural Development (BIFAD), *A Consultative Workshop on Systemic Solutions for Climate Change Adaptation and Mitigation in Agriculture, Nutrition, and Food Systems*, to announce upcoming BIFAD work in the areas of climate change adaptation and mitigation in agricultural, nutrition, and food systems and to seek public input into priorities and evidence gathering. The virtual meeting will be held on August 31, 2022 from 10:30 to 12:30 EDT online. The meeting will be livestreamed via Zoom (registration required) and accessible at the following link: <https://www.tickettailor.com/events/bifad/739381>.

The meeting will publicly introduce the BIFAD Subcommittee on Systemic Solutions for Climate Change Adaptation and Mitigation in Agriculture, Nutrition, and Food Systems, recently established by BIFAD and USAID to lead transdisciplinary evidence gathering to support USAID's role in accelerating systems change and transformative climate change adaptation and mitigation approaches in agriculture, food systems and nutrition, and in targeting climate finance to benefit smallholder farmers. A list of subcommittee members may be found at this [link](#). The objectives, questions, and proposed methodology of a planned BIFAD-commissioned climate change study, to be guided by the

subcommittee, will be shared and discussed.

The meeting will include a public question and answer period and facilitated small group discussions. Public input is sought to: (1) identify leverage points across agricultural, food, and nutrition systems (*e.g.*, financial, production, innovation, market, nutrition, risk management, early warning, and humanitarian systems) for transformative change and scaling climate finance to achieve the targets and intermediate results of the *USAID Climate Strategy, 2022–2030* and the *U.S. Government Global Food Security Strategy 2022–2026*; (2) identify related systems that support transformational change in capacities and institutional constraints; and (3) prioritize areas of USAID action areas to facilitate transformative systemic change that is inclusive of underrepresented populations and promotes gender equity and equality. The public is also invited to comment on the subcommittee's work and to submit names of experts, case studies, evidence, and relevant publications to inform the study.

The BIFAD is a seven-member, presidentially appointed advisory board to the US. Agency for International Development (USAID) established in 1975 under Title XII of the Foreign Assistance Act, as amended, to ensure that USAID brings the assets of U.S. universities to bear on development challenges in agriculture and food security and supports their representation in USAID programming. Public comment is invited to further inform BIFAD's work.

For questions about registration, please contact Carol Chan at [carol.chan@tetrattech.com](mailto:carol.chan@tetrattech.com). For questions about BIFAD, or to submit written comments, evidence, or materials in advance or following the meeting, please contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Resilience and Food Security at USAID. Interested persons may email her at [ccoehen@usaid.gov](mailto:ccoehen@usaid.gov) or telephone her at (202) 712–0119.

**Clara Cohen,**

*Designated Federal Officer, BIFAD.*

[FR Doc. 2022–16884 Filed 8–5–22; 8:45 am]

**BILLING CODE 6116–01–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding these information collections are best assured of having their full effect if received by September 7, 2022. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### National Agricultural Statistics Service

*Title:* Vegetable Surveys.

*OMB Control Number:* 0535–0037.

*Summary of Collection:* The primary function of the National Agricultural Statistics (NASS) is to prepare and issue current official state and national

estimates of crop and livestock production, prices and disposition. The Vegetable Surveys Program obtains basic agricultural statistics for fresh market and processing vegetables in major producing States. The vegetable program has two types of utilization: some crops are processing only, some are fresh market only, and others are dual crops (both processing and fresh market). The vegetable program surveys growers, who are contacted in November and asked to report acres planted and harvested, quantity of vegetables produced, and how much of their crop was sold through fresh markets or for processing along with the correlating prices.

*Need and Use of the Information:* NASS will collect information to estimate acreage intended to plant, acreage planted, acreage harvested, yield/production, price, and utilization for the various crops. The estimates provide vital statistics for growers, processors, and marketers to use in making production and marketing decisions.

*Description of Respondents:* Farms.

*Number of Respondents:* 11,140.

*Frequency of Responses:* Reporting: Annually; Other (seasonally).

*Total Burden Hours:* 4,998.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2022-16881 Filed 8-5-22; 8:45 am]

**BILLING CODE 3410-20-P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 7, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](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.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### National Institute of Food and Agriculture

*Title:* NIFA Proposal Review Process.  
*OMB Control Number:* 0524-0041.

*Summary of Collection:* The United States Department of Agriculture (USDA), National Institute of Food and Agriculture (NIFA), administers competitive, peer-reviewed research, education and extension programs. The reviews are undertaken to ensure that projects supported by NIFA are of a high-quality and are consistent with the goals and requirements of the funding program. These programs are authorized pursuant to the authorities contained in the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101), the Smith-Lever Act, and other legislative authorities.

*Need and Use of the Information:* The collected information from the evaluations is used to support NIFA grant programs. NIFA uses the results of each proposal to determine whether a proposal should be declined or recommended for award. In order to obtain this information, an electronic questionnaire is used to collect information about potential panel and ad-hoc reviewers. To ensure the highest quality of funded research, NIFA must collect reviews in a timely manner and on an individual application basis. If this information was not collected and documented, the decision to fund a particular application could be questioned.

*Description of Respondents:* Individuals or households; State, Local or Tribal Government.

*Number of Respondents:* 52,000.

*Frequency of Responses:* Reporting: Weekly; Annually.

*Total Burden Hours:* 66,160.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2022-16974 Filed 8-5-22; 8:45 am]

**BILLING CODE 3410-09-P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Colorado Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Colorado Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Friday, September 9, 2022, at 3:00 p.m. Mountain Time. The purpose of the meeting is to orient Colorado Advisory Committee members about the work of advisory committees and to discuss potential civil rights topics to study during their 2022-2026 term.

**DATES:** Friday, September 9, 2022, at 3:00 p.m. Mountain Time.

**JOIN BY WEB CONFERENCE (Zoom Link):** <https://tinyurl.com/yhpxkwnm>.

**JOIN BY PHONE ONLY:** 1-551-285-1373 (USA Toll Free); Access Code: 160 917 2376#.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or 202-681-0857.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Colorado Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

**Agenda: Friday, September 9, 2022; 3:00 p.m. MT**

- I. Welcome from Colorado Advisory Committee Chair
- II. Introductions
- III. Administrative Announcements
- IV. Short Orientation Presentation (DFO)
- V. Public Comment
- VI. Nominate Vice Chair (Chair)
- VII. Discuss Civil Rights Topics
- VIII. Discuss Next Steps
- IX. Adjournment

Dated: August 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-16938 Filed 8-5-22; 8:45 am]

**BILLING CODE P**

---

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[B-12-2022]

**Foreign-Trade Zone (FTZ) 38—Spartanburg County, South Carolina; Authorization of Production Activity, Swafford Warehousing, Inc. (Medical Kits), Greer, South Carolina**

On April 5, 2022, the South Carolina State Ports Authority, grantee of FTZ 38, submitted a notification of proposed production activity to the FTZ Board on behalf of Swafford Warehousing, Inc., within FTZ 38, in Greer, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (87 FR 21870, April 13, 2022). On August 3, 2022, the applicant

was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 3, 2022.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2022-16910 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-DS-P**

---

**DEPARTMENT OF COMMERCE**

**Foreign-Trade Zones Board**

[B-33-2022]

**Foreign-Trade Zone 186—Waterville, Maine; Notification of Proposed Production Activity, Flemish Master Weavers (Machine-Made Woven Area Rugs), Sanford, Maine**

The City of Waterville, Maine, grantee of FTZ 186, submitted a notification of proposed production activity to the FTZ Board (the Board) on behalf of Flemish Master Weavers (FMW), located in Sanford, Maine, within Subzone 186A. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on August 2, 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).

In 2016, FMW received limited FTZ authority to produce machine-made woven area rugs using polypropylene and polyester yarns in privileged foreign (PF) status (19 CFR 146.41), which precludes inverted tariff benefits on those inputs (see 81 FR 51850, August 5, 2016).

In 2017, FMW requested authority to admit continuous filament polypropylene (CFPP) yarn in nonprivileged foreign (NPF) status (19 CFR 146.42) (B-28-2017, 82 FR 26434, 6/7/2017). That request was approved subject to the following restrictions: (1) the annual quantitative volume of CFPP yarn that FMW may admit into Subzone 186A under NPF status was limited to 3 million kilograms; and, (2) approval was limited to an initial period of five

years, subject to extension upon review (Board Order 2071, 83 FR 54709, 10/31/2018).

The pending notification requests to remove the restriction requiring admission in PF status for CFPP yarn—to which FMW's operation would otherwise be subject beginning on October 25, 2023 (upon expiration of the time-limited authority approved in Board Order 2071).

The finished product is machine-made woven area rugs (duty-free). The proposed foreign-status materials and components include single-ply and two-ply continuous filament polypropylene textured yarn (duty rates 8.8% and 8% respectively). The request indicates that the 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 PF status.

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 19, 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 2, 2022.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2022-16911 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-DS-P**

---

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-570-051]

**Certain Hardwood Plywood Products From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) continues to determine that 17 exporters of certain hardwood plywood products (hardwood plywood) from the People's Republic of China (China) under review had no shipments of subject merchandise during the period of review (POR) January 1, 2020, through December 31, 2020. Commerce also continues to



determine that the 39 remaining companies subject to this review are part of the China-wide entity because they did not demonstrate eligibility for separate rates.

**DATES:** Applicable August 8, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2593.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 3, 2022, Commerce published the *Preliminary Results* of this administrative review.<sup>1</sup> We invited parties to comment on the *Preliminary Results*. On June 2 and 30, 2022, Commerce extended the deadline for the final results of this administrative review.<sup>2</sup> The deadline for the final results of this review is now August 2, 2022.<sup>3</sup> A complete summary of the events that occurred since publication of the *Preliminary Results* may be found in the Issues and Decision Memorandum.<sup>4</sup>

**Scope of the Order**<sup>5</sup>

The products covered by the *Order* are hardwood plywood from China. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached

<sup>1</sup> See *Certain Hardwood Plywood from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments*, 2020, 87 FR 6137 (February 3, 2022) (*Preliminary Results*).

<sup>2</sup> See Memoranda, "Certain Hardwood Plywood from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review, 2020," dated June 3, 2022; and "Certain Hardwood Plywood from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review, 2020," dated June 30, 2022.

<sup>3</sup> *Id.*

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Hardwood Plywood Products from the People's Republic of China; 2020," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Certain Hardwood Plywood Products from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order*, 83 FR 504 (January 4, 2018) (*Order*).

to this notice in Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on a review of the record and the comment received from interested parties, we made no changes to the *Preliminary Results*.

**Final Determination of No Shipments**

Commerce preliminarily found that 17 exporters had not shipped subject merchandise during the POR.<sup>6</sup> As noted in the *Preliminary Results*, we received no shipment statements from these exporters, and their statements were consistent with the information we received from U.S. Customs and Border Protection (CBP).<sup>7</sup> Therefore, for these final results, we continue to find that these 17 exporters had no shipments of subject merchandise to the United States during the POR.

**China-Wide Entity**

With the exception of the aforementioned 17 exporters that submitted no shipment certifications, we find all other companies for which a review was requested to be part of the China-wide entity. Accordingly, the companies listed in Appendix I are part of the China-wide entity.<sup>8</sup>

Because no party requested a review of the China-wide entity, we did not conduct a review of the China-wide entity. The rate previously established for the China-wide entity is 183.36 percent and is not subject to change as a result of this review.<sup>9</sup>

<sup>6</sup> These 17 exporters are: (1) Shanghai Luli Trading Co., Ltd.; (2) Celtic Co., Ltd.; (3) Cosco Star International Co., Ltd.; (4) Happy Wood Industrial Group Co., Ltd.; (5) Jiaying Hengtong Wood Co., Ltd.; (6) Linyi Evergreen Wood Co., Ltd.; (7) Linyi Glary Plywood Co., Ltd.; (8) Linyi Huasheng Yongbin Wood Co., Ltd.; (9) Linyi Jiaye Wood Industry Co., Ltd.; (10) Linyi Sanfortune Wood Co., Ltd.; (11) Qingdao Top P&Q International Corp.; (12) Shandong Qishan International Trading Co., Ltd.; (13) Shanghai Brightwood Trading Co., Ltd.; (14) Shanghai Futuwood Trading Co., Ltd.; (15) Suqian Hopeway International Trade Co., Ltd.; (16) Xuzhou Jiangyang Wood Industries Co., Ltd.; and (17) Zhejiang Dehua TB Import & Export Co., Ltd.

<sup>7</sup> See Memorandum, "No Shipment Inquiries for Multiple Companies during the Period 01/01/2020 through 12/31/2020," dated April 16, 2021.

<sup>8</sup> See Appendix I.

<sup>9</sup> See *Order*.

**Assessment Rates**

We have not calculated any assessment rates in this administrative review. Based on record evidence, we have determined that the aforementioned 17 companies had no shipments of subject merchandise, and therefore, pursuant to Commerce's assessment practice, any suspended entries entered under their case numbers will be liquidated at the China-wide entity rate.<sup>10</sup>

For all remaining companies subject to this review, which are part of the China-wide entity, we will instruct CBP to liquidate their entries at the current rate for the China-wide entity (*i.e.*, 183.36 percent). 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 cash deposit requirements will be effective upon publication of the final results of this review for shipments of subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act): (1) the cash deposit rates for the 17 companies that had no shipments during the POR will remain unchanged from the rates assigned to them in the most recently completed segment for each company; (2) for previously investigated or reviewed Chinese and non-Chinese exporters that have separate rates, and which were not assigned the China-wide rate in this review, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate (including the companies listed in Appendix I), the cash deposit rate will be that for the China-wide entity (*i.e.*, 183.36 percent); and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese

<sup>10</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).



exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 315.402(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.

#### Administrative Protective Order

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

#### Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h).

Dated: August 1, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

#### Appendix I—Companies Not Eligible for a Separate Rate

- Anhui Hoda Wood Co., Ltd.
- China Friend Limited.
- Deqing China-Africa Foreign Trade Port Co., Ltd.
- Feixian Jinde Wood Factory
- G.D. Enterprise Limited
- Henan Hongda Woodcraft Industry Co., Ltd.
- Jiangsu Qianjiuren International Trading Co., Ltd.
- Jiangsu Shengyang Industrial Joint Stock Co., Ltd.
- Jiashan Dalin Wood Industry Co., Ltd.
- Jiaying Kaochuan Woodwork Co., Ltd.
- Leadwood Industrial Corp.
- Linyi Chengen Import and Export Co., Ltd.
- Linyi City Dongfang Fukai Wood Industry Co., Ltd.
- Linyi City Shenrui International Trade Co., Ltd.
- Linyi Tian He Wooden Industry Co., Ltd.
- Pizhou Dayun Import & Export Trade Co., Ltd.

- Pizhou Jin Sheng Yuan International Trade Co., Ltd.
- Shandong Anxin Timber Co., Ltd.
- Shandong Huaxin Jiasheng Wood Co., Ltd.
- Shandong Huiyu International Trade Co., Ltd.
- Shandong Johnson Trading Co., Ltd.
- Shanghai S&M Trade Co., Ltd.
- Smart Gift International
- Suining Pengxiang Wood Co., Ltd.
- Suqian Yaorun Trade Co., Ltd.
- Suzhou Dongsheng Wood Co., Ltd.
- Suzhou Oriental Dragon Import and Export Co., Ltd.
- Xuzhou Baoqi Wood Product Co., Ltd.
- Xuzhou Dilun Wood Co. Ltd.
- Xuzhou Eastern Huatai International Trading Co., Ltd.
- Xuzhou Hansun Import & Export Co. Ltd.
- Xuzhou Jiangheng Wood Products Co., Ltd.
- Xuzhou Maker's Mark Building Materials Co., Ltd.
- Xuzhou Shenghe Wood Co. Ltd.
- Xuzhou Shuiwangxing Trading Co., Ltd.
- Xuzhou Shuner Import & Export Trade Co. Ltd.
- Xuzhou Tianshan Wood Co., Ltd.
- Xuzhou Timber International Trade Co., Ltd.
- Yangzhou Hanov International Co., Ltd.

#### Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- Summary
- Background
- Scope of the *Order*
- Discussion of the Issue
  - Comment: Commerce Should Ensure that All Subject Merchandise Is Subject to the Appropriate Duties
- Recommendation

[FR Doc. 2022-16913 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-580-886]

#### Ferrovandium From the Republic of Korea: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of this expedited sunset review, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on ferrovandium from the Republic of Korea (Korea) would be likely to lead to continuation or recurrence of dumping at the levels identified in the "Final Results of Sunset Review" section of this notice.

**DATES:** Applicable August 8, 2022.

**FOR FURTHER INFORMATION CONTACT:** Krishna Hill, 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) 482-4037.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 15, 2017, Commerce published the AD order on ferrovandium from Korea.<sup>1</sup> On April 1, 2022, Commerce published the notice of initiation of this sunset review of the *Order*,<sup>2</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). Subsequently, Commerce received a notice of intent to participate within the 15-day deadline specified in 19 CFR 351.218(d)(1)(i) from the Vanadium Producers and Reclaimers Association and its members, AMG Vanadium LLC and U.S. Vanadium, LLC (collectively, domestic interested parties).<sup>3</sup> The domestic interested parties claimed interested party status under sections 771(9)(C) and (E) of the Act.<sup>4</sup> On May 2, 2022, Commerce received an adequate substantive response to the notice of initiation from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>5</sup> Commerce did not receive a substantive response from any respondent interested party.

On May 24, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties.<sup>6</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of the *Order*.

#### Scope of the Order

The merchandise covered by the *Order* is ferrovandium from Korea. For a complete description of the scope of the *Order*, see the Issues and Decision Memorandum.<sup>7</sup>

<sup>1</sup> See *Ferrovandium from the Republic of Korea: Antidumping Duty Order*, 82 FR 22309 (May 15, 2017) (*Order*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 19069 (April 1, 2022).

<sup>3</sup> See Domestic Interested Parties' Letter, "Ferrovandium from the Republic of Korea: Notice of Intent to Participate," dated April 11, 2022.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> See Domestic Interested Parties' Letter, "Ferrovandium from the Republic of Korea: Substantive Response to the Notice of Initiation," dated May 2, 2022.

<sup>6</sup> See Commerce's Letter, "Sunset Reviews Initiated on April 1, 2022," dated May 24, 2022.

<sup>7</sup> See Memorandum, "Issues and Decision Memorandum for the Expedited Final Results of the

Continued

**Analysis of Comments Received**

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is included as the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Final Results of Sunset Review**

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping at dumping margins up to 54.69 percent.<sup>8</sup>

**Administrative Protective Order (APO)**

This notice serves as the only reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or the conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

**Notification to Interested Parties**

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 351.221(c)(5)(ii).

Dated: August 1, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix—List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  - 1. Likelihood of Continuation or Recurrence of Dumping

Sunset Review of the Antidumping Duty Order on Ferrovandium from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>8</sup> See *Order*, 82 FR at 22310.

- 2. Magnitude of Dumping Margins Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2022–16915 Filed 8–5–22; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–549–820]

**Prestressed Concrete Steel Wire Strand From Thailand: Final Results of Antidumping Duty Administrative Review; 2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that The Siam Industrial Wire Co. Ltd. (SIW) made sales of subject merchandise in the United States at prices below normal value during the period of review (POR) January 1, 2020, through December 31, 2020.

**DATES:** Applicable August 8, 2022.

**FOR FURTHER INFORMATION CONTACT:** Samantha Kinney or Brian Smith, 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) 482–2285 or (202) 482–1766, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 4, 2022, Commerce published the *Preliminary Results* of the 2020 administrative review of the antidumping duty order on prestressed concrete steel wire strand (PC strand) from Thailand.<sup>1</sup> We invited interested parties to comment on the *Preliminary Results*. On May 31, 2022, Commerce extended the deadline for the final results of this administrative review until August 3, 2022.<sup>2</sup> For a summary of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup> Commerce

<sup>1</sup> See *Prestressed Concrete Steel Wire Strand from Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2020*, 87 FR 6509 (February 4, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, “Prestressed Concrete Steel Wire Strand from Thailand: Extension of Deadline for Final Results of Antidumping Duty Administrative Review; 2020,” dated May 31, 2022.

<sup>3</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the 2020 Antidumping Duty Administrative Review: Prestressed Concrete Steel Wire Strand from Thailand,” dated concurrently with, and hereby

conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order<sup>4</sup>**

The merchandise covered by this *Order* is PC strand from Thailand. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

**Analysis of Comments Received**

We addressed all issues raised in the case and rebuttal briefs filed in this administrative review in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is included in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on a review of the record and the comments received from interested parties, we made no changes to the *Preliminary Results*.

**Final Results of Review**

We determine that the following weighted-average dumping margin exists for the period January 1, 2020, through December 31, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
The Siam Industrial Wire Co. Ltd	0.98

**Disclosure**

Normally, Commerce will disclose the calculations performed in connection with the final results of review to parties to the proceeding in accordance with 19 CFR 351.224(b). However, because Commerce made no adjustments to the margin calculation methodology used in the *Preliminary Results*, there are no additional calculations to disclose for the final results of this review.

adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Prestressed Concrete Steel Wire Strand from Thailand*, 69 FR 4111 (January 28, 2004) (*Order*).

### Assessment Rates

Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b).

Pursuant to 19 CFR 351.212(b)(1), and given that SIW reported entered values for all of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales. Where an importer-specific assessment rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.*, less than 0.5 percent), we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Consistent with Commerce's clarification of its assessment practice, for entries of subject merchandise during the POR produced by SIW for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate in the original less-than-fair-value (LTFV) investigation<sup>5</sup> if there is no rate for the intermediate company(ies) involved in the transaction.<sup>6</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 cash deposit requirements will be effective for all shipments of PC strand from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review as provided by section 751(a)(2) of the Act: (1) the cash deposit rate for SIW will be equal to the weighted-average dumping margin established in the final results of this review; (2) for producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will

<sup>5</sup> *Id.*

<sup>6</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

continue to be the company-specific rate published in the most recently completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the producer is, then the cash deposit rate will be the rate established in the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 12.91 percent, the all-others rate established in the LTFV investigation in this proceeding.<sup>7</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a final 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 double antidumping duties.

### Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

### Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: August 1, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Issues

<sup>7</sup> See *Order*.

Comment 1: SIW's U.S. Sales Reconciliation

Comment 2: Whether SIW Acted to the Best of Its Ability

V. Recommendation

[FR Doc. 2022–16917 Filed 8–5–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–112]

### Certain Collated Steel Staples From the People's Republic of China: Preliminary Results 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 Tianjin Hweschun Fasteners Manufacturing Co., Ltd. (Tianjin Hweschun) and Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd. (Best Nail/Shaoxing Bohui) did not make sales of subject merchandise at less than normal value (NV), and that one company had no shipments of subject merchandise during the period of review (POR) January 8, 2020, through June 30, 2021. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable August 8, 2022.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Max Goldman, 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) 482–1766 or (202) 482–0224, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

Commerce is conducting an administrative review of the antidumping duty order on certain collated steel staples from the People's Republic of China (China).<sup>1</sup> In addition to the two mandatory respondents, Tianjin Hweschun and Best Nail/Shaoxing Bohui,<sup>2</sup> this review also

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 50034 (September 7, 2021) (*Initiation Notice*).

<sup>2</sup> See Memorandum, “Antidumping Duty Administrative Review of Certain Collated Steel Staples from the People's Republic of China: Respondent Selection,” dated November 9, 2021. We are preliminarily treating Best Nail and

covers China Staple (Tianjin) Co., Ltd. (China Staple), Shanghai Yueda Nails Co., Ltd. (Shanghai Yueda), Shijiazhuang Shuangming Trade Co., Ltd. (Shijiazhuang Shuangming), Tianjin Jinyifeng Hardware Co., Ltd. (Tianjin Jinyifeng), and Unicorn Fasteners Co., Ltd. (Unicorn).<sup>3</sup>

For events that occurred since the publication of the *Initiation Notice* and the analysis behind our preliminary results herein, see the Preliminary Decision Memorandum.<sup>4</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.

**Scope of the Order**<sup>5</sup>

The products covered by the *Order* are certain collated steel staples from China. For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

**Preliminary Determination of No Shipments**

Based on an analysis of information from U.S. Customs and Border Protection (CBP), the no shipment certification, and other record information, we preliminarily determine that Unicorn had no shipments of subject merchandise during the POR. Consistent with our practice in non-

market economy (NME) cases, we are not rescinding this review with respect to Unicorn but, rather, we intend to complete the review and issue appropriate instructions to CBP based on the final results of the review.<sup>6</sup>

**Separate Rates**

We preliminarily determine that, in addition to Tianjin Hweschun and Best Nail/Shaoxing Bohai, one not individually-examined company, Tianjin Jinyifeng, is eligible for a separate rate in this administrative review.<sup>7</sup> The Tariff Act of 1930, as amended (the Act), and Commerce's regulations do not address the establishment of a separate 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 an investigation, for guidance when calculating the rate for separate-rate respondents which Commerce did not examine individually in an administrative review. For the preliminary results of this review, Commerce has determined the estimated dumping margins for Tianjin Hweschun and Best Nail/Shaoxing Bohai are both zero.<sup>8</sup> For the reasons explained in the Preliminary Decision Memorandum, we are assigning this rate to the non-examined respondent, Tianjin Jinyifeng, which qualifies for a separate rate in this review.

**The China-Wide Entity**

Commerce's policy regarding conditional review of the China-wide

entity applies to this administrative review.<sup>9</sup> Under this policy, 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, the entity is not under review, and the entity's rate (*i.e.*, 112.01 percent)<sup>10</sup> is not subject to change. See the Preliminary Decision Memorandum for further discussion.

Aside from Unicorn for which we preliminarily find no shipments, 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>11</sup> For the preliminary results of this review, we consider three companies to be part of the China-wide entity: China Staple, Shanghai Yueda, and Shijiazhuang Shuangming.

**Methodology**

We are conducting this administrative review in accordance with section 751(a)(1)(B) of the Act and 19 CFR 351.213. Commerce has calculated export prices in accordance with section 772(a) of the Act and constructed export prices in accordance with section 772(b) of the Act. Because China is an NME within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

**Preliminary Results of Review**

We preliminarily determine that the following weighted-average dumping margins exist for the POR January 8, 2020, through June 30, 2021:

Exporters	Weighted-average dumping margin (percent)
Tianjin Hweschun Fasteners Manufacturing Co., Ltd .....	0.00
Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd .....	0.00

Shaoxing Bohui as a collapsed entity for the period beginning December 25, 2020, and through the remainder of the POR, for purposes of this administrative review. See Memorandum, "Antidumping Duty Administrative Review of Certain Collated Steel Staples from the People's Republic of China: Preliminary Determination of Affiliation and Single Entity Determination Memorandum," dated March 23, 2022, for further discussion.

<sup>3</sup> *Id.*, 86 FR 50043. The *Initiation Notice* lists Unicom Fasteners Co., Ltd. but the correct name for this company is Unicorn Fasteners Co., Ltd. (Unicorn Fasteners). See also *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 61121 (November 5, 2021) (correcting Unicorn Fastener's company name).

<sup>4</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Certain Collated Steel Staples from the People's Republic of China; 2020–2021," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>5</sup> See *Certain Collated Steel Staples from the People's Republic of China: Antidumping Duty Order*, 85 FR 43815 (July 20, 2020) (*Order*).

<sup>6</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65694–95 (October 24, 2011) (*NME AD Assessment*); see also the "Assessment Rates" section, below.

<sup>7</sup> See Preliminary Decision Memorandum at the "Separate Rate Determinations" section for more details.

<sup>8</sup> See Memoranda, "Preliminary Results Margin Calculation for Tianjin Hweschun Fasteners Manufacturing Co., Ltd." and "Preliminary Results Margin Calculation for Zhejiang Best Nail Industrial Co., Ltd./Shaoxing Bohui Import & Export Co., Ltd.," both dated concurrently with this notice.

<sup>9</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>10</sup> See *Order*, 85 FR at 43816.

<sup>11</sup> See *Initiation Notice* ("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.").

Exporters	Weighted-average dumping margin (percent)
Tianjin Jinyifeng Hardware Co., Ltd .....	0.00

### Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed for these preliminary results in accordance with 19 CFR 351.224(b). A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.<sup>12</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. Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS<sup>13</sup> and must be served on interested parties.<sup>14</sup> Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>15</sup>

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 filed electronically via Commerce's electric records system, ACCESS. An electronically-filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>16</sup> Requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) 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>17</sup> Parties should

confirm by telephone the date and time of the hearing two days before the scheduled date.

Unless otherwise 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).

### Verification

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon for its final results.

### Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). If a mandatory respondent's *ad valorem* weighted-average dumping margin is not zero or *de minimis* (*i.e.*, less than 0.50 percent) in the final results of this review, Commerce will calculate importer-specific assessment rates for that respondent, in accordance with 19 CFR 351.212(b)(1).<sup>18</sup> Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent did not report entered value, we will calculate importer-specific per-unit duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales. To determine whether an importer-specific, per-unit assessment rate is *de minimis*, in accordance with 19 CFR 351.106(c)(2), we also will calculate an

importer-specific *ad valorem* ratio based on estimated entered values.

If, in the final results, the mandatory respondent's weighted-average dumping margin continues to be zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce will instruct CBP to liquidate the appropriate entries for that respondent without regard to antidumping duties.<sup>19</sup> For entries that were not reported in the U.S. sales databases submitted by each mandatory respondent during this review, and for the three companies that do not qualify for a separate rate, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.*, 112.01 percent).<sup>20</sup> In addition, if we continue to find no shipments of subject merchandise for Unicorn, for which we preliminarily find no such shipments during the POR, any suspended entries of subject merchandise associated with this company will be liquidated at the China-wide rate.<sup>21</sup>

For Tianjin Jinyifeng, the respondent that was not selected for individual examination in this administrative review that qualified for a separate rate, the assessment rate will be the separate rate established in the final results of this administrative review.

Commerce intends to issue appropriate assessment instructions to CBP 35 days after the publication of the final results 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 cash deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for the

<sup>12</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>13</sup> See generally 19 CFR 351.303.

<sup>14</sup> See 19 CFR 351.303(f).

<sup>15</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19: Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>16</sup> See 19 CFR 351.310(c).

<sup>17</sup> See 19 CFR 351.310(d).

<sup>18</sup> In these preliminary results, Commerce 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>19</sup> See 19 CFR 351.106(c)(2).

<sup>20</sup> The China-wide rate determined in the investigation was 122.55 percent. See *Order*, 85 FR at 43816. This rate was adjusted for export subsidies to determine the cash deposit rate (112.01 percent) collected for companies in the China-wide entity.

<sup>21</sup> See *NME AD Assessment*.

companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is *de minimis*, then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters for which a review was not requested and 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 Chinese 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 (*i.e.*, 112.01 percent); and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to Chinese exporter that supplied that non-Chinese exporter. These cash 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 Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

We are issuing and publishing the preliminary results of this review 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. Period of Review
- IV. Scope of the Order
- V. Selection of Respondents
- VI. Affiliation and Collapsing
- VII. Preliminary Determination of No Shipments
- VIII. Discussion of the Methodology
- IX. Recommendation

[FR Doc. 2022–16912 Filed 8–5–22; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC244]

#### Meeting of the Marine Fisheries Advisory Committee

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

**ACTION:** Notice of open public meeting.

**SUMMARY:** This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and consider approval of comments and recommendations on the draft NOAA Fisheries Equity and Environmental Justice Strategy.

**DATES:** The meeting will be August 23, 2022 from 3 p.m.–5 p.m., Eastern Time.

**ADDRESSES:** Meeting is by webinar and teleconference.

**FOR FURTHER INFORMATION CONTACT:** Heidi Lovett; NOAA Fisheries Office of Policy; (301) 427–8034; email: [Heidi.Lovett@noaa.gov](mailto:Heidi.Lovett@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at <https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee>.

#### Matters To Be Considered

This meeting time and agenda are subject to change. The members will discuss and consider approval of comments and recommendations on the draft NOAA Fisheries Equity and Environmental Justice Strategy. MAFAC may also discuss various administrative and organizational matters, including planning their November meeting.

#### Time and Date

The meeting will be August 23, 2022 from 3 p.m.–5 p.m., Eastern Time by webinar and conference call. Access information for the public will be posted at <https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-meeting-materials-and-summaries> by August 9, 2022.

Dated: August 2, 2022.

**Samuel D. Rauch, III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2022–16901 Filed 8–5–22; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Evaluation of State Coastal Management Program; 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 Texas Coastal Management Program.

**DATES:** NOAA will consider all written comments received by Friday, August 26, 2022. A virtual public meeting will be held on Wednesday, August 17, 2022, at 5 p.m. Central Time (CT).

**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).

*Public Meeting:* Provide oral comments during the virtual public meeting on Wednesday, August 17, 2022, at 5 p.m. CT by registering as a speaker at <https://forms.gle/EHmHD7QsqpFMwCKV8>. Please register by Tuesday, August 16, 2022, at 5 p.m. CT. Upon registration, a confirmation email will be sent. The lineup of speakers will be based on the date and time of registration. One hour prior to the meeting on August 17, 2022, an email will be sent out with a link to the public meeting and information about participating.

*Written comments* received are considered part of the public record, 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.

**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) 474-1357. Copies of the previous evaluation findings and 2016-2020 Assessment and Strategy 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 process includes one or more public meetings, consideration of written public comments, and consultations with interested Federal, State, and local agencies and members of the public. During the evaluation, NOAA will consider the extent to which the State of Texas 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 completed, 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. 2022-16878 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-JE-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC238]

#### Endangered Species; File No. 25818

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Paul Jobsis, Ph.D., University of the Virgin Islands, Center for Marine and Environmental Studies, 2 John Brewers Bay, St. Thomas, VI 00802, has applied

in due form for a permit to take green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), and loggerhead (*Caretta caretta*) sea turtles for purposes of scientific research.

**DATES:** Written, telefaxed, or email comments must be received on or before September 7, 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. 25818 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. 25818 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:** Erin Markin, Ph.D., or Amy Hapeman, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of 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 proposes to continue long-term studies on juvenile, subadult, and adult sea turtle populations in the U.S. Virgin Islands. Researchers would assess habitat use, foraging behaviors, anthropogenic impacts, predator and prey interactions, social interactions, gender ratios, and diet. Up to 140 green, 70 hawksbill, and five loggerhead sea turtles annually may be captured by hand or tangle net, tagged (acoustic, passive integrated transponder, flipper), marked, measured, have cloacal temperature measured, biologically sampled (blood, fecal, skin), tracked, recaptured for gear removal, weighed, and photographed/videoed, prior to release. A subset of sea turtles may receive either a satellite tag (epoxy attachment) or an animal-borne camera (suction-cup attachment) and an acoustic tag (drill carapace attachment), prior to release. The permit would be valid for 10 years.

Dated: August 3, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022-16952 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC250]

#### Marine Mammals; File No. 26622

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Randall Wells, Ph.D., Chicago Zoological Society's Sarasota Dolphin Research Program, c/o Mote Marine Laboratory, 1600 Ken Thompson Parkway, Sarasota, FL 34236, has applied in due form for a permit to conduct research on bottlenose dolphins (*Tursiops truncatus*) and Atlantic spotted dolphins (*Stenella frontalis*).

**DATES:** Written, telefaxed, or email comments must be received on or before September 7, 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. 26622 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. 26622 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 Amy Hapeman, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and



importing of marine mammals (50 CFR part 216).

The applicant requests a 5 year permit to continue conservation research on dolphins in Florida to study health, environmental contaminants, reproduction, population structure and dynamics, acoustics, bioenergetics, trophic patterns human interactions, telemetry, ranging patterns, and behavior. Up to 10,000 bottlenose dolphins and 1,000 spotted dolphins may be taken annually during vessel surveys, including an unmanned aircraft system, for counts, photography, photo-identification, photogrammetry, video recording, observations, acoustic playbacks, and passive acoustic recording. A subset of these animals may be remotely biopsy sampled, suction-cup tagged, or bolt/pin tagged annually. Up to 50 bottlenose and 25 spotted dolphins of the above animals may be captured annually for health assessments to include biological sampling, auditory brainstem response tests, metabolic rate studies, ultrasound, X-rays, marking, tagging, release, and tracking. Two unintentional mortalities of each dolphin species may occur due to capture over the life of the permit. Biological samples collected may be imported and exported annually for analysis. The following non-target species may be unintentionally harassed during research: green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), Kemp's ridley sea turtle (*Lepidochelys kempii*), loggerhead sea turtle (*Caretta caretta*), olive ridley sea turtle (*L. olivacea*), leatherback sea turtle (*Dermochelys coriacea*), smalltooth sawfish (*Pristis pectinata*), and gulf sturgeon (*Acipenser oxyrinchus desotoi*).

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 3, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022-16955 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC226]

#### 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 Pacific Fishery Management Council's (Pacific Council) Salmon Advisory Subpanel (SAS) will hold a meeting on August 31, 2022, in preparation for the September 2022 Pacific Council meeting. The meeting is open to the public.

**DATES:** The online meeting will be held on Wednesday, August 31, 2022, from 9 a.m. until 3 p.m., Pacific Time, or until business is 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.pccouncil.org](http://www.pccouncil.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.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Ehlke, Staff Officer, Pacific Council; telephone: (503) 820-2410.

**SUPPLEMENTARY INFORMATION:** In preparation for the September 2022 Pacific Council meeting, the SAS will discuss items on the agenda focused mainly on salmon and Pacific halibut items. Discussions may also include additional topics as time allows, including but not limited to administrative, habitat, and ecosystem matters on the Pacific Council's September 2022 meeting.

Although non-emergency issues not contained in the SAS meeting agendas may come before the SAS for discussion, those issues may not be the subject of formal SAS action during these meetings. SAS action will be restricted to those issues specifically listed in this document and to any issues arising after publication of this document requiring emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public

has been notified of the SAS' 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. 2022-16895 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC243]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council's is convening its Scientific and Statistical Committee (SSC) 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 meeting will be held on Thursday, August 25, 2022, beginning at 9 a.m.

#### ADDRESSES:

*Meeting address:* The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02128, (617) 567-6789. Webinar registration information: <https://attendee.gotowebinar.com/register/8696674505845597197>. Call in information: +1 (562) 247-8422, Access Code: 845-519-294.

*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 Scientific and Statistical Committee will meet to review recent

stock assessment information from the U.S./Canada Transboundary Resource Assessment Committee and information provided by the Council's Groundfish Plan Development Team and recommend the overfishing level (OFL) and acceptable biological catch (ABC) for Georges Bank yellowtail flounder for the fishing years 2022 and 2023. They will also review stock assessment information from the 2021 Groundfish Management Track Assessment and information provided by the Council's Groundfish Plan Development Team and recommend the overfishing limits and acceptable biological catch (ABC) for Georges Bank (GB) cod for fishing years 2022 and 2023.

Also on the agenda is the review of information provided by the Council's Groundfish Plan Development Team and the results of recent Southern New England/Mid-Atlantic (SNE/MA) winter flounder management track stock assessment. Using the Council's acceptable biological catch (ABC) control rules, recommend the overfishing levels (OFL) and the ABCs for SNE/MA winter flounder for fishing years 2023, 2024 and 2025. They will consider other business as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council 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. 2022-16897 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC240]

### 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) Highly Migratory Species Advisory Subpanel (HMSAS) will hold a meeting, which is open to the public.

**DATES:** The online meeting will be held Wednesday, August 31, 2022, from 1 p.m. to 4:30 p.m. Pacific Time, or until business is 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:** Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820-2422.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is for the HMSAS to familiarize its members with relevant topics to be taken up at the September 2022 Pacific Council meeting and begin considering the contents of reports the HMSAS may wish to submit to the Pacific Council. An agenda for the HMSAS meeting will be posted on the Pacific Council's website one week prior to 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. 2022-16896 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC245]

### Marine Mammals; File No. 24359

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the NMFS Office of Protected Resources, Marine Mammal Health and Stranding Response Program (MMHSRP; Responsible Party: Sarah Wilkin), 1315 East West Highway, Silver Spring, MD 20910, has applied in due form for a permit to conduct research and enhancement on marine mammals.

**DATES:** Written, telefaxed, or email comments must be received on or before September 7, 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. 24359 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. 24359 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 Amy Sloan, (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.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The MMHSRP requests a 5 year permit for activities including: (1) emergency response involving but not limited to rescue, rehabilitation, release, and entanglement response of threatened and endangered marine mammals under NMFS jurisdiction; (2) conducting health-related, bona fide scientific research and biomonitoring studies on marine mammals and marine mammal parts under NMFS jurisdiction; (3) unintentionally harassing non-target marine mammal species under NMFS jurisdiction during MMHSRP activities; and (4) collecting, salvaging, receiving, possessing, transferring, importing, exporting, analyzing, and curating marine mammal parts under NMFS jurisdiction.

Procedures proposed to carry out the activities include, but are not limited to: close approach via ground, vessel, and aerial surveys (manned and unmanned); hazing and attractants; capture, restraint, and handling; administration of drugs including anesthesia, medical treatments, and vaccinations; attachment of scientific instruments; marking (temporary and permanent including freeze- and hot-branding); disentanglement and de-hooking; rehabilitation, transport, and release; biological sampling and analyses; auditory evoked potential; active acoustic playbacks and echosounders for prey mapping; import and export; and unintentional harassment. Unintentional mortality, including euthanasia for humane purposes, may occur during emergency response and research activities including, but not limited to, accidental drowning during captures, trampling due to flushing, and vessel strike. See the application for take numbers requested by species, life stage, and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), NMFS is preparing a final Programmatic Environmental Impact Statement (PEIS) to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit.

A draft of the PEIS was available for public review and comment in 2021 (86 FR 26514; May 14, 2021 and extended 86 FR 33705; June 25, 2021). The draft PEIS and information about the PEIS is available on the following website: <https://www.fisheries.noaa.gov/resource/document/programmatic-environmental-impact-statement-mmhsrp>.

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 3, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–16936 Filed 8–5–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC242]

#### Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR 74 Post-Data Workshop Discard Mortality Webinar for Gulf of Mexico red snapper.

**SUMMARY:** The SEDAR 74 assessment of Gulf of Mexico red snapper will consist of a Data workshop, a series of assessment webinars, and a Review workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 74 Post-Data Workshop Discard Mortality Webinar will be held on August 29, 2022, from 10 a.m. until 1 p.m., Eastern.

**ADDRESSES:**

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: [Julie.neer@safjmc.net](mailto:Julie.neer@safjmc.net).

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Post-Data Workshop Discard Mortality Webinar are as follows: Participants will review discard mortality information for use in the assessment of Gulf of Mexico red snapper.

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 identified in this notice and any issues arising after publication of this notice 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

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

*Note:* The times and sequence specified in this agenda are subject to change.

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

Dated: August 3, 2022.

### Rey Israel Marquez,

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

[FR Doc. 2022-16930 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-22-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agricultural Advisory Committee

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice; request for nominations and topic submissions.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC or Commission) is requesting nominations for membership on the Agricultural Advisory Committee (AAC or Committee) and is also inviting the submission of potential topics for discussion at future Committee meetings. The AAC is a discretionary advisory committee established by the Commission in accordance with the Federal Advisory Committee Act.

**DATES:** The deadline for the submission of nominations and topics is September 7, 2022.

**ADDRESSES:** Nominations and topics for discussion at future AAC meetings should be emailed to [AAC@cftc.gov](mailto:AAC@cftc.gov) or sent by hand delivery or courier to Brigitte Weyls, AAC Designated Federal Officer, Commodity Futures Trading Commission, 77 West Jackson Blvd., Suite 800, Chicago, Illinois 60604. Please use the title "Agricultural Advisory Committee" for any nominations or topics you submit. Submissions through the [AAC@cftc.gov](mailto:AAC@cftc.gov) email address are encouraged.

**FOR FURTHER INFORMATION CONTACT:** Brigitte Weyls, AAC Designated Federal Officer, at 312-596-0547 or email: [bweyls@cftc.gov](mailto:bweyls@cftc.gov).

**SUPPLEMENTARY INFORMATION:** The AAC was established to assist the Commission in assessing issues affecting agricultural producers;

consumers; processors; lenders; other major market participants, including derivatives intermediaries, buy-side representatives, and exchanges; regulators, and others interested in or affected by the agricultural derivatives markets through public meetings and Committee reports and recommendations. The duties of the AAC are solely advisory and include calling for reports and/or recommendations by the AAC or AAC subcommittee(s), adopting reports and/or recommendations, transmitting reports to the Commission, and making recommendations to the Commission. Determinations of actions to be taken and policy to be expressed with respect to the reports or recommendations of the AAC are made solely by the Commission.

AAC members generally serve as representatives and provide advice reflecting the views of organizations and entities that constitute the structure of the agricultural derivatives markets. Depending on the issues faced, the Commission may, from time to time, appoint experts to serve as Special Government Employees (SGEs), or officials of other Federal agencies to serve, on the AAC. If nominated, SGEs will be asked to submit and complete a Confidential Financial Disclosure Report (OGE Form 450). Historically, the AAC has had between 30-40 members representing the following viewpoint categories: (i) agricultural producers and/or direct and indirect users/consumers of agricultural products; (ii) providers of agricultural credit; (iii) other major market participants, including derivatives intermediaries, buy-side representatives, and exchanges; (iv) regulators or representatives from other relevant government agencies; and (v) academia or public interest groups. The AAC has held approximately one meeting per year. AAC members serve at the pleasure of the Commission. In addition, AAC members do not receive compensation or honoraria for their services, and they are not reimbursed for travel and per diem expenses.

The Commission seeks members who represent organizations or groups with an interest in the AAC's mission and function and reflect a balanced and representative sample of agricultural producers; consumers; processors; lenders; other major market participants, including derivatives intermediaries, buy-side representatives, and exchanges; regulators, and others interested in or affected by the agricultural derivatives markets. To advise the Commission effectively, AAC members must have a high-level of

expertise and experience in the agricultural derivatives markets and the Commission's regulation of such markets, including from a historical perspective. To the extent practicable, the Commission will strive to select members reflecting wide ethnic, racial, gender, and age representation. AAC members should be open to participating in a public forum.

The Commission invites the submission of nominations for AAC membership. Each nomination submission should include relevant information about the proposed member, such as the individual's name, title, and organizational affiliation, as well as information that supports the individual's qualifications to serve on the AAC. The submission should also include suggestions for topics for discussion at future AAC meetings as well as the name and email or mailing address of the person nominating the proposed member.

Submission of a nomination is not a guarantee of selection as a member of the AAC. As noted in the AAC's Membership Balance Plan, the CFTC identifies members for the AAC through a variety of methods. Such methods may include public requests for nominations for membership; recommendations sought from existing advisory committee members; consultations with knowledgeable persons outside the CFTC (agricultural producers, consumer groups, other market participants, state or Federal government agencies, academia, etc.); requests to be represented received from individuals and organizations; and Commissioners' and CFTC staff's professional knowledge of those experienced in the agricultural derivatives markets.

The office of the Commissioner primarily responsible for the AAC plays a primary, but not exclusive, role in this process and makes recommendations regarding membership to the Commission. The Commission, by vote, authorizes proposed members to serve on the AAC.

The Commission also invites submissions from the public regarding the topics on which the AAC should focus. In other words, topics that:

(a) Reflect matters of public concern to agricultural derivatives markets, such as contract design, hedging effectiveness, price discovery, customer protection, the role of intermediaries, exchange rules; and/or

(b) Are important to otherwise assist the Commission in identifying and understanding the impact and implications of the evolving market structure of the agricultural derivatives markets.

Each topic submission should include the commenter's name and email or mailing address.

(Authority: 5 U.S.C. App. II)

Dated: August 2, 2022.

**Christopher Kirkpatrick**,  
Secretary of the Commission.

[FR Doc. 2022-16826 Filed 8-5-22; 8:45 am]

BILLING CODE 6351-01-P

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. CPSC-2022-0020]

### CPSC Staff Workshop: PGA Message Set Test (Beta Pilot) of Electronic Filing of Certain Certificate of Compliance Data for Regulated Imported Consumer Products

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Announcement of meeting and request for comments.

**SUMMARY:** On October 13, 2022, U.S. Consumer Product Safety Commission (CPSC or Commission) staff will hold a workshop to discuss the upcoming test (Beta Pilot Test) of electronic filing (eFiling) of certificate of compliance (certificate) data. The Beta Pilot Test will involve a 6-month test of approximately 30 to 50 participants, who will eFile certificate data for regulated imported consumer products with U.S. Customs and Border Protection (CBP), using the Partner Government Agency (PGA) Message Set, at the time of entry filing or upon entry summary filing if both entry and entry summary are filed together. Staff's Beta Pilot Test workshop will discuss the purpose and mechanics of eFiling certificate data in the Beta Pilot Test and other associated topics described in this notice. We invite interested parties to attend the workshop and thereafter to submit written comments on the Beta Pilot Test.

**DATES:** The workshop will be held from 9 a.m. to 4 p.m. Eastern Time (ET) on Thursday, October 13, 2022. If you wish to attend the workshop, either in-person at CPSC Headquarters in Bethesda, MD, or virtually, register by Thursday, October 6, 2022. The comment period will open on the date of the workshop, October 13, 2022, and comments must be received by Friday, November 11, 2022.

**ADDRESSES:** CPSC staff will hold the workshop in the Hearing Room at CPSC's headquarters in Bethesda, Maryland: 4330 East West Highway, 4th Floor, Bethesda, MD 20814. You may

attend the workshop free of charge. If interested in attending the workshop, you should register online at: <https://www.cpsc.gov/Beta-Pilot-Test-Workshop-on-eFiling-of-Certificate-Data>, and specify whether you plan to attend in person or virtually. As more information about the workshop becomes available, staff will post this information at: <http://www.cpsc.gov/efiling>.

After the workshop, you may submit comments on the topics raised concerning the Beta Pilot Test, identified by Docket No. CPSC-2022-0020, by any of the following methods:

**Electronic Submissions:** CPSC encourages you to submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC typically does not accept comments submitted by electronic mail (email), except as described below.

**Mail/Hand Delivery/Courier Written Submissions:** Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, courier, or you may email them to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

**Instructions:** All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit through this website confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

**Docket:** For access to the docket to read background documents on the Beta Pilot Test or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CPSC-2022-0020, into the "Search" box, and follow the prompts.

#### FOR FURTHER INFORMATION CONTACT:

Direct questions regarding the workshop to Arthur Laciak, eFiling Program Specialist, Office of Import Surveillance, U.S. Consumer Product

Safety Commission, (301) 504-7516, [efilingpilot@cpsc.gov](mailto:efilingpilot@cpsc.gov). Questions sent by electronic mail should contain the subject heading: "Beta Pilot Workshop Question," and include a short description of the question.

#### SUPPLEMENTARY INFORMATION:

##### I. Beta Pilot Test

On June 10, 2022, the Commission and CBP announced in the **Federal Register** their joint intent to conduct a Beta Pilot Test via the PGA Message Set to the CBP-authorized electronic data interchange system, known as the Automated Commercial Environment (ACE) (the June 10th Notice).<sup>1</sup> 87 FR 35513. The June 10th Notice asked for Beta Pilot Test participants and comments on CPSC's burden estimates for a proposed collection of information related to the Beta Pilot Test. *Id.* at 35518-20. The June 10th Notice also provided background on CPSC's eFiling Program and proposed rule to amend 16 CFR part 1110 to require eFiling of certificate data (78 FR 28080 (May 14, 2013), the 2013 NPR).<sup>2</sup> *Id.* at 35514-15.

To summarize, the Beta Pilot Test will assess the electronic filing of data from a certificate for regulated consumer products under CPSC's jurisdiction. *Id.* The June 10th Notice explains that the purposes of the Beta Pilot Test are to develop and test the IT infrastructure necessary to support a full-scale eFiling requirement, inform CPSC's pending rulemaking, develop internal procedures to support enforcement, and assist CPSC to target imports more accurately by enhancing targeting of noncompliant trade and facilitating the flow of legitimate trade. *Id.* at 35514.

Compared to a previous CPSC PGA Message Set test in 2016 (the Alpha Pilot), the Beta Pilot Test will include more participants than the Alpha Pilot (up from 8 to 30-50), add two additional data elements, and involve more varied consumer products under CPSC's jurisdiction (products classified under approximately 300 HTS codes).<sup>3</sup> *Id.* at

<sup>1</sup> The Commission voted 5-0 to publish this notice.

<sup>2</sup> In addition to the June 10th Notice, stakeholders can find background on CPSC's eFiling initiative in CPSC's staff's document: CPSC Plan to Create an eFiling Program for Imported Consumer Products (2020 eFiling Plan). CPSC Plan to Create an eFiling Program for Imported Consumer Products, published December 2020. Staff's 2020 eFiling Plan recommended a multiyear, four-phased approach: (1) create and fund an eFiling program, (2) conduct an eFiling Beta Pilot Test, (3) initiate rulemaking, and (4) dedicate ongoing resources.

<sup>3</sup> The products classified under the approximately 300 HTS codes that participants should expect to be tested in the Beta Pilot include, but are not limited to: ATVs; durable infant or toddler products, such as baby carriages, cribs, and safety gates; children's furniture, backpacks, and school

35515. Beta Pilot Test participants will use the PGA Message Set to file certificate information for regulated consumer products within the 300 HTS codes in CBP's ACE system. The proposed PGA Message Set test will evaluate, at a minimum, the electronic filing of seven certificate data elements:

1. Identification of the finished product (may use reference to GTIN<sup>4</sup> for this element);

2. Each consumer product safety rule to which the finished product has been certified;

3. Date when the finished product was manufactured, produced, or assembled;

4. Place where the finished product was manufactured, produced, or assembled, including the identity and address of the manufacturing party;

5. Date when the finished product was most recently tested for compliance with the consumer product safety rule cited in data element 2;

6. Parties on whose testing a certificate depends (meaning the name and contact information for the entity that conducted the testing); and

7. A check box indicating that a required certificate currently exists for the finished product, as required by Sections 14 and 17 of the Consumer Product Safety Act.<sup>5</sup>

These seven data elements from a certificate include all of the data elements tested in the Alpha Pilot, as well as two additional date fields, manufacture date and test date, which were not tested in the Alpha Pilot. Staff considers all seven data elements useful to improve the targeting of potentially violative products. CPSC anticipates that, both individually and considered together, these data elements will allow CPSC staff to create a unique set of rules in its Risk Assessment Methodology (RAM) system that can increase or decrease risk scores. *Id.* at 35516. CPSC is drafting a supplemental Customs and Trade Automated Interface Requirements (CATAIR) guideline on filing certificate data through the PGA Message Set that describes the technical specifications for filing during the Beta Pilot Test, as well as the Product Registry and Reference PGA Message

supplies; bicycle helmets; bicycles and other electric-powered cycles; clothing (sleepwear, outerwear, infant articles, potentially flammable adult clothing articles); drywall; fireworks; children's jewelry; lighters; liquid nicotine; mattresses; pacifiers and rattles; rugs; and toys. CPSC intends to communicate to the Trade the approximately 300 HTS codes that may require filing certificate data during the Beta Pilot Test for their proprietary system programming.

<sup>4</sup> GTIN stands for Global Trade Item Number and is managed by Global Standards 1 (GS1).

<sup>5</sup> 15 U.S.C. 2063(a) & (g); 2066(a)(2).

Set. When completed, the supplemental CATAIR guideline will be made available for review and comment on <http://www.cbp.gov/trade/ace/catair>. *Id.*

Similar to the Alpha Pilot, each time a product is imported Beta Pilot Test participants will have two ways to file certificate data: (1) filing certificate data in a CPSC-maintained Product Registry, and, through Automated Broker Interface (ABI), a reference number in ACE to identify this data set (Reference PGA Message Set), or (2) filing all certificate data elements directly through ABI (Full PGA Message Set). *Id.* at 35518. If a participant chooses the Reference PGA Message Set, certificate data can be entered into the Product Registry once, and then imported multiple times using a reference or identifying number. If a participant uses the Full PGA Message Set, certificate data must be entered for each product every time the product is imported. Based on the Alpha Pilot experience, for repeat importers, using the Product Registry should minimize data entry; reduce costs and filing time; and allow firms to manage, update, and re-use certificate data in the registry. *Id.* at 35516–17. CPSC will receive the information from CBP through a real-time transfer of import data, and risk score the information in CPSC's RAM system, to assist in the interdiction of noncompliant consumer products.

The eFiling portion of the Beta Pilot Test is expected to begin in October 2023, but starting in fall 2022, participants will begin planning for participation, including data requirement discussions with CPSC and IT development. When the test begins, Beta Pilot Test participants will spend the first several weeks of the Pilot onboarding. Once onboarding is complete for all test participants, the Beta Pilot Test is expected to run for at least 6 months and will run until terminated by announcement in the **Federal Register**.<sup>6</sup> *Id.* at 35517.

## II. Beta Pilot Test Workshop

The goal of the workshop is for CPSC staff to provide an update to stakeholders on CPSC's eFiling Program, and plans for a Beta Pilot Test, and for stakeholders to provide CPSC staff with relevant feedback. Anticipated workshop topics include:

- CPSC's Enforcement at the Ports
  - CPSC and CBP Collaboration

<sup>6</sup> The duration of the Beta Pilot Test could be shorter than the 1 year approved in the 2020 eFiling Plan. Staff determined that a duration of 6 months may be sufficient to complete anticipated test metrics. Accordingly, the Beta Pilot Test will run for at least 6 months until the test is completed via a **Federal Register** notice of termination.

## Overview

- CPSC Targeting of Imported Products
- CPSC's Certificate Requirements
  - Statutory and Regulatory Requirements
  - Enforcement Efforts
  - Certificate Study
- Overview of CPSC eFiling Program
  - Improved Enforcement/Facilitation of Legitimate Trade—Alpha Pilot
  - Beta Pilot Test Requirements
    - CPSC Procedures
    - CPSC's Product Registry
    - CBP Procedures
    - CPSC's draft CATAIR
  - CPSC's RAM and Use of Risk Scores for Enforcement
- Third Party Involvement in Certificate and eFiling Requirements
  - Role of brokers in meeting CPSC's PGA Message Set requirement
  - Role of laboratories in meeting CPSC's certificate requirement
- Import Issues for eFiling
  - eCommerce
  - *De minimis* shipments
  - Direct to consumer shipments
  - International Mail Facilities
  - Foreign Trade Zones
  - Filing deadlines for different modes of transport

The Beta Pilot Test workshop will be devoted solely to the Beta Pilot Test. Additional comments and questions on the 2013 NPR or other rulemaking can be raised at the appropriate time during the rulemaking proceeding. Also, the Commission may hold additional workshops on eFiling at a future date.

## III. Details Regarding the Workshop

### A. When and where will the workshop be held?

CPSC staff will hold the workshop from 9 a.m. to 4 p.m. Eastern Time on October 13, 2022, in the Hearing Room, 4th Floor, at CPSC's headquarters: 4330 East West Highway, Bethesda, MD 20814. The workshop will also be available through video conferencing. To participate virtually, attendees should register for the workshop and select "virtual attendance." You will then receive a link to participate in the workshop virtually via email.

### B. How do you register for the workshop?

If you would like to attend the workshop, either in person or virtually, we ask that you register by October 6, 2022. (See the **ADDRESSES** portion of this document for the website link and instructions on where to register.) Seating will be on a first-come, first-served basis. The workshop will also be available through video conferencing

and viewers will be able to interact with the panelists and presenters via the video conferencing software.

If you need special accommodations because of a disability, please contact Mr. Arthur Laciak, [efilingpilot@cpsc.gov](mailto:efilingpilot@cpsc.gov), 301-504-7516, at least 10 days before the workshop. In addition, we encourage written or electronic comments following the workshop. Written or electronic comments will be accepted from the workshop date, October 13, 2022, until November 11, 2022. Comments should be restricted to topics covered by the workshop as described in this Announcement.

**Alberta E. Mills,**

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2022-16902 Filed 8-5-22; 8:45 am]

**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Sunshine Act Meeting Notice

**TIME AND DATE:** Wednesday, August 10, 2022-10:00 a.m.

**PLACE:** This meeting will be held remotely.

**STATUS:** Commission Meeting—Open to the Public.

**MATTERS TO BE CONSIDERED:** Decisional Matter: CPSC's Draft Strategic Plan 2023-2026.

All attendees should pre-register for the Commission meeting using the following link: <https://cpsc.webex.com/jcpc/onstage/g.php?MTID=e4647af007e363fd3ef5c8c1142936116>.

After registering you will receive a confirmation email containing information about joining the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, 301-504-7479 (Office) or 240-863-8938 (Cell).

Dated: August 3, 2022.

**Alberta E. Mills,**

Commission Secretary.

[FR Doc. 2022-17016 Filed 8-4-22; 11:15 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2022-OS-0096]

### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 7, 2022.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and

associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571-372-2089.

### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Application for the Review of Discharge or Dismissal from the Armed Forces of the United States; DD Form 293; OMB Control Number 0704-0004.

*Needs and Uses:* Under Title 10 U.S.C. 1553 and DoD Directive 1332.41, "Boards for the Correction of Military Records and Discharge Review Board (DRBs)," former service members who received an administrative discharge have the right to appeal the characterization or reason for separation provided they do so within 15 years from the date of separation. The DD Form 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," is the form that allows former Service members to explain the reasons for the alleged error and designate legal counsel, and provides DRBs necessary information to process requests. This information collection is needed to provide Service members a method to present to their respective Military Department Discharge Review Boards their reason/justification for a discharge upgrade, as well as providing the Military Departments with the basic data needed to process the appeal. The primary purpose of this information is to identify the arguments of the respondents and justifications for requested relief and secure their Official Military Personnel Files from the National Records Center. In addition, the collection allows the respondent to explain the reasons for the alleged error or injustice, designate counsel of choice, select the method of hearing desired, and request a records review or personal hearing.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 1,413.5 hours.

*Number of Respondents:* 2,827.

*Responses per Respondent:* 1.

*Annual Responses:* 2,827.

*Average Burden per Response:* 30 minutes.

*Frequency:* On occasion.

Dated: August 3, 2022.

**Aaron T. Siegel,**

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2022-16932 Filed 8-5-22; 8:45 am]

**BILLING CODE 5001-06-P**



**DEPARTMENT OF DEFENSE****Office of the Secretary****Defense Business Board; Notice of Federal Advisory Committee Meeting**

**AGENCY:** Office of the Deputy Secretary of Defense, Department of Defense (DoD).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Business Board (“the Board”) will take place.

**DATES:** Open to the public Tuesday, August 9, 2022 from 2:10 p.m. to 4:00 p.m. Closed to the public Tuesday, August 9, 2022 from 9:45 a.m. to 11:00 a.m. and from 6:00 p.m. to 7:30 p.m. Closed to the public Wednesday, August 10, 2022 from 9:05 a.m. to 11:35 a.m. and from 1:00 p.m. to 3:10 p.m. All Eastern time.

**ADDRESSES:** The open and closed portions of the meeting will be in Rooms 4D880 and 1E840 in the Pentagon, Washington DC. Due to the current guidance on combating the Coronavirus, the public portions of the meeting will be conducted by teleconference only. To participate in the open portion of the meeting, see the Meeting Accessibility section for instructions.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer Hill, Designated Federal Officer of the Board in writing at Defense Business Board, 1155 Defense Pentagon, Room 5B1088A, Washington, DC 20301-1155; or by email at [jennifer.s.hill4.civ@mail.mil](mailto:jennifer.s.hill4.civ@mail.mil); or by phone at 571-342-0070.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C.), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102-3.140 and 102-3.150. Due to circumstances beyond the control of the Department of Defense and the Designated Federal Officer for the Board, the DoD was unable to provide public notification required by 41 CFR 102-3.150(a) concerning its August 9-10, 2022 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

*Purpose of the Meeting:* The mission of the Board is to examine and advise the Secretary of Defense on overall DoD management and governance. The Board

provides independent, strategic-level, private sector and academic advice and counsel on enterprise-wide business management approaches and best practices for business operations and achieving National Defense goals.

*Agenda:* The Board meeting will begin in closed session on August 9, 2022 from 9:45 a.m. to 11:00 a.m. Eastern time with opening remarks by Ms. Jennifer Hill, the Designated Federal Officer and Chair’s opening remarks by Hon. Debbie James. Next, will be a classified overview of the National Defense Strategy by Hon. Colin Kahl, Under Secretary of Defense for Policy. The Designated Federal Officer will then adjourn the closed session. The Board will reconvene in an open session from 2:10 p.m. to 4:00 p.m. The Designated Federal Officer will open the public session. The Board will then receive an update on the Mentor Protégé Program and DBB recommendations by Mr. Farooq Mitha, Director of the Department of Defense Office of Small Business Programs. Hon. William LaPlante, Under Secretary of Defense for Acquisition and Sustainment will follow with an update on DoD Supply Chain and Acquisition: Issues and Initiatives. After Hon. LaPlante’s discussion, the Designated Federal Officer will adjourn the open session. The Board will conduct a closed session from 6:00 p.m. to 7:30 p.m. Eastern time. The Designated Federal Officer will open the closed session followed by the Chair’s welcome. The Board will then receive a classified briefing on Air Force acquisition issues and initiatives with respect to the supply chain and beyond from Hon. Frank Kendall, Secretary of the Air Force. At the conclusion of Hon. Kendall’s briefing, the Designated Federal Officer will adjourn the closed session. The Board will reconvene in closed session on August 10, 2022 at 9:00 a.m. Eastern time with opening remarks by Ms. Jennifer Hill, the Designated Federal Officer. The Board will then receive classified remarks on current events in Ukraine and discuss cultivating innovation with Hon. Kathleen Hicks, Deputy Secretary of Defense, with a potential visit by Secretary Lloyd Austin. Next, will be a classified briefing from Ms. Margie Palmieri, Deputy Chief Digital and Artificial Intelligence Officer on strategy and initiatives for this recently created office, along with follow up to the Board’s Executive Analytics Study. The Board will then receive a classified briefing from Adm. Christopher W. Grady (USN), Vice Chairman of the Joint Chiefs of Staff, on what the Department

has learned from Ukraine to inform future missions, followed by an update by Gen. John W. “Jay” Raymond, Chief of Space Operations, Space Force, on what Space Force is doing to spur innovation and develop risk tolerance. The Designated Federal Officer will then adjourn the closed session. The latest version of the agenda will be available on the Board’s website at: <https://dbb.defense.gov/Meetings/Meeting-August10-2022/>.

*Meeting Accessibility:* In accordance with Section 10(d) of the FACA and 41 CFR 102-3.155, it is hereby determined that portions of the August 9-10, 2022 meeting of the Board will include classified information and other matters covered by 5 U.S.C. 552b(c)(1) and that, accordingly, the meeting will be closed to the public on August 9, 2022 from 9:45 a.m. to 11:00 a.m. and from 6:00 p.m. to 7:30 p.m. and on August 10, 2022 from 9:05 a.m. to 11:35 a.m. and from 1:00 p.m. to 3:10 p.m. This determination is based on the consideration that it is expected that discussions throughout these periods will involve classified matters of national security. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of these portions of the meeting. To permit these portions of the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the Board’s findings and recommendations to the Secretary of Defense and to the Deputy Secretary of Defense. Pursuant to section 10(a)(1) of the FACA and 41 CFR 102-3.140, the portion of the meeting on August 9, 2022 from 2:10 p.m. to 4:00 p.m. is open to the public. Persons desiring to attend the public session are required to register. To attend the public session submit your name, affiliation/organization, telephone number, and email contact information to the Board at [osd.pentagon.odam.mbx.defense-business-board@mail.mil](mailto:osd.pentagon.odam.mbx.defense-business-board@mail.mil). Requests to attend the public session must be received no later than 12:00 p.m. on Monday, August 8, 2022. Upon receipt of this information, the Board will provide further instructions for telephonically attending the meeting.

*Written Comments and Statements:* Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments or statements to the Board in response to the stated agenda of the meeting or in regard to the Board’s

mission in general. Written comments or statements should be submitted to Ms. Jennifer Hill, the Designated Federal Officer, via electronic mail (the preferred mode of submission) at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Designated Federal Officer must receive written comments or statements being submitted in response to the agenda set forth in this notice by Monday, August 8, 2022 to be considered by the Board. The Designated Federal Officer will review all timely submitted written comments or statements with the Board Chair, and ensure the comments are provided to all members of the Board before the meeting. Written comments or statements received after this date may not be provided to the Board until its next scheduled meeting. Please note that all submitted comments and statements will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Board's website.

Dated: August 2, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022-16876 Filed 8-5-22; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2022-OS-0098]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 4, 2022.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, 4800 Mark Center Drive, Suite 08F05, Alexandria, VA 22350, LaTarsha Yeargins, 571-372-2089.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Evaluation of the DoD SPARX Knowledge Training Program; OMB Control Number 0704-ESKP.

*Needs and Uses:* In a memo dated 26 February 2021, the Secretary of Defense required the Military Departments to ensure that at least half of their identified violence prevention workforce receives initial training by 31 December 2021, with the entire workforce trained by 30 June 2022. To meet this need, the Office of Force Resiliency's Violence Prevention Cell has developed an integrated violence prevention curriculum, titled DoD SPARX Knowledge, to establish a common base of knowledge within the prevention workforce. The purpose of this information collection is to evaluate the effectiveness of the DoD SPARX Knowledge training program and make improvements to the program, as

needed. The curriculum is appropriate for Service Members and DoD civilians serving in violence prevention roles and is broken into modules that align with the prevention process of the Prevention Plan of Action and the data-informed actions of the Integrated Prevention Policy. The overarching goal of the DoD SPARX Knowledge training is to equip the prevention workforce with the appropriate knowledge, skills, and resources to select, implement, and evaluate research-based prevention activities.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 1362.3 hours.

*Number of Respondents:* 820.

*Responses per Respondent:* 5.6.

*Annual Responses:* 4,592.

*Average Burden per Response:* 17.8 minutes.

*Frequency:* On occasion.

Dated: August 3, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022-16970 Filed 8-5-22; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2022-OS-0097]

#### Proposed Collection; Comment Request

**AGENCY:** Washington Headquarters Services (WHS), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Chief Management Office announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 7, 2022.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Washington Headquarters Services, Human Resources Directorate, 4800 Mark Center Drive, Suite 03D08, Alexandria, VA 22350-3200, ATTN: Edna Johnson, [edna.e.johnson6.civ@mail.mil](mailto:edna.e.johnson6.civ@mail.mil), or call (571) 372-4034.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Confirmation of Request for Reasonable Accommodation; SD Form 827; OMB Control Number 0704-0498.

*Needs and Uses:* The information collection requirement is necessary to obtain and record requests for reasonable accommodation, with the intent to measure and ensure agency compliance with the Rehabilitation Act of 1973, Public Law 93-112; Rehabilitation Act Amendments of 1992, Public Law 102-569; Americans with Disabilities Act Amendments Act of 2008.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 5.

*Number of Respondents:* 20.

*Responses per Respondent:* 1.

*Annual Responses:* 20.

*Average Burden per Response:* 15 minutes.

*Frequency:* On occasion.

The completed form will document requests for reasonable accommodation(s) (regardless of type of accommodation) and the outcome of such requests. Respondents are employees of WHS serviced

components or applicants for employment of WHS serviced components.

Dated: August 3, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022-16939 Filed 8-5-22; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**[Docket ID USN-2022-HQ-0026]**

**Proposed Collection; Comment Request**

**AGENCY:** Department of the Navy, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by October 7, 2022.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Attn: Mailbox 24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

[www.regulations.gov](http://www.regulations.gov) as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Navy Personnel Command, 5720 Integrity Drive, Millington, TN 38055, or call Ms. Sonya Martin at 703-614-7585.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Burial at Sea Request/ Authorization; OMB Control Number 0703-BLAS.

*Needs and Uses:* Burial at Sea is a time honored tradition used as a mechanism to honor the service of a veteran. The Burial at Sea Request/ Authorization form allows a family member to request a burial at sea for a veteran, and lists the documentation required to enable the Navy to honor the request. This information is required, to ensure the person making the request is the legal person authorized to direct the disposition of the deceased.

The Burial at Sea Port Checklist is used only when the requested remains are fully casketed. Certain preparation is required for these remains, to ensure adequate safeguarding during transportation, storage aboard the ship until the event, and to ensure the casket sinks during the ceremony. The funeral home responsible for the storage, preparation and delivery to the port uses the checklist to prepare and inspect the casketed remains prior to transport.

*Affected Public:* Individuals or households; Businesses or other for-profit.

*Annual Burden Hours:* 180.

*Number of Respondents:* 320.

*Responses per Respondent:* 1.

*Annual Responses:* 320.

*Average Burden per Response:* 33.75 minutes.

*Frequency:* On occasion.

Dated: August 3, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022-16927 Filed 8-5-22; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF EDUCATION****Applications for Selection as a Performance Partnership Pilot; Performance Partnership Pilots for Disconnected Youth**

**AGENCY:** Office of Career, Technical, and Adult Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (ED or Department) is issuing a notice inviting applications for selection as a performance partnership pilot for fiscal year (FY) 2022 under the Performance Partnership Pilots for Disconnected Youth (P3) authority. This notice relates to the approved information collection under OMB control number 1830-0575.

**DATES:** Deadline for Transmittal of Applications: October 7, 2022.

*Deadline for Intergovernmental Review:* December 6, 2022.

*Deadline for Requests for Technical Assistance (optional):* September 7, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Braden Goetz, U.S. Department of Education, 400 Maryland Avenue SW, Room 10401, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245-7405. Email:

*DisconnectedYouth@ed.gov.* Or Corinne Sauri, U.S. Department of Education, 400 Maryland Avenue SW, Room 10362, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245-6412.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

**SUPPLEMENTARY INFORMATION:****Full Text of Announcement****I. Pilot Opportunity Description**

*Purpose of Program:* P3 was first authorized by Congress in FY 2014 by the Consolidated Appropriations Act, 2014 (2014 Act), and the authority has been included by Congress in appropriations acts each year since FY 2014, most recently in the Consolidated Appropriations Act, 2022 (Pub. L. 117-103) (2022 Act). The FY 2022 P3 authority enables pilot sites to blend FY 2022 Federal funds and obtain waivers of program requirements, including statutory, regulatory, and administrative requirements that are barriers to achieving improved outcomes for youth-serving programs included in the authority. Under P3, pilots can test innovative strategies to achieve significant improvements in educational, employment, and other key outcomes for disconnected youth using the flexibility provided by P3.

*Background:*

The economic, educational, and social disruption caused by the coronavirus disease 2019 (COVID-19) pandemic has erased a decade of progress in reducing the percentage of young people ages 16 to 24 in the United States who are neither employed nor enrolled in school, also known as disconnected youth. Between 2010 and 2019, the percentage of youth who were disconnected dropped 27 percent, falling from 14.7 percent to 10.7 percent. In 2020, however, the youth disconnection rate jumped to 12.6 percent; more than 4.8 million young people were neither in school nor working, and this population remains a critical area of focus as the recovery from the pandemic continues.

There are large gaps in the percentage of young people ages 16 to 24 who are disconnected among different racial and ethnic groups. In 2020, the disconnection rate for white youth was 10.6 percent, while the disconnection rates for Black, Hispanic, and Native American youth were 19.6 percent, 14.0 percent, and 23.4 percent, respectively. While the overall disconnection rate was lowest for Asian youth at 7.3 percent, there were high rates of disconnection among some Asian subgroups, with 17.1 percent of Cambodian youth and 12.9 percent of Hong Kong youth disconnected in 2020.<sup>1</sup>

Preventing and swiftly addressing youth disconnection when it occurs is a priority because youth who drop out and never earn a high school credential have higher rates of unemployment, lower earnings, poorer health and higher rates of mortality, and are more likely to be dependent on public assistance than those who earn a high school credential.<sup>2</sup> Interrupted or delayed schooling and employment also can have long-lasting consequences. Youth whose completion of high school is delayed are significantly less likely to enroll in postsecondary education after they do earn their high school credential.<sup>3</sup> Youth whose enrollment in

<sup>1</sup> Lewis, Kristen (2022), *A Disrupted Year: How the Arrival of COVID-19 Affected Youth Disconnection*. New York: Measure of America, Social Science Research Council. Retrieved from: <https://measureofamerica.org/youth-disconnection-2022/>.

<sup>2</sup> Belfield, C. and Levin, H.M. Eds. (2007). *The price we pay: Economic and social consequences of inadequate education*. Washington, DC: Brookings Institution Press. Retrieved from: <https://www.brookings.edu/book/the-price-we-pay/>.

<sup>3</sup> Fogg, N.P. and Harrington, P.E. (2015). *From Diplomas to Degrees: A Longitudinal Study of the College Enrollment and Graduation Outcomes of High School Graduates from the School District of Philadelphia*. Philadelphia, PA: Drexel University Center for Labor Markets and Policy. Retrieved

postsecondary education is delayed after high school graduation are considerably more likely to drop out than peers who enter college immediately following high school.<sup>4</sup> They also earn less as young adults, with one study estimating that those who delay entry into postsecondary institutions earn \$41,000 less during the first 13 years after high school graduation than young adults who enrolled in college the semester after high school graduation.<sup>5</sup> A prolonged spell of unemployment experienced by a young adult can have an enduring negative consequence on his or her earnings that lasts as long as nine years after he or she finds work.<sup>6</sup>

P3 may be a useful tool for advancing policy objectives in two Executive Orders. President Biden committed the full resources of the Federal government to reversing the economic crisis that was caused by the COVID-19 pandemic and that continues to persist in some communities of color. In Executive Order 14002, Economic Relief Related to the COVID-19 Pandemic, he directed Federal agencies to consider actions that improve access to, reduce unnecessary barriers to, and improve coordination among programs funded in whole or in part by the Federal Government.<sup>7</sup>

In Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the President committed the Administration to a whole-of-government equity agenda to address inequities and systemic racism. Federal agencies were challenged to take a comprehensive approach to advancing equity for all, including people of color and others who have been underserved, marginalized, and adversely affected by persistent poverty

from: [https://drexel.edu/~media/Files/clmp/diplomas\\_to\\_degrees\\_full\\_report\\_2015.pdf](https://drexel.edu/~media/Files/clmp/diplomas_to_degrees_full_report_2015.pdf).

<sup>4</sup> *Ibid.*, and Scott, M.A. and Kennedy, B.B. (2005). "Pitfalls in Pathways: Some Perspectives on Competing Risks Event History Analysis in Education Research," *Journal of Educational and Behavioral Statistics*, Winter, 2005, Vol. 30, No. 4 (Winter, 2005), pp. 413-442. Retrieved from: <https://www.jstor.org/stable/3701297>.

<sup>5</sup> Yuxin Lin, Y. and Ting Liu, V.Y. (2019). *Timing Matters: How Delaying College Enrollment Affects Earnings Trajectories*. CCRC Working Paper No. 105. New York, NY: Community College Research Center. Retrieved from: <https://ccrc.tc.columbia.edu/publications/delaying-college-enrollment-earnings-trajectories.html>.

<sup>6</sup> Mroz, T.A. and Savage, T.H. (2006). The Long-Term Effects of Youth Unemployment. *The Journal of Human Resources*, Spring, 2006, Vol. 41, No. 2 (Spring, 2006), pp. 259-293. Retrieved from: <https://www.jstor.org/stable/40057276>.

<sup>7</sup> <https://www.federalregister.gov/documents/2021/01/27/2021-01923/economic-relief-related-to-the-covid-19-pandemic>.

and inequality.<sup>8</sup> Pursuant to Executive Order 13985, ED published its inaugural equity action plan earlier this year. That plan makes expanding access to and completion of an education beyond high school an ED priority.<sup>9</sup>

P3 gives ED, the Departments of Labor (DOL), Health and Human Services (HHS), and Justice (DOJ),<sup>10</sup> the Corporation for National and Community Service (CNCS), and the Institute of Museum and Library Services (collectively, the Agencies) authority, provided certain conditions and requirements are met, to waive Federal statutory and regulatory requirements that inhibit access to assistance and effective service delivery for disconnected youth.

P3 authorizes the Agencies to enter into Performance Partnership Agreements (performance agreements) with State, local, or Tribal governments. The performance agreements provide pilots with additional flexibility in the use of certain of the Agencies' discretionary funds,<sup>11</sup> including competitive and formula grant funds. Pilots must include two or more Federal programs (at least one of which is administered in whole or in part by a State, local, or Tribal government) that are targeted on disconnected youth, or designed to prevent youth from disconnecting from school or work, and that provide education, training, employment, and other related social services. Entities that seek to participate in these pilots must commit to achieving significant improvements in outcomes for disconnected youth in exchange for flexibility permitted under P3. The authorizing statute states that improving outcomes for disconnected youth means increasing the rate at which those individuals between the ages of 14 and 24 who are low-income

and are either homeless, in foster care, involved in the juvenile justice system, unemployed, or not enrolled in or at risk of dropping out of an educational institution achieve success in meeting educational, employment, or other key goals (2014 Act, section 526(a)(2)).

This notice invites applications for selection as FY 2022 pilots and offers opportunities for prospective applicants to obtain optional technical assistance from the Agencies prior to applying. The purpose of the pre-application technical assistance is to help prospective applicants identify and propose to address—through waivers, blending of funds, or other flexibilities—Federal barriers to effective and integrated service delivery that will improve the educational and employment outcomes of disconnected youth.

If interest in technical assistance exceeds the Agencies' capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest because the statutory authority for FY 2022 directs the Agencies to include such communities among the designated pilots. Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth.

#### *Flexibilities Available Under P3*

P3 provides important opportunities to improve access to Federal programs and their effectiveness in addressing the needs of disconnected youth. The Agencies have published on *Youth.gov* a list of the waivers previously granted to pilots under the first three rounds of P3 in which pilots were designated.<sup>12</sup> These waivers were helpful to the pilots that received them, and, in this latest round, the Agencies hope that applicants propose even more ambitious and bold efforts to remove Federal constraints on effective, innovative, and promising service delivery for disconnected youth. We provide several examples below.

These examples are provided for illustrative purposes only, and the allowability of specific proposals will depend on the unique circumstances of individual applicants. Any waivers must be consistent with the statutory safeguards that apply to P3, discussed below, and the Agencies will consider whether the inclusion of a program in a specific pilot is consistent with, or conflicts with, other significant legal or

policy considerations. Also, the Agencies will review the blending of competitive grants on a case-by-case basis to consider how the scope, objectives, and target populations of the existing awards align with the proposed pilot. Any changes in terms and conditions of the existing competitive grant awards required for pilot purposes must be justified by the applicant and consistent with the scope and objectives of the grantee's application. In addition, the Agencies can only waive Federal statutory or regulatory requirements and cannot waive State or local requirements. The Agencies encourage applicants to analyze whether implementation of their request also requires State or local statutory or regulatory flexibilities or waivers, as those rules are not under the jurisdiction of the Agencies to waive for P3.

*Example A:* P3 can be used to provide stronger support to young people as they transition from high school to postsecondary education and to careers. Our secondary and postsecondary education systems remain fragmented and are often poorly aligned, which limits postsecondary education access and success. The road to and through postsecondary education is particularly difficult to navigate for young people from families with low incomes:

- Twenty percent of students from low-income backgrounds do not graduate high school on time with their peers.<sup>13</sup>
- Forty percent of students from low-income backgrounds who do graduate from high school do not enroll in postsecondary education immediately following graduation.<sup>14</sup>
- Twenty-five percent of students from low-income backgrounds who do enter postsecondary education immediately following high school graduation leave without earning a credential during their first two years.<sup>15</sup>

These outcomes in high school and postsecondary education have prompted calls to reimagine and restructure how we educate young people, creating new opportunities and approaches that will

<sup>13</sup> National Center for Education Statistics (2021), Digest of Education Statistics, Table 219.46: Public high school 4-year adjusted cohort graduation rate (ACGR), by selected student characteristics and state: 2010–11 through 2018–19.

<sup>14</sup> Pell Institute for the Study of Opportunity in Higher Education (2021), *Indicators of Higher Education Equity in the United States* (2021).

<sup>15</sup> Oseguera, L. (2012). *Postsecondary Educational Pathways of Low- and Middle/High-Income Youth: Using the Education Longitudinal Study (ELS) to Examine Tenth Graders' Transitions from High School*. Los Angeles, CA: UC/ACCORD. Retrieved from: [https://pathways.gseis.ucla.edu/publications/201205\\_osegueraWP.pdf](https://pathways.gseis.ucla.edu/publications/201205_osegueraWP.pdf).

<sup>8</sup> <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>9</sup> U.S. Department of Education (2022), 2022 Agency Equity Plan related to Executive Order 13985. Retrieved from: <https://www2.ed.gov/documents/equity/2022-equity-plan.pdf>.

<sup>10</sup> DOJ's Office of Justice Programs was first authorized to enter into performance agreements by the Consolidated and Further Continuing Appropriations Act, 2015.

<sup>11</sup> For the purposes of P3, discretionary funds are funds that Congress appropriates on an annual basis, rather than through a standing authorization. They exclude "entitlement" (or mandatory) programs, such as Social Security, Medicare, Medicaid, most Foster Care IV–E programs, Vocational Rehabilitation State Grants, and Temporary Assistance to Needy Families. Discretionary programs administered by the Agencies support a broad set of public services, including education, workforce development, health and mental health, and other low-income assistance programs.

<sup>12</sup> The list of previously granted waivers is available at [https://youth.gov/sites/default/files/P3-Waiver-List-FINAL\\_2018-12-10.pdf](https://youth.gov/sites/default/files/P3-Waiver-List-FINAL_2018-12-10.pdf).

better meet their needs.<sup>16</sup> P3 can help communities that are ready to respond to the challenge.

For example, a local educational agency (LEA) and a community college could partner to combine the last two years of high school with the first two years of postsecondary education and obtain waivers under P3 to use Federal funds to support this seamless educational experience for youth. The partnership could request waivers under P3 to blend and consolidate with state and local funds a portion of the LEA's allocation under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA); some of its subgrant from ESEA Title IV, Part A, Subpart 1, Student Support and Academic Enrichment Grants; the community college's grants from the Developing Hispanic-serving Institutions program authorized under Title V of the Higher Education Act of 1965 (HEA), TRIO Student Support Services, and TRIO Upward Bound. P3 waivers also could enable the partners to blend their subgrants under the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), with Workforce Innovation and Opportunity Act (WIOA) Title I Youth funds contributed by the local workforce development board to provide all students with paid, part-time internships. The community college could request P3 waivers that permit it to use funds from its Federal Supplemental Educational Opportunity Grant,<sup>17</sup> along with state and local funds, to pay the costs of the dual enrollment and postsecondary educational courses taken by students during their participation. Another waiver could enable the LEA to use funds from its subgrant from ESEA Title II, Part A Supporting Effective Instruction State Grants for joint professional development for the LEA's teachers and faculty from the community college.

*Example B:* P3 enables State, local, and Tribal governments to blend dollars from multiple Federal funding streams to provide more comprehensive, holistic services for youth without having to allocate costs among the contributing programs and separately track and report on each source of funding. For

<sup>16</sup> Hoffman, Nancy, Vargas, Joel, et al. (2021), *The Big Blur: An Argument for Erasing the Boundaries Between High School, College, and Careers—and Creating One New System That Works for Everyone*. Boston, MA: Jobs for the Future.

<sup>17</sup> The Federal Supplemental Educational Opportunity Grant program is authorized by section 413A of the HEA.

example, a State could propose to use P3 to support a comprehensive education, training, and reentry services program for youthful offenders before, during, and after their incarceration. Funding for the project could be contributed from the Governor's reserve of the State's WIOA Title I Youth program grant, the State's Juvenile Justice and Delinquency Prevention Act Title II State grant, and the State educational agency's ESEA Title I, Part D grant for Prevention and Intervention Programs for Children and Youth Who are Neglected, Delinquent, or At-Risk of Dropping Out. The State also could propose to use P3 to waive the statutory performance indicators and reporting requirements under the three programs, replacing them with one set of indicators tailored to match the objectives of the project that the State reports on annually. Funds available to the State for evaluation under section 116(e)(1) of WIOA could be used to evaluate the program.

*Example C:* Responding to the Biden-Harris Administration's Talent Pipeline Challenge,<sup>18</sup> a State could propose a pilot that blends Adult Education and Family Literacy Act (AEFLA) State leadership funds available under section 223 of WIOA with funds available for statewide youth activities under Title I of WIOA to provide integrated education and training to disconnected youth to prepare them to build public electric vehicle charging stations.

*Example D:* Some Federal programs contain statutory or regulatory requirements that limit the duration of an individual's participation in a program. Due to service interruptions and disruptions caused by the pandemic, participants may not have been able to take full advantage of the opportunities provided by a program over the last year. A P3 applicant could seek flexibility to waive eligibility requirements to extend the duration of an individual's participation in the program as part of a larger strategy to compensate for the time and learning that youth lost to the pandemic. For example, a State, local, or Tribal governmental unit administering a YouthBuild grant<sup>19</sup> could seek to

<sup>18</sup> Office of the President (2022), Fact Sheet: The Biden-Harris Administration Launches the Talent Pipeline Challenge: Supporting Employer Investments in Equitable Workforce Development for Infrastructure Jobs. Retrieved from: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/17/fact-sheet-the-biden-harris-administration-launches-the-talent-pipeline-challenge-supporting-employer-investments-in-equitable-workforce-development-for-infrastructure-jobs/>.

<sup>19</sup> The YouthBuild grant program is authorized by section 171 of WIOA (29 U.S.C. 3226).

extend program services to individuals beyond 24 months; a State recipient of a 7-year Gaining Early Awareness and Readiness for Undergraduate Programs grant<sup>20</sup> could seek to extend services through a participant's second year of enrollment in an institution of higher education; and a private nonprofit organization managing a Transitional Living program grant<sup>21</sup> for homeless youth could apply in partnership with a State, local, or Tribal government to extend the duration of its services beyond 540 days or to serve youth older than age 21.

*Example E:* P3 authority can also be used by applicants to propose changes to projects funded under multiple Federal grants that are each, separately, intended to support programs designed to help disconnected youth achieve greater success in meeting their educational and employment goals. A public college or university that is considered a unit of State or local government could request waivers to blend discretionary, non-entitlement student aid funds under Title IV of the HEA, dollars received through various Federal formula programs, and competitive grant funds in ways that would achieve better outcomes for disconnected youth. For example, a public college or university might propose to increase the share of the Federal Work Study (FWS) program funds available for Job Location and Development programs and waive the 25 percent cap on the amount of the school's allocation that may be used to pay wages to students employed with private, for-profit organizations so that it could use more than 25 percent of its FWS funds to provide students who are at risk of dropping out with subsidized career internships in the private sector that are aligned with students' educational and career goals. To help students identify their career goals, the college or university could partner with a local American Job Center, which uses funds from the WIOA Title I Adult program, to provide students with intensive career counseling and information relating to local occupations in demand and the earnings and skill requirements of those occupations. Similarly, a community

<sup>20</sup> The Gaining Early Awareness and Readiness for Undergraduate Programs grant program is authorized by section 404A of the HEA (20 U.S.C. 1070a-21).

<sup>21</sup> The Transitional Living grant program is authorized by section 321 of the Juvenile Justice and Delinquency Prevention Act (34 U.S.C. 11221). For this program, the term "homeless youth" is defined in 45 CFR 1351.1(f) as "a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care."

college could request waivers to blend and use a portion of a TRIO Educational Opportunity Center grant and its WIOA Title II AEFLA program subgrant to implement an intensive integrated education and training (IET) program for young adults who lack a high school credential or a state government could request authority to blend AEFLA funds with funds from a Second Chance Act grant from the Department of Justice to implement an IET program or wraparound academic support services for incarcerated individuals to prepare them for the reinstatement of Pell Grant eligibility in 2023.

*Example F:* P3 waivers can help programs reach currently unserved disconnected youth. Current ED regulations for the TRIO programs limit participation in these programs to citizens or permanent residents of the United States, or individuals who are in the United States for other than a temporary purpose who provide evidence from the Immigration and Naturalization Service of their intent to become a permanent resident.<sup>22</sup> Applying in partnership with affiliated local public institutions of higher education that administer TRIO grants, a multi-State consortium of public college or university systems that are considered units of State government could seek a waiver of this requirement so that their affiliated schools could use TRIO funds to serve disconnected youth who qualify for the Deferred Action for Childhood Arrivals (DACA) program<sup>23</sup> or who have Temporary Protected Status.<sup>24</sup>

<sup>22</sup> See 34 CFR 643.3 (Talent Search), 34 CFR 644.3 (Educational Opportunity Centers), 34 CFR 645.3 (Upward Bound), 34 CFR 646.3 (Student Support Services), and 34 CFR 647.3 (Ronald E. McNair Postbaccalaureate Achievement Program).

<sup>23</sup> In 2012, the Department of Homeland Security (DHS) began implementing the DACA policy, which allows youth who were brought to the United States as children and who meet certain criteria to request consideration for deferred action, involving a case-by-case determination by DHS not to pursue an individual's removal from the United States for an initial two-year period as a matter of prosecutorial discretion. DACA recipients can live and go to school in the United States and may be eligible to obtain work authorization while their deferred action remains in effect. For more information, see <https://www.uscis.gov/humanitarian/consideration-of-deferred-action-for-childhood-arrivals-daca>.

<sup>24</sup> The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. United States Citizenship and Immigration Services may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. During a designated period, individuals who are TPS beneficiaries are not removable from the United States and can obtain work authorization. For more

*Example G:* P3 waivers can make childcare more accessible for youth who are parents and pursuing a postsecondary degree or credential but at risk of leaving without a degree or credential or employment due to the lack of affordable, high-quality childcare. A public college or university that receives funds under the Strengthening Institutions program authorized by Title III, Part A of the HEA could obtain a waiver of the regulatory prohibition against using a portion of these funds for childcare services in order to augment the childcare services it provides with its Child Care Access Means Parents in School Program grant.

*Example H:* An LEA could use the P3 authority to create a comprehensive educational program to provide support to English learners (ELs) to support the successful transition from secondary school to postsecondary education and a career in a high-demand field, focusing on students who continue to be identified as ELs for more than five years, students who enroll with prior educational experiences other than formalized learning experiences, or who have special needs. Students who are proficient in both their home language and English are an asset, including in the labor market. For example, funds available under ESEA Title I, Part A and Title III could be used to support dual language programs for ELs to support language acquisition, including providing high-quality tutoring to support academic achievement. The LEA could also use ESEA Title IV, Part A funds to provide targeted support for ELs, including ELs with special needs. The LEA could use Perkins V funds to support career advising and navigation services and cover the costs associated with a CTE dual enrollment pathway or an apprenticeship where students can apply multilingual skill sets. The local workforce development board could also contribute funds to provide paid internships during the summer months.

Although P3 provides the Agencies broad waiver authority to increase flexibility and relieve burden in order to improve the effectiveness of Federal funding for disconnected youth, it is important to note that there are some limitations on the waivers. In particular, as stated in the original statutory authority for P3, the P3 waivers—

- May not involve any requirement related to nondiscrimination, wage and labor standards, or the allocation of funds to State and sub-State levels;

information, see <https://www.uscis.gov/humanitarian/temporary-protected-status>.

- Must be consistent with the statutory purposes of the Federal program for which such discretionary funds were appropriated;
  - May not result in denying or restricting the eligibility of any individual for any of the services that (in whole or in part) are funded by the agency's programs and Federal discretionary funds that are involved in the pilot;
    - Based on the best available information, may not otherwise adversely affect vulnerable populations that are the recipients of such services;
    - Must be necessary to achieve the outcomes of the pilot as specified in the performance agreement, and no broader in scope than is necessary to achieve such outcomes; and
    - Must result in either: (a) realizing efficiencies by simplifying reporting burdens or reducing administrative barriers with respect to such discretionary funds; or (b) increasing the ability of individuals to obtain access to services that are provided by the discretionary funds.

#### FY 2022

P3 was reauthorized for FY 2022 for programs administered by all of the six Agencies, and the Agencies may select up to 10 pilots.

An applicant must propose to include FY 2022 funds from at least one of the six Agencies.

If Congress extends the P3 authority in future years, pilots may propose to amend the number of Federal programs supporting pilot activities using future funding appropriated. However, authority for pilots to expand in future years is subject to congressional action as well as agency discretion.

#### Application Requirements

The application requirements for this opportunity are from the notice of final priorities, requirements, definitions, and selection criteria for this program published on April 28, 2016, in the **Federal Register** (81 FR 25339) (P3 NFP) and are as follows:

(a) *Executive summary.* The applicant must provide an executive summary that briefly describes the proposed pilot, the flexibilities being sought, and the interventions or systems changes that would be implemented by the applicant and its partners to improve outcomes for disconnected youth.

(b) *Flexibility, including waivers: Federal requests for flexibility, including waivers.* For each program to be included in a pilot, the applicant must complete Table 1, Requested Flexibility. The applicant must identify two or more discretionary Federal



programs that will be included in the pilot,<sup>25</sup> at least one of which must be administered (in whole or in part) by a State, local, or Tribal government.<sup>26</sup> In Table 1, the applicant must identify one

or more program requirements that would inhibit implementation of the pilot and request that the requirement(s) be waived in whole or in part. Examples of potential waiver requests and other

requests for flexibility include, but are not limited to, blending of funds and changes to align eligibility requirements, allowable uses of funds, and performance reporting.

TABLE 1—REQUESTED FLEXIBILITY

Program name	Federal agency	Program requirements to be waived in whole or in part	Statutory or regulatory citation	Name of program grantee	Blending funds? (yes/no)

Note: Please note in “Name of Program Grantee” if the grantee is a State, local, or Tribal government, or nongovernmental entity.

*Program Requirements:*

The program requirement for this opportunity is from the P3 NFP.

*Performance Agreement.* Each P3 pilot, along with other non-Federal government entities involved in the partnership, must enter into a performance agreement that will include, at a minimum, the following (as required by section 526(c)(2) of Division H of the 2014 Act):

- (a) The length of the agreement;
- (b) The Federal programs and federally funded services that are involved in the pilot;
- (c) The Federal discretionary funds that are being used in the pilot;
- (d) The non-Federal funds that are involved in the pilot, by source (which may include private funds as well as governmental funds) and by amount;
- (e) The State, local, or Tribal programs that are involved in the pilot;
- (f) The populations to be served by the pilot;
- (g) The cost-effective Federal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;
- (h) The cost-effective State, local, or Tribal oversight procedures that will be used for the purpose of maintaining the necessary level of accountability for the use of the Federal discretionary funds;
- (i) The outcome (or outcomes) that the pilot is designed to achieve;
- (j) The appropriate, reliable, and objective outcome measurement methodology that will be used to determine whether the pilot is achieving, and has achieved, specified outcomes;
- (k) The statutory, regulatory, or administrative requirements related to Federal mandatory programs that are barriers to achieving improved outcomes of the pilot; and
- (l) Criteria for determining when a pilot is not achieving the specified

outcomes that it is designed to achieve and subsequent steps, including:

- (1) The consequences that will result; and
- (2) The corrective actions that will be taken in order to increase the likelihood that the pilot will achieve such specified outcomes.

*Definitions:* The following definitions are from the P3 NFP.

*Blended funding* is a funding and resource allocation strategy that uses multiple existing funding streams to support a single initiative or strategy. Blended funding merges two or more funding streams, or portions of multiple funding streams, to produce greater efficiency and/or effectiveness. Funds from each individual stream lose their award-specific identity, and the blended funds together become subject to a single set of reporting and other requirements, consistent with the underlying purposes of the programs for which the funds were appropriated.

An *interim indicator* is a marker of achievement that demonstrates progress toward an outcome and is measured at least annually.

*Outcomes* are the intended results of a program or intervention. They are what applicants expect their projects to achieve. An outcome can be measured at the participant level (for example, changes in employment retention or earnings of disconnected youth) or at the system level (for example, improved efficiency in program operations or administration).

A *waiver* provides flexibility in the form of relief, in whole or in part, from specific statutory, regulatory, or administrative requirements that have hindered the ability of a State, locality, or Tribe to organize its programs and systems or provide services in ways that best meet the needs of its target populations. Under P3, waivers provide flexibility in exchange for a pilot’s

commitment to improve programmatic outcomes for disconnected youth consistent with underlying statutory authorities and purposes.

*Program Authority:* Section 523 of Title III, Division H of the Consolidated Appropriations Act, 2022 (Pub. L. 117–103).

*Note:* Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 86, 97, 98, and 99, and such other regulations as the Agencies may apply based on the programs included in a particular pilot. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The P3 NFP.

*Note:* The regulations in 34 CFR part 86 apply to institutions of higher education only.

**II. Performance Pilot Designation Information**

*Type of Award:* Flexibility.  
*Estimated Available Funds:* None.  
*Estimated Number of Designations:* 10 pilots.  
*Project Period:* FY 2022 pilots may operate for as long as FY 2022 appropriated funds remain available to pilots to obligate to support project activities, but not past September 30, 2026.

<sup>25</sup> Applicants are encouraged to consult the list of examples of programs that are potentially eligible for inclusion in pilots at <https://youth.gov/youth->

[topics/reconnecting-youth/performance-partnership-pilots](https://youth.gov/youth-topics/reconnecting-youth/performance-partnership-pilots).

<sup>26</sup> Local governments that are requesting waivers of requirements in State-administered programs are

strongly encouraged to consult with the State agencies that administer the programs in preparing their applications.

### III. Eligibility Information

1. *Eligible Applicants:* The lead applicant must be a State, local, or Tribal government entity, represented by a chief executive, such as a governor, mayor, or other elected leader, or the head of a State, local, or Tribal agency.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

### IV. Application and Submission Information

#### 1. Application Submission

*Instructions:* Applicants must submit completed applications to [DisconnectedYouth@ed.gov](mailto:DisconnectedYouth@ed.gov) unless electronic submission is not possible. Where electronic submission is not possible (e.g., you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than two weeks before the application deadline date (14 calendar days or, if the 14th calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday). If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. Please send this statement to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. If you submit a paper application, you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, LBJ Basement Level 1, 400 Maryland Avenue SW, Washington, DC 20202–4260. You must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark. (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service. (3) A dated shipping label, invoice, or receipt from a commercial carrier. (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education. If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing: (1) A private metered postmark. (2) A mail receipt that is not dated by the U.S. Postal Service.

*Note:* The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the P3 opportunity, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define “business information” and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, including performance agreements, and may make all applications available, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate appendix section of your application, please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, provide the information specified in the application requirements and address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than five pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a font that is either 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

5. *Requests for Technical Assistance:* For interested eligible entities, the Agencies are offering technical assistance over the next several months that will help prospective applicants to identify Federal impediments to effective and integrated service delivery for disconnected youth and flexibilities that can be removed under P3 and to

develop an application submission for a P3 pilot. The Agencies want to engage with as many eligible entities as possible and will accept technical assistance requests on a rolling basis until September 7, 2022. If interest in technical assistance exceeds the Agencies’ capacity to provide it, the Agencies will give first priority to assisting eligible entities that intend to serve communities that have experienced civil unrest, because the statutory authority for FY 2022 directs the Agencies to include such communities among the designated pilots.<sup>27</sup> Second priority will be given to requests for technical assistance from applicants that propose to serve the highest numbers of disconnected youth. To request technical assistance, please email [DisconnectedYouth@ed.gov](mailto:DisconnectedYouth@ed.gov) with the subject line “Request for Technical Assistance,” and include the prospective applicant’s name, a contact person’s name and email address, and the names of the Federal programs that the prospective applicant is interested in including in a P3 pilot. Applicants that do not request technical assistance may still apply for designation as a pilot; applicants that do request technical assistance are not bound to apply or bound by the information provided in their initial request for technical assistance.

6. *Other Submission Requirements:* Applications under this opportunity must be submitted electronically unless electronic submission is not possible.

Please note the following:

- The Department is not publishing an application package for this program. To submit an application, provide all of the information specified in the application requirements. Additionally, complete and submit Standard Form 424B, Assurances for Non-Construction Programs (available at [www2.ed.gov/fund/grant/apply/appforms/appforms.html](http://www2.ed.gov/fund/grant/apply/appforms/appforms.html)) with your application.
- The Department must receive your application by 11:59 p.m. Eastern Standard Time on October 7, 2022. We will notify you if we are rejecting your application because it was received after the application deadline date.
- We may request that you provide us original signatures on forms at a later date.

### V. Application Review Information

1. *Review and Selection Process:* The Department will screen applications that are submitted in accordance with the requirements in this notice and will

<sup>27</sup> Section 523(a), Title III, Division H, Consolidated Appropriations Act, 2022, Public Law 117–103.

determine which applications are eligible to be read based on whether they have met the eligibility and application requirements.

The Secretary of Education (Secretary) will also consider compliance with assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance (such as, for ED programs, 34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

2. *Review of Requests for Flexibility, Including Blending of Funds and Other Waivers:* Representatives of the Agencies that administer programs under which flexibility in Federal requirements is sought will evaluate whether the flexibility, including blending of funds and other waivers, requested by applicants meets the statutory requirements for P3 and is otherwise appropriate. For example, if an applicant is seeking flexibility under programs administered by HHS and DOL, its requests for flexibility will be reviewed by HHS and DOL officials. Applicants may be asked to participate in telephone calls at this point in the process in order to clarify requests for flexibility and other aspects of their proposals.

3. *Selecting Finalists:* Agency officials may recommend projects for selection by the Secretary. In consultation with the other Agencies, the Secretary will select up to 10 finalists after considering the recommendations of the Agencies that administer the programs for which the applicants are seeking flexibility, and other information, including an applicant's performance and use of funds and compliance history under a previous award under any agency program. In selecting pilots, the Secretary will first give priority to applicants that will serve communities that have experienced civil unrest, to address the statutory requirement that designated pilots include communities that have experienced civil unrest, and will then select those applications that will serve the highest numbers of disconnected youth.

For each finalist, ED and any other Agencies implicated in the pilot will negotiate the performance agreement. If a performance agreement cannot be finalized for an applicant, an alternative applicant may be selected as a finalist instead. The recommended projects will be considered finalists until performance agreements are signed by all parties, and pilot designation will be awarded only after finalization and approval of each finalist's performance agreement.

## VI. Designation Administration Information

1. *Designation Notices:* If your application is successful, we notify your U.S. Representative(s) and U.S. Senators and send you a letter notification of your selection as a pilot. We may notify you informally, also.

If your application is not evaluated or not selected as a pilot, we will notify you.

2. *Performance Measures:* The performance agreement for each pilot will include outcome measures, interim indicators, and targets.

## VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Amy Loyd,**

*Assistant Secretary for Career, Technical, and Adult Education.*

[FR Doc. 2022-16966 Filed 8-5-22; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP17-20-000, CP17-21-000, CP18-7-000]

### Port Arthur LNG, LLC, Port Arthur Pipeline, LLC; Notice of Request for Extension of Time

Take notice that on July 28, 2022, Port Arthur LNG, LLC (PALNG) and Port Arthur Pipeline, LLC (PAPL), (together Port Arthur or the Applicants), requested that the Federal Energy Regulatory Commission (Commission) grant an extension of time until June 18, 2028, to complete construction and make the Liquefaction Project, the Louisiana Connector Project, and the Texas Connector Project available for service, as authorized in the April 18, 2019 Order Granting Authorizations Under Sections 3 and 7 of the Natural Gas Act (Authorization Order)<sup>1</sup> and as amended in the October 15, 2020 (Order Amending Certificate)<sup>2</sup>

The Applicants state that since the Authorization Order was issued in 2019, Port Arthur has worked diligently to develop the Liquefaction Project, Texas Connector Project, and Louisiana Connector Project. PALNG has obtained all federal, state, and local authorizations necessary for construction of the Liquefaction Project facilities, and has taken concrete steps toward construction of the Liquefaction Project. The applicants assert that PAPL is fully subscribed and entered into 20-year precedent agreements with PALNG for 100 percent of the capacity on both the Louisiana Connector and Texas Connector Projects.

Mostly due to the unforeseeable impacts of the COVID-19 pandemic, the Applicants have encountered unanticipated circumstances that have prevented them from meeting the construction and in-service deadlines established in the Authorization Order. Port Arthur requests to extend the deadline to construct and place the project facilities in service and affirms

<sup>1</sup> *Port Arthur LNG, LLC*, et. al. 167 FERC ¶ 61,052 (2019) (Authorization Order). The Authorization Order describes the various locations in Texas and Louisiana where the approved facilities are to be located.

<sup>2</sup> *Port Arthur Pipeline, LLC*, 173 FERC ¶ 61,073 (2020). The Order Amending Certificate amended the certificate for the Louisiana Connector Project in 2020 to allow PAPL to add three new interconnections and relocate the site of the approved compressor station and interconnection. Ordering Para. (H) provides that "[PAPL] shall complete construction of the proposed facilities and make them available for service within the timeframe conditioned in the [Authorization Order]."

that no significant changes in circumstances exist that threaten the commercial viability of the projects.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on FLNG’s request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission’s Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for Natural Gas Act facilities when such requests are contested before order issuance. For those extension requests that are contested,<sup>3</sup> the Commission will aim to issue an order acting on the request within 45 days.<sup>4</sup> The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.<sup>5</sup> The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission’s environmental analysis for the certificate complied with the National Environmental Policy Act.<sup>6</sup> At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.<sup>7</sup> The OEP (spell out) Director, or his or her designee, will act on all of those extension requests that are uncontested.

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 Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFile” link at <http://www.ferc.gov>. 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.

*Comment Date:* 5:00 p.m. Eastern Time on August 17, 2022.

Dated: August 2, 2022.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2022–16933 Filed 8–5–22; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. RM98–1–000]

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the

Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or 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. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket Nos.	File date	Presenter or requester
<i>Prohibited:</i>		
1. P–405–000 .....	7–21–2022	FERC Staff <sup>1</sup> .
2. CP16–10–000, CP21–57–000 .....	7–25–2022	FERC Staff <sup>2</sup> .

<sup>3</sup> Contested proceedings are those where an intervenor disputes any material issue of the filing. 18 CFR 385.2201(c)(1) (2019).

<sup>4</sup> *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

<sup>5</sup> *Id.* at P 40.

<sup>6</sup> Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether

the Commission’s environmental analysis for the permit order complied with NEPA.

<sup>7</sup> *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

Docket Nos.	File date	Presenter or requester
3. CP16-10-000, CP21-57-000 .....	7-25-2022	FERC Staff <sup>3</sup> .
4. CP16-10-000, CP21-57-000 .....	7-25-2022	FERC Staff <sup>4</sup> .
5. CP16-10-000, CP21-57-000 .....	7-25-2022	FERC Staff <sup>5</sup> .
6. CP16-10-000, CP21-57-000 .....	7-25-2022	FERC Staff <sup>6</sup> .
7. CP16-10-000, CP21-57-000 .....	8-1-2022	FERC Staff <sup>7</sup> .
<i>Exempt:</i>		
8. CP17-117-000, CP17-118-000 .....	7-27-2022	U.S. Congressman Clay Higgins.
9. CP22-466-000 .....	7-27-2022	FERC Staff <sup>8</sup> .

<sup>1</sup> Emailed comments dated 7/16/2022 from Alex Balboa and Margaret Hurley.  
<sup>2</sup> Emailed comments dated 2/17/2022 from Colleen Wysser-Martin.  
<sup>3</sup> Emailed comments dated 2/20/2022 from Colleen Wysser-Martin.  
<sup>4</sup> Emailed comments dated 3/22/2022 from Colleen Wysser-Martin.  
<sup>5</sup> Emailed comments dated 3/26/2022 from Colleen Wysser-Martin.  
<sup>6</sup> Emailed comments dated 7/25/2022 from Colleen Wysser-Martin.  
<sup>7</sup> Emailed comments dated 8/1/2022 from Robert E. Rutkowski.  
<sup>8</sup> Conference call memo dated 11/18/20 regarding call on 7/13/2022 with U.S. Fish and Wildlife Service, et al.

Dated: August 2, 2022.  
**Debbie-Anne A. Reese,**  
 Deputy Secretary.  
 [FR Doc. 2022-16921 Filed 8-5-22; 8:45 am]  
**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Combined Notice of Filings #1**

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC22-97-000.  
*Applicants:* Longroad Energy Holdings, LLC on Behalf of Its Public Utility Subsidiaries.  
*Description:* Application for Authorization Under Section 203 of the Federal Power Act of Longroad Energy Holdings, LLC.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5288.  
*Comment Date:* 5 p.m. ET 8/22/22.

Take notice that the Commission received the following exempt wholesale generator filings:  
*Docket Numbers:* EG22-199-000.  
*Applicants:* Kawaihoa Solar, LLC.  
*Description:* Kawaihoa Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status of Kawaihoa Solar, LLC.  
*Filed Date:* 8/2/22.  
*Accession Number:* 20220802-5037.  
*Comment Date:* 5 p.m. ET 8/23/22.

Take notice that the Commission received the following electric rate filings:  
*Docket Numbers:* ER10-2475-029; ER10-1520-008; ER10-1521-008;

ER10-2474-028; ER10-2984-059; ER10-3246-022; ER13-1266-039; ER15-2211-039; ER20-2493-003; ER22-1385-002.  
*Applicants:* BHER Market Operations, LLC., OTCF, LLC, MidAmerican Energy Services, LLC, CalEnergy, LLC, PacifiCorp, Merrill Lynch Commodities, Inc., Sierra Pacific Power Company, Occidental Power Marketing, L.P., Occidental Power Services, Inc., Nevada Power Company.  
*Description:* Notice of Non-Material Change in Status of Nevada Power Company, et al.  
*Filed Date:* 7/29/22.  
*Accession Number:* 20220729-5396.  
*Comment Date:* 5 p.m. ET 8/19/22.  
*Docket Numbers:* ER15-2590-002.  
*Applicants:* Triolith Energy Fund L.P.  
*Description:* Notice of Change in Status of Triolith Energy Fund L.P.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5283.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER17-1394-005; ER19-2728-003; ER19-2729-003.  
*Applicants:* Lily Solar Lessee, LLC, Lily Solar LLC, 83WI 8me, LLC.  
*Description:* Notice of Non-Material Change in Status of 83WI 8me, LLC, et al.  
*Filed Date:* 8/2/22.  
*Accession Number:* 20220802-5067.  
*Comment Date:* 5 p.m. ET 8/23/22.  
*Docket Numbers:* ER18-1150-007; ER22-2188-001.  
*Applicants:* Northwest Ohio IA, LLC, Trishe Wind Ohio, LLC.  
*Description:* Notice of Change in Status of Trishe Wind Ohio, LLC, et al.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5287.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER21-1755-001.  
*Applicants:* Hartree Partners, LP.  
*Description:* Notice of Change in Status of Hartree Partners, LP.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5285.

*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-1370-001.  
*Applicants:* Sunlight Storage, LLC.  
*Description:* Notice of Change in Status of Sunlight Storage, LLC.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5291.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2582-000.  
*Applicants:* Appalachian Power Company.  
*Description:* § 205(d) Rate Filing: OATT—Revise Attachment K, AEP Texas Inc. Rate Update to be effective 12/31/9998.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5186.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2583-000.  
*Applicants:* Idaho Power Company.  
*Description:* § 205(d) Rate Filing: Reserve Energy Service Tariff to be effective 10/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5189.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2584-000.  
*Applicants:* Greeley Energy Facility, LLC.  
*Description:* § 205(d) Rate Filing: Notice of Change in Status, Change in Cat. Seller Status and Tariff Revisions to be effective 8/2/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5192.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2585-000.  
*Applicants:* Public Service Company of New Mexico.  
*Description:* § 205(d) Rate Filing: Ancillary Service Schedules 3, 5, and 6 to be effective 10/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801-5218.  
*Comment Date:* 5 p.m. ET 8/22/22.  
*Docket Numbers:* ER22-2586-000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* § 205(d) Rate Filing: 3746R1 Tenaska Power Services Co.

Attachment AO to be effective 10/1/2022.

*Filed Date:* 8/2/22.

*Accession Number:* 20220802–5013.

*Comment Date:* 5 p.m. ET 8/23/22.

*Docket Numbers:* ER22–2587–000.

*Applicants:* PacifiCorp.

*Description:* § 205(d) Rate Filing: USBR–WAPA Weber Basin Project Agreement Rev 5 to be effective 10/2/2022.

*Filed Date:* 8/2/22.

*Accession Number:* 20220802–5064.

*Comment Date:* 5 p.m. ET 8/23/22.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022–16920 Filed 8–5–22; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings in Existing Proceedings

*Docket Numbers:* RP17–913–007.

*Applicants:* Natural Gas Pipeline Company of America LLC.

*Description:* Compliance filing: NGPL Fuel Transparency Report Informational Filing 2022 to be effective N/A.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5115.

*Comment Date:* 5 p.m. ET 8/15/22.

*Docket Numbers:* RP21–525–006.

*Applicants:* Midwestern Gas Transmission Company.

*Description:* Refund Report: Refund Report to be effective N/A.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5104.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–501–002.

*Applicants:* ANR Pipeline Company.

*Description:* Compliance filing: ANR Section 4 Rate Case Compliance RP22–501 to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5023.

*Comment Date:* 5 p.m. ET 8/10/22.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

#### Filings Instituting Proceedings

*Docket Numbers:* PR22–57–000.

*Applicants:* Black Hills/Kansas Gas Utility Company, LLC.

*Description:* § 284.123 Rate Filing: BHKG Revised Statement of Rates to be effective 8/1/2022.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5205.

*Comments/Protest Due:* 5 p.m. ET 8/22/22.

*Docket Numbers:* RP22–1081–000.

*Applicants:* Ruby Pipeline, L.L.C.

*Description:* § 4(d) Rate Filing: FLU EPC Recomputation Update Filing to be effective 9/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5082.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1082–000.

*Applicants:* MountainWest Overthrust Pipeline, LLC.

*Description:* Annual Fuel Gas Reimbursement Report of MountainWest Overthrust Pipeline, LLC Company under RP22–1082.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5086.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1083–000.

*Applicants:* Kern River Gas Transmission Company.

*Description:* § 4(d) Rate Filing: 2022 Housekeeping to be effective 9/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5090.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1084–000.

*Applicants:* Colorado Interstate Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Non-Conforming Agreement Update (Anadarko) to be effective 9/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5103.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1085–000.

*Applicants:* Columbia Gulf Transmission, LLC.

*Description:* § 4(d) Rate Filing: Neg Rate NC Service Amendment—Kaiser 174463(3) to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5107.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1086–000.

*Applicants:* Trailblazer Pipeline Company LLC.

*Description:* § 4(d) Rate Filing: TPC 2022–07–29 Negotiated Rate Agreement to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5179.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1087–000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: REX 2022–07–29 Negotiated Rate Agreement to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5180.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1088–000.

*Applicants:* Northern Natural Gas Company.

*Description:* § 4(d) Rate Filing: 20220729 Negotiated Rate to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5201.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1089–000.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2022 to be effective 8/1/2022.

*Filed Date:* 7/29/22.

*Accession Number:* 20220729–5225.

*Comment Date:* 5 p.m. ET 8/10/22.

*Docket Numbers:* RP22–1090–000.

*Applicants:* Equitrans, L.P.

*Description:* § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—8/1/2022 to be effective 8/1/2022.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5030.

*Comment Date:* 5 p.m. ET 8/15/22.

*Docket Numbers:* RP22–1091–000.

*Applicants:* Alliance Pipeline L.P.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Various Aug 1 2022 Releases to be effective 8/1/2022.

*Filed Date:* 8/1/22.

*Accession Number:* 20220801–5034.

*Comment Date:* 5 p.m. ET 8/15/22.

*Docket Numbers:* RP22–1092–000.

*Applicants:* NEXUS Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Various Releases eff 8–1–2022 to be effective 8/1/2022.

*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5087.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1093–000.  
*Applicants:* Equitrans, L.P.  
*Description:* § 4(d) Rate Filing:  
 Remove Terminated Agreement—8/31/2022 to be effective 9/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5109.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1094–000.  
*Applicants:* Texas Eastern Transmission, LP.  
*Description:* § 4(d) Rate Filing:  
 Negotiated Rates—Various Releases eff 8–1–22 to be effective 8/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5114.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1095–000.  
*Applicants:* Natural Gas Pipeline Company of America LLC.  
*Description:* § 4(d) Rate Filing:  
 Limited Section 4 to Adjust Fuel Gas and L&U Retention Factors 2022 to be effective 9/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5116.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1096–000.  
*Applicants:* Natural Gas Pipeline Company of America LLC.  
*Description:* § 4(d) Rate Filing:  
 Negotiated Rate Agreement Filing—ConocoPhillips Company to be effective 8/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5119.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1097–000.  
*Applicants:* Natural Gas Pipeline Company of America LLC.  
*Description:* § 4(d) Rate Filing:  
 Negotiated Rate Agreement Filing—Morgan Stanley Capital to be effective 9/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5122.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1098–000.  
*Applicants:* Gulf South Pipeline Company, LLC.  
*Description:* § 4(d) Rate Filing:  
 Cap Rel Neg Rate Agmt (Osaka 46429 to Spotlight 55496) to be effective 8/1/2022.  
*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5139.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1099–000.  
*Applicants:* El Paso Natural Gas Company, L.L.C.  
*Description:* § 4(d) Rate Filing:  
 Negotiated Rate Agreement Update (Conoco August 1 2022) to be effective 8/1/2022.

*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5159.  
*Comment Date:* 5 p.m. ET 8/15/22.  
*Docket Numbers:* RP22–1100–000.  
*Applicants:* Texas Gas Transmission, LLC.  
*Description:* § 4(d) Rate Filing:  
 Cap Rel Neg Rate Agmt (JayBee 34447 to MacQuarie 53800) to be effective 8/1/2022.

*Filed Date:* 8/1/22.  
*Accession Number:* 20220801–5163.  
*Comment Date:* 5 p.m. ET 8/15/22.  
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022–16919 Filed 8–5–22; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22–2580–000]

#### CPV Three Rivers, 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 CPV Three Rivers, 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 2, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2022–16922 Filed 8–5–22; 8:45 am]

**BILLING CODE 6717–01–P**



**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 309–097]

**Brookfield Renewable Power Piney & Deep Creek, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Capacity Amendment of License and Application for Temporary Variance.

b. *Project No:* 309–097.

c. *Date Filed:* May 19, 2022, as supplemented on July 7 and 26, 2022, and August 1, 2022.

d. *Applicant:* Brookfield Renewable Power Piney & Deep Creek, LLC.

e. *Name of Project:* Piney Hydroelectric Project.

f. *Location:* The project is located on the Clarion River in Clarion County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Adam C. Slowik, Compliance Specialist, Brookfield Renewable, 482 Old Holtwood Road, Holtwood, PA 17532, (717) 284–6218, [adam.slowik@brookfieldrenewable.com](mailto:adam.slowik@brookfieldrenewable.com).

i. *FERC Contact:* Christopher Chaney, (202) 502–6778, [christopher.chaney@ferc.gov](mailto:christopher.chaney@ferc.gov).

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/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, MD 20852. The first page of any filing should include the docket number P–309–097. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee requests a non-capacity amendment of license to complete the following work: (1) installation of new hoists on all fourteen Tainter gates; (2) modification of the platform to accommodate the new hoists; (3) excavation, grading, and pouring of concrete pads for a backup generator and power distribution center; and (4) installation of a new five-foot overtopping protection wall along the intake deck on the left downstream side of the dam.

To complete the work described above, the licensee also requests a temporary variance from reservoir level requirements of conditions 1.1 and 1.2 of the project's water quality certification (WQC) and Article 402 of the license. WQC condition 1.1 requires the licensee to maintain the reservoir level at 1,092.5 ± 0.5 feet mean sea level (msl) from April 1 through June 20. WQC condition 1.2 requires the licensee to maintain the reservoir level, from June 21 through March 31, in such a manner as to protect statewide water uses in the reservoir. In part, Article 402 requires the licensee to maintain the reservoir level no lower than 1,090 feet msl from June 21 through October 31. Under the proposal, the licensee would maintain the reservoir level between 1,086.5 ft and 1,088.0 ft msl from November 1, 2022, through December 31, 2022, and from April 10, 2023, through December 31, 2023.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/>

to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 2, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022–16935 Filed 8–5–22; 8:45 am]

**BILLING CODE 6717–01–P**

**EXPORT-IMPORT BANK**

[Public Notice: 2022–3019]

**Agency Information Collection Activities: Comment Request**

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), 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. This collection of information is necessary to determine eligibility of the export sales for insurance coverage. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

**DATES:** Comments must be received on or before September 7, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV\\_\(EIB 92-30\)](http://WWW.REGULATIONS.GOV_(EIB 92-30)) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048-0021. The information collection tool can be reviewed at: <https://img.exim.gov/s3fs-public/pub/pending/eib92-30.pdf>.

**SUPPLEMENTARY INFORMATION:**

*Title and Form Number:* EIB 92-30 Report of Premiums Payable for Financial Institutions Only.

*OMB Number:* 3048-0021.

*Type of Review:* Renewal.

*Need and Use:* This collection of information is necessary to determine eligibility of the applicant for EXIM assistance. The information collected enables EXIM to determine the eligibility of the shipment(s) for insurance and to calculate the premium due to EXIM for its support of the shipment(s) under its insurance program.

*Affected Public:* This form affects entities involved in the export of U.S. goods and services.

*Annual Number of Respondents:* 215.  
*Estimated Time per Respondent:* 30 minutes.

*Annual Burden Hours:* 1290 hours.

*Frequency of Reporting of Use:*

Monthly.

*Government Expenses:*

*Reviewing time per year:* 860 hours.

*Average Wages per Hour:* \$42.50.

*Average Cost per Year:* \$36,550 (time\*wages).

*Benefits and Overhead:* 20%.

*Total Government Cost:* \$43,860.

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022-16972 Filed 8-5-22; 8:45 am]

**BILLING CODE 6690-01-P**

**EXPORT-IMPORT BANK**

[Public Notice 2022-3018]

**Agency Information Collection Activities: Comment Request**

**AGENCY:** Export-Import Bank.

**ACTION:** Submission for OMB review and comments request.

**SUMMARY:** The Export-Import Bank of the United States (EXIM), 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 enables U.S. exporters to compete fairly in foreign markets on the basis of price and product by neutralizing the effect of export credit insurance and guarantees offered by foreign governments and by absorbing credit risks that the private section will not accept. This collection of information is necessary to determine eligibility of the applicant for EXIM support.

**DATES:** Comments should be received on or before September 7, 2022 to be assured of consideration.

**ADDRESSES:** Comments may be submitted electronically on [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) (EIB 95-10) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20038, Attn: OMB 3048-0013. The application can be viewed at <http://www.exim.gov/sites/default/files/pub/pending/eib95-10all.pdf>.

**SUPPLEMENTARY INFORMATION:**

*Titles and Form Number:* EIB 95-10 Application for Credit Guarantee Facility and Long-term Direct Loan or Guarantee.

*OMB Number:* 3048-0013.

*Type of Review:* Update and Renewal.

*Need and Use:* The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to EXIM under its credit guarantee facility and long-term 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:* 85.

*Estimated Time per Respondent:* 2.5 hours.

*Annual Burden Hours:* 212.5 hours.  
*Frequency of Reporting or Use:* As needed.

*Government Expenses:*

*Reviewing Time per Year:* 148.75 hours.

*Average Wages per Hour:* \$42.50.

*Average Cost per Year:* \$6,322 (time\*wages).

*Benefits and Overhead:* 20%.

*Total Government Cost:* \$7,586.

**Andy Chang,**

*Director, IT Records Management.*

[FR Doc. 2022-16967 Filed 8-5-22; 8:45 am]

**BILLING CODE 6690-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-1005; FR ID 99748]

**Information Collection Being Reviewed by the Federal Communications Commission**

**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 7, 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 Number:* 3060–1005.

*Title:* Numbering Resource Optimization-Phase 3.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit and State, Local, or Tribal Government.

*Number of Respondents and Responses:* 38 respondents; 254 responses.

*Estimated Time per Response:* 25–40 hours.

*Frequency of Response:* On occasion reporting requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 153, 154, 201–205, 207–209, 218, 225–227, 251–252, 271, and 332.

*Total Annual Burden:* 6,380 hours.

*Total Annual Cost:* No cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The Commission is not requesting that respondents submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* The Commission established a safety valve to ensure that carriers experiencing rapid growth in a given market will be able to meet customer demand. States may use this safety valve to grant requests from carriers that demonstrate the following:

- (1) The carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of six months-to-exhaust requirement); and
- (2) Projected growth is based on the carrier's actual growth in the market or rate area, or in the carrier's actual growth in a reasonably comparable

market, but only if that projected growth varies no more than 15 percent from historical growth in the relevant market.

The Commission lifted the ban on service-specific and technology-specific overlays (collectively, specialized overlays or SOs), allowing state commissions seeking to implement SOs to request delegated authority to do so on a case-by-case basis. To provide further guidance to state commissions, the Commission set forth the criteria that each request for delegated authority to implement a SO should address. This will enable us to examine the feasibility of SOs in a particular area, and to determine whether the Commission's stated goals are likely to be met if the SO is implemented. Specifically, state commissions should also specifically address the following:

- (1) The technologies or services to be included in the SO;
- (2) The geographic area to be covered;
- (3) Whether the SO will be transitional;
- (4) When the SO will be implemented and, if a transitional SO is proposed, when the SO will become an all-services overlay;
- (5) Whether the SO will include take-backs;
- (6) Whether there will be 10-digit dialing in the SO and the underlying area code(s);
- (7) Whether the SO and underlying area code(s) will be subject to rationing; and
- (8) Whether the SO will cover an area in which pooling is taking place.

The Commission uses the information it collects to assist the state commissions in carrying out their delegated authority over numbering resources.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2022–16959 Filed 8–5–22; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### FDIC System Resolution Advisory Committee; Notice of Charter Amendment

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (FACA), and after consultation with the General Services Administration, the Federal Deposit Insurance Corporation

is hereby giving notice that the Charter of the FDIC Systemic Resolution Advisory Committee (the Committee) has been amended to increase the number of committee members and allow for the appointment of an alternate Designated Federal Officer.

**FOR FURTHER INFORMATION CONTACT:** Ms. Debra A. Decker, Committee Management Officer of the FDIC, at (202) 898–8748.

**SUPPLEMENTARY INFORMATION:** The Committee has been a successful undertaking by the FDIC and has provided valuable feedback to the agency on a broad range of issues regarding the resolution of systemically important financial companies (covered companies) pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Committee will continue to provide advice and recommendations on the effects on financial stability and economic conditions of a covered company's failure and how they arise, the effects on markets and stakeholders of the activities of a covered company, market understanding of the structures and tools available to the FDIC to facilitate an orderly resolution of a covered company, the application of such tools to nonbank financial entities, international coordination of planning and preparation for the resolution of internationally active covered companies, and harmonization of resolution regimes across international boundaries. The responsibilities of the Committee are unchanged from when it was originally established in November 2011. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act.

A copy of the amended charter is available on the FDIC website at <https://www.fdic.gov/about/advisory-committees/systemic-resolutions/>. A copy of the amended charter may also be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The website address for the FACA database is <http://www.facadatabase.gov/>.

Dated: August 2, 2022.

Federal Deposit Insurance Corporation.

**James P. Sheesley,**

*Assistant Executive Secretary.*

[FR Doc. 2022–16973 Filed 8–5–22; 8:45 am]

**BILLING CODE 6714–01–P**

**FEDERAL MARITIME COMMISSION****Agency Information Collection  
Activities: 60-Day Public Comment  
Request****AGENCY:** Federal Maritime Commission.**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Federal Maritime Commission (FMC or Commission) invites comments on a new data collection concerning containerized vessel imports and exports to and from the United States.

**DATES:** Written comments must be submitted on or before October 7, 2022.

**ADDRESSES:** Submit comments for the proposed information collection requests to Lucille L. Marvin, Managing Director at email: [omd@fmc.gov](mailto:omd@fmc.gov). The FMC will summarize any comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Copies of the information collections and instructions, or copies of any comments received, may be obtained by contacting Tara Nielsen at 202-523-5800 or [omd@fmc.gov](mailto:omd@fmc.gov).

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collections listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Information Collections Open for  
Comment**

*Title:* Container vessel imports and exports.

*OMB Approval Number:* 3072-XXXX.

*Abstract:* The Ocean Shipping Reform Act of 2022 (OSRA 2022) includes the following language, "The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report." 46 U.S.C. 41110. The FMC will request information on tonnage and 20-foot equivalent units from each identified common carrier on a monthly basis. The information will be used to compile and publish a quarterly report on total import and export tonnage and total loaded and empty 20-foot equivalent units per vessel operated by common carriers. The universe will be carriers that transport 1,500 or more 20-foot equivalent units per month (total across imports and exports, regardless of whether they are laden or empty) in or out of U.S. ports in international common carriage. The Commission estimates that approximately 70 of the 154 currently registered vessel-operating common carriers transport 1,500 or more 20-foot equivalent units per month, totaling over 99 percent of imported and exported containerized cargo.

*Current Actions:* This information being submitted contains a new data collection.

*Type of Review:* New data collection.

*Needs and Uses:* The Commission will use collected data to publish a quarterly report as directed by OSRA 2022.

*Frequency:* This information will be collected monthly.

*Type of Respondents:* The universe will be carriers who transport 1,500 20-foot equivalent units or more per month (total across imports and exports, regardless of whether they are laden) in or out of the U.S. in international common carriage.

*Number of Annual Respondents:* The Commission estimates an annual respondent universe of 70. The Commission expects the estimated number of annual respondents to remain at 70 in the future.

*Estimated Time Per Response:* The time per response is estimated at 80 person-hours for reporting.

*Total Annual Burden:* For the 70 annual respondents, the burden is calculated as  $70 \times 80$  hours = 5,600 hours.

**William Cody,**

*Secretary.*

[FR Doc. 2022-16891 Filed 8-5-22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES****Health Resources and Services  
Administration**

**Agency Information Collection  
Activities: Proposed Collection: Public  
Comment Request Information  
Collection Request Title: Initial and  
Reconciliation Application Forms to  
Report Graduate Medical Education  
Data and Full-Time Equivalent (FTE)  
Residents Trained by Hospitals  
Participating in the Children's  
Hospitals Graduate Medical Education  
Payment Program; and FTE Resident  
Assessment Forms to Report FTE  
Residents Trained by Organizations  
Participating in the Children's  
Hospitals and Teaching Health Center  
Graduate Medical Education Programs,  
OMB No. 0915-0247—Revision**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than October 7, 2022.

**ADDRESSES:** Submit your comments to [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or mail them to HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call Samantha Miller, the acting

HRSA Information Collection Clearance Officer at (301) 443-9094.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* Initial and Reconciliation Application Forms to Report Graduate Medical Education Data and FTE Residents Trained by Children's Hospitals Participating in the Children's Hospitals Graduate Medical Education (CHGME) Payment Program; and FTE Resident Assessment Forms to Report FTE Residents Trained by Organizations Participating in the Children's Hospitals and Teaching Health Center Graduate Medical Education (THCGME) Programs, OMB No. 0915-0247—Revision

*Abstract:* The Healthcare Research and Quality Act of 1999 (Pub. L. 106-129) established the CHGME Payment Program, Section 340E of the Public Health Service Act, most recently amended by the Dr. Benjy Frances Brooks Children's Hospital Graduate Medical Education (GME) Support Reauthorization Act of 2018 (Pub. L. 115-241). In 2010, the Patient Protection and Affordable Care Act (Pub. L. 111-148) established the THCGME Program, Section 340H of the Public Health Service Act, most recently amended by the Consolidated Appropriations Act, 2021 (Pub. L. 116-260). The American Rescue Plan Act of 2021 (Pub. L. 117-2) provided additional funding for the THCGME Program.

The CHGME Payment Program and the THCGME Program provide federal funding to support GME programs that train medical and dental residents. Specifically, the CHGME Payment Program supports residency programs at freestanding children's hospitals that train residents in pediatric, pediatric subspecialty, and non-pediatric care. The THCGME Program supports training for primary care residents (including residents in family medicine, internal medicine, pediatrics, internal medicine-pediatrics, obstetrics and gynecology, psychiatry, general dentistry, pediatric dentistry, and geriatrics) in community-based ambulatory patient care settings.

Children's hospitals and teaching health centers funded by HRSA's CHGME and THCGME programs, respectively, are required to report the number of FTE residents trained during the federal fiscal year. Fiscal intermediaries are contracted by HRSA to carry out an assessment of FTE resident counts reflected in

participating children's hospitals and teaching health centers applications to determine any changes to the resident FTE counts initially reported. Fiscal intermediaries audit the data reported by the children's hospitals and the teaching health centers and report the verified FTE resident counts to HRSA. An assessment of the children's hospital and teaching health center data ensures that applicable Medicare regulations and HRSA program requirements are followed when determining the number of full-time equivalent residents eligible for funding.

HRSA plans to submit an Information Collection Request for several reasons. First, the current OMB clearance for the CHGME Payment Program application and FTE resident assessment forms and exhibits expires 01/31/2023. Second, in addition to using the FTE resident assessment forms and exhibits for the CHGME Payment Program audits, HRSA plans to use CHGME FTE resident assessment forms and exhibits for THCGME Program audits. HRSA combined the FTE resident assessments of participating children's hospitals and teaching health centers into one audit contract to reduce costs to the federal government and to facilitate the fiscal intermediary's review of those residents training in both children's hospitals and teaching health centers funded by HRSA. As part of the FTE resident assessment process, the fiscal intermediary must ensure resolution of overlaps identified in the FTE residents reported between CHGME children's hospitals and the THCGME teaching health centers. The overlap reports indicate when an FTE resident is claimed for CHGME payment during the same period of training time claimed for reimbursement from any other source of federal GME funding, to include the THCGME Program. The use of the same FTE resident assessment forms and exhibits during the audit of both the children's hospitals and teaching health centers is more efficient for fiscal intermediaries to complete that perform both CHGME and THCGME audits, and for HRSA to review. Lastly, HRSA is proposing changes to the current CHGME Payment Program application and the FTE assessment forms and exhibits to be used for the CHGME Payment Program and THCGME Program. The changes are only proposed to the HRSA 99-1 form (also known as Exhibit O(2)), the HRSA 99-5 form, and the FTE resident assessment exhibits. All other CHGME Payment Program application and FTE resident assessment forms are the same as currently approved. The changes

described require OMB approval and are as follows:

1. CHGME Payment Program Application Instructions and Guidance: Update initial and reconciliation application instructions and guidance. Some of the examples provided in the instructions and guidance reference the FY 2010 application cycle and related dates. HRSA will update these dates to FY 2020 or more information that is relevant to applicants.

2. CHGME Payment Program Application HRSA 99-1 form: Revise Lines 4.05a, 5.05a, and 6.05a of the HRSA 99-1 form to include language referencing additional add-ons to the cap.

To the extent that it is reasonable and feasible, HRSA adheres to Centers for Medicare & Medicaid Services (CMS) regulations to ease the burden for children's teaching hospitals participating in the CHGME Payment Program that must also comply with CMS regulations. Specifically, per 66 FR 12940 (March 1, 2001) and 66 FR 37980 (July 20, 2001) the CHGME Payment Program follows the regulations provided at 42 CFR 413.86(f), (g), (h), and (i), which are now reflected in 42 CFR 413.79, regarding the application of the FTE resident caps as described in Section 1886(h) of the Social Security Act.

The CHGME Payment Program application forms have been revised to accommodate the final rule with comment period issued by CMS on December 27, 2021 (86 FR 73416). CMS issued the final rule to implement policies based on legislative changes relative to Medicare GME for teaching hospitals provided by Sections 126, 127, and 131 of the Consolidated Appropriations Act (CAA), 2021 (Pub. L. 116-260).

The final rule implements Sections 126, 127, and 131 of the CAA affecting Medicare direct GME and indirect medical education (IME) payments to teaching hospitals. Section 126(a) of the CAA amended section 1886(h) of the Social Security Act by adding a new section 1886(h)(9) of the Social Security Act requiring the distribution of additional residency positions to qualifying hospitals. Section 127 of the CAA amended section 1886(h)(4)(H)(iv) of the Social Security Act to specify that in the case of a hospital not located in a rural area that established or establishes a medical residency training program (or rural track) in a rural area, the hospital, and each such hospital located in a rural area that participates in such a training, is allowed to receive an adjustment to its FTE resident limit. Section 131 of the CAA also amended

section 1886(h)(4)(H)(i) of the Social Security Act to provide an opportunity for hospitals that meet certain criteria and that have very small FTE resident caps to replace those caps if the Secretary determines the hospital begins training residents in a new program beginning on or after enactment (December 27, 2020) and before 5 years after enactment (December 26, 2025).

HRSA proposes to revise lines 4.05a, 5.05a, and 6.05a of the HRSA 99–1 form, which currently provide: “Addition (to the cap) for the unweighted resident FTE count for allopathic and osteopathic programs due to § 5503 of ACA.” The revised language in lines 4.05a, 5.05a, and 6.05a of the HRSA 99–1 form would provide: “Addition (to the cap) for the unweighted FTE resident count for allopathic and osteopathic programs due to § 5503 of ACA, § 126, § 127, and/or § 131 of the CAA.”

3. CHGME Payment Program Application HRSA 99–5 form: Remove items on the initial/reconciliation application form HRSA 99–5 form checklist.

HRSA proposes to remove “(1) a computer disk containing completed HRSA forms; and (2) a copy of the hospital’s completed application package”. A computer disk of the completed HRSA application forms and a copy of the completed application package are no longer needed following the CHGME Payment Program application’s integration into HRSA’s Electronic Handbooks. The application forms and supporting documentation are currently provided electronically via the Electronic Handbooks Tasks and Reports functions.

4. Revisions to the existing FTE resident assessment exhibits for use by both the CHGME Payment Program and THCGME Program:

- Exhibit F—CHGME Fiscal Intermediary Introductory Request Letter to Hospital: This letter introduces the fiscal intermediary to the hospital and teaching health center and is a formal request to the hospital and teaching health center for documentation to support FTE residents claimed on the hospital’s and teaching health center’s application. HRSA proposes revising the title and content of the letter to provide clarity, reduce errors, and add language inclusive of teaching health centers. The revised title will be Fiscal Intermediary Introductory Request Letter to Teaching Provider.

- Exhibit N—Points for Future CHGME Auditors: This form facilitates continuity of communication from one fiscal intermediary to the next and helps HRSA and fiscal intermediaries track and follow up any issues with each

hospital in a timely manner. HRSA proposes revising the title and content to include an area for points from prior years and to add language inclusive of teaching health centers. The revised title will be Points for Future Audits.

- Exhibit S—Final Medicare Administrative Contractor (MAC) Letter/“Top Memorandum”: This letter is sent from the fiscal intermediary to the MAC of each children’s hospital and any teaching health center affiliated hospital following completion of the audit. This letter is to notify the MAC of the completion of the resident FTE assessment for each respective children’s hospital or teaching health center affiliated hospital and to provide a summary report of the audit findings to be incorporated into the Medicare cost report, if applicable. HRSA has proposed revising the title and content to include the notification to the MAC of the identification of an overlap and the release of FTE resident(s) by the children’s hospital or a teaching health center affiliated hospital to resolve an overlap, if applicable. The revised title will be Final MAC Adjustment and Overlap Resolution Letter.

5. Addition of one FTE resident assessment exhibit for use by both the CHGME Payment Program and THCGME Program:

HRSA proposes to add Exhibit E—Fiscal Intermediary Introductory Request Letter to MAC which would request hospital information prior to the commencement of the audit. This is a document that the fiscal intermediaries currently use internally and include in their own working papers. HRSA proposes to have this document included as part of the FTE resident assessment report submitted by the fiscal intermediaries to HRSA.

- This letter introduces the fiscal intermediary to the MAC and is a formal request to the MAC for documentation to support FTE residents claimed on the children’s hospital’s application and the teaching health center’s affiliated hospital Medicare Cost Report.

6. Deletion of one FTE resident assessment exhibit previously used by the CHGME Payment Program.

HRSA proposes to discontinue the use of the FTE Resident Assessment Cover Letter, which is no longer needed to share information from the fiscal intermediary. The Conversation Record exhibit currently provides the same information.

- This letter includes a brief description of the audit that was performed and for which years, as well as a list of the documents included for review by the CHGME Payment Program.

*Need and Proposed Use of the Information:* Information collected will be used during the CHGME Payment Program initial application and the reconciliation process for both the CHGME Payment Program and THCGME Program to determine the amount of graduate medical education payments to be distributed to participating children’s hospitals and teaching health centers. The CHGME Payment Program initial application forms and the FTE resident assessment forms for both the CHGME Payment Program and THCGME Program will also be used to determine CHGME Payment Program and THCGME Program eligibility and compliance with the programs’ requirements.

*Likely Respondents:* The CHGME Payment Program applicants, CHGME Payment Program participants, and fiscal intermediaries auditing data submitted by the participating children’s hospitals and teaching health centers.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below. The CHGME participating children’s hospitals report their FTE residents using forms and exhibits approved by OMB (#0915–0247). The THCGME participating teaching health centers report their FTE residents using forms, tools and exhibits approved by OMB (#0915–0342 and #0915–0367). The FTE resident assessment forms and exhibits currently approved for use by the CHGME Payment Program under OMB clearance #0915–0247 will be reviewed or completed by the fiscal intermediaries during the audit of the FTE residents reported by the teaching health centers participating in the THCGME Program. The FTE resident assessment forms and exhibits are submitted to HRSA for approval. The fiscal intermediaries currently reviewing or completing the forms and exhibits to perform the audit of the 60 children’s hospitals will utilize the

forms and exhibits during the audit of 60 teaching health centers. The increased number of responses from the fiscal intermediaries related to the additional 60 THCGME audits performed results in an increase of approximately 2,000 burden hours.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Application Cover Letter (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
HRSA 99 Form (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
HRSA 99-1 Form (CHGME Initial)	60	1	60	26.50	1,590.0
HRSA 99-1 Form (CHGME Reconciliation).	60	1	60	6.50	390.0
HRSA 99-1 (Supplemental) (CHGME FTE Resident Assessment Only).	30	2	60	3.67	220.2
HRSA 99-2 Form (CHGME Initial)	60	1	60	11.33	679.8
HRSA 99-2 Form (CHGME Reconciliation).	60	1	60	3.67	220.2
HRSA 99-4 Form (CHGME Reconciliation).	60	1	60	12.50	750.0
HRSA 99-5 Form (Initial and Reconciliation).	60	2	120	0.33	39.6
CFO Form Letter (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
Exhibit 2 (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
Exhibit 3 (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
Exhibit 4 (CHGME Initial and Reconciliation).	60	2	120	0.33	39.6
Conversation Record (CHGME FTE Resident Assessment Only).	30	2	60	3.67	220.2
Exhibit C (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit E (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit F (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit N (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit O(1) (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit O(2) (HRSA 99-1) (CHGME FTE Resident Assessment Only).	30	2	60	26.5	1590.0
Exhibit P (Reconciliation Tool) (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit P(2) (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit S (CHGME and THCGME FTE Resident Assessment).	30	4	120	3.67	440.4
Exhibit T (CHGME FTE Resident Assessment Only).	30	2	60	3.67	220.2
Exhibit T(1) (CHGME FTE Resident Assessment Only).	30	2	60	3.67	220.2
Exhibit 1 (CHGME FTE Resident Assessment Only).	30	2	60	0.33	19.8
Exhibit 2 (CHGME FTE Resident Assessment Only).	30	2	60	0.33	19.8
Exhibit 3 (CHGME FTE Resident Assessment Only).	30	2	60	0.33	19.8
Exhibit 4 (CHGME FTE Resident Assessment Only).	30	2	60	0.33	19.8
<b>Total</b>	<b>90 (60 children's hospitals and 30 fiscal intermediaries *.</b>	<b>.....</b>	<b>180 (60 children's hospitals applications, 60 CHGME audits and 60 THCGME audits) **.</b>	<b>.....</b>	<b>*** 9,980.40</b>

\* The total respondents are 90 because children's hospitals (60) and fiscal intermediaries (30) are completing the forms.  
 \*\* The total responses are 180 because children's hospitals (60) and fiscal intermediaries for the CHGME audits (60) and the THCGME audits (60) are completing the forms.  
 \*\*\* The increase of 2,000 burden hours is due to the additional 60 THCGME audits.

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques



or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2022-16898 Filed 8-5-22; 8:45 am]

**BILLING CODE 4165-15-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: DoNation General Workplace Campaign Scorecard, 0906-XXXX-New**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for the opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than September 7, 2022.

**ADDRESSES:** Submit your comments to *paperwork@hrsa.gov* or by mail to the HRSA Information Collection Clearance Officer, Room 14N136B, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests

submitted to OMB for review, email Samantha Miller, the acting HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443-9094.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* DoNation General Workplace Campaign Scorecard OMB No. 0906-XXXX-New.

*Abstract:* HRSA’s ‘DoNation’ Campaign for Organ Donation will enlist the help of America’s workplaces to increase the number of registered organ, eye, and tissue donors by hosting awareness, education, outreach, and donor registration events in their companies, workplaces, and communities. This campaign now incorporates HRSA’s Hospital Campaign, which encourages America’s medical facilities and hospitals to promote organ, eye, and tissue donor registrations to streamline communications, better leverage internal and external resources, and combine campaign efforts under one unified and identifiable visual brand and name. A scorecard identifies activities that all participants can implement and assigns points to each activity. Participants that earn a certain number of points annually will be recognized by HRSA and other national organizations that support the campaign’s mission. HRSA intends to create an electronic version of the scorecard that will be user-friendly and will collect information from America’s workplaces regarding their donor registration and outreach activities. The scorecard will provide HRSA with data throughout the campaign year.

*Need and Proposed Use of the Information:* There is a substantial imbalance in the United States between the number of people whose life depends on an organ transplant

(currently more than 107,000) and the annual number of organ donors (approximately 39,000 living and deceased donors since January 2020). In response to the need for increased donation, HRSA conducts public outreach initiatives to encourage the American public to enroll in their state donor registry as future organ, eye, and tissue donors.

The scorecard motivates and facilitates participation in the campaign, provides the basis for rewarding participants for their accomplishments, and enables HRSA to measure and evaluate the campaign process and outcome. The scorecard also enables HRSA to make data-based decisions and improvements for subsequent campaigns.

*Likely Respondents:* Community development and public relations staff of organ procurement and other donation organizations, hospital and workplace staff and/or leadership, such as human resources or public relations/communications professionals and other staff members, and/or volunteers who work with workplaces and organizations on organ donation initiatives.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

**TOTAL ESTIMATED ANNUALIZED BURDEN HOURS**

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Activity Scorecard (electronic PDF) .....	1,400	1	1,400	.25	350
Total .....	1,400	1	1,400	.25	350

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2022-16886 Filed 8-5-22; 8:45 am]

BILLING CODE 4165-15-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 Deepak Kaushal, Ph.D. (Respondent), Professor and Director, Southwest National Primate Research Center, Host Pathogen Interactions Program, Texas Biomedical Research Institute (TBRI). Respondent engaged in research misconduct in research supported by U.S. Public Health Service (PHS) funds, specifically National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grants U19 AI111211, R01 AI111943, R01 AI123047, R01 AI134240, K24 AI058609, and K24 AI114444, and Office of the Director, NIH, grants P51 OD011104 and P51 OD011133. The administrative actions, including supervision for a period of one (1) year, 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:

*Deepak Kaushal, Ph.D., Texas Biomedical Research Institute:* Based on the report of an inquiry conducted by TBRI, Respondent's admission, and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Deepak Kaushal, Professor and Director, Southwest National Primate Research Center, Host Pathogen Interactions Program, TBRI, engaged in research

misconduct in research supported by PHS funds, specifically NIAID, NIH, grants U19 AI111211, R01 AI111943, R01 AI123047, R01 AI134240, K24 AI058609, and K24 AI114444, and Office of the Director, NIH, grants P51 OD011104 and P51 OD011133.

ORI found that Respondent engaged in research misconduct by intentionally, knowingly, and/or recklessly falsifying and fabricating the experimental methodology to demonstrate results obtained under different experimental conditions that were included in the following one (1) published paper and two (2) grant applications submitted for PHS funds:

- Isoniazid and Rifapentine Treatment Eradicates Persistent Mycobacterium tuberculosis in Macaques. *Am J Respir Crit Care Med.* 2020 Feb 15;201(4):469-77; doi: 10.1164/rccm.201903-0646OC (hereafter referred to as "*Am J Respir Crit Care Med* 2020"). Retraction in: *Am J Respir Crit Care Med.* 2021 Apr 15;203(8):1045; doi: 10.1164/rccm.v203retraction1.

- R01 AI159898-01, "Effect of latent TB infection on immunity to M. tuberculosis reinfection," submitted to NIAID, NIH, on June 25, 2020.

- R01 AI147947-01A1, "Effect of prior latent TB infection on immune responses to M. tuberculosis," submitted to NIAID, NIH, on July 18, 2019.

Specifically, ORI found that Respondent knowingly, intentionally, or recklessly:

- Falsified and fabricated the numbers for treated and untreated non-human primates (NHP) used in the study. The experimental design in *Am J Respir Crit Care Med* 2020 falsely stated that seven NHPs were treated with 3HP (*i.e.*, a treatment regimen constituting of twelve once-weekly doses of 15 mg/kg isoniazid [INH] and 15 mg/kg rifapentine [RPT]) and another seven NHPs were untreated controls, when instead a total of eight NHPs were treated with INH and RPT and six NHPs were untreated controls.

- Falsified and fabricated the number of weekly doses of INH and RPT treatment administered to NHPs in the study. The experimental design in *Am J Respir Crit Care Med* 2020 falsely stated that seven NHPs were treated with 3HP, when instead the NHPs were treated with a variable number of INH and RPT doses that do not conform to the 3HP regimen.

- Falsified and fabricated the time interval between mycobacterium (Mtb) exposure and the first dose of INH and RPT treatments that were administered to NHPs in the study. The experimental

design in *Am J Respir Crit Care Med* 2020 falsely stated that seven NHPs were treated with 3HP beginning in Week 16-18 after Mtb infection, when instead the treated NHPs received the first dose of INH and RPT treatment at different time points.

- Falsified and fabricated the time interval between the last weekly doses of INH and IPT treatment and infection with simian immunodeficiency virus (SIV). The experimental design in Figure 3A of *Am J Respir Crit Care Med* 2020 falsely stated that after treatment with weekly INH and RPT for three months, NHPs were rested for one month before coinfection with SIV, when instead the treated NHPs were infected with SIV either on the same day as the last dose of INH and RPT treatment or at a different time point.

- Included survival kinetics data from the falsified 3HP treatment in Figure 1G of *Am J Respir Crit Care Med* 2020 as Figure 5 of R01 AI159898-01 to demonstrate the efficacy of 3HP treatment against reactivation of latent Mtb infection in NHPs post SIV infection.

- Included bacterial persistence and burden data from the falsified 3HP treatment in Figures 2A, 2B, and 2C of *Am J Respir Crit Care Med* 2020 as Figure 6C of R01 AI159898-01 and Figure 2 of R01 AI147947-01A1 to represent the efficacy of 3HP treatment in reducing Mtb burden in NHPs post SIV infection.

- Included pulmonary pathology data from the falsified 3HP treatment in Figures 3A and 3B of *Am J Respir Crit Care Med* 2020 as Figures 6A and 6B, respectively, of R01 AI159898-01 to represent the efficacy of 3HP treatment against reactivation of latent Mtb infected NHPs post SIV infection.

- Included clinical parameters from the falsified 3HP treatment in Figure 1 of *Am J Respir Crit Care Med* 2020 as Figure 1 of R01 AI147947-01A1 to present clinical correlates of latent Mtb infection and SIV induced reactivation under 3HP treatment.

- Included pulmonary pathology data from the falsified 3HP treatment in Figure 3 of *Am J Respir Crit Care Med* 2020 as Figure 3 of R01 AI147947-01A1 to represent efficacy of 3HP treatment in reducing lung pathology due to reactivation of latent Mtb infection in NHPs post SIV infection.

- Included untreated NHP's lung tissue immunohistochemistry image representing CD3-positive T-cell staining from Figure 4B of *Am J Respir Crit Care Med* 2020 as Figure 6A of R01 AI147947-01A1 to represent CD3-positive T-cell staining in lung tissue of 3HP treated NHPs.

Dr. Kaushal entered into a Voluntary Settlement Agreement (Agreement) and voluntarily agreed to the following:

(1) Respondent will have his research supervised for a period of one (1) year 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 2–3 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 one (1) year from the effective date of this Agreement. The committee will review primary data from Respondent's laboratory 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 PHS-supported research in which Respondent is involved. 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 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 him 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 his participation was not proposed on a research project for which an application for PHS support was submitted and that he has not participated in any capacity in PHS-supported research.

(5) During the Supervision Period, Respondent will exclude himself 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 3, 2022.

**Wanda K. Jones,**

*Acting Director, Office of Research Integrity,  
Office of the Assistant Secretary for Health.*

[FR Doc. 2022–16946 Filed 8–5–22; 8:45 am]

**BILLING CODE 4150–31–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; RePORT International Coordinating Center (RICC) (U01 Clinical Trial Not Allowed).

*Date:* August 29, 2022.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Cynthia L. De La Fuente, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G31,

Rockville, MD 20852, 240–669–2740, [delafuentec@niaid.nih.gov](mailto:delafuentec@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 1, 2022.

**Tyeshia M. Roberson-Curtis,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–16888 Filed 8–5–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Review of Institutional Training Grants (T32) in Digestive Diseases and Nutrition.

*Date:* October 18, 2022.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Tian, Lan, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Suite 7016, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301.496.7050, [tian@nidk.nih.gov](mailto:tian@nidk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Digestive Diseases and Nutrition Research; 93.849, National Institutes of Health, HHS)

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022–16889 Filed 8–5–22; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Health Equity and Cost of Novel Treatment of AD/ADRD.

*Date:* August 31, 2022.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Rajasri Roy, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 496-6477, [rajasri.roy@nih.gov](mailto:rajasri.roy@nih.gov).

Information is also available on the Institute's/Center's home page: [www.nia.nih.gov/](http://www.nia.nih.gov/), where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

#### Miguelina Perez,

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-16894 Filed 8-5-22; 8:45 am]

BILLING CODE 4140-01-P

as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>).

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Council of Councils.

*Date:* September 8, 2022.

*Open:* 10:30 a.m. to 3:00 p.m.

*Agenda:* Call to Order and Introductions; Announcements; NIH Program Updates; Scientific Talks and Other Business of the Committee.

*Place:* National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Virtual Meeting).

*Name of Committee:* Council of Councils.

*Date:* September 9, 2022.

*Closed:* 10:30 a.m. to 11:30 a.m.

*Agenda:* Review of Grant Applications.

*Place:* National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Virtual Meeting).

*Open:* 11:45 a.m. to 3:10 p.m.

*Agenda:* NIH Program Updates; Scientific Talks and Other Business of the Committee.

*Place:* National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Franziska Grieder, D.V.M., Ph.D., Executive Secretary, Council of Councils, Director, Office of Research Infrastructure Programs, Division of Program Coordination, Planning, and Strategic Initiatives, Office of the Director, NIH, 6701 Democracy Boulevard, Room 948, Bethesda, MD 20892, [GriederF@mail.nih.gov](mailto:GriederF@mail.nih.gov), 301-435-0744.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Council of Council's home page at <http://dpcpsi.nih.gov/council/> where an agenda will be posted before the meeting date.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232,

Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

#### Miguelina Perez,

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-16892 Filed 8-5-22; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

*Date:* August 30, 2022.

*Time:* 4:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Samita Andreansky, Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20852, 240-669-2915, [samita.andreansky@nih.gov](mailto:samita.andreansky@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Council of Councils.

The meeting will be held as a virtual meeting and will be open to the public

Dated: August 1, 2022.

**Tyeshia M. Roberson-Curtis,**  
Program Analyst, Office of Federal Advisory  
Committee Policy.

[FR Doc. 2022-16893 Filed 8-5-22; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Scientific Advisory Committee on Alternative Toxicological Methods; Announcement of Meeting; Request for Public Input

**AGENCY:** National Institutes of Health,  
HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the next meeting of the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM). SACATM is a federally chartered external advisory group of scientists from the public and private sectors, including representatives of regulated industry and national animal protection organizations. SACATM advises the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), and the Director of the National Institute of Environmental Health Sciences (NIEHS) and NTP regarding statutorily mandated duties of ICCVAM and activities of NICEATM. This SACATM meeting will be a virtual meeting only and available to the public for remote viewing. Written public comments will be accepted. Registration is required to attend the meeting and to present oral public comments.

**DATES:**

*Meeting:* Scheduled for September 21, 2022, 10:00 a.m. to 3:00 p.m. EDT, and September 22, 2022, 10:00 a.m. to 3:30 p.m. Ending times are approximate; meeting may end earlier or run later.

*Registration for Virtual Meeting:*  
August 1, 2022, until 3:30 p.m. EDT  
September 22, 2022.

*Written Public Comment Submission:*  
Deadline is September 13, 2022.

*Registration for Oral Public Comment:*  
August 1, 2022, until 4:00 p.m. EDT  
September 13, 2022.

Registration to attend the virtual meeting and present oral public comments is required.

**ADDRESSES:** Meeting web page: The preliminary agenda, registration, and other meeting materials will be available at <https://ntp.niehs.nih.gov/go/32822>.

*Virtual Meeting:* The URL for viewing the virtual meeting will be provided by email to registered participants prior to the meeting.

**FOR FURTHER INFORMATION CONTACT:** Dr. Milene Brownlow, Designated Federal Official for SACATM, Office of Policy, Review, and Outreach, Division of NTP, NIEHS. Phone: 984-287-3364, Email: [milene.brownlow@nih.gov](mailto:milene.brownlow@nih.gov). Hand Deliver/Courier address: 530 Davis Drive, Room K2161, Durham, NC 27713.

**SUPPLEMENTARY INFORMATION:**

**Meeting and Registration:**

SACATM will provide input to ICCVAM, NICEATM, and NIEHS on programmatic activities and issues. Preliminary agenda items for the upcoming meeting include: (1) major ICCVAM accomplishments in 2022; (2) implementing the strategic roadmap: incorporation of alternatives and associated metrics; (3) validation and establishing scientific confidence in new approach methodologies; and (4) update on NICEATM computational resources. Please see the preliminary agenda for information about specific presentations.

The preliminary agenda, roster of SACATM members, background materials, public comments, and any additional information will be posted when available on the SACATM meeting website (<https://ntp.niehs.nih.gov/go/32822>) or may be requested in hardcopy from the Designated Federal Official for SACATM. Following the meeting, summary minutes will be prepared and made available on the SACATM meeting website.

The meeting is open to the public with time scheduled for oral public comments. Due to restrictions on in-person gatherings amid ongoing public health concerns, the meeting will be convened as a virtual meeting. Registration is required to attend the virtual meeting and is open to all interested persons. Registrants will receive instructions on how to access the virtual meeting in the email confirming their registration. Individuals who plan to provide oral comments (see below) are required to register online at the SACATM meeting website (<https://ntp.niehs.nih.gov/go/32822>) by September 13, 2022, to facilitate planning for the meeting. Individuals are encouraged to visit the website often to stay abreast of the most current information regarding the meeting.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other

reasonable accommodations, should notify Ms. Robbin Guy at phone: (984) 287-3136 or email: [robbin.guy@nih.gov](mailto:robbin.guy@nih.gov) in advance of the meeting. TTY users should contact the Federal TTY Relay Service at 800-877-8339. Requests should be made at least five business days in advance of the event.

**Written Public Comments**

Written and oral public comments are invited for the agenda topics. Guidelines for public comments are available at [https://ntp.niehs.nih.gov/ntp/about\\_ntp/guidelines\\_public\\_comments\\_508.pdf](https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf). The deadline for submission of written comments is September 13, 2022. Written public comments should be submitted through the meeting website. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP website, and the submitter will be identified by name, affiliation, and sponsoring organization (if any).

**Oral Public Comments Registration**

The preliminary agenda allows for several public comment periods, each allowing up to six commenters a maximum of five minutes per speaker. Registration for oral comments is on or before September 13, 2022, at <https://ntp.niehs.nih.gov/go/32822>. Registration is on a first-come, first-served basis. Each organization is allowed one time slot per comment period. After the maximum number of speakers per comment period is exceeded, individuals registering to submit an oral comment for the topic will be placed on a wait list and notified should an opening become available. Commenters will be notified after September 13, 2022, to provide logistical information for their presentations. If possible, oral public commenters should send a copy of their slides and/or statement or talking points to Ms. Robbin Guy by email: [robbin.guy@nih.gov](mailto:robbin.guy@nih.gov) by September 13, 2022.

**Meeting Materials**

The preliminary meeting agenda will be posted when available on the meeting web page at <https://ntp.niehs.nih.gov/go/32822> and will be updated one week before the meeting. Individuals are encouraged to visit this web page often to stay abreast of the most current information regarding the meeting.

Responses to this notice are voluntary. No proprietary, classified, confidential, or sensitive information should be included in statements

submitted in response to this notice or presented during the meeting. This request for input is for planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. Government to provide support for any ideas identified in response to the request. Please note that the U.S. Government will not pay for the preparation of any information submitted or for its use of that information.

### Background Information on ICCVAM, NICEATM, and SACATM

ICCVAM is an interagency committee composed of representatives from 17 federal regulatory and research agencies that require, use, generate, or disseminate toxicological and safety testing information. ICCVAM conducts technical evaluations of new, revised, and alternative safety testing methods and integrated testing strategies with regulatory applicability. ICCVAM also promotes the scientific validation and regulatory acceptance of testing methods that more accurately assess the safety and hazards of chemicals and products and replace, reduce, or refine animal use.

The ICCVAM Authorization Act of 2000 (42 U.S.C. 285l-3) establishes ICCVAM as a permanent interagency committee of NIEHS and provides the authority for ICCVAM involvement in activities relevant to the development of alternative test methods. Additional information about ICCVAM can be found at <https://ntp.niehs.nih.gov/go/iccvam>.

NICEATM administers ICCVAM, provides scientific and operational support for ICCVAM-related activities, and conducts and publishes analyses and evaluations of data from new, revised, and alternative testing approaches. NICEATM and ICCVAM work collaboratively to evaluate new and improved testing approaches applicable to the needs of U.S. federal agencies. NICEATM and ICCVAM welcome the public nomination of new, revised, and alternative test methods and strategies for validation studies and technical evaluations. Additional information about NICEATM can be found at <https://ntp.niehs.nih.gov/go/niceatm>.

SACATM, established by the ICCVAM Authorization Act [Section 285l-3(d)], provides advice on priorities and activities related to the development, validation, scientific review, regulatory acceptance, implementation, and national and international harmonization of new, revised, and alternative toxicological test methods to ICCVAM, NICEATM, and Director of

NIEHS and NTP. Additional information about SACATM, including the charter, roster, and records of past meetings, can be found at <http://ntp.niehs.nih.gov/go/167>.

Dated: August 3, 2022.

**Brian R. Berridge,**

*Associate Director, National Toxicology Program.*

[FR Doc. 2022-16954 Filed 8-5-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Advancing Translational Sciences Advisory Council.

This meeting is being held virtually only; there is no in-person option. The open sessions will be videocast and may be accessed by the public from the NIH Videocasting and Podcasting website (<http://videocast.nih.gov>). Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Advisory Council.

*Date:* September 22, 2022.

*Closed:* 11:00 a.m. to 12:00 p.m.

*Agenda:* To review, evaluate, and discuss internal operations. To review and evaluate grant applications.

*Place:* National Center for Advancing Translational Sciences, National Institutes of Health, One Democracy Plaza, Room 987/989, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Open:* 1:00 p.m. to 6:00 p.m.

*Agenda:* Report from the Institute Director, program updates, view and discuss Clearance of Concepts.

*Place:* National Center for Advancing Translational Sciences, National Institutes of

Health, One Democracy Plaza, Room 987/989, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, One Democracy Plaza, Room 1072, Bethesda, MD 20892, 301-435-0809, [anna.ramseyewing@nih.gov](mailto:anna.ramseyewing@nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice no later than 15 days after the meeting at [NCATSCouncilInput@mail.nih.gov](mailto:NCATSCouncilInput@mail.nih.gov). The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-16890 Filed 8-5-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under the Office of Management and Budget (OMB) review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276-0361.

#### Proposed Project: Rural Emergency Medical Services Training (EMS Training) Monitoring

SAMHSA will monitor program performance of its Rural Emergency Medical Services Training (EMS Training) grant program. The EMS Training grantees will recruit and train EMS personnel in rural areas with a particular focus on addressing mental and substance use disorders. To accomplish this, the EMS Training grantees conduct courses that qualify graduates to serve in an EMS agency, train EMS personnel as appropriate to maintain licenses and certifications and ensure EMS personnel are trained on mental and substance use disorders and

care for people with such disorders in emergency situations.

The EMS Training grantees hold a variety of trainings. A training event is defined as a Rural EMS Training sponsored or co-sponsored event that focuses on teaching of a skill, knowledge, or experience for personal or professional development. Higher education classes must be included in this definition. Each course is considered as one training event. SAMHSA intends to use one (1) instrument for program monitoring of

Rural EMS Training grantees activities as well as ongoing quality improvement, which is described below.

1. *Rural EMS Training Program Monitoring Report*: This form collects aggregated event information. This instrument asks eight (8) questions of EMS Training grant staff relating to the number of participants they recruited and have trained. It allows the grantees and SAMHSA to track the number of EMS personnel recruited, trained and number of certifications accomplished (See Attachment 1).

SAMHSA recognizes the need for emergency services in rural areas and the critical role EMS personnel serve across the country. The information collected is crucial to support SAMHSA in complying with Government Performance and Results Act (GPRA) reporting requirements and will inform future development of knowledge dissemination activities.

The chart below summarizes the annualized burden for this project.

Type of respondent	Number of respondents	Responses per respondent	Total responses	Hours per response	Total annual burden hours	Hourly wage cost	Total hour cost
Rural EMS Staff:							
Rural EMS Training Program Monitoring Report .....	27	2	54	.17	9.18	\$19.92	\$182.87
Total .....	27	2	54	.17	9.18	19.92	182.87



SUMMARY TABLE

Instrument	Number respondents	Responses per respondents	Burden hours
Rural EMS Training Program Monitoring Report .....	27	2	9.18
Total .....	27	2	9.18

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.

**Carlos Graham,**  
*Reports Clearance Officer.*  
 [FR Doc. 2022–16907 Filed 8–5–22; 8:45 am]  
**BILLING CODE 4162–20–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Substance Abuse and Mental Health Services Administration**

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–0361.

**Project: Application for the Reviewer Contact Information Form (OMB No. 0930–0255)**

Section 501(h) of the Public Health Service (PHS) Act (42 U.S.C. 290aa)

directs the Assistant Secretary of SAMHSA to establish such peer review groups as are needed to carry out the requirements of Title V of the PHS Act. SAMHSA administers a large discretionary grants program under authorization of Title V, and, for many years, SAMHSA has funded grants to provide prevention and treatment services related to substance abuse and mental health. In support of its grant peer review efforts, SAMHSA desires to continue to expand the number and types of reviewers it uses on these grant review committees. To accomplish that end, SAMHSA has determined that it is important to proactively seek the inclusion of new and qualified representatives on its peer review groups. Accordingly, SAMHSA has developed an application form for use by individuals who wish to apply to serve as peer reviewers.

The application form has been developed to capture the essential information about the individual applicants. The most consistent method to accomplish this is through completion of a standard form by all interested persons which captures information about knowledge, education, and experience in a consistent manner from all interested applicants. SAMHSA will use the information provided on the form to identify appropriate peer grant reviewers. Depending on their experience and qualifications, applicants may be invited to serve as grant reviewers.

The following changes are proposed in the form:

1. Added Federally Qualified Health Centers (FQHC), Technical Training Centers (TTC) and Certified Community Behavioral Health Clinics (CCBHC) in the Affiliations Section—Office of Behavioral Health Equity (OBHE) Recommendation
2. Changed to “Prefer not to Answer” in the Gender section—OBHE Recommendation
3. Added High School and Certificate to Education section—OBHE Recommendation
4. Changed Alaskan Native/American Indian to American Indian/Alaskan Native and added “Mixed Race” in the Race section—OBHE and Tribal Office Recommendation
5. Added “No License” in the License section—OBHE Recommendation
6. Added “Tribal Health System” and “Screening/Prevention/Emergency Preparedness” in the Secondary Expertise section—OBHE and Tribal Office Recommendation
7. Added “Peer Experience/Lived Experience” in the Secondary Expertise section—OBHE Recommendation
8. Added “Junior Reviewer” and “Community Reviewer” to Grant Review Experience section—OBHE Recommendation
9. Added the SAMHSA Values Statement at the end of the form—OBHE Recommendation

The following table shows the annual response burden estimate.

Number of respondents	Responses/ respondent	Burden/ responses (hours)	Total burden hours
500 .....	1	1.5	750

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.

**Carlos Graham,**

*Reports Clearance Officer.*

[FR Doc. 2022-16903 Filed 8-5-22; 8:45 am]

BILLING CODE 4162-20-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7051-N-02]

### 60-Day Notice of Proposed Information Collection, Comment Request: HUD Standardized Grant Application Forms: Detailed Budget Form (HUD Form 424-CB) HUD Detailed Budget Worksheet (HUD Form 424-CBW), HUD Funding Matrix (HUD 424-M), Application for Federal Assistance (SF-424), Assurances and Certifications for Recipients and Applicants (HUD 424-B), Disclosure of Lobbying Activities (SF-LLL), Certification Regarding Lobbying Activities (Lobbying Form), HUD-2880 Applicant/Recipient Disclosure/Update Report, Project Abstract Form, and Budget Information for Non-Construction Programs (SF-424A), OMB Control No.: 2501-0017

**AGENCY:** Office of the Chief Financial Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* October 7, 2022.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of

the proposed form. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**Electronic Submission of Comments.** Interested persons may also submit comments electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the [www.regulations.gov](http://www.regulations.gov) website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the methods specified above. Again, all submissions must refer to the docket number and title of the notice.

#### FOR FURTHER INFORMATION CONTACT:

Dorthera Yorkshire, Office of the Chief Financial Officer, Grants Management and Oversight Division, Department of Housing and Urban Development, 451 Seventh St. SW Room 10162, Washington, DC 20410 or by email [Dorthera.Yorkshire@hud.gov](mailto:Dorthera.Yorkshire@hud.gov) or telephone 202-402-4336. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of the proposed data collection form may be requested from Ms. Collette Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department is soliciting comments prior to submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

**Title of Proposal:** HUD Standardized Grant Application Forms: Detailed Budget Form (HUD 424-CB) HUD Detailed Budget Worksheet (HUD 424-CBW), HUD Funding Matrix (HUD 424-M), Application for Federal Assistance (SF 424), Assurances and Certifications for Applicants and Recipients (HUD 424-B), Disclosure of Lobbying Activities (SF LLL), Certification

Regarding Lobbying Activities (Lobbying Form), Applicant/Recipient Disclosure/Update Report (HUD 2880), Project Abstract Form, and Budget Information for Non-Construction Programs (SF 424-A).

**Type of Request:** Revision of a Currently Approved Collection.

**OMB Control Number, if applicable:** 2501-0017.

Additional OMB control numbers applicable to government wide standardized forms are also noted in this collection. As the burden is accounted for in those separate collections, it is not included in this calculation.

4040-0004 SF 424 *Grants.gov* form.  
4040-0006 SF 424-A *Grants.gov* form.  
4040-0019 Project Abstract Summary *Grants.gov* form.  
4040-0013 SF LLL *Grants.gov* form.  
4040-0013 Lobbying Form *Grants.gov* form.

**Description of the need for the information and proposed use:**

Approval is sought for revision of the Information Collection Request of HUD standardized forms which are used by various HUD programs that use a competitive application process to award financial assistance. The HUD Common Budget Form—(HUD 424-CB), the Common Budget Form Worksheet (HUD 424-CBW), the Assurances and Certifications Form—(HUD 424-B), and the HUD Matrix (HUD-M) are used to offer standardized application forms. The Federal Financial Assistance Improvement Act of 1999 (Pub. L. 106-107, signed November 20, 1999) encourages standardization.

In addition, as noted under the Office of Management and Budget (OMB) Control Number heading, the collection references a number of government-wide forms, including forms from the Standard Form (SF) Family, which are used for all HUD applications and available on *grants.gov*. The burden associated with these government-wide forms are reflected in separate OMB-sponsored government-wide information collections and are not reflected in this collection.

Further, HUD combined into this collection form HUD 2880 Applicant/Recipient Disclosure/Update Report (formerly approved under OMB control number 2501-0032) to consolidate public input and burden into one OMB control number. The form HUD 2880 is also updated to reflect changes to the information respondents report in the Employee ID field under Part III of the form. For each person reported in Part III, HUD expects applicants to provide a unique ID that is not the person's social security number. Lastly, the

updated form HUD 2880 includes updates to the certification language, which now reads as follows:

*I/We, the undersigned, certify under penalty of perjury that the information provided above is true, correct, and accurate. Warning: If you knowingly make a false statement on this form, you may be subject to criminal and/or civil penalties under 18 U.S.C. 1001. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.*

All HUD-specific forms in this information collection have been modified to include updated Paperwork Reduction Act burden statements, in order to comply with 5 CFR 1320.8(b)(3). The burden statements now reads as follows:

*The public reporting burden for this collection of information is estimated to average [X] hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of the requested*

*information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th St SW, Room 4176, Washington, DC 20410-5000. Do not send completed forms to this address. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. The information you provide will enable HUD to carry out its responsibilities under this Act and ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. This information is required to obtain the benefit sought in the HUD program. Failure to provide any required information may delay the processing of your application and may result in sanctions and penalties including of the administrative and civil money penalties specified under 24 CFR 4.38. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. 552).*

*Members of affected public: Applicants for HUD's competitively funded financial assistance programs.*

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The forms referenced in this Notice are used by entities when they apply for financial assistance for HUD's competitive programs. HUD receives roughly 14,375 applications on an annual basis, HUD expects 14,375 respondents who may complete the major forms. However, respondents have the option to complete one of several budget forms (SF 424-A, HUD 424-CB, HUD-424CBW, or HUD 424-M), depending on the requirements associated with the financial assistance program. HUD estimates an hourly rate of \$65.15 per hour<sup>1</sup> for individuals completing the form. The total estimated burden on respondents would thus reach \$2,902,432.50 on an annual basis. This is shown in Estimated Burden on Respondents Table 1 below. The actual burden is assessed by each HUD program.*

TABLE 1—ESTIMATED BURDEN ON RESPONDENTS

Form	Number of respondents	Frequency	Hours per respondent	Total hours	Cost per hour	Total cost
SF 424 .....	11,500	1.2	.....	.....	.....	.....
SF LLL .....	11,375	1.2	.....	.....	.....	.....
Lobbying Form .....	14,375	1.2	.....	.....	.....	.....
SF 424-A .....	11,500	1.2	.....	.....	.....	.....
Project Abstract Summary .....	14,375	1.2	.....	.....	.....	.....
HUD 424-B .....	11,500	1.2	.....	.....	.....	.....
HUD 424-CB .....	1,375	1.2	3	4,950	65.15	\$ 322,492.50
HUD 424-CBW .....	1,375	1.2	3	4,950	65.15	322,492.50
HUD 424-M .....	250	1.2	0.5	150	65.15	9,772.50
HUD 2880 .....	14,375	1.2	2	34,500	65.15	2,247,675.00
<b>Total .....</b>	<b>14,375</b>	<b>.....</b>	<b>8.5</b>	<b>44,550</b>	<b>.....</b>	<b>2,902,432.50</b>

*Estimation of the Cost to the Federal government: The following table shows the estimated burden of Federal financial assistance review. HUD estimates the cost of the maximum burden on HUD staff would total at most \$3,989,793.60 for the HUD-specific forms, and \$12,749,436.60 for all forms in Table 1. These estimates assume that each form would be reviewed for one hour by a GS-13 step 5 performing a review, and then by a GS-14 and a GS-15 who will look at summary results on an annual basis.<sup>2</sup>*

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to

be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

<sup>1</sup> Estimated cost for respondents is calculated from the March 2022 Department of Labor Bureau of Labor Statistics report on Employer Costs for Employee Compensation determined that the hourly rate of management, professional and related wages and salaries averaged \$44.28 per hour plus

\$20.87 per hour for fringe benefits for a total \$65.15 per hour.

<sup>2</sup> Federal staff time is estimated for a GS-13 step 5 hourly rate at \$58.01 per hour (from the Office of Personnel Management and the table with Washington-Baltimore-Arlington locality pay), plus

16% fringe benefit for a total of \$67.29 per hour, as well as 15 minutes each for a GS-14 step 5 at \$72.19/hour and a GS-15 step 5 at \$84.91/hour, based on similar calculations bringing the blended total to \$106.57/hour for each form submitted.

**C. Authority**

The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

**George Tomchick,**

Deputy Chief Financial Officer, Office of the Chief Financial Officer.

[FR Doc. 2022-16883 Filed 8-5-22; 8:45 am]

BILLING CODE 4210-67-P

**DEPARTMENT OF THE INTERIOR****Office of the Secretary**

[XXXD5198NI DS6110000  
DNINR0000.000000 DX61104]

**Notice of Teleconference Meeting of the Exxon Valdez Oil Spill Public Advisory Committee**

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Meeting notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Department of the Interior, Office of the Secretary, is announcing that the *Exxon Valdez Oil Spill* (EVOS) Public Advisory Committee (PAC) will meet by video teleconference as noted below.

**DATES:** The virtual meeting will be held on September 7, 2022, from 9 a.m. to 4 p.m. Alaska Time (AKT).

**ADDRESSES:** The meeting will be virtual only using the Zoom meeting platform. To view a tutorial on how to join a Zoom meeting, please go to <https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->.

The video feature will be turned off for all attendees except for the EVOS PAC, EVOS Trustee Council staff, presenters, and speakers during public comment to limit bandwidth use and maximize connectivity during the meeting. Please remain muted until you are called upon to speak.

Connect to meeting using Zoom link (video and audio):

<https://us06web.zoom.us/j/85766245863>

Meeting ID: 857 6624 5863

Follow the prompts; you will be asked if you would like to join audio with internet (your device microphone/speaker) or use a telephone (follow the prompts accordingly).

Connect to the meeting via telephone (audio only, no video):

Dial any of the following numbers:

(669) 900-6833

(253) 215-8782

(346) 248-7799

(929) 205-6099

(301) 715-8592

(312) 626-6799

Enter the Meeting ID 857 6624 5863 #; there is no participant code, and use

\*6 to mute. Please check the EVOS Trustee Council website for updates regarding the virtual meeting at <https://evostc.state.ak.us/>.

**FOR FURTHER INFORMATION CONTACT:**

Grace Cochon, Department of the Interior, Office of Environmental Policy and Compliance, telephone number: (907) 786-3620; email: [grace\\_cochon@ios.doi.gov](mailto:grace_cochon@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** The EVOS PAC was created pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America v. State of Alaska*, Civil Action No. A91-081 CV. The EVOS PAC advises the EVOS Trustee Council on decisions relating to the allocation of settlement funds for restoration, monitoring, and other activities related to the oil spill.

The EVOS PAC meeting agenda will include discussion of the FY23-FY33 General Operating Budget proposal, the FY23-FY31 Long-term Monitoring Program science, fiscal, and outreach management proposal, and habitat subaccount legislation. An opportunity for public comments will be provided. The final agenda and materials for the meeting will be posted on the EVOS Trustee Council website at <https://evostc.state.ak.us/>. All EVOS PAC meetings are open to the public.

**Public Input**

Interested persons may choose to make oral comments at the meeting during the designated time. Depending on the number of people wishing to comment and the time available, the amount of time for oral comments may be limited. Interested parties should contact the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) for advance placement on the public speaker list for this meeting.

**Meeting Accessibility/Special Accommodations:** The meeting is open to the public. Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the (see **FOR FURTHER INFORMATION CONTACT**) section of this notice at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

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.

**Submitting Written Information or Questions**

Interested members of the public may submit relevant information or questions for the EVOS PAC to consider during the public meeting. Written statements must be received by August 29, 2022, so that the information may be made available to the EVOS PAC for their consideration prior to this meeting. Written statements must be supplied to the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**) and/or in writing in the following formats: A hard copy with original signature and/or an electronic copy (acceptable file formats are Adobe Acrobat PDF, MS Word, or rich text file).

**Public Disclosure of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Authority:* 5 U.S.C. Appendix 2.

**Pasquale Scida,**

Acting Regional Environmental Officer, Office of Environmental Policy and Compliance.

[FR Doc. 2022-16916 Filed 8-5-22; 8:45 am]

BILLING CODE 4334-63-P

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS-WASO-NRNL-DTS#-34275;  
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places; Notification of Pending Nominations and Related Actions**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting electronic comments on the significance of properties nominated before July 23, 2022, for listing or

related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by August 23, 2022.

**ADDRESSES:** Comments are encouraged to be submitted electronically to *National\_Register\_Submissions@nps.gov* with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry\_frear@nps.gov*, 202-913-3763.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 23, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

#### ARIZONA

##### Maricopa County

Wranglers Roost, 2500 West New River Rd., Phoenix, SG100008046

#### COLORADO

##### Fremont County

Florence High School, 215 Maple Ave., Florence, SG100008040

#### GEORGIA

##### Oglethorpe County

Maxeys Historic District, Area surrounding GA 77 (Main St. or Union Point Rd.), Maxeys, SG100008047

#### HAWAII

##### Honolulu County

Naval Aviation Supply Depot Personnel Camp Quonset Hut 33, 955 Kamehameha

Hwy. (TMK 9-7-023:0), Pearl City, SG100008051

#### INDIANA

##### Floyd County

Frederick, Charles and Elletha, House, 6954 US 150, Floyds Knobs vicinity, SG100008053

New Albany-Floyd County Public Library, 180 West Spring St., New Albany, SG100008054

Hartman, Louis and Anna K. Kunz, House, 911 State St., New Albany, SG100008059

##### Jennings County

James Covered Bridge, Cty. Rd. 650S over Graham Cr. approx. ½ mi. east of IN 3, Lovett vicinity, SG100008061

Scipio Covered Bridge, Cty. Rd. 575W over Sand Cr. approx. 200 ft. southeast of Cty. Rd. 700N crossing point, Scipio, SG100008062

##### Marion County

Indianapolis Public Library Branch No. 1, 3101 Clifton St., Indianapolis, SG100008055

Tobey-Normington House, (Residential Planning and Development in Indiana, 1940-1973 MPS), 6090 Fall Creek Rd., Indianapolis, MP100008057

Stutz Motor Car Company Factory, 1060 North Capitol Ave. and 217 West 10th St., Indianapolis, SG100008060

##### Montgomery County

Durham, George and Sarah, House, 215 West Main St., Crawfordsville, SG100008056

##### Warrick County

Pyeatt's Mill Iron Bridge, Boner Rd. crossing of Little Pigeon Cr., Hatfield vicinity, SG100008058

#### NEW JERSEY

##### Morris County

Arch Bridge from the Boonton Ironworks, Grace Lord Park, Boonton, SG100008042  
Normandy Park Historic District (Boundary Increase), 6 Normandy Heights Rd., Morris Township vicinity, BC100008043  
Lafayette School, 79 Mill Rd., Roxbury Township, SG100008044

#### NEW YORK

##### Albany County

Mark House, 99 Johnson Rd., Colonie, SG100008066

#### OHIO

##### Franklin County

West High School, 120 South Central Ave., Columbus, SG100008068

##### Hamilton County

King Records Studio Buildings, 1536-1540 Brewster Ave., Cincinnati, SG100008067

##### Scioto County

Lock 55, Ohio & Erie Canal Southern Descent Historic District (Boundary Increase), Old River Rd. at Slab Run, Portsmouth vicinity, BC100008049

#### Wayne County

Smucker, J.M., House, 708 North Main St., Orrville, SG100008048

#### PUERTO RICO

##### Maunabo Municipality

Casa Alcaldia de Maunabo, Calle Santiago Iglesias #8, Maunabo, SG100008050

##### Ponce Municipality

Ponce Public School 1913, (Early Twentieth Century Schools in Puerto Rico TR), Calle Concordia, Ponce, MP100008052

Additional documentation has been received for the following resource:

#### ARIZONA

##### Maricopa County

Pierson Place (Additional Documentation), (Residential Subdivisions and Architecture in Central Phoenix, 1870-1963, MPS), 304 West Hazelwood St., Phoenix, AD100004344

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

#### MONTANA

##### Flathead County

Ford Schoolhouse, North Fork Flathead Rd. just over nine miles northwest of Polebridge, Polebridge vicinity, SG100008041

*Authority:* Section 60.13 of 36 CFR part 60.

Dated: July 26, 2022.

##### Sherry A. Frear,

*Chief, National Register of Historic Places/ National Historic Landmarks Program.*

[FR Doc. 2022-16914 Filed 8-5-22; 8:45 am]

**BILLING CODE 4312-52-P**

#### INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701-TA-534-537 and 731-TA-1274-1278 (Review)]**

#### Certain Corrosion-Resistant Steel Products From China, India, Italy, South Korea, and Taiwan

##### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

1930 (“the Act”), that revocation of the countervailing duty orders on corrosion-resistant steel products from China, India, Italy, and South Korea and the antidumping duty orders on corrosion-resistant steel products from China, India, Italy, South Korea, and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### Background

The Commission instituted these reviews on June 1, 2021 (86 FR 29283) and determined on September 7, 2021 that it would conduct full reviews (86 FR 69069, December 6, 2021). Notice of the scheduling of the Commission’s reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 13, 2021 (86 FR 70859). The Commission conducted its hearing on May 19, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on August 3, 2022. The views of the Commission are contained in USITC Publication 5337 (August 2022), entitled *Certain Corrosion-Resistant Steel Products from China, India, Italy, South Korea, and Taiwan: Investigation Nos. 701-TA-534-537 and 731-TA-1274-1278 (Review)*.

By order of the Commission.

Issued: August 3, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022-16971 Filed 8-5-22; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1323]

### Certain Video Processing Devices and Products Containing the Same; Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 1, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of

VideoLabs, Inc. of Palo Alto, California. A supplement to the complaint was filed on July 21, 2022. The complaint, as supplemented, alleges violations 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 video processing devices and products containing the same by reason of infringement of certain claims of U.S. Patent No. 7,769,238 (“the ‘238 Patent”), U.S. Patent No. 8,139,878 (“the ‘878 Patent”), U.S. Patent No. 8,208,542 (“the ‘542 Patent”), and U.S. Patent No. 7,372,452 (“the ‘452 Patent”). The complaint further alleges that an industry in the United States exists, or is in the process of being established, as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, 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). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**SUPPLEMENTARY INFORMATION:** *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2021).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on August 2, 2022, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation is instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after

importation of certain products identified in paragraph (2) by reason of infringement of one or more of claim 1 of the ‘238 patent; claims 1–4 of the ‘878 patent; claims 1 and 2 of the ‘542 patent; and claims 1–6 and 12–18 of the ‘452 patent, and whether an industry in the United States exists or in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “servers, desktop computers, laptop computers, tablet computers, smartphones, and displays”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

VideoLabs, Inc., 2303 Saint Francis Drive, Palo Alto, California 94303

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Acer Inc. 8F, 88, Sec. 1, Xintai 5th Road, Xizhi, New Taipei City 221, F5 10516815, Taiwan

Acer America Corporation, 1730 N. 1st Street, Suite 400, San Jose, CA 95112

ASUSTeK Computer Inc., No. 15, Li-Te Road, Beitou District, Taipei 112, F5, Taiwan

ASUS Computer International, 48720 Kato Road, Fremont, CA 94538

Lenovo Group Limited, Lincoln House, 23rd Fl., Taikoo Place, 979 King’s Road, Quarry Bay, K3 0852, Hong Kong S.A.R. of China

Lenovo (United States) Inc., 8001 Development Drive, Morrisville, NC 27560

Micro-Star International Co., Ltd., No. 69, Lide Street, Zhonghe District, New Taipei City 235, Taiwan

Motorola Mobility LLC, 222 W. Merchandise Mart Plaza, Suite 1800, Chicago, IL 60654

MSI Computer Corp., 901 Canada Court, City of Industry, CA 91748

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in

accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 3, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022-16957 Filed 8-5-22; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Air Act and The Federal Debt Collection and Procedures Act

On July 28, 2022, the Department of Justice lodged a proposed consent decree with the United States District Court for the Western District of Arkansas in the lawsuit entitled *United States v. Thunder Diesel & Performance Co., et al.*, Civil Action No. 3:22-cv-03042.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint names Thunder Diesel & Performance Co., Red Deer Exhaust, Inc. (d/b/a Flo-Pro), and Schumacher Estates LTD as defendants. The complaint seeks injunctive relief and civil penalties for violations of the regulations that govern the manufacture and sale of aftermarket automobile parts that bypass or defeat emission controls on diesel trucks, which were manufactured and sold by Flo-Pro to

retailers and sold by Thunder Diesel in Mountain Home, Arkansas to consumers. The complaint also seeks recovery of fraudulent financial transfers made by Thunder Diesel to Schumacher Estates LTD. The consent decree requires the defendants to perform injunctive relief and pay a \$1.6 million civil penalty.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Thunder Diesel & Performance Co., et al.*, D.J. Ref. No. 90-5-2-1-12234. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$13.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia McKenna,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2022-16880 Filed 8-5-22; 8:45 am]

BILLING CODE P

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-22-0016; NARA-2022-060]

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

**DATES:** We must receive responses on the schedules listed in this notice by September 20, 2022.

**ADDRESSES:** To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-22-0016/document>. This is a direct link to the schedules posted in the docket for this notice on [regulations.gov](https://www.regulations.gov). You may submit comments by the following method:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on [regulations.gov](https://www.regulations.gov) and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via [regulations.gov](https://www.regulations.gov), you may email us at [request.schedule@nara.gov](mailto:request.schedule@nara.gov) for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

#### FOR FURTHER INFORMATION CONTACT:

Edward Germino, Regulatory and External Policy Program Manager, by email at [regulation\\_comments@nara.gov](mailto:regulation_comments@nara.gov) or by phone at 301-837-3758. For information about records schedules, contact Records Management Operations by email at [request.schedule@nara.gov](mailto:request.schedule@nara.gov).

#### SUPPLEMENTARY INFORMATION:

##### Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and



subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule. We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as “other” documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact [request.schedule@nara.gov](mailto:request.schedule@nara.gov) for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a “Consolidated Reply” summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

## Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA’s approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records’ administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government’s activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist’s consideration process.

## Schedules Pending

1. Department of Homeland Security, U.S. Customs and Border Protection, Trusted Traveler Records (DAA-0568-2020-0002).
2. Department of Transportation, Federal Aviation Administration, Airport Surface Surveillance Capability System (DAA-0237-2022-0007).
3. Department of the Treasury, Internal Revenue Service, Assignment of Tax Identification Numbers (DAA-0058-2022-0002).
4. Export-Import Bank of the United States, Office of the Chief Risk Officer, Enterprise Risk Management Records (DAA-0275-2022-0001).
5. Federal Communications Commission, Office of Engineering and Technology, Laboratory Division Records (DAA-0173-2019-0001).

## Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2022-16942 Filed 8-5-22; 8:45 am]

BILLING CODE 7515-01-P

## NATIONAL CREDIT UNION ADMINISTRATION

### Submission for OMB Review; Comment Request, Appraisals

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice.

**SUMMARY:** The National Credit Union Administration (NCUA) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before September 7, 2022 to be assured of consideration.

**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.

### FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548-2279, emailing [PRAComments@ncua.gov](mailto:PRAComments@ncua.gov), or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

### SUPPLEMENTARY INFORMATION:

*OMB Number:* 3133-0125.

*Type of Review:* Extension of a currently approved collection.

*Title:* Appraisals, 12 CFR 722.

*Abstract:* Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989 (FIRREA) was enacted to protect federal financial and public policy interests in real estate related transactions. To achieve this purpose, the statute directed the National Credit Union Administration (NCUA), as one of the federal financial institutions’ regulatory agencies, to adopt standards for the performance of real estate appraisals in connection with federally related transactions. The FIRREA requires that appraisals be maintained in writing and meet certain minimum standards. The NCUA regulation Part 722 carries out the statutory requirements. The information collection activity requires a credit union to obtain a written appraisal on federally related transactions or maintain written support of the estimated market value for certain other transactions not required to have an appraisal. These information collections

are attributable to the regulation and are a direct consequence of the legislative intent and statutory requirements.

Federally insured credit unions (FICU) use the information in determining whether and upon what terms to enter into a federally related transaction, such as making a loan secured by real estate. In addition, NCUA uses this information in its examinations of FICUs to ensure that extensions of credit by the FICU that are collateralized by real estate are undertaken in accordance with appropriate safety and soundness principles. The use of their information by credit unions and NCUA helps ensure that FICUs are not exposed to risk of loss from inadequate appraisals or written estimates of market value.

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Total Annual Burden Hours:* 173,309.

By Melane Conyers-Ausbrooks, Secretary of the Board, the National Credit Union Administration, on August 2, 2022.

Dated: August 3, 2022.

**Dawn D. Wolfgang,**

*NCUA PRA Clearance Officer.*

[FR Doc. 2022-16925 Filed 8-5-22; 8:45 am]

**BILLING CODE 7535-01-P**

---

## NATIONAL SCIENCE FOUNDATION

### Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub., L. 92-463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The review and evaluation may also include assessment of the progress of awarded proposals. These meetings will primarily take place at NSF's headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314.

These meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF

will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will not be announced on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF website: <https://www.nsf.gov/events/advisory.jsp>. This information may also be requested by telephoning, 703/292-8687.

Dated: August 3, 2022.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2022-16940 Filed 8-5-22; 8:45 am]

**BILLING CODE 7555-01-P**

---

## NEIGHBORHOOD REINVESTMENT CORPORATION

### Sunshine Act Meetings

**TIME AND DATE:** 2:00 p.m., Thursday, August 18, 2022.

**PLACE:** Via conference call.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Regular Board of Directors meeting.

The General Counsel of the Corporation has certified that in his opinion, one or more of the exemptions set forth in the Government in the Sunshine Act, 5 U.S.C. 552b (c)(2) and (4) permit closure of the following portion(s) of this meeting:

- Executive Session

#### Agenda

- I. CALL TO ORDER
- II. Sunshine Act Approval of Executive (Closed) Session
- III. Executive Session Report from CEO
- IV. Executive Session: Report from CFO
- V. Executive Session: General Counsel Report
- VI. Action Item Approval of Minutes
- VII. Action Item FY2023 Preliminary Spend Plan
- VIII. Discussion Item Report from CIO
- IX. Discussion Item Annual Ethics Review—Follow Up
- X. Discussion Item Whistleblower Policy
- XI. Discussion Item Code of Ethical Conduct
- XII. Discussion Item DC and NYC Relocation Update

XIII. Discussion Item FY2024 Budget Submission

XIV. Management Program Background and Updates

XV. Adjournment

#### PORTIONS OPEN TO THE PUBLIC:

Everything except the Executive Session.

#### PORTIONS CLOSED TO THE PUBLIC:

Executive Session.

#### CONTACT PERSON FOR MORE INFORMATION:

Lakeyia Thompson, Special Assistant, (202) 524-9940; [lthompson@nw.org](mailto:lthompson@nw.org).

**Lakeyia Thompson,**

*Special Assistant.*

[FR Doc. 2022-17109 Filed 8-4-22; 4:15 pm]

**BILLING CODE 7570-02-P**

---

## NEIGHBORHOOD REINVESTMENT CORPORATION

### Sunshine Act Meetings

**TIME AND DATE:** 2:00 p.m., Friday, August 5, 2022.

**PLACE:** Via conference call.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** Special Board of Directors meeting.

#### Agenda

- I. Call To Order
- II. Waiver of Notice for Special Board of Directors Meeting
- III. Discussion DC Office End of Life IT Infrastructure and Request for Budget Authority
- IV. Adjournment

#### CONTACT PERSON FOR MORE INFORMATION:

Lakeyia Thompson, Special Assistant, (202) 524-9940; [lthompson@nw.org](mailto:lthompson@nw.org).

**Lakeyia Thompson,**

*Special Assistant.*

[FR Doc. 2022-17048 Filed 8-4-22; 4:15 pm]

**BILLING CODE 7570-02-P**

---

## NUCLEAR REGULATORY COMMISSION

[Docket No. 52-025; NRC-2008-0252]

### Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Unit 3; Operation Under a Combined License

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Finding that the acceptance criteria in the combined license are met.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) found pursuant to its regulations that the acceptance

criteria in the combined license for Vogtle Electric Generating Plant (VEGP), Unit 3 are met. Because of this action, operation of the facility is allowed in accordance with the terms and conditions of the license.

**DATES:** The finding that the acceptance criteria in the combined license are met became effective on August 3, 2022.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0252 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–2008–0252. Address questions about Docket IDs in *Regulations.gov* 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). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* You may examine and purchase copies of public documents,

by appointment, at the NRC’s PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](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.

**FOR FURTHER INFORMATION CONTACT:** Cayetano Santos, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7270; email: [Cayetano.Santos@nrc.gov](mailto:Cayetano.Santos@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Under Section 2.106 of title 10 of the *Code of Federal Regulations* (10 CFR), “Notice of issuance,” the NRC is providing notice that it has found that the acceptance criteria in the combined license for VEGP, Unit 3 are met. Section 185b. (42 U.S.C. 2235(b)) of the Atomic Energy Act of 1954, as amended (AEA), and 10 CFR 52.97(b) require that the Commission identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the AEA, and the Commission’s rules and regulations. In compliance with these requirements, the Commission included inspections, tests, analyses, and acceptance criteria (ITAAC) in Appendix C to VEGP, Unit 3 combined license No. NPF–91.

Section 185b. of the AEA also requires, in part, that following issuance

of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed, and before operation of the facility, find that the prescribed acceptance criteria are met. The NRC codified the requirement to ensure completion of the inspections, tests, and analyses in 10 CFR 52.99(e) and codified the requirement regarding the finding that the acceptance criteria are met in 10 CFR 52.103(g).

The NRC staff has determined that the inspections, tests, and analyses have been successfully completed and found that all specified acceptance criteria in the VEGP, Unit 3 combined license No. NPF–91 are met. This finding was made on August 3, 2022, and was effective on August 3, 2022. The principal basis for the staff’s 10 CFR 52.103(g) finding was the staff’s review of the licensee’s ITAAC notifications under 10 CFR 52.99(c) and the staff’s inspection of ITAAC-related activities conducted by the licensee. The staff explained the basis for its finding in the document titled “10 CFR 52.103(g) Basis Document Vogtle Electric Generating Plant, Unit 3.” Because of the NRC’s finding that the acceptance criteria are met, operation of the facility is allowed in accordance with the terms and conditions of the license.

**I. Availability of Documents**

The documents identified in the following table are available to interested persons through the ADAMS Public Documents collection and the NRC’s PDR. The files are also available online at <https://www.nrc.gov/reactors/new-reactors/col-holder/vog3.html>.

Document	ADAMS accession No.
VEGP, Unit 3 Combined License No. NPF–91 .....	ML14100A106.
VEGP, Unit 3 Finding that the Acceptance Criteria in the Combined License Are Met .....	ML20290A282.
10 CFR 52.103(g) Basis Document Vogtle Electric Generating Plant, Unit 3 .....	ML20290A276.

Dated: August 3, 2022.  
 For the Nuclear Regulatory Commission.  
**Andrea D. Veil,**  
*Director, Office of Nuclear Reactor Regulation.*  
 [FR Doc. 2022–16928 Filed 8–5–22; 8:45 am]  
**BILLING CODE 7590–01–P**

**NUCLEAR REGULATORY COMMISSION**

[NRC–2022–0036]

**Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 5 of Regulatory Guide (RG) 1.82, “Water Sources for Long-Term Cooling

Following a Loss-of-Coolant Accident.” This revised guidance updates the guidance for sumps and suppression pools that provide water sources for emergency core cooling, containment heat removal, or containment atmosphere cleanup systems. It also provides guidelines for evaluating the adequacy and the availability of the sump or suppression pool for long-term recirculation cooling following a loss-of-coolant accident, and the use of containment accident pressure in determining the net positive suction

head for the emergency core cooling and containment heat removal pumps.

**DATES:** Revision 5 to RG 1.82 is available on August 8, 2022.

**ADDRESSES:** Please refer to Docket ID NRC-2022-0036 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0036. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For questions regarding use of 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 ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](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

Revision 5 to RG 1.82 may be found in ADAMS under Accession No. ML22152A114.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Ahsan Sallman, Office of Nuclear Reactor Regulation, telephone: 301-415-2380, email: [Ahsan.Sallman@nrc.gov](mailto:Ahsan.Sallman@nrc.gov), and James Steckel, Office of Nuclear Regulatory Research, telephone: 301-415-1026, email: [James.Steckel@nrc.gov](mailto:James.Steckel@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:**

## I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses.

Revision 5 of RG 1.82 was issued with a temporary identification number of DG-1385 (ADAMS Accession No. ML21266A185).

Revision 5 of RG 1.82, describes an approach that may be used to determine quality standards acceptable to the NRC staff to meet the regulatory requirements for sumps and suppression pools that provide water sources for emergency core cooling, containment heat removal, or containment atmosphere cleanup systems. Revision 5 of RG 1.82 also provides acceptable methods for evaluating the adequacy and the availability of the sump or suppression pool for long-term recirculation cooling following a loss-of-coolant accident, and the use of containment accident pressure in determining the net positive suction head for the emergency core cooling and containment heat removal pumps.

## II. Additional Information

In January 2015 the staff conducted a periodic review of Revision 4 to RG 1.82, and on January 21, 2015, the staff reported the results of the periodic review, "Result of Periodic Review of Regulatory Guide 1.82," (ADAMS Accession No. ML14345A333). Based on the results of the periodic review, the staff concluded that a revision of RG 1.82 was warranted.

The NRC published a notice of availability of DG-1385 in the **Federal Register** on February 8, 2022 (87 FR 7209) for a 30-day public comment period. A request from the Nuclear Energy Institute to allow more time for members of the public to submit their comments was accepted, and the public comment period was extended to April 8, 2022 (87 FR 13019). Public comments and staff responses to those comments are available in ADAMS under Accession No. ML22145A479. In addition, staff considered and addressed technical issues related to the periodic review of RG 1.82, Revision 4.

## III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C.

801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## IV. Backfitting, Forward Fitting, and Issue Finality

The issuance of this regulatory guide does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), "Backfitting," and as described in NRC Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests," or affect issue finality of any approval issued under 10 CFR part 52, "Licenses, Certificates, and Approvals for Nuclear Power Plants," because, as explained in this regulatory guide, licenses are not required to comply with the positions set forth in this regulatory guide.

## V. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing RGs or for the development of new RGs. Suggestions can be submitted on the NRC's public website at <https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html>. Suggestions will be considered in future updates and enhancements to the "Regulatory Guide" series.

Dated: August 3, 2022.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2022-16960 Filed 8-5-22; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 05000184; EA-21-148; NRC-2022-0150]

### Confirmatory Order Modifying License of National Institute of Standards and Technology, Center for Neutron Research

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Confirmatory Order; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a Confirmatory Order to the National Institute of Standards and Technology, Center for Neutron Research, as a result of a successful alternative dispute resolution mediation session. The commitments outlined in the

Confirmatory Order were made as a part of a settlement agreement concerning violations of NRC requirements related to an event involving the exceedance of a safety limit for fuel cladding temperature.

**DATES:** The Confirmatory Order became effective on August 1, 2022.

**ADDRESSES:** Please refer to Docket ID NRC-2022-0150 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2022-0150. Address questions about Docket IDs in *Regulations.gov* 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 Confirmatory Order Modifying License of National Institute of Standards and Technology, Center for Neutron Research, is available in ADAMS under Accession No. ML22206A213.

- *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.

**FOR FURTHER INFORMATION CONTACT:** David Jones, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-9525, email: [David.Jones@nrc.gov](mailto:David.Jones@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated: August 3, 2022.

For the Nuclear Regulatory Commission.  
**Tania Martínez Navedo,**  
*Deputy Director, Office of Enforcement.*

**Attachment—Confirmatory Order  
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY  
COMMISSION**

In the Matter of  
National Institute of Standards and  
Technology  
Center for Neutron Research  
U.S. Department of Commerce  
Docket No.: 05000184  
License No.: TR-5  
EA-21-148

**CONFIRMATORY ORDER  
MODIFYING LICENSE  
EFFECTIVE UPON ISSUANCE**

The National Institute of Standards and Technology (NIST), Center for Neutron Research (NCNR or licensee), U.S. Department of Commerce (DOC) is the holder of License No. TR-5, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR). NIST refers to the larger National Institute of Standards and Technology organization while NCNR refers specifically to the licensee and operator of the National Bureau of Standards Test Reactor (NBSR or reactor). The license authorizes the operation of the NBSR in accordance with conditions specified therein. The facility is located on the NIST campus in Gaithersburg, Maryland.

This Confirmatory Order (CO) is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on May 10, 2022, May 19, 2022, and June 2, 2022, to address seven apparent violations.

**II**

The NBSR is a heavy-water (D2O)-moderated-and-cooled, enriched-fuel, tank-type reactor designed to operate at 20 megawatts thermal (MW(t)) power. The facility operates continuously during a 7-week operational cycle that consists of approximately 38 days of operation, followed by 10-day refueling and maintenance outages.

On December 20, 2020, operators shut down the reactor for a refueling outage. During the refueling outage on January 4, 2021, fuel elements were shuffled within the reactor vessel during day shift. After the fuel elements were placed in each core position, height verification was performed using a height gauge to ensure that the fuel elements were fully latched in the lower

grid plate. Following the February 3, 2021, event discussed below, the NRC inspectors reviewed video footage of the placement of fuel element S-1175 in the J-7 core position and determined that the fuel element was initially latched after placement. However, the inspectors observed that operators had difficulty lowering the tool to fuel element S-1175 during the subsequent height verification. Performance of this height verification likely contributed to fuel element S-1175 becoming unlatched. Further, the inspectors observed that the operators improperly performed the latch verification rotation checks on the evening shift. Through post-event interviews and observation of the video footage of the refueling and latch verification evolutions, the inspectors determined that fuel element S-1175 was likely not fully latched in the J-7 core position at the end of fuel handling operations on January 4, 2021.

On February 3, 2021, following the refueling outage, NCNR reactor operators were performing a normal reactor startup when the reactor automatically shut down in response to indications of high confinement exhaust stack radiation. Once the reactor was placed in a safe condition, all personnel evacuated the control room and reactor confinement. The reactor was then monitored by operators from the remote Emergency Control Station. NCNR subsequently declared an alert in accordance with the facility emergency plan and procedures. During the event, six NCNR reactor personnel became externally contaminated and were monitored for internal exposure to radioactive materials. Following the event, NCNR personnel performed environmental monitoring at the confinement exhaust stack and at the 400-meter emergency planning site boundary, which is located within the fence line of the NIST Gaithersburg campus. Environmental sampling for radioactive material releases, as well as radiological surveys, confirmed that release amounts were a small fraction of the alert and notification of unusual event criteria in the emergency procedures, which led to event termination by NCNR later that day.

On March 2, 2021, NCNR submitted a related event notification (EN 55120) to inform the NRC that it had violated the fuel cladding temperature safety limit for damaged fuel element S-1175. During subsequent visual inspection activities where NCNR moved fuel elements from the reactor core to the fuel storage pool, the NRC inspectors observed melted material deposited on the lower grid plate. The inspectors also observed that the damaged fuel element

S-1175 nozzle was almost completely blocked by melted material. The inspectors noted that additional tests would need to be performed to determine the exact composition of the melted material. The damaged fuel element S-1175 is currently in a container located within the fuel storage pool awaiting shipment for further analysis. The licensee has contracted with Framatome to clean up the reactor vessel and remove the melted material from the lower grid plate, vessel, and primary piping. Framatome is assisting with various operations during this recovery.

On March 16, 2022, the NRC's Office of Nuclear Reactor Regulation, Division of Advanced Reactors and Non-Power Production and Utilization Facilities, issued a special inspection report to the licensee. The inspection report included the following seven apparent violations, five of which NCNR identified in its own review and reported to NRC staff:

1. Apparent Violation of Technical Specification 2.1, "Safety Limit," which states that the reactor fuel cladding temperature shall not exceed 842 °F (420 °C) for any operating conditions of power and flow. The NRC inspectors observed once-molten material in and around the fuel element nozzle of element S-1175 in the J-7 grid position indicating that the licensee exceeded the fuel temperature safety limit.

2. Apparent Violation of Technical Specification 3.1.3, "Core Configuration," which states that "[t]he reactor shall not operate unless all grid positions are filled with full length fuel elements or thimbles, except during subcritical and critical startup testing with natural convection flow." The NRC inspectors observed that the fuel element S-1175 was not latched, was raised approximately 3-4 inches above the upper grid plate, and was angled out of its proper position, causing it to rest on the lower grid plate surface.

3. Apparent Violation of Technical Specification 6.4, "Procedures," which states, in part, that "[w]ritten procedures shall be prepared, reviewed and approved prior to initiating any of the activities listed in this section [including] . . . [f]uel loading, unloading, and fuel movement within the reactor vessel." The NRC inspectors determined that the procedure for fuel handling activities was not suitable for the circumstances and did not contain necessary information to ensure that the fuel elements were latched prior to startup. As a result, the inspectors determined that the fuel handling procedure was inadequate to ensure that the fuel element in question was latched

during refueling activities on January 4, 2021.

4. Apparent Violation of Technical Specification 6.4, "Procedures," which states, in part, that "[w]ritten procedures shall be prepared, reviewed and approved prior to initiating any of the activities listed in this section [including] . . . [s]tartup, operation, and shutdown of the reactor." The reactor startup procedure instructs the operators to monitor for abnormal fluctuations or oscillations on nuclear channel indications. However, the NRC inspectors found that the procedure does not provide amplifying guidance for operators to use when conducting this monitoring.

5. Apparent Violation of Technical Specification 6.4, "Procedures," which states, in part, that "[w]ritten procedures shall be prepared, reviewed and approved prior to initiating any of the activities listed in this section [including] . . . [i]mplementation of required plans such as emergency or security plans." The NRC inspectors determined that NCNR emergency response procedures were not suitable for the circumstances and caused NCNR to unnecessarily (although still within the required timeframe) delay their response to the event.

6. Apparent Violation of Technical Specification 3.9.2.1, "Fuel Handling: Within the Reactor Vessel," which states that "[f]ollowing handling of fuel within the reactor vessel, the reactor shall not be operated until all fuel elements that have been handled are inspected to determine that they are locked in their proper positions in the core grid structure. This shall be accomplished by one of the following methods: (1) Elevation check of the fuel element with main pump flow. (2) Rotational check of the element head in the latching direction only. (3) Visual inspection of the fuel element head or latching bar." The NRC inspectors determined that NCNR operators failed to implement one of the methods required by the technical specifications to ensure that fuel element S-1175 was adequately latched.

7. Apparent violation of 10 CFR 50.59, "Changes, tests and experiments," paragraph (c)(1), which states, in part, that a licensee may make changes in the facility without obtaining a license amendment only if a change to the technical specifications is not required. The NRC inspectors determined that NCNR made changes to the refueling tooling that should have required a change to the technical specifications because dimensional differences of the new tooling invalidated the capability of

operators to verify that a fuel element was adequately latched.

For the seven apparent violations, the NRC offered NCNR an opportunity to (1) attend a pre-decisional enforcement conference or (2) to participate in an ADR mediation session to resolve this concern. In response to the NRC's offer, NCNR requested the use of the NRC's ADR process to resolve the seven apparent violations. On May 10, 2022, the NRC and NCNR conducted an ADR session mediated by a professional mediator, arranged through Cornell University's Scheinman Institute on Conflict Resolution. The ADR process is one in which a neutral mediator, with no decision-making authority, assists the parties in reaching an agreement to resolve any differences regarding the dispute. This CO is issued pursuant to the agreement reached as a result of the full-day mediation session that occurred on May 10, 2022, and two subsequent virtual meetings that occurred on May 17, 2022, and June 2, 2022. The NRC and NCNR signed the agreement in principle (AIP) for the mediation session on June 3, 2022.

### III

NCNR and the NRC reached a preliminary settlement agreement during mediations. The elements of the agreement included (1) corrective actions completed by NCNR, (2) corrective actions planned by NCNR, (3) additional agreed upon future actions by NCNR, and (4) general provisions. Additionally, the NRC and NCNR agreed that the apparent violations described in Section II of this Order were violations of regulatory requirements. The NRC and NCNR agreed that the safety significance of these violations is normally characterized at Severity Level 1 in accordance with the NRC Enforcement Policy. Additionally, the NRC concluded that a civil penalty of up to \$432,000 would normally be proposed for this violation, as assessed in accordance with the civil penalty assessment process discussed in Section 2.3.4 of the NRC Enforcement Policy. However, due to the robust nature of corrective actions taken and planned by NCNR as documented in Sections III and V, the NRC determined that waiving a civil penalty is appropriate in this case.

The parties agreed in the AIP to refine the language of the AIP to reflect the appropriate level of detail when included in Section III of the CO. The following is the refined language:

1. Based on a review of the incident, NCNR completed corrective actions and enhancements to preclude recurrence of

the violation, including but not limited to the following:

a. NIST/NCNR Safety Culture

i. NCNR staff secured additional funds for the Nuclear Safety Culture Improvement Program (NSCIP), with additional funds included in current budget proposals.

ii. NCNR staff has drafted the NSCIP program documents addressing problem identification and resolution, root cause investigations, training, procedures, and oversight. These will be used to develop a request for proposals to assist the NCNR in program development and implementation.

iii. NCNR has identified comparable reactor facilities for purposes of benchmarking various safety culture programs, with in-person visits planned or completed. Results from these benchmarking visits will be used to inform further development of the NSCIP.

iv. NCNR staff reevaluated the root cause analysis with an emphasis on nuclear safety culture and is using this evaluation to develop the NSCIP plan.

b. Management

i. NCNR leadership has engaged the NIST Director and Department of Commerce leadership for oversight and secured additional funding for corrective actions (including additional operations personnel) and reactor recovery and clean-up.

ii. NCNR currently staffs four rotating shifts during normal operation and is challenged to complete additional work such as training, employee development, and emergent maintenance. NCNR leadership has initiated hiring actions to establish a fifth operating shift dedicated to training and maintenance.

iii. Elevated Enterprise Risk Management of NCNR to institutional (NIST) level through the chartered NIST Enterprise Risk Management Council. The Council, which includes NIST Senior Executives, identifies NIST enterprise-level risks, tracks those risks and their impacts, and reviews risk mitigation progress and strategy.

iv. NCNR leadership appointed a permanent Chief of Reactor Operations to provide more continuity and stability.

v. NCNR hired a new Chief of the Aging Reactor Management (ARM) program. This position will provide oversight of communications between engineering and operations to help ensure that identified issues are resolved.

vi. NCNR confirmed or updated management Performance Plans to ensure that expectations for procedure

use and adherence with consequences for failure to follow required procedures is part of employee reviews.

vii. Licensee staff including Reactor Operations and Engineering leadership took part in safety culture training given by NCNR staff experienced in safety culture training. The training covered the following topics:

1. Human Performance Tools
2. Procedure Use and Adherence
3. Procedure Writing and Routing Guides
4. SharePoint Use
5. Procedure Theory
6. Hazard Review
7. Risk Assessment
8. Mitigation Actions
9. Pre-Job Brief and Post-Job Critique

viii. NCNR conducted leadership training for reactor supervisors. The training was led by the Chief of Reactor Operations and included the following modules of leadership training for the Commerce Learning Center:

1. Accountable Leadership
2. Influencing and Persuading Others
3. Becoming an Emotionally Intelligent Leader
4. Networking to Improve Leadership Effectiveness
5. New Leadership Transitions
6. Leading Others through Conflict

c. Corrective Action Program

i. NCNR implemented "Safety Good Catch/Good Idea" program to incentivize staff to identify, raise, and address safety concerns in April 2021.

ii. Established Safety Evaluation Committee (SEC) subcommittee to track and oversee corrective actions.

iii. Established the Engineering Change Management Program to provide an administrative gate for 50.59 screening and execution for facility and procedure modifications.

d. Procedures

i. NCNR modified Administrative Requirement (AR) 5.0, "Procedure Use and Adherence," which guides conduct of operations, to strengthen the oversight role supervisors must play and to require that all personnel be trained. The required procedure use and adherence training has been completed.

ii. Drafted and approved AR 5.1, "Procedure Writer's Guide," related to procedure writing, which includes addressing improvements to writing quality.

iii. Identified procedures that will be updated according to new guidance in AR 5.1 prior to reactor startup.

iv. Updated procedure standards to comply with PPA AP-907-005, "Procedure Writers' Manual."

v. Implemented AR 1.1, "Human Performance Tools," related to improving training on a continuous basis.

vi. Modified Operating Instruction (OI) 1.1, "Reactor Startup," to provide detailed guidance on evaluation of abnormal fluctuations in nuclear instrumentation.

e. Technical

i. NCNR conducted 40 hours of proficiency training for all Operations Staff, emphasizing the importance of latching and procedural compliance.

ii. Established proficiency requirements for operators performing fuel handling, including core loading, shuffle, rotational latch checks, and visual latch checks.

iii. Created Emergency Instructions (EI) 3.8, "Recovery Operations," and 3.9 "Confinement Re-entry," to provide detailed guidance on building reoccupation. In addition, EI 0.4, "Control Room Evacuation," and EI 0.5, "Post-evacuation Checklist," were created to include an evacuation checklist required to be used during an evacuation to ensure confinement is safe for operator re-entry.

iv. Performed Latch Improvement Safety Analysis to document that improved latching and latch check processes provide adequate defense against unlatching.

v. Assessed the efficacy of all tools used in refueling to determine whether improvements are needed and concluded that, given the discontinuation of height checks, the tools are adequate to meet all new refueling and latch check requirements.

vi. Conducted analysis as to whether no-flow height checks should be continued and concluded that the equipment does not support height checks with sufficient precision; height-related latch checks are no longer prescribed.

vii. Reinstated requirement for latch checks prior to final pump restart and modified OI 2.1.1, "Startup of the Primary System for Criticality," and OI 1.1.0, "Reactor Startup Checklist."

viii. Instituted a required rotation latch check, performed by a second individual and modified OI 6.1, "Fueling and Defueling."

ix. Instituted a redundant Technical Specifications required method of visual checks (using a digital camera plus image analysis software) and modified Operating Instruction (OI) 6.1.

x. Verified that the index plate is consistently positioned by the use of alignment pins and that rotational fiduciary marks are clear to ensure fuel



movement evolutions are performed properly.

xi. Modified OI 6.1 series and OI 1.1A CL to ensure that there will be no tool contact with fuel head following final visual latch verification prior to reactor startup.

xii. Submitted License Amendment Request to NRC to modify Technical Specification 3.9.2.1 to require latch verification through both mechanical rotational and visual methods.

2. Based on a review of the incident, NCNR plans to complete additional corrective actions, including but not limited to the following:

a. Management Systems

i. Conduct regular briefings of NIST and DOC leadership regarding the progress of operational safety and corrective actions, and review of safety culture.

ii. Participate in Enterprise Risk Management reviews twice a year to assess elevated risk impact of NCNR for NIST.

iii. Develop and implement a change management framework to evaluate sufficiency of existing change management processes and identify gaps and areas for improvement.

iv. Develop a system for knowledge and skills management in the presence of personnel attrition.

v. Develop a plan for involving staff in continuous improvement of reactor operations, through participation in a preventive action program that encourages and rewards proactive efforts to improve quality, safety, and efficiency of operations.

vi. Hire a Deputy Chief of Reactor Operations to provide additional oversight and consistent leadership.

vii. Increase management engagement by implementing AR 5.4, "Observation Program," which details requirements for management and others to perform observations with documentation of findings and suggested improvements.

viii. Define requirements for qualification as Crew Chief and implement Crew Chief leadership and development training.

b. Qualification and Training

i. Develop a technical training program for robust qualification and training of supervisors, operators, and candidates for: moving and handling fuel; proficiency checks on key refueling tasks; and proficiency checks for core loading, shuffle, rotational latch checks and visual latch checks. The program will include training materials (e.g., qualification cards) and practical experience with the use of the fuel

handling stand, reflecting stated learning objectives.

ii. Provide consistent and structured training and immediate and continual feedback to Non-Licensed Operators (NLO) during on-the-job training to ensure comprehension of performance expectations.

iii. Develop consistent standard by which all supervisors evaluate qualifications.

iv. Develop a continuous formal operator training program to provide ongoing training through rotating assignments of operators to a "fifth shift" dedicated to training, procedure development, and maintenance.

v. Implement mandatory oversight training for supervisors.

vi. Require additional training in leadership training and reactor supervisor leadership training.

vii. Conduct proficiency training prior to all future refueling events.

c. Procedures

i. Rewrite Operating Instruction (OI) series 6.1, "Fueling and Defueling," and OI 6.2, "Operation of the Fuel Transfer System," to capture detail of fuel and latch movements to align with training.

ii. Revise procedures necessary prior to any reactor restart to be consistent with INPO 11-003, "Guideline for Excellence in Procedure and Work Instruction Use and Adherence," and conducted training on procedure protocols.

iii. Complete revision to procedures required for startup.

iv. Design, test, and install noise gates on selected nuclear instrumentation channels to alert operator of abnormal signal in progress.

d. Event Response

i. Develop guidelines that outline methods for making measurements, interpreting results, performing calculations, and making dose projections (e.g., dose projections that are used as basis for 10 radiological protective action recommendations and those used to upgrade and downgrade emergency classes).

ii. Develop a process to communicate and track deficiencies in emergency drills and exercises identified during follow-up critiques; ensure corrective and preventive actions are assigned appropriately and tracked for timely resolution.

iii. Implement an ethernet-based data display for the emergency control station, post-reactor startup to improve remote monitoring and control capabilities.

3. Based on NCNR's review of the incident and NRC's concerns with

respect to precluding recurrence of the violation, NCNR agrees to implement corrective actions and enhancements in the following areas:

a. Communications

b. Nuclear safety program assessments to include:

i. Nuclear safety culture assessment

ii. Nuclear program assessment(s)

iii. Problem Identification and Resolution program

iv. Employee concerns

v. Safety Culture Monitoring Panel

c. Training

d. Procedures

e. Benchmarking

f. Employee engagement

g. Leadership accountability

h. Technical issues

4. Based on the completed and planned actions described above, and the commitments described in Section V of this Order, the NRC agrees to reduce the civil penalty to \$0, refrain from issuing a cited notice of violation, and not pursue any further enforcement action based on the seven apparent violations identified in the NRC's March 16, 2022, letter.

5. The NRC will consider the Confirmatory Order an escalated enforcement action with respect to any future enforcement actions.

6. On July 21, 2022, NCNR consented to the issuance of this Confirmatory Order with the requirements, as described in Section V below. NCNR further agreed that this Confirmatory Order is to be effective upon issuance, the agreement memorialized in this Confirmatory Order settles the matter between the parties, and that the licensee has waived its right to a hearing.

**IV**

Any decision of the NRC to approve restart under 10 CFR 50.36(c)(1) would be informed by but not solely reliant upon this CO.

I find that the actions completed by NCNR, as described in Section III above, combined with the commitments as set forth in Section V are acceptable and necessary, and conclude that with these completed actions and commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that NCNR's commitments be confirmed by this Order. Based on the above and NCNR's consent, this Confirmatory Order is effective upon issuance.

**V**

Accordingly, pursuant to Sections 104b, 161b, 161i, 161o, 182, and 186 of

the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 50 as applicable, *it is hereby ordered, effective upon issuance, that license No. TR-5 is modified as follows:*

### 1. Communications

a. Within 3 months of issuance of the Confirmatory Order, the NIST Director will issue a statement to NIST employees communicating the specific strategy to improve NCNR's nuclear safety culture. The communication will include (1) a summary regarding the Nuclear Safety Culture Improvement Program, (2) the NRC's concerns expressed in its Special Inspection Report, (3) specific lessons learned from previously applied corrective actions, and (4) corrective actions both taken and planned. At least 30 days prior to issuing the statement, NIST will provide the statement for NRC staff review. Within 15 days of receiving the statement, the NRC staff will provide feedback to NIST. NIST will incorporate NRC staff feedback and notify the NRC when the statement is issued.

b. Within 2 months of the NIST Director's statement, the NCNR Director will hold an all-hands meeting with NCNR employees for management to discuss the importance of the above communication. NCNR will require and document attendance for the all-hands meeting and maintain that documentation in the NCNR employees training records.

### 2. Nuclear Safety Program Assessments

#### a. Nuclear Safety Culture Assessment

i. Within 6 months of issuance of the CO, NCNR will hire a third-party, independent nuclear consultant (consultant) to conduct an independent third-party nuclear safety culture assessment. The contract will specify that the consultant will assist NCNR in the implementation of the recommendations and corrective actions identified in the assessment to prevent recurrence of the February 3, 2021, event or similar events at the NBSR.

ii. Prior to issuance of the Request for Quotations, NCNR will include criteria equivalent to the those described in Section 03.02.c.1, c.2, and c.3 of Inspection Procedure 95003, "Supplemental Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs or One Red Input," dated June 7, 2022, to ensure a consultant with the appropriate qualifications is identified.

iii. Within 6 months of contract award to the consultant, NCNR will submit a

copy of the safety assessment report and NCNR's written response to the assessment report to the NRC. NCNR's written response will either address how it will implement the recommendations and corrective actions of the assessment report, including a proposed timeline; or provide an explanation and justification for why the recommendation(s) and corrective action(s) will not be implemented.

iv. Within 2 months of submitting the assessment report to the NRC, the NCNR Director shall issue written and verbal communications providing the results of the assessment, recommendations, and corrective actions to the NCNR staff. At least 30 days prior to issuing the written communication, NCNR will provide the statement for NRC staff review. Within 15 days of receiving the statement, the NRC staff will provide feedback to NCNR staff. NCNR will notify the NRC when the statement is issued.

v. The assessment will include employee surveys, the review of anonymous reports, and contractor-conducted interviews and focus groups to assess the effectiveness of the programs.

vi. NCNR will ensure this consultant is provided with all necessary materials, reports, and access to personnel to complete its assessment. The reports shall include the NRC special inspection report dated March 16, 2022, future NRC inspections reports regarding the February 3, 2021, event, and NCNR safety evaluation committee and safety assessment committee (SEC/SAC) reports.

vii. Within 12 months of completing the initial assessment, the consultant will perform a second assessment to ensure the sustainability and effectiveness of the corrective actions within the identified areas. Within 30 days of receiving the report, NCNR will submit a copy of the second assessment report to the NRC.

viii. Within 12 months of completing the second assessment, the consultant will conduct a third assessment to ensure long term sustainability and effectiveness of the identified recommendations and corrective actions. Within 30 days of receiving the report, NCNR will submit a copy of the third assessment report to the NRC.

#### b. Nuclear Program Assessment(s)

i. Within 12 months of the issuance of the CO, NCNR will hire one or more third-party, independent nuclear consultant(s) to conduct an independent third-party assessment(s) and notify the NRC of the timeline for the completion of the assessment(s). The contract will specify that the nuclear consultant(s)

will assist NCNR in the implementation of the recommendations and corrective actions identified in the assessment(s) to prevent recurrence of the February 3, 2021, event or similar events at the NBSR. The consultant's (or consultants') assessment(s) will include recommended corrective actions in the following areas:

1. Problem Identification and Resolution
2. Event Root Cause
3. Training
4. Procedures
5. Safety Assessment Committee
6. Safety Evaluation Committee independence and effective oversight

ii. Within 3 months of issuance of the assessment report(s) (or within 3 months of the issuance of the last report, if multiple contracts are awarded), NCNR will submit a copy of the safety assessment report(s) and NCNR's written response to the assessment report(s) to the NRC. NCNR's written response will either address how it will implement the recommendations and corrective actions of the assessment report(s), including a proposed timeline; or provide an explanation and justification for why the recommendation(s) and corrective action(s) will not be implemented.

iii. Within 2 months of submitting the assessment report(s) to the NRC, the NCNR Director shall issue written and verbal communications providing the results of the assessment, recommendations, and corrective actions to the NCNR staff. At least 30 days prior to issuing the written communication, NCNR will provide the statement for NRC staff review. Within 15 days of receiving the statement, the NRC staff will provide feedback to NCNR staff. NCNR will notify the NRC when the statement is issued.

iv. NCNR will ensure this consultant is provided with all necessary materials and access to personnel to complete its assessment, including NRC inspection reports, SEC/SAC reports, and the interim and final special inspection reports.

#### c. Problem Identification and Resolution Program

i. By September 30, 2022, NCNR will develop an Observation program with program goals to provide for periodic management oversight of procedures and procedure adherence.

ii. By September 30, 2022, NCNR will develop a System Review Team program with program goals of reviewing system changes, including but not limited to components and procedures, and generating reports for the Aging Reactor Management review.

iii. By October 31, 2022, NCNR will develop and implement the Level 3 Corrective Action Program.

iv. By December 31, 2022, NCNR will develop and implement the Level 2 Corrective Action Program.

v. By March 31, 2023, NCNR will develop and implement the Level 1 Corrective Action Program.

vi. Within 1 month of program finalization, NCNR will submit program documentation to the NRC for review and comment.

vii. Within 3 months of NRC comment, NCNR will incorporate NRC staff feedback.

viii. The NCNR will maintain these programs to track, trend, and correct failures and deficiencies to prevent recurrence.

#### d. Employee Concerns

i. Within 6 months of issuance of the CO, NCNR will develop a formal program for NCNR employees to raise concerns. The program will describe and include methods to address the following types of concerns:

1. anonymous employee concerns
2. employee protection
3. nuclear safety culture
4. chilling effect

ii. Within 1 month of program development, NCNR will submit program documentation to the NRC for review and comment.

iii. Within 2 months of NRC comment, NCNR will incorporate NRC staff feedback and implement and maintain the program.

#### e. Safety Culture Monitoring Panel

i. Within 9 months of issuance of the CO, NCNR will develop a formal program to monitor the nuclear safety culture informed by the elements of NEI 09-07, "Fostering a Healthy Nuclear Safety Culture," Revision 1.

ii. Within 1 month of program development, NCNR will submit program documentation to the NRC for review and comment.

iii. Within 2 months of NRC comment, NCNR will incorporate NRC staff feedback and implement and maintain the program.

#### 3. Training

In addition to the recommendations and corrective actions related to training identified during the above assessment (see Provision 2.b.i):

a. Prior to any restart, NCNR will conduct training of all licensed operators on the performance of fuel loading and latch checking procedures in accordance with ANSI/ANS-15.4-2016, "American National Standard Selection and Training of Personnel for

Research Reactors." NCNR will maintain records of training completion for all licensed operators.

b. Within 3 months of issuance of the CO, NCNR will modify its requalification plan to specify that every "reactor operating test or evaluation" portion of NCNR licensed operator requalification training must include "other reactivity tasks including fuel movements, insertion and removal of experiments, and rod exchange or movements without power change" as one of the five tasks selected from Section 5.4 (as specified in Section 6.2.5) of ANSI/ANS-15.4-2016, "American National Standard Selection and Training of Personnel for Research Reactors."

#### 4. Procedures

a. Prior to any restart, NCNR will develop, implement, and maintain a written procedure that covers procedural use and adherence in accordance with the most recent version of INPO 11-003, "Guideline for Excellence in Procedure and Work Instruction Use and Adherence."

b. Procedures referenced in paragraph 1.d of Section III of this CO will be subject to inspection prior to any restart.

c. Within 30 months of issuance of the CO, NCNR will develop, implement, and maintain all procedures involving reactor operations activities in accordance with the most recent version of PPA AP-907-005, "Procedure Writers' Manual."

#### 5. Benchmarking

a. Starting 12 months after CO issuance, NCNR will benchmark one program (e.g., training, procedure process, corrective action program, configuration control/change management etc.) each calendar year, to include site visits and observations at another facility. Because NCNR is much larger in both thermal output and staffing than most research and test reactors (RTRs) and operates at a cadence similar to commercial power reactors, NCNR will not solely benchmark RTRs. Conversely, the NCNR is a much smaller organization than a commercial power reactor, so NCNR will also not solely benchmark power reactors. NCNR shall be strategic when deciding the appropriate facility to benchmark, selecting a facility with a program commensurate to the one NCNR is benchmarking. NCNR should also consider input from the nuclear consultants identified in Provisions 2.a and 2.b on the appropriate facility programs to benchmark (i.e., a commercial power reactor's safety culture program; Advanced Test

Reactor's problem identification and resolution program, etc.). Furthermore, benchmarking shall include multiple levels of NCNR staff and shall not be limited to NCNR senior management. NCNR will document this activity, observations, and decisions regarding changes to NCNR's programs.

b. For 3 years following issuance of the CO, at least one NCNR staff member shall attend 2 of the following relevant industry conferences per calendar year:

- i. National Organization of Test, Research and Training Reactors (TRTR)
- ii. National Association of Employee Concerns Professionals (NAECP)
- iii. NRC's Regulatory Information Conference (RIC)
- iv. American Nuclear Society (ANS)
- v. Department of Energy (DOE), if applicable

#### 6. Employee Engagement

Within 6 months of the issuance of the CO, NCNR will establish and maintain a rewards and recognition program to encourage employees to raise concerns and will incorporate a safety recognition program into the performance evaluation process. The program will include the following:

- a. encourage informal recognition of safety achievements;
- b. establish a formal recognition program with tangible rewards;
- c. encourage the staff to seek advice and to proceed with caution;
- d. communicate expectations and ensure that safety correspondence such as near misses, good catches, operating experience, and safety flash communications are developed and communicated to the workforce.

#### 7. Leadership Accountability

a. Within 12 months of consultant contract award, NCNR will provide the NRC with documentation of any revisions to the Safety Evaluation Committee charter as informed by the nuclear consultant(s) selected under item 2.b.

b. Within 12 months of the contract award discussed in Provision 2.b, NCNR will conduct training for all senior leaders, with support of the nuclear consultant selected under Provision 2.b, and which will include training on NUREG-2165, "Safety Culture Common Language" (INPO 12-012, "Traits of a Healthy Nuclear Safety Culture," Revision 1). NCNR will incorporate this leadership training into an annual required safety culture refresher training for senior leaders.

c. By the beginning of fiscal year 2023, NCNR will develop and maintain performance appraisal assessment

criteria for periodic annual evaluations of NCNR supervisors and managers to assess their performance regarding nuclear safety culture.

d. Within 12 months of the issuance of the CO, NCNR will present at a publicly attended annual conference (such as TRTR, NAACP, ANS). If asked by the NRC, NCNR will also present at the RIC. The presentation will address the cause of the February 3, 2021, event and corrective actions taken by NCNR and will include a discussion of the NRC's findings. Two months prior to the conference, NCNR will submit the presentation to the NRC for review and comment, and NCNR will incorporate any comments from the NRC staff into the final presentation.

e. Within 3 months of issuance of the CO, NCNR will provide a timeline to address staffing challenges to the NRC for review.

#### 8. Technical Issues

a. Within 3 months of the issuance of the CO, NCNR will provide an assessment of options to replace NCNR's reliance upon administrative controls/actions to ensure that fuel assemblies are adequately latched.

b. Within 6 months of any restart of regular reactor operations (defined as the return to 24 hour/day operations at 20 MW), NCNR will implement the condition-based monitoring systems for nuclear instrumentation that could provide a very early warning to control room operators of mechanical anomalies during reactor startup.

c. Within 12 months of the issuance of the CO, NCNR will develop an engineered solution to automatically secure carbon dioxide following a major SCRAM. NCNR will implement the proposed solution using the appropriate regulatory process or provide the NRC with an engineering analysis that includes a justification for not implementing a design change.

d. Within 12 months of issuance of the CO, NCNR will provide an assessment of the configuration management process and how it is incorporated with problem identification and resolution processes.

9. Upon completion of the terms of items of the CO, NCNR will provide the NRC with a letter discussing its basis for concluding that the requirements of this Order have been adequately implemented.

In the event of the transfer of the license of NCNR to another entity, the terms and conditions set forth hereunder shall continue to apply to the new entity and accordingly survive any transfer of ownership or license.

The Director, Office of Enforcement, may, in writing, relax, rescind, or withdraw any of the above conditions upon demonstration by NCNR or its successors of good cause.

#### VI

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this CO, other than NIST/NCNR, may request a hearing within 30 calendar days of the date of issuance of this CO. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a petition, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <https://www.nrc.gov/site-help/esubmittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic

docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear

Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a petition, designating the issues for any hearing that will be held, and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

If a person (other than NIST/NCNR) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this CO and shall address the criteria

set forth in 10 CFR 2.309(d) and (f). If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this CO should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this CO without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

For the Nuclear Regulatory Commission.

Dated this 1st day of August 2022.

**Mark D. Lombard,**

*Director, Office of Enforcement.*

[FR Doc. 2022-16949 Filed 8-5-22; 8:45 am]

**BILLING CODE 7590-01-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022-93 and CP2022-97]

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* August 9, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related

to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

### II. Docketed Proceeding(s)

1. *Docket No(s):* MC2022-93 and CP2022-97; *Filing Title:* USPS Request to Add Priority Mail Contract 753 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 1, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 9, 2022.

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

This Notice will be published in the **Federal Register**.

**Jennie L. Jbara,**

*Alternate Certifying Officer.*

[FR Doc. 2022-16877 Filed 8-5-22; 8:45 am]

**BILLING CODE 7710-FW-P**

## RAILROAD RETIREMENT BOARD

### Sunshine Act Meetings

**TIME AND DATE:** 10:00 a.m., August 17, 2022.

**PLACE:** Members of the public wishing to attend the meeting must submit a written request at least 24 hours prior to the meeting to receive dial-in information. All requests must be sent to [SecretarytotheBoard@rrb.gov](mailto:SecretarytotheBoard@rrb.gov).

**STATUS:** This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

1. SCOTUS Update
2. Audit Closure Update
3. Legislative Report from Office of Legislative Affairs

#### CONTACT PERSON FOR MORE INFORMATION:

Stephanie Hillyard, Secretary to the Board, (312) 751-4920.

(Authority 5 U.S.C. 552b)

Dated: August 4, 2022.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2022-17061 Filed 8-4-22; 4:15 pm]

**BILLING CODE 7905-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95409; File No. SR-CboeBZX-2021-086]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Withdrawal of Proposed Rule Change, as Modified by Amendment No. 2, To Amend the Opening Auction Process Provided Under Rule 11.23(b)(2)(B)

August 2, 2022.

On December 21, 2021, Cboe BZX Exchange, Inc. (“BZX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder, <sup>2</sup> a proposed rule change to amend the Opening Auction process under BZX Rule 11.23(b)(2)(B). The proposed rule change was published for comment in the **Federal**

**Register** on January 5, 2022.<sup>3</sup> On February 14, 2022, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On April 1, 2022, the Exchange filed Amendment No. 2 to the proposed rule change, which amended and superseded the proposed rule change as originally filed.<sup>6</sup> On April 4, 2022, the Commission noticed the filing of Amendment No. 2 and instituted proceedings under Section 19(b)(2)(B) of the Act <sup>7</sup> to determine whether to approve or disapprove the proposed rule change.<sup>8</sup> On June 29, 2022, the Commission designated a longer period within which to issue an order approving or disapproving the proposed rule change, as modified by Amendment No. 2.<sup>9</sup>

On July 29, 2022, the Exchange withdrew the proposed rule change (File No. SR-CboeBZX-2021-086).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**J. Matthew DeLesDernier,**

*Deputy Secretary.*

[FR Doc. 2022-16885 Filed 8-5-22; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>3</sup> See Securities Exchange Act Release No. 93888 (December 30, 2021), 87 FR 532.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 94238, 87 FR 9399 (February 18, 2022). The Commission designated April 5, 2022, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

<sup>6</sup> On March 31, 2022, the Exchange submitted Amendment No. 1 to the proposed rule change, and on April 1, 2022, the Exchange withdrew Amendment No. 1 to the proposed rule change. Amendment No. 2 is available on the Commission’s website at: <https://www.sec.gov/comments/sr-cboebzx-2021-086/sr-cboebzx2021086-20122189-278229.pdf>.

<sup>7</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>8</sup> See Securities Exchange Act Release No. 94601, 87 FR 20895 (April 8, 2022).

<sup>9</sup> See Securities Exchange Act Release No. 95175, 87 FR 40294 (July 6, 2022). The Commission designated September 2, 2022, as the date by which the Commission shall either approve or disapprove the proposed rule change.

<sup>10</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95411; No. SR-NYSEARCA-2022-45]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule

August 2, 2022.

Pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 (“Act”) <sup>2</sup> and Rule 19b-4 thereunder, <sup>3</sup> notice is hereby given that, on July 29, 2022, NYSE Arca, Inc. (“NYSE Arca” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (“Fee Schedule”) regarding the Customer Posting Credit Tiers in Non-Penny Issues. The Exchange proposes to implement the fee change effective August 1, 2022. The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those 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 parts of such statements.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify the Customer Posting Credit Tiers in Non-Penny Issues (the "Non-Penny Posting Tiers").

Currently, the Fee Schedule provides that OTP Holders and OTP Firms (collectively, "OTP Holders") can qualify for tiered credits applied to electronic executions of Customer posted interest in non-Penny issues by meeting specified increasing volume levels in Non-Penny Posting Tiers A through F.<sup>4</sup> Currently, an OTP Holder that achieves 0.80% of TCADV from Customer posted interest in all issues will qualify for Non-Penny Posting Tier A ("Tier A") and earn a credit of \$0.85 per contract applied to electronic executions of Customer posted interest in non-Penny issues.<sup>5</sup> OTP Holders that achieve 0.80% of TCADV from Customer posted interest in all issues, of which at least 0.10% of TCADV is from Customer posted interest in non-Penny Issues will qualify for Non-Penny Posting Tier B ("Tier B") and earn a credit of \$0.95 per contract applied to electronic executions of Customer posted interest in non-Penny issues.

The Exchange now proposes to modify the qualification bases for Tiers A and B. Specifically, the Exchange proposes to modify the TCADV component of the qualifying basis for each of Tiers A and B to require an OTP Holder to execute at least 1.00% of TCADV (rather than 0.80% of TCADV) from Customer posted interest in all issues. In addition, to qualify for Tier B, the Exchange also proposes to modify the qualification basis to provide that at least 0.20% of TCADV (rather than 0.10% TCADV) must be from Customer posted interest in non-Penny Issues. Although the proposed modifications to the qualifying criteria for Tiers A and B would increase the volume requirement for those Tiers, the Exchange believes that the proposed change would continue to encourage OTP Holders to execute Customer posted interest on the Exchange in order to earn the credits offered in Tiers A and B.

<sup>4</sup> See Fee Schedule, NYSE Arca OPTIONS: TRADE-RELATED CHARGES FOR STANDARD OPTIONS, CUSTOMER POSTING CREDIT TIERS IN NON-PENNY ISSUES.

<sup>5</sup> An OTP Holder may also qualify for Tier A by achieving at least 0.15% of TCADV of Firm and Broker Dealer posted interest in all issues and at least 0.10% TCADV from Customer posted interest in all issues. The Exchange does not propose any modifications to this qualification basis for Tier A.

In addition, to maintain the incentive structure of the Non-Penny Posting Tiers following the proposed changes to Tier B, the Exchange also proposes to modify the Customer Incentive Program.<sup>6</sup> Currently, the Exchange offers an additional \$0.03 credit on Customer Posting Credits through the Customer Incentive Program. An OTP Holder may qualify for the additional \$0.03 credit in three ways, including by achieving at least 0.80% of TCADV from Customer posted interest in all issues, of which at least 0.20% of TCADV is from Customer posted interest in non-Penny issues. The Exchange notes that an OTP Holder that qualifies for Tier B, as proposed in this filing, would also meet this qualification for the additional \$0.03 credit offered in the Customer Incentive Program, and such OTP Holder would receive a greater credit on Customer non-Penny posting volume than if they qualified for Non-Penny Posting Tier C. Thus, to preserve the tiered incentives offered in the Non-Penny Posting Tiers, the Exchange proposes to eliminate this qualifying option for the Customer Incentive Program. Although this proposal would eliminate a method by which OTP Holders could qualify for the Customer Incentive Program, the Exchange notes that OTP Holders will continue to be able to earn the additional \$0.03 credit on Customer Posting Credits via two other qualifying bases, which remain unchanged, and believes that the Customer Incentive Program would continue to incent OTP Holders to execute Customer posted interest on the Exchange.

The Exchange proposes to implement the rule change on August 1, 2022.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>7</sup> in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,<sup>8</sup> in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission

<sup>6</sup> See Fee Schedule, NYSE Arca OPTIONS: TRADE-RELATED CHARGES FOR STANDARD OPTIONS, NON-CUSTOMER, NON-PENNY POSTING CREDIT TIERS.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(4) and (5).

has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>9</sup>

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.<sup>10</sup> Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2022, the Exchange had less than 13% market share of executed volume of multiply-listed equity & ETF options trades.<sup>11</sup>

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

While the Exchange cannot predict with certainty whether any OTP Holders would seek to qualify for Tier A or B, as modified, the Exchange believes that the new qualifying criteria for Tiers A and B are attainable and that the credits offered in Tiers A and B would continue to encourage OTP Holders to increase Customer posted volume on the Exchange and incent OTP Holders to direct more Customer order flow to the Exchange, which would bring increased liquidity for the benefit of all market

<sup>9</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7-10-04) ("Reg NMS Adopting Release").

<sup>10</sup> The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics>.

<sup>11</sup> Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.*, the Exchange's market share in equity-based options increased from 9.07% for the month of June 2021 to 12.23% for the month of June 2022.



participants. The Exchange also believes that the proposed elimination of one of the qualifying options for the Customer Incentive Program, which, as described above, would preserve the incentive structure of the Non-Penny Posting Tiers, is reasonable because OTP Holders will continue to be able to earn the additional credit on Customer Posting Credits via two other qualifying bases. The Exchange also believes that the additional credit available through the Customer Incentive Program (the amount of which remains unchanged) would continue to incent OTP Holders to execute Customer posted interest on the Exchange.

Finally, to the extent the proposed change continues to attract greater volume and liquidity to the Exchange, and, in particular, continues to encourage OTP Holders to increase Customer volume to qualify for the credits available in Tiers A and B or the Customer Incentive Program, the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors.

The Exchange's fees are constrained by intermarket competition, as OTP Holders may direct their order flow to any of the 16 options exchanges, including an exchange with a similarly structured customer posting credit program for non-Penny issues.<sup>12</sup> Thus, OTP Holders have a choice of where they direct their order flow, including their Customer posting interest. The proposed rule change is designed to incent OTP Holders to direct liquidity to the Exchange and, in particular, to increase their Customer posting interest, thereby promoting market depth, price discovery and improvement, and enhanced order execution opportunities for market participants.

#### The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount and type of business transacted on the Exchange, and OTP Holders can opt to try to qualify for the credits available in Tiers

A and B and the Customer Incentive Program or not. The proposal is designed to continue to incent OTP Holders to aggregate Customer posting interest at the Exchange as a primary execution venue. To the extent that this purpose is achieved, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution on options. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

#### The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes the proposed rule change is not unfairly discriminatory because the credits offered in Tiers A and B and through the Customer Incentive Program would be available to all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange also believes that the proposed elimination of a qualifying basis for the credit offered through the Customer Incentive Program is not unfairly discriminatory because OTP Holders will still be able to earn such credit by meeting either of the two remaining qualifying bases.

The proposal is based on the amount and type of business transacted on the Exchange, and OTP Holders are not obligated to try to achieve the modified qualifications for Tiers A or B or to qualify for the Customer Incentive Program, nor are they obligated to execute Customer posted interest. Rather, the proposal is designed to continue to encourage OTP Holders to utilize the Exchange as a primary trading venue for Customer posted interest (if they have not done so previously), and all OTP Holders that meet the qualifications for Tiers A or B or the remaining qualifications for the Customer Incentive Program would be eligible for the corresponding credit on electronic executions of Customer posted interest.

To the extent that the proposed change attracts more Customer interest, including posted interest, to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased

volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."<sup>13</sup>

*Intramarket Competition.* The proposed change is designed to attract additional order flow (particularly Customer posted interest) to the Exchange. The Exchange believes that the proposed modifications to Tiers A and B and to the Customer Incentive Program would continue to incent OTP Holders to direct their Customer order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange, and increased Customer order flow would increase opportunities for execution of other trading interest. The proposed modifications to Tiers A and B and to the Customer Incentive Program would apply to all similarly-situated market participants that execute Customer posted interest, and, as such, the Exchange does not believe that the proposed change would impose a disparate burden on competition among market participants on the Exchange.

*Intermarket Competition.* The Exchange operates in a highly

<sup>12</sup> See Cboe BZX Options Exchange Fee Schedule, available at: [https://www.cboe.com/us/options/membership/fee\\_schedule/bzx/](https://www.cboe.com/us/options/membership/fee_schedule/bzx/) (offering similarly structured credits on customer volume in Non-Penny issues, based on qualifying volume).

<sup>13</sup> See Reg NMS Adopting Release, *supra* note 9, at 37499.

competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.<sup>14</sup> Therefore, currently no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in June 2022, the Exchange had less than 13% market share of executed volume of multiply-listed equity & ETF options trades.<sup>15</sup>

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to incent OTP Holders to direct trading interest (particularly Customer posted interest) to the Exchange, which would provide liquidity and attract order flow to the Exchange. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange also believes that the proposed change could promote competition between the Exchange and other execution venues, including an exchange that currently offers similarly structured customer posting credits,<sup>16</sup> by encouraging additional orders to be sent to the Exchange for execution.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)<sup>17</sup> of the Act and

subparagraph (f)(2) of Rule 19b-4<sup>18</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>19</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEARCA-2022-45 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-NYSEARCA-2022-45. 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-NYSEARCA-2022-45, and should be submitted on or before August 29, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>20</sup>

**J. Matthew DeLesDernier,**

*Deputy Secretary.*

[FR Doc. 2022-16882 Filed 8-5-22; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95241A; File No. SR-CboeEDGA-2021-025]

### Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 1, To Introduce a New Data Product To Be Known as the Short Volume Report; Correction

August 3, 2022.

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice; correction.

**SUMMARY:** The Securities and Exchange Commission published a document in the **Federal Register** on July 15, 2022, concerning a Notice of Withdrawal of a Proposed Rule Change, as Modified by Amendment No. 1, To Introduce a New Data Product To Be Known as the Short Volume Report. The document contained a typographical error.

**FOR FURTHER INFORMATION CONTACT:** Naomi P. Lewis, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551-5400.

### SUPPLEMENTARY INFORMATION:

#### Correction

In the **Federal Register** of July 15, 2022, in FR Doc. 2022-15123, on page 42532, in the second column, on the 47th line, on the first line under the heading "SECURITIES AND

<sup>14</sup> See note 10, *supra*.

<sup>15</sup> Based on OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.*, the Exchange's market share in equity-based options increased from 9.07% for the month of June 2021 to 12.23% for the month of June 2022.

<sup>16</sup> See note 12, *supra*.

<sup>17</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>18</sup> 17 CFR 240.19b-4(f)(2).

<sup>19</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>20</sup> 17 CFR 200.30-3(a)(12).

EXCHANGE COMMISSION" correct the reference to "34-9524" to read "34-95241".

**J. Matthew DeLesDernier,**  
Deputy Secretary.

[FR Doc. 2022-16943 Filed 8-5-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** 2:00 p.m. on Thursday, August 11, 2022.

**PLACE:** The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

**STATUS:** This meeting will be closed to the public.

#### MATTERS TO BE CONSIDERED:

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present. In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at <https://www.sec.gov>.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

#### CONTACT PERSON FOR MORE INFORMATION:

For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

(Authority: 5 U.S.C. 552b)

Dated: August 4, 2022.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2022-17046 Filed 8-4-22; 4:15 pm]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

**TIME AND DATE:** Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, August 10, 2022 at 10:00 a.m. (ET).

**PLACE:** The meeting will be webcast on the Commission's website at [www.sec.gov](http://www.sec.gov).

**STATUS:** The meeting will begin at 10:00 a.m. (ET) and will be open to the public via webcast on the Commission's website at [www.sec.gov](http://www.sec.gov).

**MATTER TO BE CONSIDERED:** The Commission will consider whether to propose amendments to Form PF to amend reporting requirements for all filers and large hedge fund advisers.

**CONTACT PERSON FOR MORE INFORMATION:** For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551-5400.

(Authority: 5 U.S.C. 552b)

Dated: August 3, 2022.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2022-17013 Filed 8-4-22; 11:15 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

### [Public Notice 11806]

#### Notice of Public Meeting in Preparation for the International Maritime Organization CCC 8 Meeting

The Department of State will conduct a public meeting at 1:00 p.m. on Tuesday, August 30, 2022, by way of teleconference. The primary purpose of the meeting is to prepare for the eighth session of the International Maritime Organization's (IMO) Sub-Committee on Carriage of Cargoes and Containers (CCC 8) to be held at the IMO Headquarters in London, United Kingdom from Wednesday, September 14, 2022 to Friday, September 23, 2022.

Members of the public may participate up to the capacity of the teleconference phone line, which can

handle 500 participants. To attain details on the teleconference line, participants should contact the meeting coordinator, Dr. Amy Parker, by email at [Amy.M.Parker@uscg.mil](mailto:Amy.M.Parker@uscg.mil).

The agenda items to be considered at the public meeting mirror those to be considered at CCC 8, and include:

- Adoption of the agenda;
  - Decisions of other IMO bodies;
  - Amendments to the IGF Code and development of guidelines for low-flashpoint fuels;
  - Amendments to the IGC and IGF Codes to include high manganese austenitic steel and related guidance for approving alternative metallic material for cryogenic service;
  - Amendments to the IMSBC Code and supplements;
  - Amendments to the IMDG Code and supplements;
  - Amendments to the International Code for the Safe Carriage of Grain in Bulk (resolution MSC.23(59)) to introduce a new class of loading conditions for special compartments;
  - Revision of the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27));
  - Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas;
  - Review of the IGC Code;
  - Development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers;
  - Unified interpretation of provisions of IMO safety, security, and environment-related conventions;
  - Development of guidelines for the safety of ships using ammonia as fuel;
  - Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk;
  - Biennial status report and provisional agenda for CCC 9;
  - Election of Chair and Vice-Chair for 2023;
  - Any other business; and
  - Report to the Committees.
- Those who plan to participate may contact the meeting coordinator, Dr. Amy Parker, by email at [Amy.M.Parker@uscg.mil](mailto:Amy.M.Parker@uscg.mil), by phone at (202) 372-1423, or in writing at 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593-7509. Members of the public needing reasonable accommodation should advise Dr. Parker not later than August 16, 2022. Requests made after that date will be considered, but might not be possible to fulfill.

Additional information regarding this and other IMO public meetings may be

found at: <https://www.dco.uscg.mil/IMO>.

(Authority: 22 U.S.C. 2656.)

**Emily A. Rose,**

*Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.*

[FR Doc. 2022-16924 Filed 8-5-22; 8:45 am]

**BILLING CODE 4710-09-P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Minor Modifications

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in **DATES**.

**DATES:** July 1–31, 2022.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax (717) 238-2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above.

1. Chesapeake Appalachia, L.L.C., Docket No. 20220623, Terry Township, Bradford County, Pa.; approval to change intake design and location; Approval Date: July 13, 2022.

*Authority:* Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 3, 2022.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2022-16937 Filed 8-5-22; 8:45 am]

**BILLING CODE 7040-01-P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

**DATES:** July 1–31, 2022.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22 (e) and 18 CFR 806.22 (f) for the time period specified above:

#### Water Source Approval—Issued Under 18 CFR 806.22(f)

1. Inflection Energy (PA), LLC; Pad ID: Reynolds; ABR-202207001; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 2, 2022.

2. Seneca Resources Company, LLC; Pad ID: Cruttenden 846; ABR-20100685.R2; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2022.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Arnold A Drilling Pad; ABR-201207004.R2; Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 21, 2022.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Coveytown; ABR-201007024.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 21, 2022.

5. Chesapeake Appalachia, L.L.C.; Pad ID: Forbes NEW; ABR-201007022.R2; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 21, 2022.

6. Chesapeake Appalachia, L.L.C.; Pad ID: Insinger; ABR-201007023.R2; Forks and Cherry Townships, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 21, 2022.

7. Seneca Resources Company, LLC; Pad ID: Synnestvedt 878; ABR-201007009.R2; Osceola Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2022.

8. Seneca Resources Company, LLC; Pad ID: Murdock 862; ABR-201007015.R2; Deerfield Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2022.

9. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad B; ABR-201206006.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of

Up to 3.5000 mgd; Approval Date: July 21, 2022.

10. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 726 Pad B; ABR-201706002.R1; Plunkett's Creek Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: July 21, 2022.

11. EXCO Resources (PA), LLC; Pad ID: Poor Shot East Drilling Pad #2; ABR-20100681.R2; Anthony Township, Lycoming County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: July 21, 2022.

12. BKV Operating, LLC; Pad ID: Solanick 5H; ABR-201007007.R2; Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 21, 2022.

13. Repsol Oil & Gas USA, LLC; Pad ID: Cochran 705; ABR-201007012.R2; Union Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 21, 2022.

14. Chesapeake Appalachia, L.L.C.; Pad ID: Cranrun; ABR-20100680.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

15. Chesapeake Appalachia, L.L.C.; Pad ID: Curtain NEW; ABR-201006110.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

16. Chesapeake Appalachia, L.L.C.; Pad ID: Henderson; ABR-201006103.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

17. Chesapeake Appalachia, L.L.C.; Pad ID: Kipar NEW; ABR-201006107.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

18. Seneca Resources Company, LLC; Pad ID: Broadbent 466; ABR-20100673.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 24, 2022.

19. Seneca Resources Company, LLC; Pad ID: PHC Pad R; ABR-20100690.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 24, 2022.

20. Seneca Resources Company, LLC; Pad ID: Camp Never Too Late 521; ABR-20100683.R2; Rutland Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 24, 2022.

21. Chesapeake Appalachia, L.L.C.; Pad ID: Postell A Drilling Pad; ABR-201207003.R2; Franklin and Leroy Townships, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 24, 2022.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Barnes; ABR-201007048.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Katzenstein NEW; ABR-201007029.R2; Wysox Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Milochik; ABR-201007034.R2; Auburn Township, Susquehanna County, Pa.;

Consumptive Use of Up to 7.5000 mgd; Approval Date: July 24, 2022.

25. Chesapeake Appalachia, L.L.C.; Pad ID: Pa's Farm Family A Drilling Pad; ABR-201207013.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: July 24, 2022.

26. SWN Production Company, LLC; Pad ID: Blaine Hoyd (M Pad); ABR-201207006.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2022.

27. SWN Production Company, LLC; Pad ID: Beaumont Schaunt (GU U); ABR-201207007.R2; Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 24, 2022.

28. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad C; ABR-201207010.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: July 24, 2022.

29. Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 293 Pad E; ABR-201207011.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.5000 mgd; Approval Date: July 24, 2022.

30. Repsol Oil & Gas USA, LLC; Pad ID: Westerbaan 723; ABR-201007038.R2; Union Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 24, 2022.

31. Range Resources—Appalachia, LLC; Pad ID: State Game Lands 075A—West Pad; ABR-201207002.R1; Pine Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 24, 2022.

32. Chesapeake Appalachia, L.L.C.; Pad ID: Jacobs; ABR-201007028.R2; Rome Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 26, 2022.

33. Seneca Resources Company, LLC; Pad ID: Maneval 296; ABR-201007046.R2; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2022.

34. Seneca Resources Company, LLC; Pad ID: Taft 851; ABR-201007047.R2; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2022.

35. EQT ARO LLC; Pad ID: COP Tr 356 Pad D; ABR-201007052.R2; Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 26, 2022.

36. Coterra Energy LLC; Pad ID: Rag Apple LLC P1; ABR-201207015.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 26, 2022.

37. Coterra Energy LLC; Pad ID: FlowerT P1; ABR-201207016.R2; Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 26, 2022.

*Authority:* Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 3, 2022.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2022-16931 Filed 8-5-22; 8:45 am]

**BILLING CODE 7040-01-P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Grandfathering (GF) Registration Notice

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in **DATES**.

**DATES:** July 1–31, 2022.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:** Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address.

**SUPPLEMENTARY INFORMATION:** This notice lists GF Registration for projects, described below, pursuant to 18 CFR part 806, subpart E, for the time period specified above:

1. Cargill Meat Solutions Corporation—Cargill Meat Solutions, GF Certificate No. GF-202207222, Wyalusing Township, Bradford County, Pa.; Wells 1 and 3; Issue Date: July 12, 2022.

2. Pine Hills Country Club, Ltd.—Pine Hills Country Club, GF Certificate No. GF-202207223, Taylor Borough, Lackawanna County, Pa.; Well 1; Issue Date: July 12, 2022.

3. Union Deposit Corp.—Sportsman's Golf Course, GF Certificate No. GF-202207224, Lower Paxton Township, Dauphin County, Pa.; Wells 1, 2, and 3; Issue Date: July 12, 2022.

4. Middleburg Municipal Authority—Public Water Supply System, GF Certificate No. GF-202207225, Middleburg Borough and Franklin Township, Snyder County, Pa.; Well 1, Erb Run, West Branch Bowersox Run, and East Branch Bowersox Run; Issue Date: July 27, 2022.

*Authority:* Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806 and 808.

Dated: August 3, 2022.

**Jason E. Oyler,**

*General Counsel and Secretary to the Commission.*

[FR Doc. 2022-16934 Filed 8-5-22; 8:45 am]

**BILLING CODE 7040-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Membership in the National Parks Overflights Advisory Group

**AGENCY:** Federal Aviation Administration, (FAA), DOT

**ACTION:** Solicitation of applications.

**SUMMARY:** The Federal Aviation Administration (FAA) and the National Park Service (NPS) invite interested persons to apply to fill one current and one upcoming vacancy on the National Parks Overflights Advisory Group (NPOAG). This notice invites interested persons to apply for the current and upcoming openings. The current opening is for a representative of Native American tribes. The upcoming opening is for a representative of environmental concerns.

**DATES:** Persons interested in these membership openings will need to apply by September 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Keith Lusk, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 777 S. Aviation Boulevard, Suite 150, El Segundo, CA 90245, telephone: (424) 405-7017, email: [Keith.Lusk@faa.gov](mailto:Keith.Lusk@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within one year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides "advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.”

### Membership

The current NPOAG is made up of one member representing general aviation, three members representing the commercial air tour industry, four members representing environmental concerns, and two members representing Native American tribes. Members serve three-year terms. Current members of the NPOAG are as follows:

Murray Huling representing general aviation; Eric Lincoln, James Viola, and John Becker representing commercial air tour operators; Robert Randall, Dick Hingson, Les Blomberg, and John Eastman representing environmental interests; and Carl Slater representing Native American tribes, with one current opening. The three-year term of Mr. Randall expires on September 18, 2022.

### Selections

In order to retain balance within the NPOAG, the FAA and NPS are seeking candidates interested in filling the one current vacant seat representing Native American tribes and the one upcoming seat representing environmental concerns. The FAA and NPS invite persons interested in these openings on the NPOAG to contact Mr. Keith Lusk (contact information is written above in **FOR FURTHER INFORMATION CONTACT**). Requests to serve on the NPOAG must be made to Mr. Lusk in writing and postmarked or emailed on or before September 5, 2022. Any request to fill one of these seats must describe the requestor's affiliation with federally-recognized Native American tribes or any environmental stakeholder groups, as appropriate. The request should also explain what expertise the requestor would bring to the NPOAG as related to issues and concerns with aircraft flights over national parks or tribal lands. The term of service for NPOAG members is 3 years. Members may re-apply for another term.

On August 13, 2014, the Office of Management and Budget issued revised guidance regarding the prohibition against appointing or not reappointing federally registered lobbyists to serve on advisory committees (79 FR 47482).

Therefore, before appointing an applicant to serve on the NPOAG, the FAA and NPS will require the prospective candidate to certify that they are not a federally registered lobbyist.

Issued in El Segundo, CA, on August 3, 2022.

**Keith Lusk,**

*Program Manager, Special Programs Staff, Western-Pacific Region.*

[FR Doc. 2022-16909 Filed 8-5-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No.: FAA-2021-1028; Summary Notice No. 2022-34]

#### Petition for Exemption; Summary of Petition Received; Helicopter Association International

**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 29, 2022.

**ADDRESSES:** Send comments identified by docket number FAA-2021-1028 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, 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 <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 20590-0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Alphonso Pendergrass, (202) 267-4713, 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-2021-1028.

*Petitioner:* Helicopter Association International.

*Section(s) of 14 CFR Affected:* §§ 91.205(h)(7), 91.9(a), 135.160, and 135.179(a).

*Description of Relief Sought:* Helicopter Association International (HAI), currently holds Exemption No. 18973 for relief from §§ 91.205(h)(7) and 91.9(a) to allow 14 CFR part 135 Helicopter Air Ambulance operations, including operations with night vision goggles (NVG) and night landings and takeoffs from unimproved or off-airport sites, with inoperative or unreliable radar (radio) altimeters due to 5G C-band interference. HAI, on behalf of its membership of Parts 91 and 135 Operators, seeks an amendment of Exemption No. 18973 for relief from §§ 91.205(h)(7), 91.9(a), 135.160, and 135.179(a), to expand relief to operations to be conducted under 14 CFR parts 91 and 135, including operations with NVGs and night

landings and takeoffs from unimproved or off-airport sites, with inoperative or unreliable radio altimeters.

[FR Doc. 2022-16964 Filed 8-5-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0107]

#### Agency Information Collection Activities; Renewal of an Approved Information Collection: Designation of Agents, Motor Carriers, Brokers and Freight Forwarders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew an ICR entitled “*Designation of Agents, Motor Carriers, Brokers and Freight Forwarders*,” OMB control number 2126-0015. This is necessary to provide motor carriers, property brokers, and freight forwarders a means of meeting process agent requirements.

**DATES:** Please send your comments by October 7, 2022.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA-2022-0107 using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted

without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>, and follow the online instructions for accessing the docket, or go to the street address listed above.

**Privacy:** In accordance with the PRA (44 U.S.C. 3506(c)(2)(A)), DOT solicits comments from the public to better inform its collection of information 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).

**Public Participation:** The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the “FAQ” section of the Federal eRulemaking Portal website. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Lorenzo Allen, Office of Registration, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001. Telephone: 202-385-2465; email: [lorenzo.allen@dot.gov](mailto:lorenzo.allen@dot.gov).

#### SUPPLEMENTARY INFORMATION:

**Background:** The Secretary of Transportation (Secretary) is authorized to register motor carriers under the provisions of 49 U.S.C. 13902; freight forwarders under the provisions of 49 U.S.C. 13903; and property brokers under provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered pursuant to 49 U.S.C. 13901. The Secretary delegated authority pertaining to these registration requirements to FMCSA in 49 CFR 1.73(a)(5).

Registered motor carriers, brokers and freight forwarders must designate an agent on whom service of notices in proceedings before the Secretary may be made (49 U.S.C. 13303). Registered motor carriers must also designate an agent for every State in which they

operate and traverse in the United States during such operations, on whom process issued by a court may be served in actions brought against the registered motor carrier (49 U.S.C. 13304, 49 CFR 366.4T). Every broker shall make a designation for each State in which its offices are located or in which contracts are written (49 U.S.C. 13304, 49 CFR 366.4T). Regulations governing the designation of process agents are found at 49 CFR part 366. This designation is filed with FMCSA on Form BOC-3, “Designation of Agents for Service of Process.” For this renewal, the program’s annual burden hours decreased from 6,508 to 3,448. This is due to an updated estimate of the number of respondents and responses.

**Title:** Designation of Agents, Motor Carriers, Brokers and Freight Forwarders.

**OMB Control Number:** 2126-0015.

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

**Respondents:** Motor carriers, freight forwarders and brokers.

**Estimated Number of Respondents:** 20,649.

**Estimated Time per Response:** 10 minutes, or 0.167 hours.

**Expiration Date:** January 31, 2023.

**Frequency of Response:** On occasion. Form BOC-3 must be filed by all motor carriers, freight forwarders and brokers when the transportation entity first registers with the FMCSA. All brokers must make a designation for each State in which it has an office or in which contracts are written. Subsequent filings are made only if the motor carrier, broker or freight forwarder changes process agents or begins operating in a new State.

**Estimated Total Annual Burden:** 3,448 hours [20,649 respondents × 0.167 hours per response].

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA’s functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB’s clearance of this ICR.



Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2022-16962 Filed 8-5-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT-OST-2022-0086]

### Senior Executive Service Performance Review Board Membership

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

**ACTION:** Notice of Performance Review Board (PRB) appointments.

**SUMMARY:** DOT published the names of the persons selected to serve on Departmental PRBs.

**FOR FURTHER INFORMATION CONTACT:** Anne B. Audet, Director, Departmental Office of Human Resource Management (202) 366-2478.

**SUPPLEMENTARY INFORMATION:** The persons named below may be selected to serve on one or more Departmental PRBs.

### DEPARTMENT OF TRANSPORTATION

#### FEDERAL HIGHWAY ADMINISTRATION

ALONZI, ACHILLE  
ARNOLD, ROBERT E  
BAKER, SHANA V  
BENJAMIN, RANDALL KEITH II  
BEZIO, BRIAN R  
BIONDI, EMILY CHRISTINE  
BRIGGS, VALERIE ANNETTE  
BURROWS, SHAY K  
CHIN, ARTHUR ANDREW  
CHRISTIAN, JAMES C  
CRONIN, BRIAN P  
CURTIS, STEPHANIE  
EVANS, MONIQUE REDWINE  
FINFROCK, ARLAN E JR  
FLEURY, NICOLLE M  
FOUCH, BRIAN J  
GIGLIOTTI, DANA  
GRIFFITH, MICHAEL S  
HARTMANN, JOSEPH L  
HESS, TIMOTHY G.  
HUGHES, CAITLIN GWYNNE  
JENSEN, GARY ALAN  
KALLA, HARI  
KEHRLI, MARK R  
KNOPP, MARTIN C  
LEONARD, KENNETH  
LEWIS, DAVID A  
LUCERO, AMY C  
MAMMANO, VINCENT P  
MARQUIS, RICHARD J  
MCLAURY, KEVIN L

OSBORN, PETER W  
PETTY, KENNETH II  
POLLACK, STEPHANIE LYNN  
REGAL, GERALDINE K  
RICHARDSON, CHRISTOPHER STEVEN  
RICO, IRENE  
ROGERS, ANDREW CHARLES  
RUSNAK, ALLISON B  
SCHAFTLEIN, SHARI M  
SHAFFER, RHONDA C  
SHEPHERD, GLORIA MORGAN  
SOSA, MAYELA  
STEPHANOS, PETER J  
THORNTON, NICHOLAS R  
TURNER, DERRELL E  
WALKER, CHERYL J  
WILNER, MARCUS D  
WINTER, DAVID R  
WRIGHT, LESLIE JANICE

#### FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

ADAMS, EARL STANLEY JR  
COHN HUTCHESON, ROBIN M  
FROMM, CHARLES J  
HERNANDEZ, SCOTT  
HUG, CARRIE A  
KEANE, THOMAS P  
KELLY, TAFT D  
KREEB, ROBERT M  
LAWLESS, SUE  
MINOR, LARRY W  
NEMONS, PATRICK D  
PIDUGU, PAVANKUMAR  
RIDDLE, KENNETH H.  
RUBAN, DARRELL L  
SCHREIBMAN, JACK L  
SENTEF, JOSEPH  
VAN STEENBURG, JOHN W

#### FEDERAL RAILROAD ADMINISTRATION

ALEXY, JOHN KARL  
ALLAHYAR, MARYAM  
DYER, WILLIAM PATRICK  
FULTZ, ALLISON ISHIHARA  
HAYWARD-WILLIAMS, CAROLYN R  
JORTLAND, BRETT ANDREW  
KING, CHARLES PAT  
KOUL, NEERAJ  
LESTINGI, MICHAEL W.  
LONG, MICHAEL T  
MITCHELL, JENNIFER LOUISE  
NISSENBAUM, PAUL  
PATTERSON, MARK A  
RENNERT, JAMIE P.  
REYES-ALICEA, REBECCA  
RIGGS, TAMELA LYNN

#### FEDERAL TRANSIT ADMINISTRATION

AHMAD, MOKHTEE  
ALLEN, REGINALD E  
BROOKINS, KELLEY  
BUTLER, PETER S  
DALTON-KUMINS, SELENE FAER  
DELORENZO, JOSEPH P  
GARCIA CREWS, THERESA  
GEHRKE, LINDA M

GOODMAN, STEPHEN C  
IYER, SUBASH SUBRAMANIAN  
JAMES, FELICIA LANISE  
KOHLER, THERESA JANE  
LYSSY, GAIL C  
NIFOSI, DANA C.  
PFISTER, JAMIE DURHAM  
ROBINSON, BRUCE A  
TAYLOR, YVETTE G  
TELLIS, RAYMOND S  
TERWILLIGER, CINDY E  
VANterPOOL, VERONICA MARIA  
WELBES, MATTHEW J

#### GREAT LAKES ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

MIDDLEBROOK, CRAIG H  
O'MALLEY, KEVIN P  
SCHARF, JEFFREY W

#### MARITIME ADMINISTRATION

BALLARD, JOHN R  
BECKETT, COREY ANDREW  
BROHL, HELEN A  
CARTER, MICHAEL C  
DAVIS, DELIA P  
DUNLAP, SUSAN LYNN  
FISHER, ANTHONY JR  
HARRINGTON, DOUGLAS M  
HELLER, DAVID M  
KAMMERER, GREGORY LOUIS  
KUMAR, SHASHI N  
LESSLEY, LUCINDA DAVIS  
PAAPE, WILLIAM  
PIXA, RAND R.  
TOKARSKI, KEVIN M  
WHERRY REESE FLACK, TAMEKIA ADEL

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

BAUMANN, ROLAND T III  
BLINCOE, LAWRENCE J  
CARLSON, ANN ELIZABETH  
CHEN, CHOU-LIN  
CLAYTON, SEAN METRICE  
COLLINS, ANNE L  
DANIELSON, JACK H.  
DOHERTY, JANE H  
DOLAS, RAJEEV K  
DONALDSON, K JOHN  
HATIPOGLU, CEM  
HINES, DAVID M  
JOHNSON, TIM J  
KOLODZIEJ, KERRY E  
MARSHALL, JOHN W  
MATHEKE, OTTO G III  
MILBERG, RACHEL A  
POSTEN, RAYMOND R  
RIDELLA, STEPHEN A  
RITTER, ROBERT G  
SOMMERS, TERENCE  
SRINIVASAN, NANDA N  
SUMMERS, LORI K  
VALLESE, JULIETTE M.

#### OFFICE OF THE SECRETARY OF TRANSPORTATION

ABRAHAM, JULIE

ALBRIGHT, JACK G  
 ALEQURESH, LAILA  
 AUDET, ANNE H  
 AUGUSTINE, JOHN E  
 AYLWARD, ANNE D  
 BAKER, SARAH ELIZABETH  
 BARTLETT, MAEVE VALLELY  
 BOHNERT, ROGER V  
 CALLENDER, DUANE A  
 CARLSON, TERENCE W  
 CHAVEZ, RICHARD M.  
 COGGINS, COLLEEN P  
 COHEN, DANIEL  
 CONNORS, SUSAN M  
 DOUGHERTY, BARBARA KAYE  
 FARAJIAN, MORTEZA  
 FLEMING, GREGG G  
 FUNK, JENNIFER S  
 GEIER, PAUL M  
 HALLE, MICHAEL MACKAY  
 HAMPSHIRE, ROBERT CORNELIUS  
 HENDERSON, MAURICE ALEXANDER  
 II  
 HIRSHBERG, DANIELLE  
 HOMAN, TODD M  
 HONG, JUSTINE JIAYING  
 HU, PATRICIA S.  
 HUYNH, JULI C  
 IRVINE, PETER D  
 JACKSON, RONALD A  
 JARRIN, JOSEPH HUMPHREY  
 KALETA, JUDITH S  
 KING, DANIEL E.  
 LAWRENCE, CHRISTINE A  
 LEFEVRE, MARIA S.  
 LOHRENZ, MAURA C  
 MARCHESI, APRIL LYNN  
 MARION, IRENE BIANCA  
 MARTIN, HAROLD W III  
 MCCARTNEY, ERIN P  
 MCNAMARA, PHILIP ADAM  
 MENDOZA, CHRISTOPHER  
 MIDDLETON, GARY LEE  
 MORGAN, DANIEL S.  
 O'BERRY, DONNA  
 ORNDORFF, ANDREW R  
 PAIEWONSKY, LUISA M  
 POPKIN, STEPHEN M  
 REAMY, LYNDA TRAN  
 RUIZ, KRISTIN RAE  
 SCALES, SHELBY MOORMAN  
 SCHACHTER, CORDELL  
 SCHILLER, LAURA ELIZABETH  
 SCHMITT, ROLF R  
 SHEIKH IBRAHIM, FIRAS  
 SHEPARD, DESHAWN MONIQUE  
 SHULMAN, SOPHIE MIKHAL  
 SIMONS, DANI LYNN  
 SIMPSON, JOAN  
 SMITH, WILLIE H  
 SPRAGUE, MARY G.  
 SZABAT, JOEL M  
 SZAKAL, KEITH J  
 SZATMARY, RONALD ALLEN JR  
 TAYLOR, BENJAMIN J  
 THOMSON, KATHRYN BALLOW  
 TIMOTHY, DARREN P  
 URE, DEVIN L.  
 WASHINGTON, KEITH E

WISHNIA, ANDREW JAY  
 WORKIE, BLANE A  
 ZIFF, LAURA M

*PIPELINE AND HAZARDOUS  
 MATERIALS SAFETY  
 ADMINISTRATION*

BORENER, SHERRY S  
 BROWN, TRISTAN HILTON  
 DAUGHERTY, LINDA  
 DAVIS, CAREY THOMAS  
 FARLEY, AUDREY L.  
 GATTI, JONATHAN D  
 GORDON, STEPHEN N JR  
 HARR, TRICIA M  
 MAYBERRY, ALAN K  
 MCMILLAN, HOWARD W  
 QUADE, WILLIAM A III  
 SCHOONOVER, WILLIAM S  
 TAHAMTANI, MASSOUD  
 TSAGANOS, VASILIKI B

(Authority: 5 U.S.C. 4314(c)(4))

Issued in Washington, DC, on August 1,  
 2022.

**Keith E. Washington,**

*Deputy Assistant Secretary for  
 Administration.*

[FR Doc. 2022-16953 Filed 8-5-22; 8:45 am]

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

**DEPARTMENT OF TRANSPORTATION**

**[DOT-OST-2022-0088]**

**Notice of Solicitation of Membership  
 for the DOT Advisory Committee on  
 Human Trafficking (ACHT)**

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

**ACTION:** Notice of solicitation of  
 membership.

**SUMMARY:** Pursuant to Section 23020,  
 Report on human trafficking violations  
 involving commercial motor vehicles, of  
 the Bipartisan Infrastructure Law (BIL),  
 enacted as the Infrastructure Investment  
 and Jobs Act, the Secretary of  
 Transportation (Secretary) requests  
 nominations for membership on the  
 Department of Transportation Advisory  
 Committee on Human Trafficking  
 (Committee). The Committee was  
 reestablished on July 29, 2022, to fulfill  
 the BIL requirement.

**DATES:** Nominations for Committee  
 members must be received on or before  
 5:00 p.m. ET on October 7, 2022. The  
 Department encourages nominations  
 submitted any time before the deadline.  
 After that date, the Department will  
 continue to accept nominations under  
 this notice to fill any vacancies that may  
 arise.

**ADDRESSES:** Interested candidates may  
 submit a completed application by one  
 of the following methods:

- *Email:* [trafficking@dot.gov](mailto:trafficking@dot.gov). Subject  
 Line: Nominations for the Advisory  
 Committee on Human Trafficking.

- *Mail:* Attention: Nominations for  
 the Advisory Committee on Human  
 Trafficking, Maha Alkhateeb,  
 International Relations Specialist, Office  
 of International Transportation and  
 Trade, Room W86-416, U.S. Department  
 of Transportation, 1200 New Jersey Ave.  
 SE, Washington, DC 20590. Please  
 include name, mailing address, email,  
 and telephone number.

**FOR FURTHER INFORMATION CONTACT:**  
 Maha Alkhateeb, International Relations  
 Specialist, Office of International  
 Transportation and Trade, at  
[trafficking@dot.gov](mailto:trafficking@dot.gov) or (202) 366-8160.

**SUPPLEMENTARY INFORMATION:**

**I. Who should be considered for  
 nomination as Committee members?**

The Department of Transportation  
 seeks nominations for members of the  
 Advisory Committee on Human  
 Trafficking. The Secretary of  
 Transportation will appoint up to 15  
 external stakeholder Committee  
 members including representatives  
 from—(A) trafficking advocacy  
 organizations; (B) law enforcement; and  
 (C) trucking, bus, rail, aviation,  
 maritime, and port sectors, including  
 industry and labor. Committee members  
 will be selected with a view towards  
 achieving diverse experience and  
 background. To the extent practicable,  
 Committee members will include  
 survivors of human trafficking and other  
 persons with lived experience and  
 knowledge of the needs of  
 underrepresented groups. Diverse  
 experience and background will enable  
 Committee members to provide  
 balanced points of view with regard to  
 carrying out the duties of the  
 Committee. Committee members will  
 serve for the life of the Committee.

The Committee will provide a  
 triennial report (“report”) to the  
 Secretary of Transportation. The report  
 will: (1) relate to human trafficking  
 violations involving commercial motor  
 vehicles, (2) include recommendations  
 for countering human trafficking, and  
 (3) include an assessment of previous  
 best practices by transportation  
 stakeholders.

Registered lobbyists are prohibited  
 from serving on Federal advisory  
 committees in their individual  
 capacities. The prohibition does not  
 apply if registered lobbyists are  
 specifically appointed to represent the  
 interests of a nongovernmental entity, a  
 recognizable group of persons or  
 nongovernmental entities (an industry  
 sector, labor unions, environmental

groups, etc.) or State or local governments. Registered lobbyists are lobbyists required to comply with provisions contained in the Lobbying Disclosure Act of 1995 (Pub. L. 110–81).

## II. Do advisory committee on human trafficking members receive compensation and/or per diem?

While attending meetings or when otherwise engaged in Committee business, Committee members may be reimbursed for travel and per diem expenses as permitted under applicable Federal travel regulations. Reimbursement is subject to funding availability. Committee members shall serve without compensation, except for those SGEs appointed for their lived experience as survivors of human trafficking, who may receive compensation subject to applicable laws and funding availability.

## III. What is the process for submitting nominations?

Individuals can self-apply or be nominated by any individual or organization. To be considered for the Committee, nominators should submit the following information:

### (1) Contact Information

Contact information for the nominee, consisting of:

- a. Name
- b. Title
- c. Organization or Affiliation
- d. Mailing Address
- e. Telephone Number
- f. Email Address
- g. Website Address

### (2) Region

The region in which an individual nominee or organization is based: National, Midwest, Northeast, South, or West.

### (3) Sector

The sector the nominee represents: aviation, bus, maritime, port, rail, transit, trucking, industry/labor, trafficking advocacy organization, trafficking survivor, law enforcement, etc.

### (4) Statement of Nomination

A statement of nomination limited to 250 words on why the nominee wants to serve or why the nominator is nominating the nominee to serve on the Advisory Committee on Human Trafficking, and the unique anti-human trafficking perspectives and experiences the nominee would bring to the Committee.

### (5) Résumé

A résumé limited to 3 pages describing professional and academic expertise, experience, and knowledge, including any anti-human trafficking-related expertise and accomplishments, and any relevant experience serving on advisory committees, past and present.

### (6) Organizational Background

A short description about the organization that the nominee represents, if applicable, including any anti-human trafficking-related initiatives and accomplishments.

### (7) Eligibility Statement

An affirmative statement that the nominee meets all Committee eligibility requirements.

### (8) Representation

An affirmative statement that the nominee is not a federally registered lobbyist seeking to serve on the Committee in their individual capacity.

Please do not send company, trade association, organizational brochures, or any other promotional information. Materials submitted should total five pages or less, must be in a 12-point font, and must be formatted as a Microsoft Word document or PDF. Should more information be needed, Department of Transportation staff will contact the nominee, obtain information from the nominee's past affiliations, or obtain information from publicly available sources. If you are interested in applying to become a member of the Committee, send a completed application package by email to [trafficking@dot.gov](mailto:trafficking@dot.gov) or by mail to Attention: Nominations for the Advisory Committee on Human Trafficking, Maha Alkhateeb, International Relations Specialist, Office of International Transportation and Trade, Room W86–416, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590.

Applications must be received on or before 5:00 p.m. ET October 7, 2022; however, candidates are encouraged to submit an application any time before the deadline.

## IV. How will DOT select Advisory Committee on Human Trafficking members?

A selection team comprising representatives from the Office of Aviation and International Affairs will review the application packages. The selection team will make recommendations regarding membership to the Secretary based on the following criteria: (1) Counter-trafficking expertise, experience, and

knowledge, including personal (survivors), professional, or academic expertise; (2) stakeholder representation; (3) availability and willingness to serve; and (4) relevant experience working in committees and advisory panels. To the extent practicable, the membership of the committee shall include persons with lived experience and knowledge of the needs of underrepresented groups. Nominees selected for appointment to the Committee will be notified by return email and by a letter of appointment.

(Authority: Pub. L. 117–58 (Nov 15, 2021) and Pub. L. 115–99 (Jan 3, 2018)).

Issued on: August 3, 2022.

**Carol Annette Petsonk,**

*Assistant Secretary for Aviation and International Affairs, U.S. Department of Transportation.*

[FR Doc. 2022–16956 Filed 8–5–22; 8:45 am]

**BILLING CODE 4910–9X–P**

## DEPARTMENT OF TRANSPORTATION

[Docket No. DOT–OST–2004–16951]

### Request for Comments of a Previously Approved Information Collection

**AGENCY:** Office of the Secretary, DOT.

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

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on June 3, 2022. No comments were received.

**DATES:** Comments must be submitted on or before September 7, 2022.

**ADDRESSES:** Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW, Washington, DC 20503.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information

on respondents, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Snoden, (202) 366-4834, Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

*Title:* Exemptions for Air Taxi Operations.

*OMB Control Number:* 2105-0565.

*Type of Request:* Renewal of a Previously Approved Information Collection.

*Abstract:* Part 298 of title 14 of the Code of Federal Regulations, Exemptions for Air Taxi Registration, establishes a classification of air carriers known as air taxi operators that offer on-demand passenger service. The regulation exempts these small operators from certain provisions of the Federal statute to permit them to obtain economic authority by filing a one-page, front and back, OST Form 4507, Air Taxi Operator Registration, and Amendments under part 298 of DOT's Regulations.

The number of respondents and the total annual burden have been updated since the 60-day Notice was published. This 30-day Notice reflects the change in number of new air taxi registrations and amended air taxi registrations expected by DOT.

DOT expects to receive 50 new air taxi registrations and 2,000 amended air taxi registrations each year, resulting in 2,050 total respondents. Further, DOT expects filers of new registrations to take 1 hour to complete the form, while it should only take 30 minutes to prepare amendments to the form. Thus, the total annual burden is expected to be 1,050 hours.

*Affected Public:* U.S. air taxi operators.

*Number of Respondents:* 2,050.

*Frequency:* On occasion.

*Number of Responses:* 2,050.

*Total Annual Burden:* 1,050 hours.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on August 3, 2022.

**Damon D. Walker,**

*Transportation Industry Analyst, Air Carrier Fitness Division, Office of Aviation Analysis.*

[FR Doc. 2022-16941 Filed 8-5-22; 8:45 am]

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

**DEPARTMENT OF THE TREASURY**

**Office of the Comptroller of the Currency**

**Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; FFIEC Cybersecurity Assessment Tool**

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, on behalf of itself, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the National Credit Union Administration (NCUA) (collectively, the Agencies), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment on behalf of the Agencies concerning renewal of the information collection titled, "FFIEC Cybersecurity Assessment Tool" (Assessment). The OCC also is giving notice that it has sent the collection to OMB for review. **DATES:** Comments must be submitted on or before September 7, 2022.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).

- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557-0328, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

**Instructions:** You must include "OCC" as the agency name and "1557-0328" in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public

disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should also 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.

On May 31, 2022, the OCC published a 60-day notice for this information collection, 87 FR 32497. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- *Viewing Comments Electronically:* Go to [www.reginfo.gov](http://www.reginfo.gov). Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0328" or "FFIEC Cybersecurity Assessment Tool." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

**FOR FURTHER INFORMATION CONTACT:**

Shaquita Merritt, OCC Clearance Officer, Chief Counsel's Office, (202) 649-5490, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), 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 members of the public submit reports, keep records, or provide information to a third party. The definition contained

in 5 CFR 1320.3(c) also includes a voluntary collection. The OCC asks that OMB extend its approval of the collection in this notice.

*Title:* FFIEC Cybersecurity Assessment Tool.

*OMB Number:* 1557–0328.

*Description:* Cyber threats continue to evolve and increase in frequency and sophistication. Financial institutions<sup>1</sup> are exposed to cyber risks because they are dependent on information technology to deliver services to consumers and businesses every day. Cyberattacks on financial institutions may result in unauthorized access to, and the compromise of, confidential information, as well as the destruction of critical data and systems. Disruption, degradation, or unauthorized alteration of information and systems can affect a financial institution's operations and core processes and undermine confidence in the nation's financial services sector. Absent immediate attention to these rapidly increasing threats, individual financial institutions and the whole financial sector are at risk.

For this reason, the Agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), have worked diligently to assess and enhance the state of the financial industry's cyber preparedness and to improve the Agencies' examination procedures and training to strengthen the oversight of financial industry cybersecurity readiness. The Agencies also have focused on providing financial institutions with resources that can assist in protecting them and their customers from the growing risks posed by cyberattacks.

As part of these efforts, the Agencies, with the other FFIEC members, developed the Assessment to assist financial institutions of all sizes in assessing their inherent cyber risks and their risk management capabilities. The Assessment allows a financial institution to identify its inherent cyber risk profile based on technologies and connection types, delivery channels, online/mobile products and technology services, organizational characteristics, and cyber threats it is likely to face. Once a financial institution identifies its inherent cyber risk profile, it can use the Assessment's maturity matrix to evaluate its level of cybersecurity preparedness based on its cyber risk management and oversight, threat intelligence and collaboration,

cybersecurity controls, external dependency management, and cyber incident management and resiliency planning. A financial institution may use the matrix's maturity levels to identify opportunities for improving its cyber risk management based on its inherent risk profile. The Assessment also enables a financial institution to rapidly identify areas that could improve the financial institution's cyber response programs, as appropriate. Use of the Assessment by financial institutions is voluntary.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit.

*Burden Estimates:*

*Number of Respondents:* 12,781.

*Total Burden:* 1,154,540 hours.

On May 31, 2022, the OCC published a notice for 60 days of comment concerning this collection, 87 FR 32497. The OCC received one comment from a trade association, which generally recognized that the Assessment may be a useful tool for community banks and included several recommendations for consideration. First, the commenter stated that use of the Assessment should remain voluntary and that institutions should not be required to use a specific tool or to switch tools.

Financial institution's use of the Assessment is voluntary. While FFIEC members have emphasized the benefits of using a standardized approach to assess and improve cybersecurity preparedness, they have also recognized that institutions may choose from a variety of standardized tools aligned with industry standards and best practices to assess their cybersecurity preparedness.<sup>2</sup>

The commenter also suggested that the Agencies work with the trade association and community banks to update the Assessment, including to improve understanding by and education for senior leaders and boards of directors, who may not be information technology specialists.

The Agencies appreciate the commenter's feedback and are continually seeking ways to update and improve the tools they use to assess cybersecurity. For example, in response to requests, the Agencies, with the other members of the FFIEC, updated the Assessment to expand the response options for each declarative statement in the maturity matrix.<sup>3</sup> Similarly,

<sup>2</sup> "FFIEC Encourages Standardized Approach to Assessing Cybersecurity Preparedness," FFIEC Press Release, August 28, 2019, available at <https://www.ffiec.gov/press/pr082819.htm>.

<sup>3</sup> "FFIEC Release Update to Cybersecurity Assessment Tool," FFIEC Press Release, May 31, 2017, available at <https://www.ffiec.gov/press/>

feedback from commenters informed the development of frequently asked questions.<sup>4</sup> In addition, several other resources are available to assist financial institutions in using the Assessment efficiently, including an "Overview for Chief Executive Officers and Boards of Directors" that provides an executive summary of the Assessment and identifies questions that financial institution boards and senior management may ask.

Finally, the commenter suggested that the Agencies provide non-attributable reports and statistical analysis based on information collected by the Agencies. Since use of the Assessment by financial institutions is voluntary and may vary across financial institutions, the Agencies do not intend to publish or otherwise make publicly available the results of financial institutions' use of the Assessment. However, through the FFIEC, the Agencies regularly issue statements and alerts regarding threats and vulnerabilities and provide additional resources.<sup>5</sup>

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the Agencies, including whether the information has practical utility;

(b) The accuracy of the Agencies' estimates 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 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.

**Theodore J. Dowd,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2022–16872 Filed 8–5–22; 8:45 am]

**BILLING CODE 4810–33–P**

*pr053117.htm* (explaining that the additional response options would allow "financial institution management to include supplementary or complementary behaviors, practices and processes that represent current practices of the institution in supporting its cybersecurity activity assessment").

<sup>4</sup> "FFIEC Cybersecurity Assessment Tool: Frequently Asked Questions," October 17, 2016, available at [https://www.ffiec.gov/pdf/cybersecurity/FFIEC\\_CAT%20FAQs.pdf](https://www.ffiec.gov/pdf/cybersecurity/FFIEC_CAT%20FAQs.pdf).

<sup>5</sup> Refer to the "Cybersecurity Awareness" page on the FFIEC's website, available at <https://www.ffiec.gov/cybersecurity.htm>.

<sup>1</sup> For purposes of this information collection, the term "financial institution" includes banks, savings associations, credit unions, and bank holding companies.

**DEPARTMENT OF THE TREASURY****Office of the Comptroller of the Currency****Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Privacy of Consumer Financial Information**

**AGENCY:** Office of the Comptroller of the Currency (OCC), Treasury.

**ACTION:** Notice and request for comment.

**SUMMARY:** The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Privacy of Consumer Financial Information." The OCC also is giving notice that it has sent the collection to OMB for review.

**DATES:** Comments must be received on or before September 7, 2022.

**ADDRESSES:** Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* [prainfo@occ.treas.gov](mailto:prainfo@occ.treas.gov).
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, 1557-0216, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

**Instructions:** You must include "OCC" as the agency name and "1557-0216" in your comment. In general, the OCC will publish comments on [www.reginfo.gov](http://www.reginfo.gov) without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed

information collection should also 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.

On May 31, 2022, the OCC published a 60-day notice for this information collection, 87 FR 32496. You may review comments and other related materials that pertain to this information collection following the close of the 30-day comment period for this notice by the method set forth in the next bullet.

- **Viewing Comments Electronically:** Go to [www.reginfo.gov](http://www.reginfo.gov). Hover over the "Information Collection Review" tab and click on "Information Collection Review" from the drop-down menu. From the "Currently under Review" drop-down menu, select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0216" or "Privacy of Consumer Financial Information." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating [www.reginfo.gov](http://www.reginfo.gov), please contact the Regulatory Information Service Center at (202) 482-7340.

**FOR FURTHER INFORMATION CONTACT:** Shaquita Merritt, Clearance Officer, (202) 649-5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649-5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

**SUPPLEMENTARY INFORMATION:** Under the PRA, Federal agencies must obtain approval from the OMB for each collection of information that 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 members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the collection in this document.

**Title:** Privacy of Consumer Financial Information.

**OMB Control No.:** 1557-0216.

**Description:** The Gramm-Leach-Bliley Act (Act) (Pub. L. 106-102) requires this information collection. Regulation P (12 CFR part 1016), a regulation promulgated by the Consumer Financial Protection Board (CFPB), implements the Act's notice requirements and restrictions on a financial institution's ability to disclose nonpublic personal information about consumers to nonaffiliated third parties.

The information collection requirements in 12 CFR part 1016 are as follows:

**§ 1016.4(a) Initial privacy notice to consumers requirement—**A national bank or Federal savings association must provide a clear and conspicuous notice to customers and consumers that accurately reflects its privacy policies and practices.

**§ 1016.5(a)(1) Annual privacy notice to customers requirement—**A national bank or Federal savings association must provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship.

**§ 1016.8 Revised privacy notices—**A national bank or Federal savings association must not disclose any nonpublic personal information to a nonaffiliated third party in a way that is inconsistent with the notices previously given to a consumer unless the institution has provided the consumer with a clear and conspicuous revised notice of the institution's policies and practices, the institution has provided the consumer with a new opt out notice, the institution has given the consumer a reasonable opportunity to opt out of the disclosure, and the consumer has not opted out.

**§ 1016.7(a) Form of opt out notice to consumers; opt out methods—***Form of opt out notice* If a national bank or Federal savings association is required to provide an opt out notice under § 1016.10(a), it must provide to each of its consumers a clear and conspicuous notice that accurately explains the right to opt out under that section. The notice must state:

- That the national bank or Federal savings association discloses or reserves the right to disclose nonpublic personal information about its consumer to a nonaffiliated third party;
- That the consumer has the right to opt out of that disclosure; and
- A reasonable means by which the consumer may exercise the opt out right.

A national bank or Federal savings association provides a reasonable means to exercise an opt out right if it:

- Designates check-off boxes on the relevant forms with the opt out notice;
- Includes a reply form with the opt out notice;
- Provides an electronic means to opt out; or
- Provides a toll-free number that consumers may call to opt out.

§§ 1016.10(a)(1) and (2) and 1016.10(c)—Limits on disclosure of nonpublic personal information to nonaffiliated parties—A national bank or Federal savings association may not disclose any nonpublic personal information about a consumer to a nonaffiliated third party unless the institution has provided the consumer with an initial notice under § 1016.4, the institution has provided the consumer with a opt out notice, the institution has given the consumer a reasonable opportunity to opt out of the disclosure, and the consumer has not opted out. A customer may direct one of the following forms of opt out:

- Opt out—Consumers may direct that the national bank or Federal savings association not disclose nonpublic personal information about them to a nonaffiliated third party, other than permitted by §§ 1016.13–1016.15.

- Partial opt out—Consumers may exercise partial opt out rights by selecting certain nonpublic personal information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

§§ 1016.7(h) and 1016.7(i) Continuing right to opt out and Duration of right to opt out—A consumer may exercise the right to opt out at any time. A consumer's direction to opt out is effective until the consumer revokes it in writing or, if the consumer agrees, electronically. When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal information collected during or related to that relationship. If the consumer subsequently establishes a new customer relationship with the institution, the opt out direction that

applied to the former relationship does not apply to the new relationship.

*Type of Review:* Regular.

*Affected Public:* Businesses or other for-profit; individuals.

*Frequency of Response:* On occasion.

*Estimated Annual Number of Respondents:* 2,451,659.

*Estimated Total Annual Burden Hours:* 626,011.25 hours.

On May 31, 2022, the OCC published a 60-day notice for this information collection, 87 FR 32496. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 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.

**Theodore J. Dowd,**

*Deputy Chief Counsel, Office of the Comptroller of the Currency.*

[FR Doc. 2022-16874 Filed 8-5-22; 8:45 am]

**BILLING CODE 4810-33-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets

Control (OFAC) is publishing the names of one or more persons or property that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons, and the property, are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of one or more persons currently included on the SDN List. OFAC is also publishing updates to the identifying information of one person on the Sectoral Sanctions Identification List (SSI List); these updates will additionally add that person to the SDN List. OFAC is further publishing the name of one person that has been removed from the SDN List.

**DATES:** See Supplementary Information section for effective date(s).

**FOR FURTHER INFORMATION CONTACT:**

OFAC: Andrea Gacki, Director, tel.: 202-622-2490; Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Licensing, tel.: 202-622-2480; Assistant Director for Regulatory Affairs, tel.: 202-622-4855; or the Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The SDN List, the SSI List, and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

**Notice of OFAC Actions**

A. On August 2, 2022, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

**BILLING CODE 4810-AL-P**



---

**Individuals**

1. GURYEV, Andrey Grigoryevich (Cyrillic: ГУРЬЕВ, Андрей Григорьевич) (a.k.a. GURIEV, Andrey Grigoryevich), Moscow, Russia; Witanhurst, 41 Highgate West Hill, London, United Kingdom; DOB 24 Mar 1960; POB Lobnya, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249 (Apr. 15, 2021) (E.O. 14024) for operating or having operated in the accounting sector and the management consulting sector of the Russian Federation economy.

2. GURYEV, Andrey Andreevich (Cyrillic: ГУРЬЕВ, Андрей Андреевич) (a.k.a. GUREV, Andrei Andreevich), Russia; DOB 07 Mar 1982; POB Moscow, Russia; nationality Russia; Gender Male (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

3. КАБАЕВА, Alina Maratovna (Cyrillic: КАБАЕВА, Алина Маратовна) (a.k.a. KABAYEVA, Alina), Switzerland; Russia; DOB 12 May 1983; POB Tashkent, Uzbekistan; nationality Russia; citizen Russia; Gender Female (individual) [RUSSIA-EO14024] (Linked to PUTIN, Vladimir Vladimirovich).

Designated pursuant to section 1(a)(iii)(A) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation.

4. RASHNIKOV, Viktor Filippovich (Cyrillic: РАШНИКОВ, Виктор Филиппович) (a.k.a. RASHNIKOV, Victor), Magnitogorsk, Russia; DOB 13 Oct 1948; alt. DOB 03 Oct 1948; POB Magnitogorsk, Russia; nationality Russia; Gender Male; Tax ID No. 744401267500 (Russia) (individual) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

5. URUSOV, Anton Sergeevich (Cyrillic: УРУСОВ, Антон Сергеевич) (a.k.a. URUSOV, Anton Sergeyevich), Moscow, Russia; DOB 11 Sep 1986; POB Ulyanovsk, Russia; nationality Russia; citizen Russia; Gender Male; Passport 752826108 (Russia) issued 15 Feb 2016 expires 15 Feb 2026; Tax ID No. 732898489410 (Russia) (individual) [RUSSIA-EO14024] (Linked to: JOINT STOCK COMPANY PROMISING INDUSTRIAL AND INFRASTRUCTURE TECHNOLOGIES).

Designated pursuant to sections 1(a)(iii)(A) and 1(a)(iii)(C) of E.O. 14024 for being or having been a leader, official, senior executive officer, or member of the board of directors of the Government of the Russian Federation and for being or having been a leader, official, senior executive officer, or member of the board of directors of Joint Stock Company Promising Industrial and Infrastructure Technologies, an entity whose property and interests in property are blocked pursuant to E.O. 14024.

6. POPOVA, Natalya Valeryevna (Cyrillic: ПОПОВА, Наталья Валерьевна) (a.k.a. POPOVA, Natalia Valerevna), Bolshaya Dorogomilovskaya Str., 10-50, Moscow 121059, Russia; DOB 28 Jul 1981; alt. DOB 03 Sep 1984; POB Dedovsk, Russia; nationality Russia; Gender Female; Passport 753835603 (Russia) issued 20 Oct 2016 expires 20 Oct 2026; National ID No. 4516843328 (Russia) (individual) [RUSSIA-EO14024] (Linked To: LLC VEB VENTURES; Linked To: DMITRIEV, Kirill Aleksandrovich).

Designated pursuant to sections 1(a)(i), 1(a)(iii)(C), and 1(a)(v) of E.O. 14024 for operating or having operated in the technology sector of the Russian Federation economy, for being or having been a leader, official, senior executive officer, or member of the board of directors of LLC VEB Ventures, an entity whose property and interests in property are blocked pursuant to E.O. 14024, and for being a spouse or adult child of Kirill Aleksandrovich Dmitriev, a person whose property and interests in property are blocked pursuant to section 1(a)(ii) or (iii) of E.O. 14024.

### Entities

1. DZHI AI INVEST OOO, Ul. Shchipok, D. 20, Komnata 5, Moscow 115054, Russia; Organization Established Date 03 Jul 2020; Tax ID No. 9705145033 (Russia); Government Gazette Number 44611957 (Russia); Registration Number 1207700216294 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

2. INVESTITSIONNAYA KOMPANIYA MMK-FINANS (a.k.a. ИК ММК-FINANS; a.k.a. LIMITED LIABILITY COMPANY INVESTMENT COMPANY MMK-FINANS; a.k.a. LLC ИК ММК-FINANS (Cyrillic: ООО ИК ММК-ФИНАНС); a.k.a. ММК-FINANS ООО; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU INVESTITSIONNAYA KOMPANIYA MMK-FINANS (Cyrillic: ОБЩЕСТВО С ОГРАНИЧЕННОЙ ОТВЕТСТВЕННОСТЬЮ ИНВЕСТИЦИОННАЯ КОМПАНИЯ ММК-ФИНАНС); f.k.a. RASCHETNO-FONDOVY TSENTR, ZAKRYTOE AKTSIONERNOE OBSHCHESTVO INVESTITSIONNAYA KOMPANIYA), 70, ul. Kirova Magnitogorsk, Chelyabinskaya Obl. 455019, Russia; Organization Established Date 08 May 1996; Tax ID No. 7446045354 (Russia); Government Gazette Number 34565086 (Russia); Registration Number 1057421016047 (Russia) [RUSSIA-EO14024] (Linked To: PUBLICHNOE AKTSIONERNOE OBSHCHESTVO MAGNITOGORSKIY METALLURGICHESKIY KOMBINAT).

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

3. PUBLICHNOE AKTSIONERNOE OBSHCHESTVO MAGNITOGORSKIY METALLURGICHESKIY KOMBINAT (Cyrillic: ПУБЛИЧНОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО МАГНИТОГОРСКИЙ МЕТАЛЛУРГИЧЕСКИЙ КОМБИНАТ) (a.k.a. MAGNITOGORSK IRON & STEEL WORKS; a.k.a. MAGNITOGORSK IRON AND STEEL WORKS PJSC; a.k.a. ММК PAO; f.k.a. OPEN JOINT STOCK COMPANY MAGNITOGORSK IRON & STEEL WORKS; a.k.a. PUBLIC JOINT STOCK COMPANY MAGNITOGORSK METALLURGICAL COMBINE; a.k.a. "PJSC ММК" (Cyrillic: "ПАО ММК")), 93 Kirov Street, Magnitogorsk 455000, Russia; Organization Established Date 1932; Tax ID No. 7414003633 (Russia); Government Gazette Number 00186424 (Russia); Legal Entity Number 253400XSJ4C01YMCXG44 (Russia); Registration Number 1027402166835 (Russia) [RUSSIA-EO14024].

Designated pursuant to section 1(a)(i) of E.O. 14024 for operating or having operated in the financial services sector of the Russian Federation economy.

4. JOINT STOCK COMPANY PROMISING INDUSTRIAL AND INFRASTRUCTURE TECHNOLOGIES (Cyrillic: АКЦИОНЕРНОЕ ОБЩЕСТВО ПЕРСПЕКТИВНЫЕ ПРОМЫШЛЕННЫЕ И ИНФРАСТРУКТУРНЫЕ ТЕХНОЛОГИИ) (a.k.a. АО РПИТ; a.k.a. JOINT STOCK COMPANY PERSPECTIVE INDUSTRIAL AND INFRASTRUCTURAL TECHNOLOGIES; a.k.a. JSC PERSPECTIVE INDUSTRIAL AND INFRASTRUCTURAL TECHNOLOGIES; a.k.a. JSC РПИТ (Cyrillic: АО ППИТ)), Nab. Presnenskaya D. 8, Str. 1, ET. 7, Pom. I, Kom. 3 Rab. Mesto 7.10, Moscow 123112, Russia (Cyrillic: Пресненская наб, д. 8 стр. 1, эт. 7, пом. i, ком. 3 раб. место 7.10, город Москва 123112, Russia); Organization Established Date 09 Aug 2021; Target Type Financial Institution; alt. Target Type State-Owned Enterprise; Tax ID No. 9709073580 (Russia); Government Gazette Number 51643627 (Russia); Registration Number 1217700369193 (Russia) [RUSSIA-EO14024].

Designated pursuant to sections 1(a)(i) and 1(a)(vii) for operating or having operated in the financial services sector of the Russian Federation economy and for being owned or controlled by, or having acting or purported to act for or on behalf of, directly or indirectly, the Government of the Russian Federation.

5. MMK METALURJI SANAYI TICARET VE LIMAN ISLETMECILIGI ANONIM SIRKETI (Latin: MMK METALÜRJİ SANAYİ TİCARET VE LİMAN İŞLETMECİLİĞİ ANONİM ŞİRKETİ) (f.k.a. MMK ATAKAS METALURJI SANAYI TICARET VE LIMAN ISLETMECILIGI ANONIM SIRKETI; a.k.a. MMK ATAKAS PORT; a.k.a. MMK METALURJI PORT; a.k.a. MMK TURKEY), Alparslan Turkes Bulvari, No: 342-91, Ozerli Mahallesi, Dortyol 31600, Turkey; Kocaeli, Dilovasi, Turkey; Istanbul, Turkey; Website <https://mmkturkey.com.tr/>; Organization Established Date 12 Mar 1998; alt. Organization Established Date 2010; Tax ID No. 0950055541 (Turkey); Legal Entity Number 789000EY8H7UFLRVA902 (Turkey); Registration Number 4292 (Turkey) [RUSSIA-EO14024] (Linked To: PUBLICHNOE AKTSIONERNOE OBSHESTVO MAGNITOGORSKIY METALLURGICHESKIY KOMBINAT).

Designated pursuant to section 1(a)(vii) of E.O. 14024 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Publichnoe Aktsionerное Obschestvo Magnitogorskiy Metallurgicheskiy Kombinat, a person whose property and interests in property are blocked pursuant to E.O. 14024.

#### **Vessel**

1. ALFA NERO (ZCTL4) Yacht 2,159GRT Cayman Islands flag; Vessel Year of Build 2007; Vessel Registration Identification IMO 1009376; MMSI 319957000 (vessel) [RUSSIA-EO14024] (Linked To: GURYEV, Andrey Grigoryevich).

Identified as property in which Andrey Grigoryevich Guryev, a person whose property and interests in property are blocked pursuant to E.O. 14024, has an interest.

- B. On August 2, 2022, OFAC updated the entries on the SDN List for the following persons, whose property and interests in property subject to U.S. jurisdiction continue to be blocked pursuant E.O. 14024 and/or Executive Order 13661 of March 16, 2014, “Blocking Property of Additional Persons Contributing to the Situation in Ukraine” 79 FR 15535 (March 19, 2014).

#### **Individual**

1. KIRIYENKO, Sergei Vladilenovich (Cyrillic: КИРИЕНКО, Сергей Владиленович) (a.k.a. KIRIYENKO, Sergei), Moscow, Russia; DOB 26 Jul 1962; POB Sukhumi, Georgia; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-

Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209 (individual)  
[UKRAINE-EO13661] [RUSSIA-EO14024].

-to-

KIRIYENKO, Sergei Vladilenovich (Cyrillic: КИРИЕНКО, Сергей Владиленович)  
(f.k.a. IZRAITEL, Sergey Vladilenovich; a.k.a. KIRIYENKO, Sergey Vladenilovich),  
Moscow, Russia; DOB 26 Jul 1962; POB Sukhumi, Georgia; nationality Russia; Gender  
Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR  
589.201 and/or 589.209 (individual) [UKRAINE-EO13661] [RUSSIA-EO14024].

### Entities

1. JOINT STOCK COMPANY RESEARCH AND DESIGN INSTITUTE SEA THERMAL ENGINEERING (a.k.a. AO NII MORTEPLOTEKHNIKI; a.k.a. JSC RESEARCH & DESIGN INSTITUTE MORTEPLOTEKHNIKA; a.k.a. JSC RESEARCH AND DESIGN INSTITUTE MORTEPLOTEKHNIKA), Ul. Chernikova, D. 44, Lomonosov 189510, Russia; Organization Established Date 15 Dec 1991; Tax ID No. 7402006277 (Russia); Registration Number 1047401500046 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY CONCERN SEA UNDERWATER WEAPON GIDROPRIBOR).

-to-

JOINT STOCK COMPANY RESEARCH AND DESIGN INSTITUTE SEA THERMAL ENGINEERING (a.k.a. AO NII MORTEPLOTEKHNIKI; a.k.a. JSC RESEARCH & DESIGN INSTITUTE MORTEPLOTEKHNIKA; a.k.a. JSC RESEARCH AND DESIGN INSTITUTE MORTEPLOTEKHNIKA), Ul. Chernikova, D. 44, Lomonosov 189510, Russia; Organization Established Date 15 Dec 1991; Tax ID No. 7819308094 (Russia); Registration Number 1047401500046 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY CONCERN SEA UNDERWATER WEAPON GIDROPRIBOR).

2. JOINT STOCK COMPANY SEVERNIY PRESS (a.k.a. AO SEVERNYI PRESS; a.k.a. JSC SEVERNY PRESS; a.k.a. SEVERNY PRESS AO), Ul. Tallinskaya D. 7, Saint Petersburg 195196, Russia; Organization Established Date 24 Feb 1992; Tax ID No. 6444009038 (Russia); Registration Number 1146444000010 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY CONCERN GRANIT-ELECTRON).

-to-

JOINT STOCK COMPANY SEVERNIY PRESS (a.k.a. AO SEVERNYI PRESS; a.k.a. JSC SEVERNY PRESS; a.k.a. SEVERNY PRESS AO), Ul. Tallinskaya D. 7, Saint Petersburg 195196, Russia; Organization Established Date 24 Feb 1992; Tax ID No. 780633732 (Russia); Registration Number 1146444000010 (Russia) [RUSSIA-EO14024] (Linked To: JOINT STOCK COMPANY CONCERN GRANIT-ELECTRON).

- C. On August 2, 2022, OFAC resolved one or more duplicate entries on OFAC's lists for the following person subject to the prohibitions of Directive 1 (as amended) of Executive Order 13662 of March 20, 2014, "Blocking Property of Additional Persons Contributing to the Situation in Ukraine," 79 FR 16169 (March 24, 2014), and whose property and interests in property subject to U.S. jurisdiction continue to be blocked under E.O. 14024. To resolve these duplicate entries, OFAC updated one entry on the SSI List and additionally added that person to the SDN List and removed one entry on the SDN List.

### Updated Entry

1. ACTIVEBUSINESSCOLLECTION LIMITED LIABILITY COMPANY (a.k.a. AKTIVBIZNESKOLLEKSHN, OOO; a.k.a. LIMITED LIABILITY COMPANY ACTIVEBUSINESSCOLLECTION; a.k.a. LLC ACTIVEBUSINESSCOLLECTION; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU AKTIVBIZNESKOLLEKSHN), d. 19 ul. Vavilova, Moscow 117997, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1137746390572 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA).

-to-

LIMITED LIABILITY COMPANY ACTIVE BUSINESS CONSULT (a.k.a. AKTIVBIZNESKOLLEKSHN, OOO; a.k.a. LIMITED LIABILITY COMPANY ACTIVEBUSINESSCOLLECTION; a.k.a. LLC ACTIVEBUSINESSCOLLECTION; a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU AKTIVBIZNESKOLLEKSHN; a.k.a. "ABC LLC"), 19 Vavilova St., Moscow 117997, Russia; Executive Order 13662 Directive Determination - Subject to Directive 1; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201 and/or 589.209; Registration ID 1137746390572 (Russia); Tax ID No. 7736659589 (Russia); For more information on directives, please visit the following link: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/ukraine.aspx#directives> [UKRAINE-EO13662]

[RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA).

### Removed Entry

1. LIMITED LIABILITY COMPANY ACTIVE BUSINESS CONSULT (a.k.a. LIMITED LIABILITY COMPANY ACTIVEBUSINESSCOLLECTION; a.k.a. "ABC LLC"), 19 Vavilova St., Moscow 117997, Russia; Tax ID No. 7736659589 (Russia); Registration Number 1137746390572 (Russia) [RUSSIA-EO14024] (Linked To: PUBLIC JOINT STOCK COMPANY SBERBANK OF RUSSIA).

**BILLING CODE 4810-AL-C**

Dated: August 2, 2022.

**Bradley T. Smith,**

*Deputy Director, Office of Foreign Assets Control, U.S. Department of the Treasury.*

[FR Doc. 2022-16929 Filed 8-5-22; 8:45 am]

**BILLING CODE 4810-AL-P**

**DEPARTMENT OF VETERANS AFFAIRS**

[OMB Control No. 2900-NEW]

**Agency Information Collection Activity Under OMB Review: VBA Contractor Background Investigation Request**

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its

expected cost and burden and it includes the actual data collection instrument.

**DATES:** 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. Refer to "OMB Control No. 2900-NEW".

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-NEW" in any correspondence.

**SUPPLEMENTARY INFORMATION:** *Authority:* 5 CFR part 731.

*Title:* VBA Contractor Background Investigation Request, VA Form 20-10276.

*OMB Control Number:* 2900-NEW.

*Type of Review:* NEW Collection.

*Abstract:* The VA Form 20-10276 will be used to request information necessary to conduct a background

investigation of a VBA contractor. The results will determine the suitability and trustworthiness of the VBA contractor applicant to have their background investigation adjudicated. After a favorable adjudication, they may receive a personal identity verification (PIV) Card to access VA systems.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 87 FR 105, on June 1, 2022, page 33313.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 833 hours.

*Estimated Average Burden per Respondent:* 10 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 5,000 per year.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2022-16944 Filed 8-5-22; 8:45 am]

**BILLING CODE 8320-01-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part II

## Regulatory Information Service Center

---

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

## REGULATORY INFORMATION SERVICE CENTER

### Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Regulatory Information Service Center.

**ACTION:** Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

**SUMMARY:** Spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions.

Publication of the Spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions represents a key component of the regulatory planning mechanism prescribed in Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” (58 FR 51735) and reaffirmed in E.O. 13563, “Improving Regulation and Regulatory Review,” (76 FR 3821). The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas in the **Federal Register** describing regulatory actions they are developing that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602).

In the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda) agencies report regulatory actions upcoming in the next year. Executive Order 12866 “Regulatory Planning and Review,” signed September 30, 1993 (58 FR 51735), and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies’ agendas, including specific types of information for each entry.

The Unified Agenda helps agencies fulfill these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of the Unified Agenda. The complete publication of the Spring 2022 Unified Agenda containing the regulatory agendas for 67 Federal agencies, is available to the public at <http://reginfo.gov/>.

The Spring 2022 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under

section 610 of the Regulatory Flexibility Act.

**ADDRESSES:** Regulatory Information Service Center (M1V1CD), General Services Administration, 1800 F Street NW, Boris Arratia, Director, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** For further information about specific regulatory actions, please refer to the agency contact listed for each entry. To provide comment on or to obtain further information about this publication, contact: Boris Arratia, Director, Regulatory Information Service Center (M1V1CD), General Services Administration, 1800 F Street NW, Washington, DC 20405, 703-795-0816. You may also send comments to us by email at: [RISC@gsa.gov](mailto:RISC@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Table of Contents

##### Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

- I. What is the Unified Agenda?
- II. Why is the Unified Agenda published?
- III. How is the Unified Agenda organized?
- IV. What information appears for each entry?
- V. Abbreviations
- VI. How can users get copies of the plan and the Agenda?

##### Agency Agendas

###### Cabinet Departments

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Education  
Department of Energy  
Department of Health and Human Services  
Department of Homeland Security  
Department of the Interior  
Department of Justice  
Department of Labor  
Department of Transportation  
Department of the Treasury

###### Other Executive Agencies

Committee for Purchase From People Who Are Blind or Severely Disabled  
Environmental Protection Agency  
General Services Administration  
Office of Personnel Management  
Small Business Administration

###### Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

###### Independent Regulatory Agencies

Consumer Financial Protection Bureau  
Consumer Product Safety Commission  
Federal Communications Commission  
Federal Reserve System  
National Labor Relations Board  
Nuclear Regulatory Commission  
Securities and Exchange Commission  
Surface Transportation Board

## Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

### I. What is the Unified Agenda?

The Unified Agenda provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at <http://reginfo.gov/>. The online Unified Agenda offers user-friendly flexible search tools and a vast historical database.

The Spring 2022 Unified Agenda publication appearing in the **Federal Register** consists of agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at <http://reginfo.gov/>.

These publication formats meet the publication mandates of the Regulatory Flexibility Act and Executive Order 12866. The complete online edition of the Unified Agenda includes regulatory agendas from Federal agencies. Agencies of the United States Congress are not included.

The regulatory agendas for agencies not publishing Regulatory flexibility agendas are available to the public at <http://reginfo.gov/>.

##### Cabinet Departments

Department of Housing and Urban Development  
Department of State  
Department of Veterans Affairs

##### Other Executive Agencies

Architectural and Transportation Barriers Compliance Board  
Agency for International Development  
Commission on Civil Rights  
Corporation for National and Community Service  
Council on Environmental Quality  
Court Services and Offender Supervision Agency for the District of Columbia  
Federal Mediation and Conciliation Service  
Institute of Museum and Library Science

Inter-American Foundation  
 National Aeronautics and Space Administration  
 National Archives and Records Administration  
 National Endowment for the Arts  
 National Endowment for the Humanities  
 National Mediation Board  
 National Science Foundation  
 Office of Government Ethics  
 Office of the Intellectual Property Enforcement Coordinator  
 Office of Management and Budget  
 Office of National Drug Control Policy  
 Peace Corps  
 Pension Benefit Guaranty Corporation  
 Railroad Retirement Board  
 Social Security Administration  
 U.S. Agency for Global Media

#### *Independent Agencies*

Commodity Futures Trading Commission  
 Farm Credit Administration  
 Farm Credit System Insurance Corporation  
 Federal Deposit Insurance Corporation  
 Federal Energy Regulatory Commission  
 Federal Housing Finance Agency  
 Federal Maritime Commission  
 Federal Mine Safety and Health Review Commission  
 Federal Permitting Improvement Steering Council  
 Federal Trade Commission  
 National Credit Union Administration  
 National Indian Gaming Commission  
 National Transportation Safety Board  
 Postal Regulatory Commission

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated by reference in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Unified Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue or withdraw regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

#### **II. Why is the Unified Agenda published?**

The Unified Agenda helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

##### *Executive Order 12866*

Executive Order 12866 entitled "Regulatory Planning and Review," signed September 30, 1993, (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their "most important significant regulatory actions," which appears as part of the fall Unified Agenda.

##### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272 entitled "Proper Consideration of Small Entities in Agency Rulemaking," signed August 13, 2002, (67 FR 53461), provides additional guidance on compliance with the Act.

##### *Executive Order 13132*

Executive Order 13132 entitled "Federalism," signed August 4, 1999, (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have

"federalism implications" as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

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

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions "that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more . . . in any 1 year". The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

##### *Executive Order 13211*

Executive Order 13211 entitled "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," signed May 18, 2001, (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for "those matters identified as significant energy actions." As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a

Statement of Energy Effects for their regulatory actions.

### *Small Business Regulatory Enforcement Fairness Act*

The Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a “major” rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is “major” if it has resulted, or is likely to result, in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

### **III. How is the Unified Agenda organized?**

Agency regulatory flexibility agendas are printed in a single daily edition of the **Federal Register**. A regulatory flexibility agenda is printed for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The parts are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Agencies may in turn be divided into sub-agencies. Each agency’s part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agenda’s printed entries that follow.

The online, complete Unified Agenda contains the preambles of all participating agencies. In the online Agenda, users can select the particular agencies whose agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To see a listing of all of an agency’s entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Unified Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed

Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

*Long-Term Actions* are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. *Completed Actions* in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the *Long-Term* and *Completed* RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, *Long-Term* and *Completed Actions* are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on <http://reginfo.gov> to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda

because the unique RIN is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics.

### **IV. What information appears for each entry?**

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

*Title of the Regulation*—a brief description of the subject of the regulation. In the printed edition, the notation “Section 610 Review” following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

*Priority*—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

#### *(1) Economically Significant*

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an “economically significant” rule is similar but not identical to the definition of a “major” rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

#### *(2) Other Significant*

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules

that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

*(3) Substantive, Nonsignificant*

A rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

*(4) Routine and Frequent*

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

*(5) Informational/Administrative/Other*

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

*Major*—whether the rule is “major” under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

*Unfunded Mandates*—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

*Legal Authority*—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

*CFR Citation*—the section(s) of the Code of Federal Regulations that will be affected by the action.

*Legal Deadline*—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

*Abstract*—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is

considering to address the problem; and potential costs and benefits of the action.

*Timetable*—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 06/00/14 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is “To Be Determined.” “Next Action Undetermined” indicates the agency does not know what action it will take next.

*Regulatory Flexibility Analysis Required*—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

*Small Entities Affected*—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

*Government Levels Affected*—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

*International Impacts*—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

*Federalism*—whether the action has “federalism implications” as defined in Executive Order 13132. This term refers to actions “that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” Independent regulatory agencies are not required to supply this information.

*Included in the Regulatory Plan*—whether the rulemaking was included in the agency's current regulatory plan published in fall 2019.

*Agency Contact*—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

*RIN Information URL*—the internet address of a site that provides more information about the entry.

*Public Comment URL*—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the government-wide e-rulemaking site, <http://www.regulations.gov>.

*Additional Information*—any information an agency wishes to include that does not have a specific corresponding data element.

*Compliance Cost to the Public*—the estimated gross compliance cost of the action.

*Affected Sectors*—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

*Energy Effects*—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” signed May 18, 2001 (66 FR 28355).

*Related RINs*—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Some agencies that participated in the fall 2021 edition of The Regulatory Plan have chosen to include the following information for those entries that appeared in the Plan:

*Statement of Need*—a description of the need for the regulatory action.

*Summary of the Legal Basis*—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

*Alternatives*—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

*Anticipated Costs and Benefits*—a description of preliminary estimates of the anticipated costs and benefits of the action.

*Risks*—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

## V. Abbreviations

The following abbreviations appear throughout this publication:

**ANPRM**—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

**CFR**—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

**E.O.**—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

**FR**—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

**FY**—The Federal fiscal year runs from October 1 to September 30.

**NPRM**—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C.

553), an NPRM must include, at a minimum: (a) a statement of the time, place, and nature of the public rulemaking proceeding; (b) a reference to the legal authority under which the rule is proposed; and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

**Pub. L.**—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public Laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 110–4 is the fourth public law of the 110th Congress.

**RFA**—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

**RIN**—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.

**Seq. No.**—The sequence number identifies the location of an entry in the printed edition of the Unified Agenda.

Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

**U.S.C.**—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

## VI. How can users get printed copies of the Unified Agenda?

Copies of the **Federal Register** issue containing the printed edition of the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Publishing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

*How can users get access to the Unified Agenda online?*

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at <http://reginfo.gov>, along with flexible search tools. The Government Publishing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at <http://federalregister.gov/>.

Dated: June 21, 2022.

**Boris Arratia,**  
Director.

[FR Doc. 2022–14654 Filed 8–5–22; 8:45 am]

**BILLING CODE 6820–27–P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part III

Department of Agriculture

---

Semiannual Regulatory Agenda



**DEPARTMENT OF AGRICULTURE**  
**Office of the Secretary**  
**2 CFR Subtitle B, Ch. IV**  
**5 CFR Ch. LXXIII**  
**7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII**  
**9 CFR Chs. I–III**  
**36 CFR Ch. II**  
**48 CFR Ch. 4**  
**Semiannual Regulatory Agenda, Spring 2022**

**AGENCY:** Office of the Secretary, USDA.  
**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of the significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in

conformance with Executive Orders 12866 “Regulatory Planning and Review,” and 13563, “Improving Regulation and Regulatory Review.” The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA’s complete regulatory agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA’s printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

**FOR FURTHER INFORMATION CONTACT:** For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: April 1, 2022.

**Michael Poe,**  
*Legislative and Regulatory Staff.*

**AGRICULTURAL MARKETING SERVICE—PRERULE STAGE**

Sequence No.	Title	Regulation Identifier No.
1 .....	Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008) .....	0581–AE02

**AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
2 .....	Dealer Trust; Add Livestock Dealer Regulation and Statement (AMS–FTPP–21–0015) .....	0581–AE01
3 .....	Transparency in Poultry Grower Contracting and Tournaments .....	0581–AE03
4 .....	Unfair Practices in Violation of the Packers and Stockyards Act (AMS–FTPP–21–0045) .....	0581–AE05
5 .....	Organic Livestock and Poultry Standards .....	0581–AE06
6 .....	Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028) .....	0581–AE07
7 .....	National Organic Program, Organic Apiculture Practice Standard .....	0581–AE12
8 .....	National Organic Program, Organic Pet Food Standards .....	0581–AE13
9 .....	National Organic Program: Organic Mushroom Standards .....	0581–AE14

**AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
10 .....	Strengthening Organic Enforcement (AMS–NOP–17–0065) .....	0581–AD09
11 .....	Dairy Donation Program (AMS–DA–21–0013) .....	0581–AE00

**AGRICULTURAL MARKETING SERVICE—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
12 .....	National Organic Program—Organic Aquaculture Standards .....	0581–AD34

## AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
13 .....	Wheat Flour Foods Promotion, Research, and Information Order (AMS-LP-20-0024) .....	0581-AE09

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
14 .....	Animal Disease Traceability; Electronic Identification .....	0579-AE64
15 .....	Revision to Horse Protection Act Regulations .....	0579-AE70
16 .....	AQI User Fees .....	0579-AE71
17 .....	Importation of Bovine Meat From Paraguay .....	0579-AE73

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
18 .....	Establishing AWA Standards for Birds .....	0579-AE61

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
19 .....	National List of Reportable Animal Diseases .....	0579-AE39
20 .....	Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs.	0579-AE58

## ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
21 .....	Handling of Animals; Contingency Plans .....	0579-AC69
22 .....	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579-AD10
23 .....	Horse Protection; Licensing of Designated Qualified Persons and Other Amendments .....	0579-AE19

## FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
24 .....	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions.	0584-AE85

## FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
25 .....	National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.	0584-AE11

## FOOD AND NUTRITION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
26 .....	Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems .....	0584-AE37
27 .....	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP) ....	0584-AE61
28 .....	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP).	0584-AE71

FOOD AND NUTRITION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
29 .....	Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology.	0584-AE39

FOREST SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
30 .....	Special Uses—Communications Uses Rent .....	0596-AD43

**DEPARTMENT OF AGRICULTURE (USDA)**

*Agricultural Marketing Service (AMS)*

Prerule Stage

**1. Inert Ingredients in Pesticides for Organic Production (AMS-NOP-21-0008) [0581-AE02]**

*Legal Authority:* 7 U.S.C. 6501 to 6524

*Abstract:* This Advanced Notice of Proposed Rulemaking (ANPR) requests comments on options for replacing outdated references in USDA’s organic regulations to U.S. Environmental Protection Agency (EPA) policy on inert ingredients in pesticides. Inerts, also known as other ingredients, are any substances other than the active ingredient that are intentionally added to pesticide products. The references to outdated EPA policy appear in the USDA organic regulations in the National List of Allowed and Prohibited Substances (National List) and identify the inert ingredients allowed in pesticides for organic production.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	08/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581-AE02

**DEPARTMENT OF AGRICULTURE (USDA)**

*Agricultural Marketing Service (AMS)*

Proposed Rule Stage

**2. Dealer Trust; Add Livestock Dealer Regulation and Statement (AMS-FTPP-21-0015) [0581-AE01]**

*Legal Authority:* Pub. L. 116-260, sec. 763

*Abstract:* The proposed rule would revise the Packers and Stockyards regulations to add provisions for written notifications related to the new livestock dealer trust. The revisions outline the process for livestock sellers to notify livestock dealers and the Secretary of the seller’s intent to preserve their interest in trust benefits should the dealer fail to pay for livestock purchased. The revisions also require livestock sellers to acknowledge in writing that they forfeit rights to the dealer trust under the terms of credit sales to dealers. These provisions mirror existing regulatory provisions related to livestock and poultry sales under the Packers and Stockyards Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/05/22	87 FR 26695
NPRM Comment Period End.	06/06/22	
Final Rule .....	04/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stuart Frank, Division Director, Packers and Stockyards Division, Department of Agriculture, Agricultural Marketing Service, Federal Building; Room 917, 210 Walnut Street, Des Moines, IA 50309, *Phone:* 515 323-2586, *Email:* stuart.frank@usda.gov.

*RIN:* 0581-AE01

**3. Transparency in Poultry Grower Contracting and Tournaments [0581-AE03]**

*Legal Authority:* 7 U.S.C. 181 to 229c

*Abstract:* The U.S. Department of Agriculture’s Agricultural Marketing Service proposes to amend the regulations issued under the Packers and Stockyards Act (P&S Act). The proposal would revise the list of disclosures and information live poultry dealers must furnish to poultry growers and sellers with whom dealers make poultry growing arrangements. The proposal would further establish parameters for the use of poultry grower ranking systems by dealers to determine settlement payments for poultry growers. The proposals are intended to promote transparency in poultry production contracting and to give poultry growers relevant information with which to make business decisions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/08/22	87 FR 34980
NPRM Comment Period End.	08/08/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250-0237, *Phone:* 202 720-0219.

*RIN:* 0581-AE03

**4. Unfair Practices in Violation of the Packers and Stockyards Act (AMS-FTPP-21-0045) [0581-AE05]**

*Legal Authority:* 7 U.S.C. 181 to 229c

*Abstract:* USDA proposes to supplement a recent revision to regulations issued under the Packers and Stockyards Act (Act) (7 U.S.C. 181 229c) that provided criteria for the Secretary to consider when determining whether certain conduct or action by packers, swine contractors, or live poultry dealers is unduly or unreasonably preferential or advantageous. The proposed supplemental amendments would

clarify the conduct the Department considers unfair, unjustly discriminatory, or deceptive and a violation of sections 202(a) and (b) of the Act. USDA would also clarify the criteria and types of conduct that would be considered unduly or unreasonably preferential, advantageous, prejudicial, or disadvantageous and violations of the Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250-0237, *Phone:* 202 720-0219.

*RIN:* 0581-AE05

**5. Organic Livestock and Poultry Standards [0581-AE06]**

*Legal Authority:* 7 U.S.C. 6501-7 U.S.C. 6524

*Abstract:* This action would establish additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify that livestock and poultry living conditions (for example, outdoor access, housing environment, and stocking densities), health care practices (for example, physical alterations, administering medical treatment, and euthanasia), and animal handling and transport to and during slaughter are part of the organic certification.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Erin Healy, Director, Standards Division, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 617-4942, *Email:* erin.healy@usda.gov.

*RIN:* 0581-AE06

**6. Natural Grass Sod Promotion, Research, and Information Order (AMS-LP-21-0028) [0581-AE07]**

*Legal Authority:* 7 U.S.C. 7411 to 7425

*Abstract:* This proposed rule invites comments on the establishment of an industry-funded promotion, research, and information program for natural grass sod products. The proposed

Natural Grass Sod Promotion, Research, and Information Order was submitted to the U.S. Department of Agriculture by Turfgrass Producers International, a group of natural grass sod producers. The program will conduct research, marketing, and promotion activities that will benefit the entire industry. Primary goals of the program include educating consumers and stakeholders of the benefits of natural grass and providing producers with marketing tools they can use to grow their business. The goals identified in this proposed rule are only attainable through a national research and promotion program for natural grass sod.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jeana Harbison, Deputy Director of Livestock and Poultry Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 690-3192, *Email:* jeana.m.harbison@usda.gov.

*RIN:* 0581-AE07

**7. National Organic Program, Organic Apiculture Practice Standard [0581-AE12]**

*Legal Authority:* 7 U.S.C. 6501

*Abstract:* This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581-AE12

**8. National Organic Program, Organic Pet Food Standards [0581-AE13]**

*Legal Authority:* 7 U.S.C. 6501

*Abstract:* This action proposes to amend the USDA organic regulations to reflect a recommendation submitted to

the Secretary by the National Organic Standards Board (NOSB) to develop organic pet food standards.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581-AE13

**9. National Organic Program: Organic Mushroom Standards [0581-AE14]**

*Legal Authority:* 7 U.S.C. 6501 to 6524

*Abstract:* This action proposes to establish standards for the organic production and certification of mushrooms in the USDA organic regulations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581-AE14

**DEPARTMENT OF AGRICULTURE (USDA)**

*Agricultural Marketing Service (AMS)*

Final Rule Stage

**10. Strengthening Organic Enforcement (AMS-NOP-17-0065) [0581-AD09]**

*Legal Authority:* 7 U.S.C. 6501

*Abstract:* The Strengthening Organic Enforcement (SOE) rulemaking will address 2018 Farm Bill mandates. In summary, SOE will follow requirements that align with the Farm Bill:

- Limiting the types of operations in the organic supply chain that are not required to obtain organic certification;
- Imported organic products must be accompanied by an electronic import certificate to validate organic status;
- Import certificates will be submitted to the U.S. Customs and

Border Protection’s Automated Commercial Environment (ACE);

- Certifying agents must notify USDA within 90 days of the opening of any new office that conducts certification activities; and,
- Entities acting on behalf of certifying agents may be suspended when there is noncompliant activity.

*Timetable:*

Action	Date	FR Cite
Proposed Rule ....	08/05/20	85 FR 47536
Comment Period End.	10/05/20	
Final Rule .....	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.

*RIN:* 0581–AD09

**11. Dairy Donation Program (AMS–DA–21–0013) [0581–AE00]**

*Legal Authority:* Pub. L. 116–260, sec. 762

*Abstract:* This rulemaking for the Dairy Donation Program will finalize the program authorized in the Consolidated Appropriations Act of 2021. The Dairy Donation Program is a voluntary program that reimburses eligible dairy organizations for milk used to make eligible dairy products donated to non-profit groups for distribution to low-income persons.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	09/01/21	86 FR 48887
Interim Final Rule Comment Period End.	11/01/21	
Final Rule .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Erin Taylor, Acting Director, Order Formulation and Enforcement Division, Department of Agriculture, Agricultural Marketing Service, Dairy Program, 1400 Independence Avenue SW, Room 2969–S, Washington, DC 20250, *Phone:* 202 720–7311, *Email:* erin.taylor@ams.usda.gov.

*RIN:* 0581–AE00

**DEPARTMENT OF AGRICULTURE (USDA)**

*Agricultural Marketing Service (AMS)*

Long-Term Actions

**12. National Organic Program—Organic Aquaculture Standards [0581–AD34]**

*Legal Authority:* 7 U.S.C. 6501 to 6522  
*Abstract:* This action proposes to establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program (NOP).

*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jennifer Tucker, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.  
*RIN:* 0581–AD34

**DEPARTMENT OF AGRICULTURE (USDA)**

*Agricultural Marketing Service (AMS)*

Completed Actions

**13. Wheat Flour Foods Promotion, Research, and Information Order (AMS–LP–20–0024) [0581–AE09]**

*Legal Authority:* 7 U.S.C. 7411 to 7425  
*Abstract:* This proposed rule intended to invite comments on the establishment of an industry-funded promotion, research, and information program for wheat flour used to produce grain foods. The proposed Wheat Flour Foods Promotion, Research, and Information Order was submitted to the U.S. Department of Agriculture by the Grain Foods Foundation (GFF), a group of baking and milling industries and allied suppliers. The proposed Order, initially submitted by GFF, was intended to increase sales by reversing the current decline in wheat flour consumption, improving the perception of bread, and producing research to strengthen the industry’s promotion of bread through: (a) Consumer Media; (b) Retail Channel Development; (c) Food Service Channel Development; and (d) Science/Nutrition Research. The proposed order submitted by GFF intended to improve consumption of grain foods, ensure that benefits to the entire industry are paid for by the entire industry, and allow for

consistent funding to maximize promotion and research efforts. However, prior to publication of this proposed rule, the GFF Board formally requested that efforts to publish this proposed rule cease.

*Completed:*

Reason	Date	FR Cite
Withdrawn .....	05/12/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jeana Harbison, *Phone:* 202 690–3192, *Email:* jeana.m.harbison@usda.gov.  
*RIN:* 0581–AE09

**BILLING CODE 3410–02–P**

**DEPARTMENT OF AGRICULTURE (USDA)**

*Animal and Plant Health Inspection Service (APHIS)*

Proposed Rule Stage

**14. Animal Disease Traceability; Electronic Identification [0579–AE64]**

*Legal Authority:* 7 U.S.C. 8301 *et seq.*  
*Abstract:* This action would amend APHIS’ animal disease traceability regulations, currently codified at 9 CFR part 86. The primary proposed change would require that beginning June 30, 2023, APHIS would only recognize identification devices (e.g., eartags) as official identification for cattle and bison covered by the regulations if the devices have both visual and electronic readability (EID). Other proposed changes are intended to clarify language and requirements in several sections of part 86. These changes would enhance the U.S. traceability system to better achieve goals of rapidly tracing diseased and exposed animals and containing outbreaks.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/22	
NPRM Comment Period End.	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Aaron Scott Ph.D., DACVPM, Director, Department of Agriculture, Animal and Plant Health Inspection Service, National Animal Disease Traceability and Veterinary Accreditation Center, APHIS Veterinary Services Strategy and Policy, 2150 Centre Avenue, Building B (Mail Stop 3E87), Fort Collins, CO 80526, *Phone:*

970 494-7249, Email: traceability@usda.gov.  
RIN: 0579-AE64

**15. • Revision to Horse Protection Act Regulations [0579-AE70]**

*Legal Authority:* 15 U.S.C. 1823  
*Abstract:* Current Horse Protection Act (HPA) regulations require Designated Qualified Persons (DQPs) to be licensed directly through Horse Industry Organizations (HIOs). DQPs conduct inspections of horses at HIO-affiliated shows, sales, auctions, and exhibitions to determine compliance with the HPA. We are proposing to amend the Horse Protection regulations by eliminating the role of HIOs and DQPs as inspectors at horse shows, exhibitions, sales, and auctions, and assigning inspection authority solely to Animal and Plant Health Inspection Service (APHIS) Veterinary Medical Officers and other persons authorized by APHIS. Other changes are also being contemplated.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	
NPRM Comment Period End.	12/00/22	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Lance Bassage, VMD, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.  
RIN: 0579-AE70

**16. • AQI User Fees [0579-AE71]**

*Legal Authority:* 21 U.S.C. 136a  
*Abstract:* We are proposing multiple revisions to our AQI user fee regulations in order to facilitate full cost recovery as required by 21 U.S.C. 136a. We are proposing to update the fees using more current operational data, as well as update the fees to incorporate recurring costs such as capital improvements and staffing needs. Inflation would also be incorporated into our model. Other changes are also being contemplated.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	
NPRM Comment Period End.	02/00/23	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* George Balady, PEIP Cost and Fee Analysis, PPQ, Department

of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737, Phone: 301 851-2338.  
RIN: 0579-AE71

**17. • Importation of Bovine Meat From Paraguay [0579-AE73]**

*Legal Authority:* 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701  
*Abstract:* We are proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from Paraguay. Based on the evidence from a risk analysis, we have determined that fresh beef can safely be imported from Paraguay, provided certain conditions are met. This action would provide for the importation of fresh beef from Paraguay into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/23	
NPRM Comment Period End.	03/00/23	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Ingrid Kotowski, Regionalization Evaluation Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, Phone: 919 855-7732.  
RIN: 0579-AE73

**DEPARTMENT OF AGRICULTURE (USDA)**

*Animal and Plant Health Inspection Service (APHIS)*

Final Rule Stage

**18. Establishing AWA Standards for Birds [0579-AE61]**

*Legal Authority:* 7 U.S.C. 2131 to 2159  
*Abstract:* This rulemaking would extend APHIS enforcement of the Animal Welfare Act (AWA) to birds, other than birds bred for use in research. This would help ensure the humane care and treatment of such birds.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	02/22/22	87 FR 9880

Action	Date	FR Cite
NPRM Comment Period Extended.	04/22/22	87 FR 24072
NPRM Comment Period End.	04/25/22	
NPRM Comment Period Extended End.	05/25/22	
Final Rule .....	02/00/23	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Lance Bassage, VMD, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.  
RIN: 0579-AE61

**DEPARTMENT OF AGRICULTURE (USDA)**

*Animal and Plant Health Inspection Service (APHIS)*

Long-Term Actions

**19. National List of Reportable Animal Diseases [0579-AE39]**

*Legal Authority:* 7 U.S.C. 8301 to 8317  
*Abstract:* This rulemaking amends our disease regulations to provide for a National List of Reportable Animal Diseases, along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents. The changes are necessary to streamline State and Federal cooperative animal disease detection, response, and control efforts. This action will consolidate and enhance current disease reporting mechanisms, and it will complement and supplement existing animal disease tracking and reporting at the State level.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	04/02/20	85 FR 18471
NPRM Comment Period End.	06/01/20	
NPRM Comment Period Re-opened.	08/18/20	85 FR 50796
NPRM Comment Period Re-opened End.	08/21/20	
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.  
*Agency Contact:* Jane Rooney, Phone: 970 494-7397.  
RIN: 0579-AE39

**20. Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs [0579-AE58]**

*Legal Authority:* 7 U.S.C. 2131 to 2159  
*Abstract:* We are proposing to amend the regulations regarding the importation of live dogs by requiring all live dogs imported to the United States for resale purposes to be microchipped for permanent identification, and to require importers to procure a microchip reader and make it available to port-of-entry officials as requested. This action would also add microchipping as one of three identification options for dogs and cats used by dealers, exhibitors and research facilities. In addition, APHIS is proposing to require a verifiable signature on the health certificate and rabies certificate accompanying imported live dogs, an endorsement of the health certificate by a government official in the country of origin, and the mandatory use of forms provided by APHIS. Additionally, we are proposing to update cage standards for dogs held domestically by dealers or exhibitors who are licensed under the Animal Welfare Act or used in research at registered facilities. Other changes are also being contemplated.

*Timetable:*

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Lance Bassage, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.  
*RIN:* 0579-AE58

**DEPARTMENT OF AGRICULTURE (USDA)**

*Animal and Plant Health Inspection Service (APHIS)*

Completed Actions

**21. Handling of Animals; Contingency Plans [0579-AC69]**

*Legal Authority:* 7 U.S.C. 2131 to 2159  
*Abstract:* The Animal and Plant Health Inspection Service issued a final rule on December 31, 2012, to establish regulations under which research facilities and dealers, exhibitors, intermediate handlers, and carriers must meet certain requirements for contingency planning and training of personnel. Implementation of the final

rule was stayed on July 31, 2013, so that the agency could conduct additional review to further consider the impact of contingency plan requirements on regulated entities. Since that time, we have conducted such a review, and the 2021 Congressional Appropriations Act has required us to lift the stay. We are therefore lifting the stay and making minor revisions to the requirements in order to update compliance dates and clarify intent. The lifting of the stay and revisions will better ensure that entities responsible for animals regulated under the Animal Welfare Act are prepared to safeguard the health and welfare of such animals in the event of possible emergencies or disasters.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	12/03/21	86 FR 68533
Final Rule Effective.	01/03/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Elizabeth Theodorson, Phone: 970 494-7473.  
*RIN:* 0579-AC69

**22. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts [0579-AD10]**

*Legal Authority:* 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

*Abstract:* We are amending the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) and scrapie. We are removing BSE-related import restrictions on sheep and goats and most of their products and adding import restrictions related to transmissible spongiform encephalopathies for certain wild, zoological, or other non-bovine ruminant species. The conditions we are adopting for the importation of specified commodities are based on internationally accepted scientific literature and will, in general, align our regulations with guidelines established in the World Organization for Animal Health's Terrestrial Animal Health Code.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	12/03/21	86 FR 68834
Final Rule Effective.	01/03/22	
Final Rule; Correction.	01/03/22	87 FR 29

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Alexandra MacKenzie, Phone: 301 851-3300.  
*RIN:* 0579-AD10

**23. Horse Protection; Licensing of Designated Qualified Persons and Other Amendments [0579-AE19]**

*Legal Authority:* 15 U.S.C. 1823 to 1825; 15 U.S.C. 1828

*Abstract:* We are withdrawing a proposed rule that would have amended the horse protection regulations with respect to several program practices. We are taking this action to withdraw the proposed rule so that we may reevaluate these program practices based on the findings of research conducted after its publication.

*Completed:*

Reason	Date	FR Cite
NPRM; Withdrawal.	12/13/21	86 FR 70755

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Lance Bassage, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.  
*RIN:* 0579-AE19

BILLING CODE 3410-34-P

**DEPARTMENT OF AGRICULTURE (USDA)**

*Food and Nutrition Service (FNS)*

Proposed Rule Stage

**24. Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions [0584-AE85]**

*Legal Authority:* Pub. L. 111-296

*Abstract:* This rule addresses key regulatory barriers to online ordering in the WIC Program by making changes to the provisions that prevent online transactions and types of online capable stores from participating in the Program. This rule will also allow FNS to modernize WIC vendor regulations that do not reflect current technology and facilitate the Program's transition to EBT.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael DePiro, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 305–2876, *Email:* michael.depiro@usda.gov.

Maureen Lydon, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.

*RIN:* 0584–AE85

**DEPARTMENT OF AGRICULTURE (USDA)**

*Food and Nutrition Service (FNS)*

Final Rule Stage

**25. National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 [0584–AE11]**

*Legal Authority:* Pub. L. 111–296

*Abstract:* This rule amends National School Lunch Program (NSLP) regulations to conform to requirements contained in the Healthy, Hunger-Free Kids Act of 2010 regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities (SFAs) participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced-price lunches as is provided for lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and supplements reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	06/17/11	76 FR 35301
Interim Final Rule Effective.	07/01/11	
Interim Final Rule Comment Period End.	09/15/11	
Final Rule .....	05/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael DePiro, Department of Agriculture, Food and

Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 305–2876, *Email:* michael.depiro@usda.gov.

Maureen Lydon, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.

*RIN:* 0584–AE11

**DEPARTMENT OF AGRICULTURE (USDA)**

*Food and Nutrition Service (FNS)*

Long-Term Actions

**26. Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems [0584–AE37]**

*Legal Authority:* Pub. L. 113–79

*Abstract:* The Food and Nutrition Service (FNS) will propose changes that collectively modernize SNAP benefit issuance and increase program integrity while streamlining program administration, offering greater flexibility to State agencies, and improving customer service. The rule will codify provisions of the 2014 Farm Bill, the 2018 Farm Bill, and respond to 2018 OIG audit findings. The rule will codify 2014 Farm Bill provisions requiring most SNAP-authorized retailers to pay the costs associated with EBT equipment, supplies and related services and requirements pertaining to the online SNAP payment option. This rule would also codify waivers that have been granted to State agencies to implement practices that have proven beneficial as the EBT system has developed and matured, address Disaster-SNAP requirements for ongoing households, and update EBT system technical and functional requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.

Maureen Lydon, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov. *RIN:* 0584–AE37

**27. Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE61]**

*Legal Authority:* Pub. L. 113–79; 7 U.S.C. 2011 to 2036

*Abstract:* The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements. Subsequent annual Agency appropriations bill language prohibited implementation of certain final rule provisions. In response, this change will provide some retailers participating in SNAP as authorized food stores with more flexibility in meeting the enhanced SNAP eligibility requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/05/19	84 FR 13555
NPRM Comment Period End.	06/04/19	
NPRM Comment Period Re-opened.	06/14/19	84 FR 27743
NPRM Comment Period Reopen End.	06/20/19	
Final Action .....	05/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.

Maureen Lydon, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov. *RIN:* 0584–AE61

**28. Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE71]**

*Legal Authority:* Pub. L. 113–79; Pub. L. 115–334

*Abstract:* This proposed rule would implement statutory provisions of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), and other language intended to deter retailer fraud, abuse, and non-compliance in the Supplemental Nutrition Assistance Program (SNAP).

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/24	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.



Maureen Lydon, *Phone:* 703 457-7713, *Email:* maureen.lydon@usda.gov.  
*RIN:* 0584-AE71

**DEPARTMENT OF AGRICULTURE (USDA)**

*Food and Nutrition Service (FNS)*

Completed Actions

**29. Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology [0584-AE39]**

*Legal Authority:* Pub. L. 113-79  
*Abstract:* The Department is withdrawing this rule from public consideration while the agency considers the cost and impact on food access associated with implementation of this policy. This rule will align program regulations with changes made by section 4002 of the Agricultural Act of 2014 (Pub. L. 113-79, the Farm Bill), which introduced new technical requirements for point-of-sale (POS) devices in the Electronic Benefits Transfer (EBT) system in section 7(h)(2)(C) of the Food and Nutrition Act of 2008 (the FNA). The Food and Nutrition Service (FNS) will propose to

revise existing regulations both to codify these statutory requirements as well as to provide for their effective implementation and enforcement through the clarification of the technical specifications and capabilities required of this equipment and by addressing methods for ensuring compliance. In addition, USDA will define what constitutes an area that has significantly limited access to food to determine who is exempt from this requirement.

*Completed:*

Reason	Date	FR Cite
Withdrawn .....	02/25/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Charles H. Watford, *Phone:* 703 605-0800, *Email:* charles.watford@usda.gov.

Maureen Lydon, *Phone:* 703 457-7713, *Email:* maureen.lydon@usda.gov.

*RIN:* 0584-AE39

**BILLING CODE 3410-30-P**

**DEPARTMENT OF AGRICULTURE (USDA)**

*Forest Service (FS)*

Long-Term Actions

**30. Special Uses—Communications Uses Rent [0596-AD43]**

*Legal Authority:* 43 U.S.C. 1761 to 1771

*Abstract:* Consistent with the requirement in title V, section 504 (g) of the Federal Land Policy and Management Act, the proposed rule would update the Forest Service’s rental fee schedule for communications uses based on market value. Updated rental fees that exceed 100 percent of current rental fees would be phased in over a 3-year period. USDA is coordinating development of the information base to support this rulemaking with the Department of the Interior.

*Timetable:* Next Action Undetermined.

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Edwina Howard-Agu, *Phone:* 202 205-1419, *Email:* edwina.howard-agu@usda.gov.

*RIN:* 0596-AD43

[FR Doc. 2022-14599 Filed 8-5-22; 8:45 am]

**BILLING CODE 3410-11-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part IV

Department of Commerce

---

Semiannual Regulatory Agenda

**DEPARTMENT OF COMMERCE****Office of the Secretary 13 CFR****Ch. III****15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, and XI 19 CFR Ch. III****37 CFR Chs. I, IV, and V****48 CFR Ch. 13****50 CFR Chs. II, III, IV, and VI****Spring 2022 Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In compliance with Executive Order 12866, entitled “Regulatory Planning and Review,” and the Regulatory Flexibility Act, as amended, the Department of Commerce (Commerce), in the spring and fall of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to pre-rulemaking, proposed rules, final rules, long-term actions, and rulemaking actions completed since the fall 2021 agenda. The purpose of the Agenda is to provide information to the public on regulations that are currently under review, being proposed, or recently issued by Commerce. It is expected that this information will enable the public to participate more effectively in the Department’s regulatory process.

Commerce’s spring 2022 regulatory agenda includes regulatory activities that are expected to be conducted during the period June 1, 2022, through May 31, 2023.

**FOR FURTHER INFORMATION CONTACT:**

*Specific:* For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

*General:* Comments or inquiries of a general nature about the agenda should be directed to Asha Mathew, Chief Counsel for Regulation, Office of the Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, telephone: 202-482-3151.

**SUPPLEMENTARY INFORMATION:** Commerce hereby publishes its spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions pursuant to Executive Order 12866 and the

Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Executive Order 12866 requires agencies to publish an agenda of those regulations that are under consideration. By memorandum of August 16, 2021, the Office of Management and Budget issued guidelines and procedures for the preparation and publication of the spring 2022 Unified Agenda. The Regulatory Flexibility Act requires agencies to publish, in the spring and fall of each year, a regulatory flexibility agenda that contains a brief description of the subject of any rule likely to have a significant economic impact on a substantial number of small entities.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

In this edition of Commerce’s regulatory agenda, a list of the most important significant regulatory and deregulatory actions and a Statement of Regulatory Priorities are included in the Regulatory Plan, which appears in both the online Unified Agenda and in part II of the issue of the **Federal Register** that includes the Unified Agenda.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, Commerce’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet. In addition, for fall editions of the Agenda, Commerce’s entire Regulatory Plan will continue to be printed in the **Federal Register**.

Within Commerce, the Office of the Secretary and various operating units may issue regulations. Among these operating units, the National Oceanic and Atmospheric Administration (NOAA), the Bureau of Industry and Security, and the Patent and Trademark Office issue the greatest share of Commerce’s regulations.

A large number of regulatory actions reported in the Agenda deal with fishery management programs of NOAA’s National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of NMFS’ programs, an “Explanation of Information Contained in NMFS Regulatory Entries” is provided below.

**Explanation of Information Contained in NMFS Regulatory Entries**

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (the Act) governs the management of fisheries within the Exclusive Economic Zone of the United States (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. For fisheries that require conservation and management measures, eight Regional Fishery Management Councils (Councils) prepare and submit to NMFS Fishery Management Plans (FMPs) for the fisheries within their respective areas in the EEZ. Membership of these Councils is comprised of representatives of the commercial and recreational fishing sectors in addition to environmental, academic, and government interests. Council members are nominated by the governors and ultimately appointed by the Secretary of Commerce. The Councils are required by law to conduct public hearings on the development of FMPs and FMP amendments. Consistent with applicable law, environmental and other analyses are developed that consider alternatives to proposed actions.

Pursuant to the Magnuson-Stevens Act, the Councils also recommend actions to NMFS deemed necessary or appropriate to implement FMPs. The proposed regulations, FMPs, and FMP amendments are subject to review and approval by NMFS, based on consistency with the Magnuson-Stevens Act and other applicable law. The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

Commerce’s Spring 2022 regulatory agenda follows.

**Leslie Kiernan,**  
*General Counsel.*

## GENERAL ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
31 .....	Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures.	0605-AA60

## GENERAL ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
32 .....	Concrete Masonry Products Research, Education, and Promotion .....	0605-AA53

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
33 .....	Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John.	0648-BD32
34 .....	International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty.	0648-BG04
35 .....	Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act.	0648-BG11
36 .....	Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management.	0648-BI10
37 .....	Implementation of Resolutions C-21-04 and C-21-06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation.	0648-BK84
38 .....	Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program.	0648-BL08
39 .....	Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit.	0648-BL42
40 .....	Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule .....	0648-BI88
41 .....	Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals .....	0648-BJ52

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
42 .....	Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan to Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels.	0648-BH70
43 .....	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648-BH87
44 .....	Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management .....	0648-BI08
45 .....	Establish National Insurance Requirements for Observer Providers .....	0648-BJ33
46 .....	Amendment 23 to the Northeast Multispecies Fishery Management Plan .....	0648-BK17
47 .....	Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska .....	0648-BK31
48 .....	Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan .....	0648-BL12
49 .....	Atlantic Highly Migratory Species; Rule to Modify the Retention Limit of Shortfin Mako Sharks .....	0648-BL17
50 .....	Amendment and Updates to the Pelagic Longline Take Reduction Plan .....	0648-BF90
51 .....	Designation of Critical Habitat for the Threatened Caribbean Corals .....	0648-BG26
52 .....	Atlantic Large Whale Take Reduction Plan Modifications to Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast.	0648-BJ09
53 .....	Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act.	0648-BK04

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
54 .....	International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories.	0648-BF41

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
55	Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean.	0648–BD59
56	Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region.	0648–BH72
57	Bluefish Allocation and Rebuilding Amendment (Amendment 7 to the Bluefish Fishery Management Plan)	0648–BK64
58	Silky Shark Regulations in the Eastern Pacific Ocean in 2022 and Beyond	0648–BK87
59	International Fisheries; Pacific Tuna Fisheries; Purse Seine Observer Exemptions in the Eastern Pacific Ocean.	0648–BK88
60	Atlantic Highly Migratory Species; Rule to Modify Atlantic Bluefin Tuna and North Atlantic Albacore Quotas.	0648–BL16
61	Rulemaking to Modify the 2022 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D.	0648–BL28
62	Designation of Critical Habitat for the Arctic Ringed Seal	0648–BC56
63	Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal	0648–BJ65
64	Monterey Bay National Marine Sanctuary Regulations and Management Plan	0648–BI01

PATENT AND TRADEMARK OFFICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
65	Changes To Implement Provisions of the Trademark Modernization Act of 2020	0651–AD55

**DEPARTMENT OF COMMERCE (DOC)**

General Administration (ADMIN)

Proposed Rule Stage

**31. Securing the Information and Communications Technology and Services Supply Chain: Licensing Procedures [0605–AA60]**

*Legal Authority:* Not Yet Determined

*Abstract:* The Department is seeking public input regarding establishing a licensing process for entities to seek pre-approval before engaging in or continuing to engage in potentially regulated ICTS Transactions under the “Securing the Information and Communications Technology and Services Supply Chain” rule.

*Timetable:*

Action	Date	FR Cite
ANPRM	03/29/21	86 FR 16312
ANPRM Comment Period End.	04/28/21	
NPRM	07/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Joe Bartles, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 482–3084, Email: jbartles@doc.gov.

RIN: 0605–AA60

**DEPARTMENT OF COMMERCE (DOC)**

General Administration (ADMIN)

Completed Actions

**32. Concrete Masonry Products Research, Education, and Promotion [0605–AA53]**

*Legal Authority:* 15 U.S.C. 8701 et seq.

*Abstract:* The Concrete Masonry Products Research, Education, and Promotion Act of 2018 (Act) (15 U.S.C. 8701 et seq.) authorizes the establishment of an orderly program for a program of research, education, and promotion, including funds for marketing and market research activities, that is designed to promote the use of concrete masonry products in construction and building (a checkoff program). The Act allows industry to submit a proposed order establishing such a program. If the Secretary determines that such a proposed order is consistent with and will effectuate the purpose of the Act, the Secretary is directed to publish the proposed order in the **Federal Register** not later than 90 days after receiving the order.

*Timetable:*

Action	Date	FR Cite
NPRM	08/24/20	85 FR 52059
NPRM Comment Period End.	10/08/20	
Final Action	09/15/21	86 FR 51456
Final Action Effective.	11/29/21	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Asha Mathew, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, Phone: 202 306–0487, Email: amathew@doc.gov. RIN: 0605–AA53

**DEPARTMENT OF COMMERCE (DOC)**

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

**National Marine Fisheries Service**

**33. Comprehensive Fishery Management Plan for Puerto Rico, Comprehensive Fishery Management Plan for St. Croix, Comprehensive Fishery Management Plan for St. Thomas/St. John [0648–BD32]**

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

*Abstract:* In response to a recommendation of the Caribbean Fishery Management Council, this action would establish three new Fishery Management Plans (FMPs) (Puerto Rico FMP, St. Thomas/St. John FMP and St. Croix FMP) and repeal and replace the existing U.S. Caribbean-wide FMPs (the FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (USVI), the FMP for the Spiny Lobster Fishery of Puerto Rico and the USVI, the FMP for Queen Conch Resources of Puerto Rico and the USVI, and the FMP for the Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the USVI). For each of the Puerto Rico, St. Thomas/St. John,

and St. Croix FMPs, the action would also modify the composition of the stocks to be managed; organize those stocks for effective management; establish status determination criteria, management reference points, and accountability measures for managed stocks; identify essential fish habitat for stocks new to management; and establish framework measures.

*Timetable:*

Action	Date	FR Cite
Notice of Availability.	06/26/20	85 FR 38350
Comment Period End.	08/25/20	
NPRM .....	05/19/22	87 FR 30730
NPRM Comment Period End.	06/21/22	
Final Action .....	08/00/22.	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew J. Strelcheck, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, *Phone:* 727 824-5305, *Email:* andy.strelcheck@noaa.gov.

*RIN:* 0648-BD32

**34. International Fisheries; South Pacific Tuna Fisheries; Implementation of Amendments to the South Pacific Tuna Treaty [0648-BG04]**

*Legal Authority:* 16 U.S.C. 973 *et seq.*

*Abstract:* Under authority of the South Pacific Tuna Act of 1988, this rule would implement recent amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (also known as the South Pacific Tuna Treaty). The rule would include modification to the procedures used to request licenses for U.S. vessels in the western and central Pacific Ocean purse seine fishery, including changing the annual licensing period from June-to-June to the calendar year, and modifications to existing reporting requirements for purse seine vessels fishing in the western and central Pacific Ocean. The rule would implement only those aspects of the Treaty amendments that can be implemented under the existing South Pacific Tuna Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22.	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Tosatto, Regional Administrator, Pacific Islands Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818, *Phone:* 808 725-5000, *Email:* michael.tosatto@noaa.gov.

*RIN:* 0648-BG04

**35. Illegal, Unreported, and Unregulated Fishing; Fisheries Enforcement; High Seas Driftnet Fishing Moratorium Protection Act [0648-BG11]**

*Legal Authority:* Pub. L. 114-81

*Abstract:* This proposed rule would make conforming amendments to regulations implementing the various statutes amended by the Illegal, Unreported and Unregulated Fishing Enforcement Act of 2015 (Pub. L. 114-81). The Act amends several regional fishery management organization implementing statutes as well as the High Seas Driftnet Fishing Moratorium Protection Act. It also provides authority to implement two new international agreements under the Antigua Convention, which amends the Convention for the establishment of an Inter-American Tropical Tuna Commission, and the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing (Port State Measures Agreement), which restricts the entry into U.S. ports by foreign fishing vessels that are known to be or are suspected of engaging in illegal, unreported, and unregulated fishing. This proposed rule would also implement the Port State Measures Agreement. To that end, this proposed rule would require the collection of certain information from foreign fishing vessels requesting permission to use U.S. ports. It also includes procedures to designate and publicize the ports to which foreign fishing vessels may seek entry and procedures for conducting inspections of these foreign vessels accessing U.S. ports. Further, the rule would establish procedures for notification of: the denial of port entry or port services for a foreign vessel, the withdrawal of the denial of port services if applicable, the taking of enforcement action with respect to a foreign vessel, or the results of any inspection of a foreign vessel to the flag nation of the vessel and other competent authorities as appropriate.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov.

*RIN:* 0648-BG11

**36. Atlantic Highly Migratory Species; Research and Data Collection in Support of Spatial Fisheries Management [0648-BI10]**

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

*Abstract:* This rulemaking would address conducting research in areas currently closed to fishing for Atlantic highly migratory species (HMS)—during various times or by certain gear—to collect fishery-dependent data. A number of time/area closures or gear-restricted areas have been implemented over the years through various rulemakings, limiting fishing for Atlantic highly migratory species in those areas for a variety of reasons including reducing bycatch. These time/area closures have been implemented in consultation with the HMS Advisory Panel to protect species consistent with the Magnuson-Stevens Fisheries Conservation and Management Act (*e.g.*, to reduce bycatch in the pelagic longline fishery off the east coast of Florida), the Endangered Species Act (*e.g.*, to protect sea turtles in the North Atlantic), and the Atlantic Tunas Convention Act (*e.g.*, to protect spawning bluefin tuna in the Gulf of Mexico). Fishery-dependent data supports effective fisheries management, and areas that restrict fishing effort often have a commensurate decrease in fishery-dependent data collection. Programs to facilitate research and data collection, such as those that would be covered by this rulemaking, could assess the efficacy of closed areas, improve sustainable management of highly migratory species, and may provide benefits to commercial and recreational fishermen.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* *kelly.denit@noaa.gov*.  
*RIN:* 0648-B110

**37. Implementation of Resolutions C-21-04 and C-21-06 of the Inter-American Tropical Tuna Commission for Tropical Tuna and Silky Shark Conservation [0648-BK84]**

*Legal Authority:* 16 U.S.C. 951; 16 U.S.C. 952; 16 U.S.C. 953; 16 U.S.C. 954;

*Abstract:* The Inter-American Tropical Tuna Commission (IATTC) is expected to adopt by consensus a Resolution for *Conservation Measures for Tropical Tunas in the Eastern Pacific Ocean* in October 2021. The Resolution is binding for IATTC member nations, and under the Tuna Conventions Act, 16 U.S.C. 951 *et seq.* NMFS must implement the Resolution domestically. This proposed rule would implement the provisions for tropical tuna for 2022 and beyond. In addition to rolling over measures from the 2021 Resolution, this Resolution may include an increase in purse seine closure days, changes to force majeure provisions, updates to fish aggregating device measures. The Resolution is intended to prevent overfishing of tropical tuna (bigeye, yellowfin, and skipjack) in the eastern Pacific Ocean. The following provisions that would be included in the proposed rule were also in the regulations implemented for 2021. The rule will continue to prohibit purse seine vessels of class sizes 4-6 (carrying capacity greater than 182 mt) from fishing for tropical tuna in the EPO for a period of at least 72 days. The rule would continue to require a closure of the fishery for yellowfin, bigeye, and skipjack tunas by purse-seine vessels within the area of 96W and 110W and between 4° N and 3° S from 0000 hours on 9 October to 2400 hours on 8 November. The rule would carry over all provisions included in the Measures of the Longline Fishery and Other Provisions section of the Resolution. As of August 23, 2021, 17 U.S. purse seine vessels of class size 4-6 are registered to fish in the IATTC Convention Area that would be impacted by these measures. Owners and operators of these vessels are familiar with these measures. In addition to sending professional representatives and lobbyists, many personally attended the June and August IATTC Meetings and were closely involved in briefings and discussions with State Department and NMFS leadership and staff. The action

is necessary for the United States to satisfy its international obligations as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest. This rule absorbs 0648-BK87.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* *scott.rumsey@noaa.gov*.

*RIN:* 0648-BK84

**38. • Amendment 122 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Pacific Cod Trawl Cooperative Program [0648-BL08]**

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

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council, this proposed action would implement Amendment 122 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, the Pacific cod Trawl Cooperative Program (PCTC Program) would allocate quota share (QS) to groundfish License Limitation Program (LLP) license holders based on the harvest of BSAI Pacific cod during qualifying years. This Program would also allocate QS to a processor permit holder based on processing history during the qualifying years. QS allocated under this program would yield an exclusive harvest privilege to members of a PCTC Program cooperative. The Council's intent in recommending Amendment 122 is to improve the prosecution of the fishery by promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the Pacific cod resource in the BSAI. The Council initiated action on this Limited Access Privilege Program (LAPP) in response to industry requests to address increasing inefficiency in the BSAI Pacific cod

trawl catcher vessel sector by implementing a catch share program. Owners and operators of harvesters and processors that participate in the BSAI Pacific cod trawl fishery would be affected by this action. Section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the rulemaking authority. Section 303A of the MSA authorizes the creation of LAPPs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* *jon.kurland@noaa.gov*.

*RIN:* 0648-BL08

**39. • Amendment 123 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area; Halibut Abundance-Based Management of Amendment 80 Prohibited Species Catch Limit [0648-BL42]**

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

*Abstract:* In response to a recommendation by the North Pacific Fishery Management Council (Council), this proposed action would implement Amendment 123 to the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI). If approved by the Secretary of Commerce and implemented by NMFS, this action would determine the BSAI Amendment 80 commercial groundfish trawl fleet's (A80) halibut prohibited species catch (PSC) limit annually based on the most recent values from surveys conducted by the Alaska Fisheries Science Center and the International Pacific Halibut Commission (IPHC). The Council's intent in recommending Amendment 123 is to link annual halibut PSC limits in the A80 fleet with estimated halibut abundance. The reason for the change being considered is that the current PSC limit, currently set as a fixed annual amount of 1,745 mt, becomes an increasingly larger proportion of total halibut removals in the BSAI when halibut abundance declines. Over the last 6 years, the Council and its advisory bodies, stakeholders, and the public have considered several approaches for a halibut abundance-based management (ABM) program consistent with Council

fishery management objectives and the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Public testimony on this action over the years has focused on two primary concerns. The first is the importance of providing flexibility to the A80 fleet to prosecute their quotas. The second is concern about the decline in the directed halibut fishery catch as a result of a decline in halibut abundance, compounded by fixed PSC limits that further reduce the proportion of halibut available to the directed halibut fisheries.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov. *RIN:* 0648-BL42

**40. Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule [0648-BI88]**

*Legal Authority:* 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*

*Abstract:* NMFS has completed a review of the North Atlantic right whale vessel speed rule (per 50 CFR 224.105; 78 FR 73726, December 9, 2013). Through this action, NMFS invites comment on the report as well as information that may inform potential revisions to existing management strategies and regulations to further reduce the risk of vessel strikes of North Atlantic right whales.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BI88

**41. Designation of Critical Habitat for Threatened Indo-Pacific Reef-Building Corals [0648-BJ52]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* On September 10, 2014, NMFS listed 20 species of reef-building corals as threatened under the Endangered Species Act, 15 in the Indo-Pacific and five in the Caribbean. Of the 15 Indo-Pacific species, seven occur in U.S. waters of the Pacific Islands Region, including in American Samoa, Guam, the Commonwealth of the Mariana Islands, and the Pacific Remote Island Areas. This proposed rule would designate critical habitat for the seven species in U.S. waters (*Acropora globiceps*, *Acropora jacquelineae*, *Acropora retusa*, *Acropora speciosa*, *Euphyllia paradivisa*, *Isopora crateriformis*, and *Seriatorpora aculeata*). A separate proposed rule will designate critical habitat for the listed Caribbean coral species. The proposed designation may cover coral reef habitat around 13 island or atoll units in the Pacific Islands Region, including three in American Samoa, one in Guam, seven in the Commonwealth of the Mariana Islands, and two in Pacific Remote Island Areas, containing essential features that support reproduction, growth, and survival of the listed coral species. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we will determine whether to propose to exclude any areas based on national security impacts.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76262
NPRM Comment Period End.	01/26/21	
NPRM Comment Period Extended.	12/23/20	85 FR 83899
NPRM Comment Period Extended End.	02/25/21	
Second NPRM Comment Period Extended.	02/09/21	86 FR 8749
Second Extended Comment Period End.	03/27/21	
Third NPRM Comment Period Extended.	03/29/21	86 FR 16325
Third NPRM Comment Period Extended End.	05/26/21	
Second NPRM ....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources,

Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BJ52

**DEPARTMENT OF COMMERCE (DOC)**

*National Oceanic and Atmospheric Administration (NOAA)*

Final Rule Stage

**National Marine Fisheries Service**

**42. Regulatory Amendment to the Pacific Coast Groundfish Fishery Management Plan To Implement an Electronic Monitoring Program for Bottom Trawl and Non-Whiting Midwater Trawl Vessels [0648-BH70]**

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

*Abstract:* The proposed action would implement a regulatory amendment to the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan to allow bottom trawl and midwater trawl vessels targeting non-whiting species the option to use electronic monitoring (video cameras and associated sensors) in place of observers to meet requirements for 100-percent observer coverage. By allowing vessels the option to use electronic monitoring to meet monitoring requirements, this action is intended to increase operational flexibility and reduce monitoring costs for the fleet.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/01/22	87 FR 11382
NPRM Comment Period End.	03/31/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov. *RIN:* 0648-BH70

**43. Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood [0648-BH87]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; Pub. L. 115-141

*Abstract:* On December 9, 2016, NMFS issued a final rule that



established a risk-based traceability program to track seafood from harvest to entry into U.S. commerce. The final rule included, for designated priority fish species, import permitting and reporting requirements to provide for traceability of seafood products offered for entry into the U.S. supply chain, and to ensure that these products were lawfully acquired and are properly represented. Shrimp and abalone products were included in the final rule to implement the Seafood Import Monitoring Program, but compliance with Seafood Import Monitoring Program requirements for those species was stayed indefinitely due to the disparity between Federal reporting programs for domestic aquaculture of shrimp and abalone products relative to the requirements that would apply to imports under Seafood Import Monitoring Program. In section 539 of the Consolidated Appropriations Act, 2018, Congress mandated lifting the stay on inclusion of shrimp and abalone in Seafood Import Monitoring Program and authorized the Secretary of Commerce to require comparable reporting and recordkeeping requirements for domestic aquaculture of shrimp and abalone. This rulemaking would establish permitting, reporting and recordkeeping requirements for domestic producers of shrimp and abalone from the point of production to entry into commerce.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/11/18	83 FR 51426
NPRM Comment Period End.	11/26/18	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexa Cole, Director, Office of International Affairs and Seafood Inspection, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8286, *Email:* alexa.cole@noaa.gov. *RIN:* 0648-BH87

**44. Atlantic Highly Migratory Species: Amendment 13 on Bluefin Tuna Management [0648-BI08]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* NOAA/NMFS proposes to revise the management measures for Atlantic bluefin tuna fisheries. Potential management measures could include modifications to pelagic longline and purse seine fisheries as well as other bluefin tuna fisheries, which would

increase flexibility for fishery participants.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/21/21	86 FR 27686
NPRM Comment Period End.	07/20/21	
NPRM Comment Period Extended.	07/20/21	86 FR 38262
NPRM Comment Period Extended End.	09/09/21	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov. *RIN:* 0648-BI08

**45. Establish National Insurance Requirements for Observer Providers [0648-BJ33]**

*Legal Authority:* 16 U.S.C. 1855(d)  
*Abstract:* NMFS is proposing to establish uniform, nationally applicable minimum insurance requirements for companies that provide observer or at-sea monitor services for federally managed fisheries subject to monitoring requirements. This action would supersede outdated or inappropriate regulatory insurance requirements thereby easing the regulatory and cost burden for observer/at-sea monitor providers. Additionally, this action would mitigate potential liability risks associated with observer and at-sea monitor deployments for vessel owners and shore side processors that are subject to monitoring requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/22/21	86 FR 66259
NPRM Comment Period End.	01/21/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Evan Howell, Director, Office of Science and Technology, National Marine Fisheries Service, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8100, *Email:* evan.howell@noaa.gov. *RIN:* 0648-BJ33

**46. Amendment 23 to the Northeast Multispecies Fishery Management Plan [0648-BK17]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* This action proposes measures recommended by the New England Fishery Management Council in Amendment 23 to the Northeast Multispecies Fishery Management Plan. The Council developed this action to implement measures to improve the reliability and accountability of catch reporting in the commercial groundfish fishery to ensure there is a precise and accurate representation of catch (landings and discards). The purpose of this action is to adjust the existing industry-funded monitoring program to improve accounting and accuracy of collected catch data. Specifically, this action would set a fixed target coverage rate as a percentage of fishing trips to replace the current annual method for calculating a coverage target. This action would exclude from the monitoring requirement all trips in geographic areas with low groundfish catch; allow for increased coverage when federal funding is available to reimburse industry's costs; set a baseline coverage target for which there is no reimbursement for industry's costs in the absence of federal funding; approve electronic monitoring technologies as an alternative to human at-sea monitors; require periodic evaluation of the monitoring program; allow for waivers from monitoring for good cause; and grant authority to the Northeast Regional Administrator to streamline industry's reporting requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/22	87 FR 11014
NPRM Comment Period End.	03/30/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov. *RIN:* 0648-BK17

**47. Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska [0648-BK31]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* This action would modify the Fishery Management Plan for the

Salmon Fisheries in the EEZ off Alaska (FMP) and implement regulations to manage the EEZ waters of Cook Inlet under the FMP and prohibit commercial fishing for salmon in this area. Currently, this area is excluded from the FMP and the State of Alaska manages commercial fishing for salmon in this area. If approved, this action would result in all commercial salmon fishing in Cook Inlet occurring within waters of the State of Alaska under State management plans. The North Pacific Fishery Management Council (Council) determined that this action is consistent with the Council's longstanding policy to facilitate management of salmon fishing by the State of Alaska and that the State is the authority best suited for managing Alaska salmon fisheries given its existing infrastructure and expertise. The Council considered, but did not select, two other action alternatives that would delegate management of the Cook Inlet EEZ to the State of Alaska, or establish Council and NMFS management of the commercial salmon fishery within the area. The Council did not select either of these alternatives because the State of Alaska was unwilling to accept delegation of management authority, and due to the substantial increase in management complexity and cost without corresponding benefits of both alternatives.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/04/21	86 FR 29977
NPRM Comment Period End.	07/06/21	
Final Action .....	11/03/21	86 FR 60568
Final Action Effective.	12/03/21	
Next Action Undetermined.	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jon Kurland, Regional Administrator, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, 709 West Ninth Street, Juneau, AK 99801, *Phone:* 907 586-7638, *Email:* jon.kurland@noaa.gov.

*RIN:* 0648-BK31

**48. • Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan [0648-BL12]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*  
*Abstract:* The action would implement management measures included in Framework Adjustment 63 to the Northeast Multispecies Fishery Management Plan (Framework 63) that were developed by the New England

Fishery Management Council in response to new scientific information, pursuant to the rulemaking authorities under section 303(c) of the Magnuson-Stevens Fishery Conservation and Management Act. The action would set annual specifications for fishing years (FY) 2022–2024 for Gulf of Maine cod and Georges Bank (GB) cod, FY2022–2023 for GB yellowtail flounder, and FY2022 for white hake, and specify FY 2022 total allowable catches (TAC) for the three U.S./Canada stocks eastern GB cod, eastern GB haddock, and GB yellowtail flounder. It would also adopt additional measures to promote stock rebuilding; and develop alternatives to the current default specifications system.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/20/22	87 FR 23482
NPRM Comment Period End.	05/05/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

*RIN:* 0648-BL12

**49. • Atlantic Highly Migratory Species; Rule To Modify the Retention Limit of Shortfin Mako Sharks [0648-BL17]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

*Abstract:* Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act and the Atlantic Tunas Convention Act (ATCA). This proposed rule would adopt management measures implementing a 2021 International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation prohibiting retention of North Atlantic shortfin mako sharks caught in association with ICCAT fisheries in 2022. Specifically, this action would propose implementing a flexible shortfin mako shark retention limit with a default of zero in commercial and recreational HMS fisheries. This action is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act, section 305(d), and ATCA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/11/22	87 FR 21077
NPRM Comment Period End.	05/11/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427-8500, *Email:* kelly.denit@noaa.gov.

*RIN:* 0648-BL17

**50. Amendment and Updates to the Pelagic Longline Take Reduction Plan [0648-BF90]**

*Legal Authority:* 16 U.S.C. 1361 *et seq.*

*Abstract:* Serious injury and mortality of the Western North Atlantic short-finned pilot whale stock incidental to the Category I Atlantic pelagic longline fishery continues at levels exceeding their Potential Biological Removal. This proposed action would examine a number of management measures to amend the Pelagic Longline Take Reduction Plan to reduce the incidental mortality and serious injury of short-finned pilot whales taken in the Atlantic Pelagic Longline fishery to below Potential Biological Removal. Potential management measures may include changes to the current limitations on mainline length, new requirements to use weak hooks (hooks with reduced breaking strength), and non-regulatory measures related to determining the best procedures for safe handling and release of marine mammals. The need for the proposed action is to ensure the Pelagic Longline Take Reduction Plan meets its Marine Mammal Protection Act mandated short- and long-term goals.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/15/20	85 FR 81168
NPRM Comment Period End.	02/16/21	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov.

*RIN:* 0648-BF90

**51. Designation of Critical Habitat for the Threatened Caribbean Corals [0648–BG26]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* NMFS listed 5 Caribbean corals as threatened under the Endangered Species Act on October 10, 2014. Critical habitat shall be designated to the maximum extent prudent and determinable at the time a species is proposed for listing (50 CFR 424.12). We concluded that critical habitat was not determinable for the 5 corals at the time of listing. However, we anticipated that critical habitat would be determinable in the future given on-going research. We, therefore, announced in the final listing rules that we would propose critical habitat in separate rulemakings. This rule proposes to designate critical habitat for the 5 Caribbean coral species listed in 2014. A separate proposed critical habitat rule is being prepared for the 15 Indo-Pacific corals listed as threatened in 2014. The proposed designation for the Caribbean corals may include marine waters in Florida, Puerto Rico, US Virgin Islands, Navassa Island, and Flower Garden Banks containing essential features that support all stages of life history of the corals. The proposed rule is not likely to have an annual effect on the economy of \$100 million or more or adversely affect the economy. NMFS has contacted the Departments of the Navy, Air Force, and Army as well as the U.S. Coast Guard requesting information related to potential national security impacts that may result from the critical habitat designation. Based on information provided, we concluded that there will be an impact on national security in only 1 area offshore Dania Beach, FL, and will propose to exclude it from the designations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/27/20	85 FR 76302
NPRM Comment Period End.	01/26/21	
Final Rule .....	06/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* kimberly.damon-randall@noaa.gov.

*RIN:* 0648–BG26

**52. Atlantic Large Whale Take Reduction Plan Modifications To Reduce Serious Injury and Mortality of Large Whales in Commercial Trap/Pot Fisheries Along the U.S. East Coast [0648–BJ09]**

*Legal Authority:* 16 U.S.C. 1387 *et seq.*

*Abstract:* In response to recent recommendations from the Atlantic Large Whale Take Reduction Team (TRT) to reduce the risk of North Atlantic right whale entanglement in commercial trap/pot fisheries along the U.S. East Coast, the National Marine Fisheries Service (NMFS) intends to propose regulations to amend the Atlantic Large Whale Take Reduction Plan (Plan).

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/31/20	85 FR 86878
NPRM Comment Period End.	03/01/21	
Final Action .....	09/17/21	86 FR 51970
Final Action Effective.	10/18/21	
Correction .....	06/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648–BJ09

**53. Establishment of Time-Area Closures for Hawaiian Spinner Dolphins Under the Marine Mammal Protection Act [0648–BK04]**

*Legal Authority:* 16 U.S.C. 1382 *et seq.*

*Abstract:* This rulemaking action under the Marine Mammal Protection Act (MMPA) proposes to establish mandatory time-area closures of Hawaiian spinner dolphins’ essential daytime habitats at five selected sites in the Main Hawaiian Islands (MHI). In considering public comments in response to a separate proposed rule related to spinner dolphin interactions (81 FR 57854), NMFS intends these regulatory measures to prevent take of Hawaiian spinner dolphins from occurring in inshore marine areas at essential daytime habitats, and where high levels of disturbance from human activities are most prevalent.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/28/21	86 FR 53844

Action	Date	FR Cite
NPRM Comment Period End.	12/27/21	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648–BK04

**DEPARTMENT OF COMMERCE (DOC)**

*National Oceanic and Atmospheric Administration (NOAA)*

Long-Term Actions

**National Marine Fisheries Service**

**54. International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Treatment of U.S. Purse Seine Fishing With Respect to U.S. Territories [0648–BF41]**

*Legal Authority:* 16 U.S.C. 6901 *et seq.*

*Abstract:* This action would establish rules and/or procedures to address the treatment of U.S.-flagged purse seine vessels and their fishing activities in regulations issued by the National Marine Fisheries Service that implement decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), of which the United States is a member. Under the Western and Central Pacific Fisheries Convention Implementation Act, the National Marine Fisheries Service exercises broad discretion when determining how it implements Commission decisions, such as purse seine fishing restrictions. The National Marine Fisheries Service intends to examine the potential impacts of the domestic implementation of Commission decisions, such as purse seine fishing restrictions, on the economies of the U.S. territories that participate in the Commission, and examine the connectivity between the activities of U.S.-flagged purse seine fishing vessels and the economies of the territories. Based on that and other information, the National Marine Fisheries Service might propose regulations that mitigate adverse economic impacts of purse seine fishing restrictions on the U.S. territories and/or that, in the context of the Convention

on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), recognize that one or more of the U.S. territories have their own purse seine fisheries that are distinct from the purse seine fishery of the United States and that are consequently subject to special provisions of the Convention and of Commission decisions.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/23/15	80 FR 64382
ANPRM Comment Period End.	11/23/15	
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Tosatto, Phone: 808 725-5000, Email: michael.tosatto@noaa.gov.

RIN: 0648-BF41

**DEPARTMENT OF COMMERCE (DOC)**

*National Oceanic and Atmospheric Administration (NOAA)*

Completed Actions

**55. Implementation of a Program for Transshipments by Large Scale Fishing Vessels in the Eastern Pacific Ocean [0648-BD59]**

*Legal Authority:* 16 U.S.C. 951 *et seq.*; 16 U.S.C. 971 *et seq.*

*Abstract:* This rule would implement the Inter-American Tropical Tuna Commission program to monitor transshipments by large-scale tuna fishing vessels, and would govern transshipments by U.S. large-scale tuna fishing vessels and carrier, or receiving, vessels. The rule would establish: criteria for transshipping in port; criteria for transshipping at sea by longline vessels to an authorized carrier vessel with an Inter-American Tropical Tuna Commission observer onboard and an operational vessel monitoring system; and require the Pacific Transshipment Declaration Form, which must be used to report transshipments in the Inter-American Tropical Tuna Commission Convention Area. This rule is necessary for the United States to satisfy its international obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna, to which it is a Contracting Party.

*Timetable:*

Action	Date	FR Cite
Withdrawn .....	04/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, Phone: 503 872-2791, Email: scott.rumsey@noaa.gov.

RIN: 0648-BD59

**56. Generic Amendment to the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico and Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region [0648-BH72]**

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

*Abstract:* This action, recommended by the Gulf of Mexico Fishery Management Council, would modify data reporting for owners or operators of federally permitted for-hire vessels (charter vessels and headboats) in the Gulf of Mexico, requiring them to declare the type of trip (for-hire or other) prior to departing for any trip, and electronically submit trip-level reports prior to off-loading fish at the end of each fishing trip. The declaration would include the expected return time and landing location. Landing reports would include information about catch and effort during the trip. The action would also require that these reports be submitted via approved hardware that includes a global positioning system attached to the vessel that is capable, at a minimum, of archiving global positioning system locations. This requirement would not preclude the use of global positioning system devices that provide real-time location data, such as the currently approved vessel monitoring systems.

*Timetable:*

Action	Date	FR Cite
Notice of Availability.	06/21/18	83 FR 28797
NPRM .....	10/26/18	83 FR 54069
Correction .....	11/08/18	83 FR 55850
Comment Period Extended.	11/20/18	83 FR 58522
NPRM Comment Period End.	11/26/18	
Comment Period Extended End.	01/09/19	
Final Rule .....	07/21/20	85 FR 44005
Final Rule Effective.	01/05/21	

Action	Date	FR Cite
Final Action; Announcement of Effectiveness for Delayed Provisions.	09/14/21	86 FR 51014
Delay of Effective Date.	11/02/21	86 FR 60374
Delay of Effective Date Effective.	12/13/21	
Final Action Effective.	03/01/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew J. Strelcheck, Acting Regional Administrator, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 263 13th Avenue South, St. Petersburg, FL 33701, Phone: 727 824-5305, Email: andy.strelcheck@noaa.gov.

RIN: 0648-BH72

**57. Bluefish Allocation and Rebuilding Amendment (Amendment 7 to the Bluefish Fishery Management Plan) [0648-BK64]**

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

*Abstract:* The Mid-Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission initiated this amendment in December 2018 to consider a comprehensive revision to the Atlantic bluefish fishery management plan (FMP); including a review of quota allocation between sectors and between states, as well as a review of the FMP goals and objectives. In August 2019, an operational stock assessment determined that the bluefish stock is overfished, and requires a rebuilding plan. NMFCS notified the Council in November 2019, and the Council and the Commission's Bluefish Board voted to include the rebuilding plan in this comprehensive amendment. The intent of this action is to update the bluefish FMP with the best scientific data available, responding to recent changes in stock health and distribution, while recognizing economic need and reliance throughout the management area. The Council and Board made final recommendations on proposed measures at the joint meeting in June 2021, with the goal of implementing this action by November 2021, consistent with rebuilding plan provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and to be effective for the January 1 start of the 2022 fishing year. The amendment proposes to: (1) Update the Bluefish FMP goals and objectives; (2) Re-allocate quota between sectors from 83% recreational/17% commercial to

86% recreational/14% commercial with no phase-in period; (3) Re-allocate commercial quota to the states based on the last 10 years of landings data with a 0.1% minimum default allocation and a phase-in period of 7 years; (4) Implement a 7-year rebuilding plan using a constant fishing mortality model; (5) Allow the sector quota transfer move either direction (from commercial to recreational or vice versa), with a revised amount cap of 10% of the acceptable biological catch for the year; and (6) Allow for management uncertainty and related accountability measure process to be applied to the commercial and recreational sectors separately during the catch specifications process. This action would affect vessels issued federal commercial bluefish permits, and those with federal party/charter recreational permits for bluefish. While this action may have some impact on these entities, the effect is not expected to be significant.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/13/21	86 FR 50866
NPRM Comment Period End.	10/13/21	
Final Action .....	11/24/21	86 FR 66977
Final Action Effective.	01/01/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Pentony, Regional Administrator, Greater Atlantic Region, Department of Commerce, National Oceanic and Atmospheric Administration, 55 Great Republic Drive, Gloucester, MA 01930, *Phone:* 978 281-9283, *Email:* michael.pentony@noaa.gov.

*RIN:* 0648-BK64

**58. Silky Shark Regulations in the Eastern Pacific Ocean in 2022 and Beyond [0648-BK87]**

*Legal Authority:* 16 U.S.C. 951 *et seq.*  
*Abstract:* Merged with 0648-BK84. The National Marine Fisheries Service (NMFS) intends to maintain existing regulations on silky shark for 2022 and beyond, implemented under the Inter-American Tropical Tuna Commission (IATTC) Resolution on silky shark, under the authority of the Tuna Conventions Act. The IATTC Resolution on silky shark is expected to be adopted at the October 2021 session of the 98th Meeting of the IATTC. This proposed rule would maintain existing domestic implementing regulations pertaining to the prohibition on retention, transshipment, storing, and landing any part or whole carcass of silky shark on

U.S. purse seine and longline vessels, as well as the specified exceptions to this prohibition for purse seine vessels. These existing regulations in the proposed rule would apply to United States purse seine and longline vessels authorized to fish in the eastern Pacific Ocean, and would not impose additional burden. These regulations on silky shark have not been and are not expected to be opposed by domestic commercial fishing interests. The action is necessary for the United States to satisfy its international obligations as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest.

*Timetable:*

Action	Date	FR Cite
Merged With 0648-BK84.	02/16/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

*RIN:* 0648-BK87

**59. International Fisheries; Pacific Tuna Fisheries; Purse Seine Observer Exemptions in the Eastern Pacific Ocean [0648-BK88]**

*Legal Authority:* 16 U.S.C. 951; 16 U.S.C. 952; 16 U.S.C. 953; 16 U.S.C. 954; 16 U.S.C. 955; 16 U.S.C. 956; 16 U.S.C. 957; 16 U.S.C. 958; 16 U.S.C. 959; 16 U.S.C. 960; 16 U.S.C. 961; 16 U.S.C. 962

*Abstract:* On March 27, 2020, NMFS published a temporary rule for an emergency action in response to the COVID-19 Pandemic (85 FR 17285), that provides the authority to waive observer coverage requirements implemented under certain statutes, including the Marine Mammal Protection Act and Tuna Conventions Act. That temporary rule was extended and is currently in effect until March 26, 2022 (86 FR 16307), or until the Secretary of Health and Human Services determines that the COVID-19 Pandemic is no longer a public health emergency, whichever is earlier. Pursuant to the emergency rule, and in accordance with exemption procedures adopted by the Inter-American Tropical Tuna Commission (IATTC), NMFS WCR established procedures, subject to revocation or extension as circumstances warrant, for issuing

temporary exemptions on an individual basis to the observer requirements under 50 CFR 216.24(e) and 50 CFR 300.25(e)(4)(iv). With travel restrictions continuing to be enforced at American Samoa and other port states where observers embark on United States flagged purse seine vessels, placement of observers is not always possible. If the temporary rule expires in March 2022, and is not renewed, NMFS will no longer possess the emergency authority to issue observer waivers in these cases. With the potential for travel restrictions that prevent the placement of observers continuing beyond March 2022, NMFS is proposing to implement an emergency waiver provision to allow NMFS to issue temporary written waivers from the observer requirements, on a case-by-case basis, in accordance with IATTC exemption procedures. NMFS is undertaking this action under the authority of the Tuna Conventions Act and the Marine Mammal Protection Act to satisfy the obligations of the United States as a Member of the IATTC. This rule is not expected to trigger either opposition from any sector of the public or congressional interest.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/04/22	87 FR 6474
NPRM Comment Period End.	03/07/22	
Final Action .....	03/25/22	87 FR 17018
Final Action Effective.	03/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Rumsey, Acting Regional Administrator, West Coast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, *Phone:* 503 872-2791, *Email:* scott.rumsey@noaa.gov.

*RIN:* 0648-BK88

**60. • Atlantic Highly Migratory Species; Rule To Modify Atlantic Bluefin Tuna and North Atlantic Albacore Quotas [0648-BL16]**

*Legal Authority:* 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 971 *et seq.*

*Abstract:* Atlantic highly migratory species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Conservation and Management Act and the Atlantic Tunas Convention Act (ATCA). This proposed rule would modify the baseline annual Atlantic bluefin tuna quota and subquotas, as well as the baseline annual North Atlantic albacore (northern albacore) quota. This

proposed rule would implement the annual U.S. bluefin tuna quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) for 2022 (Recommendation 21–07) and the northern albacore quota recommended by ICCAT for 2022 and 2023 (Recommendation 21–04). This proposed rule would also allocate the bluefin tuna quota among the domestic fishing categories consistent with existing regulations. This proposed rule is being taken pursuant to the rulemaking authority under the Magnuson-Stevens Fishery Conservation and Management Act, section 305(d), and ATCA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/07/22	87 FR 12648
NPRM Comment Period End.	04/06/22	
Final Action .....	06/01/22	87 FR 33049
Final Action Effective.	07/01/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Kelly Denit, Director, Office of Sustainable Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 13362, Silver Spring, MD 20901, *Phone:* 301 427–8500, *Email:* [kelly.denit@noaa.gov](mailto:kelly.denit@noaa.gov). *RIN:* 0648–BL16

**61. • Rulemaking To Modify the 2022 Halibut Individual Fishing Quota (IFQ) Vessel Harvest Limitations in IFQ Regulatory Areas 4A, 4B, 4C, and 4D [0648–BL28]**

*Legal Authority:* 16 U.S.C. 773

*Abstract:* Commercial halibut fishing off the coast of Alaska is managed under an Individual Fishing Quota (IFQ) program implemented by Federal regulations under the authority of the Northern Pacific Halibut Act of 1982. One feature of the IFQ program is a limit on the maximum amount of halibut that may be harvested by a vessel (referred to as vessel caps). Regulations at 50 CFR 679.42(h)(1) specify that no vessel may be used to harvest more IFQ halibut than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas during a fishing year. Additionally, the regulations specify vessel caps for Community Quota Entities (CQEs) in Alaska IFQ regulatory areas, stating no vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from quota shares held by a CQE. On February 10, 2022, the North

Pacific Fishery Management Council (Council) addressed the effects of the coronavirus pandemic on the Pacific halibut fishery by recommending expedited action to temporarily remove IFQ halibut vessel caps for the 2022 fishing year in IFQ regulatory areas 4A (Eastern Aleutian Islands), 4B (Central and Western Aleutian Islands), 4C (Central Bering Sea), and 4D (Eastern Bering Sea). This action would revise 50 CFR 679.42(h)(1) to remove vessels caps in those four areas for the 2022 fishing year only. Halibut IFQ holders with QS in those four areas would be affected by this action, as well as CQEs in area 4B. This action would not modify any other aspects of the IFQ Program. NMFS seeks to publish the Proposed and Final rules to implement the revised regulations as soon as practicable, with a shortened public comment period. Section 773c(c) of the Northern Pacific Halibut Act is the rulemaking authority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/19/22	87 FR 23155
NPRM Comment Period End.	05/04/22	
Final Action .....	06/06/22	87 FR 34215
Final Action Effective.	06/06/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Doug Mecum, Acting Regional Administrator, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, 709 W 9th Street, Rm. 420, Juneau, AK 99802, *Phone:* 907 586–7221.

*RIN:* 0648–BL28

**62. Designation of Critical Habitat for the Arctic Ringed Seal [0648–BC56]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* The National Marine Fisheries Service published a final rule to list the Arctic ringed seal as a threatened species under the Endangered Species Act (ESA) in December 2012. The ESA requires designation of critical habitat at the time a species is listed as threatened or endangered, or within one year of listing if critical habitat is not then determinable. This rulemaking would designate critical habitat for the Arctic ringed seal. The critical habitat designation would be in the northern Bering, Chukchi, and Beaufort seas within the current range of the species.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/03/14	79 FR 71714

Action	Date	FR Cite
Proposed Rule ....	12/09/14	79 FR 73010
Notice of Public Hearings.	01/13/15	80 FR 1618
Comment Period Extended.	02/02/15	80 FR 5498
Proposed Rule 2	01/08/21	86 FR 1452
Proposed Rule 2 Comment Period End.	03/09/21	
Public Hearing .....	02/01/21	86 FR 7686
Public Hearing Comment Period End.	03/09/21	
Comment Period Extended 2.	03/09/21	86 FR 13517
Comment Period Extended 2 End.	04/08/21	
Final Action .....	04/01/22	87 FR 19232
Final Action Effective.	05/02/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427–8400, *Email:* [kimberly.damon-randall@noaa.gov](mailto:kimberly.damon-randall@noaa.gov). *RIN:* 0648–BC56

**63. Designation of Critical Habitat for the Beringia Distinct Population Segment of the Bearded Seal [0648–BJ65]**

*Legal Authority:* 16 U.S.C. 1531 *et seq.*

*Abstract:* NMFS published a final rule to list the Beringia Distinct Population Segment (DPS) of bearded seals as a threatened species under the Endangered Species Act (ESA) in December 2012, thereby triggering the requirement under section 4 of the ESA to designate critical habitat for the Beringia DPS to the maximum extent prudent and determinable. NMFS has already initiated rulemaking to establish critical habitat for Arctic ringed seals, which were also listed as threatened under the ESA in December 2012, and that action is proceeding separately. This rulemaking action proposes to designate critical habitat in areas occupied by bearded seals in U.S. waters over the continental shelf in the northern Bering, Chukchi, and Beaufort Seas. Impacts from the designation of critical habitat for Beringia DPS bearded seals would stem from the statutory requirement that Federal agencies consult with NMFS under section 7 of the ESA to ensure that any action they carry out, authorize, or fund is not likely to result in the destruction or adverse modification of bearded seal critical habitat. Federal agencies are already required to consult with NMFS under

section 7 of the ESA to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of the Beringia DPS of bearded seals.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/08/21	86 FR 1433
NPRM Comment Period End.	03/09/21	
Public Hearing .....	02/01/21	86 FR 7686
Public Hearing Comment Period End.	03/09/21	
Comment Period Extended.	03/09/21	86 FR 13518
Comment Period Extended End.	04/08/21	
Final Action .....	04/01/22	87 FR 19180
Final Action Effective.	05/02/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kim Damon-Randall, Director, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, *Phone:* 301 427-8400, *Email:* kimberly.damon-randall@noaa.gov. *RIN:* 0648-BJ65

**64. Monterey Bay National Marine Sanctuary Regulations and Management Plan [0648-BI01]**

*Legal Authority:* 16 U.S.C. 1431 *et seq.*  
*Abstract:* The National Oceanic and Atmospheric Administration (NOAA) is proposing a draft revised management plan and revised regulations for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary). The proposed regulations would revise and provide greater clarity to existing

regulations, and make minor technical corrections.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/06/20	85 FR 40143
NPRM Comment Period End.	09/04/20	
Final Rule .....	11/15/21	86 FR 62901
Final Rule Effective.	12/15/21	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jessica Kondel, Policy and Planning Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East West Highway, Building SSMC4, Silver Spring, MD 20910, *Phone:* 240 676-4646.

*RIN:* 0648-BI01

**DEPARTMENT OF COMMERCE (DOC)**

*Patent and Trademark Office (PTO)*

Final Rule Stage

**65. Changes To Implement Provisions of the Trademark Modernization Act of 2020 [0651-AD55]**

*Legal Authority:* 15 U.S.C. 1066; 15 U.S.C. 1067; 15 U.S.C. 1113; 15 U.S.C. 1123; 35 U.S.C. 2; Pub. L. 112-29; Pub. L. 116-260

*Abstract:* The United States Patent and Trademark Office (USPTO or Office) amends the rules of practice in trademark cases to implement provisions of the Trademark Modernization Act of 2020. The rule establishes ex parte expungement and reexamination proceedings for cancellation of a registration when the

required use in commerce of the registered mark has not been made; provides for a new nonuse ground for cancellation before the Trademark Trial and Appeal Board; establishes flexible Office action response periods; and amends the existing letter-of-protest rule to indicate that letter-of-protest determinations are final and non-reviewable. The USPTO also sets fees for petitions requesting institution of ex parte expungement and reexamination proceedings, and for requests to extend Office action response deadlines. Amendments are also for the rules concerning the suspension of USPTO proceedings and the rules governing attorney recognition in trademark matters. Finally, a new rule is to address procedures regarding court orders cancelling or affecting registrations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/18/21	86 FR 26862
NPRM Comment Period End.	07/19/21	
Final Action .....	11/17/21	86 FR 64300
Final Action Effective.	12/18/21	
Final Action .....	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Catherine Cain, Trademark Manual of Examining Procedure Editor, Department of Commerce, Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313, *Phone:* 571 272-8946, *Fax:* 751 273-8946, *Email:* catherine.cain@uspto.gov.

*RIN:* 0651-AD55

[FR Doc. 2022-14600 Filed 8-5-22; 8:45 am]

**BILLING CODE 3510-12-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part V

Department of Defense

---

Semiannual Regulatory Agenda



**DEPARTMENT OF DEFENSE****32 CFR Chs. I, V, VI, and VII****33 CFR Ch. II****36 CFR Ch. III****48 CFR Ch. II****Improving Government Regulations;  
Unified Agenda of Federal Regulatory  
and Deregulatory Actions****AGENCY:** Department of Defense (DoD).**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the regulatory actions the Department of Defense (DoD) plans to take in the next 12 months and those regulatory actions completed since the publication of the fall 2021 Unified Agenda. It was developed under the guidelines of Executive Order 12866, "Regulatory Planning and Review," and Executive Order 13563, "Improving Regulation and Regulatory Review." This agenda includes regulatory actions that support or impact the Secretary of Defense's top priorities along with those of the National Defense Strategy to defend the Nation, take care of our people, succeed through teamwork, and address the current worldwide pandemic. These actions include efforts to ensure TRICARE beneficiaries have access to the most up-to-date care required for the diagnosis and treatment of COVID-19. Members of the public may submit comments on individual proposed and interim final rulemakings at [www.regulations.gov](http://www.regulations.gov) during the comment period that follows publication in the **Federal Register**.

This agenda updates the report published on January 31, 2022, and includes regulations expected to be issued and under review over the next 12 months. The next agenda will publish in the fall of 2022.

The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

In accordance with the Regulatory Flexibility Act (5 U.S.C. 602), which requires agencies to publish its regulatory flexibility agendas in the **Federal Register**, the Department of Defense's printed agenda entries in the **Federal Register** include only:

(1) rules that are in the Agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Although printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements, additional information on these entries is in the Unified Agenda available online.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the overall DoD regulatory program and for general semiannual agenda information, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [patricia.l.toppings.civ@mail.mil](mailto:patricia.l.toppings.civ@mail.mil).

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, write to Office of the General Counsel, 1600 Defense Pentagon, Washington, DC 20301-1600, telephone 703-695-1853, or email: [gerald.j.dziedzichowicz.civ@mail.mil](mailto:gerald.j.dziedzichowicz.civ@mail.mil).

For general information on Office of the Secretary regulations, other than those which are procurement-related, contact Ms. Patricia Toppings, telephone 571-372-0485, or write to Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, or email: [patricia.l.toppings.civ@mail.mil](mailto:patricia.l.toppings.civ@mail.mil).

For general information on Office of the Secretary regulations which are procurement-related, contact Ms. Jennifer Johnson, telephone 571-372-6100, or write to Office of the Under Secretary of Defense for Acquisition and Sustainment, Defense Pricing and Contracting, Defense Acquisition Regulations System, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060, or email: [jennifer.d.johnson1.civ@mail.mil](mailto:jennifer.d.johnson1.civ@mail.mil).

For general information on Department of the Army regulations, contact Mr. James "Jay" Satterwhite, telephone 571-515-0304, or write to the U.S. Army Records Management and Declassification Agency, ATTN: AAHS-RDO, Building 1458, 9301 Chapek Road, Ft. Belvoir, VA, 22060-5605, or email: [james.w.satterwhite.civ@mail.mil](mailto:james.w.satterwhite.civ@mail.mil).

For general information on the U.S. Army Corps of Engineers regulations, contact Ms. Stacey Jensen, telephone 703-695-6791, or write to Office of the

Assistant Secretary of the Army (Civil Works), 108 Army Pentagon, Room 3E441, Washington, DC 20310-0108, or email: [stacey.m.jensen.civ@mail.mil](mailto:stacey.m.jensen.civ@mail.mil).

For general information on Department of the Navy regulations, contact LCDR Jenny Pike, telephone 703-614-7408, or write to Department of the Navy, Office of the Judge Advocate General, Administrative Law Division (Code 13), Washington Navy Yard, 1322 Patterson Avenue SE, Suite 3000, Washington, DC 20374-5066, or email: [jennifer.m.pike5.mil@us.navy.mil](mailto:jennifer.m.pike5.mil@us.navy.mil).

For general information on Department of the Air Force regulations, contact Bao-Anh Trinh, telephone 703-614-8500, or write the Office of the Secretary of the Air Force, Chief, Information Dominance/Chief Information Officer (SAF CIO/A6), 1800 Air Force Pentagon, Washington, DC 20330-1800, or email: [usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil](mailto:usaf.pentagon.saf-cio-a6.mbx.af-foia@mail.mil).

For specific agenda items, contact the appropriate individual indicated for each regulatory action.

**SUPPLEMENTARY INFORMATION:** This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions reports on actions planned by the Office of the Secretary of Defense, the Military Departments, the Office of the Under Secretary of Defense for Acquisition and Sustainment for procurement-related actions, and the U.S. Army Corps of Engineers.

This agenda also identifies rules impacted by the:

- a. Regulatory Flexibility Act.
- b. Paperwork Reduction Act of 1995.
- c. Unfunded Mandates Reform Act of 1995.

Generally, rules discussed in this agenda will contain five sections: (1) pre-rule stage; (2) proposed rule stage; (3) final rule stage; (4) completed actions; and (5) long-term actions. Where certain regulatory actions indicate that small entities are affected, the effect on these entities may not necessarily have significant economic impact on a substantial number of these entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)).

The publishing of this agenda does not waive the applicability of the military affairs exemption in section 553 of title 5 U.S.C. and section 3 of Executive Order 12866.

Dated: April 1, 2022.

**Joo Y. Chung,**

*Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense.*

OFFICE OF THE SECRETARY—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
66	Cybersecurity Maturity Model Certification (CMMC) Framework	0790-AL49

DEFENSE ACQUISITION REGULATIONS COUNCIL—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
67	Small Business Innovation Research Program Data Rights (DFARS Case 2019-D043)	0750-AK84

DEFENSE ACQUISITION REGULATIONS COUNCIL—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
68	Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019-D041)	0750-AK81
69	Reauthorization and Improvement of Mentor-Protége Program (DFARS Case 2020-D009)	0750-AK96

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
70	TRICARE: Chiropractic and Acupuncture Treatment Under the TRICARE Program	0720-AB77

OFFICE OF ASSISTANT SECRETARY FOR HEALTH AFFAIRS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
71	TRICARE Reimbursement of Ambulatory Surgery Centers and Outpatient Services Provided in Cancer and Children’s Hospitals.	0720-AB73

**DEPARTMENT OF DEFENSE (DOD)**

Office of the Secretary (OS)

Final Rule Stage

**66. Cybersecurity Maturity Model Certification (CMMC) Framework [0790-AL49]**

*Legal Authority:* 5 U.S.C. 301; Pub. L. 116-92, sec. 1648

*Abstract:* The National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171 DoD Assessment Methodology employed to assess contractor implementation of the cybersecurity requirements in NIST SP 800-171, Protecting Controlled Unclassified Information (CUI) In Nonfederal Systems and Organizations, required by DFARS 252.204-7012. The verification of contractor implementation of NIST SP 800-171 security requirements is addressed under DFARS provision 252.204-7019, Notice of NIST SP 800-171 DoD Assessment Requirements, and DFARS clause 252.204-7020, NIST SP 800-171 DoD Assessment Requirements.

The Cybersecurity Maturity Model Certification (CMMC) Framework, version 2.0. CMMC 2.0 is a newly

approved DoD certification process to help assess a DIB contractor’s compliance with and implementation of cybersecurity requirements to safeguard FCI and CUI transiting non-federal systems and mitigate the threats posed by Advanced Persistent Threats—adversaries with sophisticated levels of expertise and significant resources.

This rule is related to DFARS clause 252.204-7021, Cybersecurity Maturity Model Certification Requirements, which specifies the CMMC requirement at the level specified for a contract and for the duration of the contract with the DIB contractor. This rule will specify the CMMC requirements, at CMMC Level 1, 2, or 3, with which DIB contractors must comply in advance of a contract award, as well as the process for obtaining and maintaining CMMC certification, as required for a designated DoD contract.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	03/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Diane L. Knight, Senior Management and Program Analyst, Department of Defense, Office of the Secretary, 4800 Mark Center Drive, Suite 12E08, Alexandria, VA 22350, Phone: 202 770-9100, Email: [diane.l.knight10.civ@mail.mil](mailto:diane.l.knight10.civ@mail.mil).

RIN: 0790-AL49

**DEPARTMENT OF DEFENSE (DOD)**

Defense Acquisition Regulations Council (DARC)

Proposed Rule Stage

**67. Small Business Innovation Research Program Data Rights (DFARS Case 2019-D043) [0750-AK84]**

*Legal Authority:* 41 U.S.C. 1303

*Abstract:* DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement changes related to data rights in the Small Business Administration’s Policy Directive for the Small Business Innovation Research (SBIR) Program, published in the **Federal Register** on April 2, 2019 (84 FR 12794). The final SBA Policy Directive includes several

revisions to clarify data rights, which require corresponding revisions to the DFARS.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	08/31/20	85 FR 53758
Correction .....	09/21/20	85 FR 59258
ANPRM Comment Period End.	10/30/20	
Comment Period Extended.	12/04/20	85 FR 78300
ANPRM Comment Period End.	01/31/21	
NPRM .....	07/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Johnson, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6100, *Email:* jennifer.d.johnson1.civ@mail.mil. *RIN:* 0750–AK84

**DEPARTMENT OF DEFENSE (DOD)**

*Defense Acquisition Regulations Council (DARC)*

Final Rule Stage

**68. Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019–D041) [0750–AK81]**

*Legal Authority:* 41 U.S.C. 1303; Pub. L. 116–92, sec. 1648

*Abstract:* This rule is pending codification in title 32 CFR of the Cybersecurity Maturity Model Certification (CMMC) program. DoD is finalizing an interim rule to implement the CMMC framework in order to protect against the theft of intellectual property and sensitive information from the Defense Industrial Base (DIB) sector. The CMMC framework is a DoD certification process that measures a company’s institutionalization of processes and implementation of cybersecurity practices. See RIN 0790–AL49 for information on a rule amending title 32 of the Code of Federal Regulations with regard to CMMC, which will inform the DFARS final rule. This rule provides the Department with assurances that a DIB contractor can adequately protect sensitive unclassified information at a level commensurate with the risk, accounting for information flow down to its subcontractors in a multi-tier supply chain. The part of this rule that addressed the NIST SP 800–171

assessment requirements has been separated into RIN 0750–AL68.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	09/29/20	85 FR 48513
Interim Final Rule Effective.	11/30/20	
Final Action .....	03/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Johnson, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6100, *Email:* jennifer.d.johnson1.civ@mail.mil. *RIN:* 0750–AK81

**69. Reauthorization and Improvement of Mentor-Protege Program (DFARS Case 2020–D009) [0750–AK96]**

*Legal Authority:* 41 U.S.C. 1303; Pub. L. 116–92, sec. 872

*Abstract:* DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement to implement section 872 of the National Defense Authorization Act for Fiscal Year 2020, which reauthorizes and improves the DoD Mentor-Protege Program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/22	87 FR 11009
NPRM Comment Period End.	04/29/22	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jennifer Johnson, Defense Acquisition Regulations System, Department of Defense, Defense Acquisition Regulations Council, 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060, *Phone:* 571 372–6100, *Email:* jennifer.d.johnson1.civ@mail.mil. *RIN:* 0750–AK96

**DEPARTMENT OF DEFENSE (DOD)**

*Office of Assistant Secretary for Health Affairs (DODOASHA)*

Proposed Rule Stage

**70. TRICARE: Chiropractic and Acupuncture Treatment Under the Tricare Program [0720–AB77]**

*Legal Authority:* 5 U.S.C. 301; 10 U.S.C. ch. 55

*Abstract:* Under the current regulations, TRICARE excludes

chiropractors as TRICARE-authorized providers whether or not their services would be eligible as medically necessary care if furnished by any other authorized provider. In addition, the current regulation excludes acupuncture treatment whether used as a therapeutic agent or as an anesthetic. This proposed rule seeks to eliminate these exclusions and to add benefit coverage of chiropractic and acupuncture treatment when deemed medically necessary for specific conditions. This rule proposes to add licensed Doctors of Chiropractic (DCs) and Licensed Acupuncturists (LACs) who meet established qualifications as TRICARE-authorized providers and will establish reimbursement rates and cost-sharing provisions for covered chiropractic and acupuncture treatment.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Joy Mullane, Department of Defense, Office of Assistant Secretary for Health Affairs, 16401 E Centretch Parkway, Aurora, CO 80011–9066, *Phone:* 303 676–3457, *Fax:* 303 676–3579, *Email:* joy.mullane.civ@mail.mil. *RIN:* 0720–AB77

**DEPARTMENT OF DEFENSE (DOD)**

*Office of Assistant Secretary for Health Affairs (DODOASHA)*

Final Rule Stage

**71. TRICARE Reimbursement of Ambulatory Surgery Centers and Outpatient Services Provided in Cancer and Children’s Hospitals [0720–AB73]**

*Legal Authority:* 5 U.S.C. 301; 10 U.S.C. ch. 55

*Abstract:* The Department of Defense, Defense Health Agency, is revising its regulation on the reimbursement of ambulatory surgery centers (ASC) and outpatient services provided in Cancer and Children’s Hospitals (CCHs). Revisions are in accordance with the statutory provision at title 10 of the U.S.C., section 1079(i)(2) that requires TRICARE’s payment methods for institutional care be determined, to the extent practicable, in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under Medicare. In accordance with this requirement, TRICARE will: (1) adopt Medicare’s payment methodology for Ambulatory

Surgery Centers (ASC) and (2) adopt Medicare's payment methodology for outpatient services provided in Cancer and Children's Hospitals (CCHs). Although Medicare's reimbursement methods for ASC and CCHs are different, it is prudent to adopt both the Medicare ASC system and to adopt the Outpatient Prospective Payment System (OPPS) with hold-harmless adjustments (meaning the provider is not reimbursed less than their costs) for CCHs simultaneously to align with our statutory requirement to reimburse like

Medicare at the same time. This rule makes the modifications necessary to implement TRICARE reimbursement methodologies similar to those applicable to Medicare beneficiaries for outpatient services rendered in ASCs and CCHs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/29/19	84 FR 65718
NPRM Comment Period End.	01/28/20	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Elan Green, Department of Defense, Office of Assistant Secretary for Health Affairs, 16401 East Centretech Parkway, Aurora, CO 80011, *Phone:* 303 676-3907, *Email:* [elan.p.green.civ@mail.mil](mailto:elan.p.green.civ@mail.mil).

*RIN:* 0720-AB73

[FR Doc. 2022-15154 Filed 8-5-22; 8:45 am]

**BILLING CODE 5001-06-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part VI

Department of Education

---

Semiannual Regulatory Agenda

**DEPARTMENT OF EDUCATION**

**Office of the Secretary**

**34 CFR Subtitles A and B**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of the Secretary, Department of Education.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Secretary of Education publishes a semiannual agenda of Federal regulatory and deregulatory actions. The agenda is issued under the authority of section 4(b) of Executive Order 12866, “Regulatory Planning and Review.” The purpose of the agenda is to encourage more effective public participation in the regulatory process by providing the public with early information about the regulatory actions we plan to take.

**FOR FURTHER INFORMATION CONTACT:** Questions or comments related to specific regulations listed in this agenda should be directed to the agency contact listed for the regulations. Other questions or comments on this agenda should be directed to Leslie Carter, Program Specialist, Levon Schlichter, Attorney, or Lynn Mahaffie, Assistant General Counsel, Division of Regulatory Services, Department of Education, Room 6C128, 400 Maryland Avenue SW, Washington, DC 20202–2241; telephone: Leslie Carter (202) 401–5939, Levon Schlichter (202) 453–6387, or Lynn Mahaffie (202) 453–7862. Individuals who use a telecommunications device for the deaf

or a text telephone may call the Federal Relay Service at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** Section 4(b) of Executive Order 12866, dated September 30, 1993, requires the Department of Education (ED) to publish, at a time and in a manner specified by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, an agenda of all regulations under development or review. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires ED to publish, in the Spring and Fall of each year, a regulatory flexibility agenda.

The regulatory flexibility agenda may be combined with any other agenda that satisfies the statutory requirements (5 U.S.C. 605(a)). In compliance with the Executive order and the Regulatory Flexibility Act, the Secretary publishes this agenda.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation to any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract that includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

• A reference to where a reader can find the current regulations in the Code of Federal Regulations.

- A citation of legal authority.
- The name, address, and telephone number of the contact person at ED from whom a reader can obtain additional information regarding the planned action.

In accordance with ED’s Principles for Regulating listed in its regulatory plan (78 FR 1361, published January 8, 2013), ED is committed to regulations that improve the quality and equality of services it provides to its customers. ED will regulate only if absolutely necessary and then in the most flexible, most equitable, and least burdensome way possible.

Interested members of the public are invited to comment on any of the items listed in this agenda that they believe are not consistent with the Principles for Regulating. Members of the public are also invited to comment on any uncompleted actions in this agenda that ED plans to review under section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine their economic impact on small entities.

This publication does not impose any binding obligation on ED with regard to any specific item in the agenda. ED may elect not to pursue any of the regulatory actions listed here. Dates of future regulatory actions are subject to revision in subsequent agendas.

*Electronic Access to This Document:* The entire Unified Agenda is published electronically and is available online at [www.reginfo.gov](http://www.reginfo.gov).

**Elizabeth Brown,**  
*General Counsel.*

**OFFICE OF POSTSECONDARY EDUCATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
72 .....	Borrower Defense ( <b>Section 610 Review</b> ) .....	1840–AD53
73 .....	Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10) ( <b>Section 610 Review</b> ).	1840–AD55
74 .....	Gainful Employment .....	1840–AD57
75 .....	Factors of Financial Responsibility ( <b>Section 610 Review</b> ) .....	1840–AD64

**DEPARTMENT OF EDUCATION (ED)**

*Office of Postsecondary Education (OPE)*

Proposed Rule Stage

**72. Borrower Defense (Section 610 Review) [1840–AD53]**

*Legal Authority:* 20 U.S.C. 1082(a)(5), (a)(6); 20 U.S.C. 1087(a); 20 U.S.C. 1087e(h); 20 U.S.C. 1221e–3; 20 U.S.C.

1226a–1; 20 U.S.C. 1234(a); 31 U.S.C. 3711

*Abstract:* The Secretary proposes to amend regulations in 34 CFR parts 30, 668, 674, 682, 685, and 686 that determine what acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under the Federal Direct Loan and Federal Family Education Loan Programs and specify the consequences of such borrower

defenses for borrowers, institutions, and the Secretary. Further, the Secretary intends to review the use of class-action lawsuits and pre-dispute arbitration agreements for matters pertaining to borrower defense claims by schools receiving Title IV assistance under the Higher Education Act.

*Timetable:*

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	05/26/21	86 FR 28299
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Prince, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Washington, DC 20202, Phone: 202 453-5568, Email: scott.prince@ed.gov. RIN: 1840-AD53

**73. Determining the Amount of Federal Education Assistance Funds Received by Institutions of Higher Education (90/10) (Section 610 Review) [1840-AD55]**

*Legal Authority:* 20 U.S.C. 1085, 20 U.S.C. 1088; 20 U.S.C. 1091, 20 U.S.C. 1092; 20 U.S.C. 1094, 20 U.S.C. 1099a-3; 20 U.S.C. 1099c

*Abstract:* To reflect changes to the HEA made by the American Rescue Plan Act, the Secretary plans to propose to amend the Student Assistance General Provisions (34 CFR 668.28 Non-Title IV revenue) governing whether proprietary institutions meet the requirement in 34 CFR 668.14(b)(16) that institutions receive at least 10 percent of their revenue from sources other than Federal education assistance funds.

*Timetable:*

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	10/04/21	86 FR 54666

Action	Date	FR Cite
NPRM .....	07/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Gregory Martin, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 2C136, Washington, DC 20202, Phone: 202 453-7535, Email: gregory.martin@ed.gov. RIN: 1840-AD55

**74. Gainful Employment [1840-AD57]**

*Legal Authority:* 20 U.S.C. 1001; 20 U.S.C. 1002; 20 U.S.C. 1003; 20 U.S.C. 1088; 20 U.S.C. 1091; 20 U.S.C. 1094; 20 U.S.C. 1099(b); 20 U.S.C. 1099(c); 20 U.S.C. 1082; . . .

*Abstract:* The Secretary plans to propose to amend 34 CFR parts 668 and 600 on institution and program eligibility under the HEA, including regulations that determine whether postsecondary educational programs prepare students for gainful employment in recognized occupations, and the conditions under which institutions and programs remain eligible for student financial assistance programs under Title IV of the HEA.

*Timetable:*

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	05/26/21	86 FR 28299
NPRM .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Gregory Martin, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 2C136, Washington, DC 20202, Phone: 202 453-7535, Email: gregory.martin@ed.gov. RIN: 1840-AD57

**75. Factors of Financial Responsibility (Section 610 Review) [1840-AD64]**

*Legal Authority:* 20 U.S.C. 1094 and 1099c; sec. 4 of Pub. L. 95-452; 92 Stat. 1101-1109

*Abstract:* The Secretary plans to amend regulations in subpart L of 34 CFR part 668 on institution and program eligibility under the Higher Education Act of 1965, as amended (HEA), including regulations associated with the standards of financial responsibility an institution must maintain in order to be eligible to participate in programs under Title IV of the HEA.

*Timetable:*

Action	Date	FR Cite
Notice of Intent to Commence Negotiated Rule-making.	05/26/21	86 FR 28299
NPRM .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Gregory Martin, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue SW, Room 2C136, Washington, DC 20202, Phone: 202 453-7535, Email: gregory.martin@ed.gov. RIN: 1840-AD64

[FR Doc. 2022-14601 Filed 8-5-22; 8:45 am]

BILLING CODE 4000-01-P







# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part VII

Department of Energy

---

Semiannual Regulatory Agenda

**DEPARTMENT OF ENERGY**

**10 CFR Chs. II, III, and X**

**48 CFR Ch. 9**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Department of Energy.

**ACTION:** Semi-annual regulatory agenda.

**SUMMARY:** The Department of Energy (DOE) has prepared and is making available its portion of the semi-annual Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda)

pursuant to Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility Act.

**SUPPLEMENTARY INFORMATION:** The Agenda is a government-wide compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The Agenda also includes a list of regulatory actions completed since publication of the last Agenda. The Department of Energy’s portion of the Agenda includes regulatory actions called for by the Energy Policy and Conservation Act of

1975, as amended, and programmatic needs of DOE offices.

The internet is the basic means for disseminating the Agenda and providing users the ability to obtain information from the Agenda database. DOE’s Spring 2022 Agenda can be accessed online by going to [www.reginfo.gov](http://www.reginfo.gov).

DOE’s regulatory flexibility agenda is made up of rulemakings setting energy efficiency standards and requirements applicable to DOE sites.

**Samuel Walsh,**  
*General Counsel.*

**ENERGY EFFICIENCY AND RENEWABLE ENERGY—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
76 .....	Energy Conservation Standards for Residential Conventional Cooking Products .....	1904–AD15
77 .....	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces.	1904–AD20
78 .....	Energy Conservation Standards for Commercial Water Heating-Equipment .....	1904–AD34

**ENERGY EFFICIENCY AND RENEWABLE ENERGY—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
79 .....	Energy Conservation Standards for General Service Lamps .....	1904–AD09
80 .....	Test Procedure for Single-Package Vertical Air Conditioners and Heat Pumps .....	1904–AD94
81 .....	Test Procedures for Dehumidifying Direct-Expansion Dedicated Outdoor Air Systems .....	1904–AE46
82 .....	Test Procedure for Cooking Tops .....	1904–AF18

**ENERGY EFFICIENCY AND RENEWABLE ENERGY—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
83 .....	Energy Conservation Standards for Manufactured Housing .....	1904–AC11

**DEPARTMENT OF ENERGY (DOE)**

*Energy Efficiency and Renewable Energy (EE)*

Proposed Rule Stage

**76. Energy Conservation Standards for Residential Conventional Cooking Products [1904–AD15]**

*Legal Authority:* 42 U.S.C. 6295(m)(1); 42 U.S.C. 6292(a)(10); 42 U.S.C. 6295(h)

*Abstract:* The Energy Policy and Conservation Act (EPCA), as amended by Energy Independence and Security Act of 2007 (EISA), prescribes energy conservation standards for various consumer products, including consumer conventional cooking products. EPCA also requires the U.S. Department of Energy (DOE) to periodically determine whether more stringent standards would be technologically feasible and economically justified and would result in a significant conservation of energy.

In this rulemaking, DOE is considering whether to update energy conservation standards for consumer conventional cooking products in order to fulfill its statutory deadline for amending energy conservation standards for cooking products under 42 U.S.C. 6295(m)(1). In 2020, DOE tentatively determined that amended energy conservation standards for consumer conventional cooking products would not be economically justified and would not result in significant energy savings. DOE re-evaluates this determination of whether amending standards for cooking products would result in significant energy savings.

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	02/12/14	79 FR 8337
RFI Comment Period End.	03/14/14	

Action	Date	FR Cite
RFI Comment Period Extended.	03/03/14	79 FR 11714
RFI Comment Period Extended End.	04/14/14	
NPRM and Public Meeting.	06/10/15	80 FR 33030
NPRM Comment Period Extended.	07/30/15	80 FR 45452
NPRM Comment Period Extended End.	09/09/15	
Supplemental NPRM.	09/02/16	81 FR 60784
SNPRM Comment Period Extended.	09/30/16	81 FR 67219
SNPRM Comment Period Extended End.	11/02/16	

Action	Date	FR Cite
Notice of Proposed Determination and Request for Comment.	12/14/20	85 FR 80982
Notice of Proposed Determination Comment Period End.	03/01/21	
Second SNPRM ..	01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20585, *Phone:* 202 287-1943, *Email:* stephanie.johnson@ee.doe.gov. *RIN:* 1904-AD15

**77. Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces [1904-AD20]**

*Legal Authority:* 42 U.S.C. 6295(f)(4)(C); 42 U.S.C. 6295(m)(1); 42 U.S.C. 6295(gg)(3)  
*Abstract:* The Energy Policy and Conservation Act, as amended, (EPCA) prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including residential furnaces. EPCA also requires the U.S. Department of Energy (DOE) to determine whether more-stringent amended standards would be technologically feasible and economically justified and would save a significant amount of energy. DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces pursuant to a court-ordered remand of DOE’s 2011 rulemaking for these products.

*Timetable:*

Action	Date	FR Cite
Notice of Public Meeting.	10/30/14	79 FR 64517
NPRM and Notice of Public Meeting.	03/12/15	80 FR 13120
NPRM Comment Period Extended.	05/20/15	80 FR 28851
NPRM Comment Period Extended End.	07/10/15	
Notice of Data Availability (NODA).	09/14/15	80 FR 55038
NODA Comment Period End.	10/14/15	

Action	Date	FR Cite
NODA Comment Period Re-opened.	10/23/15	80 FR 64370
NODA Comment Period Re-opened End.	11/06/15	
Supplemental NPRM and Notice of Public Meeting.	09/23/16	81 FR 65720
Supplemental NPRM Comment Period End.	11/22/16	
SNPRM Comment Period Re-opened.	12/05/16	81 FR 87493
SNPRM Comment Period End.	01/06/17	
Notice of NPRM Withdrawal.	01/15/21	86 FR 3873
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597-6737, *Email:* julia.hegarty@ee.doe.gov. *RIN:* 1904-AD20

**78. Energy Conservation Standards for Commercial Water Heating-Equipment [1904-AD34]**

*Legal Authority:* 42 U.S.C. 6313(a)(6)(C)(i) and (vi)  
*Abstract:* Once completed, this rulemaking will fulfill the U.S. Department of Energy’s (DOE) statutory obligation under the Energy Policy and Conservation Act, as amended, (EPCA) to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers (CWHs), or determine that the existing standards do not need to be amended. (Unfired hot water storage tanks and commercial heat pump water heaters are being considered in a separate rulemaking.) DOE must determine whether national standards more stringent than those that are currently in place would result in a significant additional amount of energy savings and whether such amended national standards would be technologically feasible and economically justified. DOE proposes to amend the standards for certain classes of CWH equipment for which DOE has tentatively determined there is clear and convincing evidence to support more-stringent standards. Additionally, DOE is proposing to codify standards for electric instantaneous CWH equipment from EPCA into the Code of Federal Regulations.  
*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	10/21/14	79 FR 62899
RFI Comment Period End.	11/20/14	
NPRM .....	05/31/16	81 FR 34440
NPRM Comment Period End.	08/01/16	
NPRM Comment Period Re-opened.	08/05/16	81 FR 51812
NPRM Comment Period Re-opened End.	08/30/16	
Notice of Data Availability (NODA).	12/23/16	81 FR 94234
NODA Comment Period End.	01/09/17	
Notice of NPRM Withdrawal.	01/15/21	86 FR 3873
NPRM .....	05/19/22	87 FR 30610
NPRM Comment Period End.	07/18/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Julia Hegarty, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Phone:* 240 597-6737, *Email:* julia.hegarty@ee.doe.gov. *RIN:* 1904-AD34

**DEPARTMENT OF ENERGY (DOE)**

*Energy Efficiency and Renewable Energy (EE)*

Final Rule Stage

**79. Energy Conservation Standards for General Service Lamps [1904-AD09]**

*Legal Authority:* 42 U.S.C. 6295(i)(6)(A); 42 U.S.C. 6295(i)(6)(B)  
*Abstract:* The U.S. Department of Energy (DOE) is conducting a rulemaking to determine whether to amend or adopt standards for general service lamps (GSLs). This rulemaking is being undertaken pursuant to DOE’s authority under the Energy Policy and Conservation Act, as amended and satisfies a term of DOE’s settlement agreement with the National Electrical Manufacturers Association to issue a supplemental notice of proposed rulemaking regarding whether to amend or adopt standards for general service light-emitting diode lamps and possibly compact fluorescent lamps, which are both types of GSLs.

*Timetable:*

Action	Date	FR Cite
Framework Document Availability; Notice of Public Meeting.	12/09/13	78 FR 73737

Action	Date	FR Cite	Action	Date	FR Cite
Framework Document Comment Period End.	01/23/14		Supplemental NPRM.	12/00/22	
Framework Document Comment Period Extended.	01/23/14	79 FR 3742	<i>Regulatory Flexibility Analysis Required: Yes.</i>		
Framework Document Comment Period Extended End.	02/07/14		<i>Agency Contact:</i> Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20585, <i>Phone:</i> 202 287-1943, <i>Email:</i> <i>stephanie.johnson@ee.doe.gov.</i>		
Preliminary Analysis and Notice of Public Meeting.	12/11/14	79 FR 73503	<i>RIN:</i> 1904-AD09		
Preliminary Analysis Comment Period Extended.	01/30/15	80 FR 5052	<b>80. Test Procedure for Single-Package Vertical Air Conditioners and Heat Pumps [1904-AD94]</b>		
Preliminary Analysis Comment Period Extended End.	02/23/15		<i>Legal Authority:</i> 42 U.S.C. 6314(a)(1)(A)		
Notice of Public Meeting; Webinar.	03/15/16	81 FR 13763	<i>Abstract:</i> Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is examining whether to amend the current test procedure for single-package vertical air conditioners and heat pumps found at 10 CFR 431.96. As a result of this proceeding, DOE may propose and amend the test procedures for this equipment, or issue a determination that no amendments to the current test procedures are required. Once completed, this rulemaking will fulfill DOE's statutory obligation to either propose an amended test procedure for this equipment or determine that the existing test procedure does not need to be amended.		
NPRM .....	03/17/16	81 FR 14528	<i>Timetable:</i>		
NPRM Comment Period End.	05/16/16		Action	Date	FR Cite
Notice of Public Meeting; Webinar.	10/05/16	81 FR 69009	Request for Information (RFI).	07/20/18	83 FR 34499
Proposed Definition and Data Availability.	10/18/16	81 FR 71794	RFI Comment Period End.	09/04/18	
Proposed Definition and Data Availability Comment Period End.	11/08/16		NPRM .....	01/14/22	87 FR 2490
Final Rule Adopting a Definition for GSL.	01/19/17	82 FR 7276	NPRM Comment Period End.	03/15/22	
Final Rule Adopting a Definition for GSL Effective.	01/01/20		Final Action .....	09/00/22	
Final Rule Adopting a Definition for GSL Including IRL.	01/19/17	82 FR 7322	<i>Regulatory Flexibility Analysis Required: Yes.</i>		
Final Rule Adopting a Definition for GSL Including IRL Effective.	01/01/20		<i>Agency Contact:</i> Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE-5B, Washington, DC 20585, <i>Phone:</i> 202 586-7335, <i>Email:</i> <i>catherine.rivest@ee.doe.gov.</i>		
Final Rule; Withdrawal of Definition for GSL (Reported as 1904-AE26).	09/05/19	84 FR 46661	<i>RIN:</i> 1904-AD94		
Final Rule; Withdrawal of Definition for GSL Effective.	10/07/19		<b>81. Test Procedures for Dehumidifying Direct-Expansion Dedicated Outdoor Air Systems [1904-AE46]</b>		
Final Rule Adopting a Definition for GSL.	05/09/22	87 FR 27461	<i>Legal Authority:</i> 42 U.S.C. 6314(a)(4)		
Final Rule Adopting a Definition for GSL Effective.	07/08/22				

*Abstract:* Consistent with the requirements under the Energy Policy and Conservation Act (EPCA), as amended, the U.S. Department of Energy (DOE) is seeking to establish a Federal test procedure for dehumidifying direct-expansion dedicated outdoor air systems (DDX-DOASes) at 10 CFR 431.96. For covered equipment addressed in the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1, the DOE test procedure must be based upon the generally accepted industry testing procedure referenced in that industry consensus standard (42 U.S.C. 6314(a)(4)(A)). The statute further requires that each time the referenced industry test procedure is updated, DOE must amend the Federal test procedure to be consistent with the amended industry test procedure, unless there is clear and convincing evidence that the update would not be representative of an average use cycle or would be unduly burdensome to conduct (42 U.S.C. 6314(a)(4)(B)). Independent of that test procedure review obligation, EPCA also includes a 7-year-look-back review provision for covered commercial and industrial equipment that requires DOE to conduct an evaluation of each class of covered equipment to determine whether amended test procedures would more accurately or fully comply with the requirements that the Federal test procedure be representative of an average use cycle and not be unduly burdensome to conduct (42 U.S.C. 6314(a)(1)). In this test procedure rulemaking for DDX-DOASes, DOE is acting under its authority at 42 U.S.C. 6314(a)(4), and accordingly, it will propose and adopt a new Federal test procedure for this equipment. (The NOPR for this rule was mistakenly published in the **Federal Register** as RIN 1904-AD93 on July 7, 2021).

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	07/25/17	82 FR 34427
RFI Comment Period Ends.	08/24/17	
NPRM (Incorrectly Published as 1904-AD93).	07/07/21	86 FR 36018
NPRM Comment Period End.	09/07/21	
Supplemental NPRM.	12/23/21	86 FR 72874
SNPRM Comment Period End.	01/24/22	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Catherine Rivest, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE-5B, Washington, DC 20585, *Phone:* 202 586-7335, *Email:* catherine.rivest@ee.doe.gov. *RIN:* 1904-AE46

**82. Test Procedure for Cooking Tops [1904-AF18]**

*Legal Authority:* 42 U.S.C. 6293(b)(1); 42 U.S.C. 6292(a)(10)

*Abstract:* The U.S. Department of Energy (DOE) is required to review its test procedures for cooking products, including conventional cooking tops, once every 7 years under the Energy Policy and Conservation Act (EPCA), as amended. In this rulemaking, DOE is proposing to establish a test procedure for conventional cooking tops, a category of cooking products, that would replace the procedure that DOE withdrew on August 18, 2020. Once completed, this rulemaking will fulfill DOE’s statutory obligation to either propose new test procedures for this product or determine that new test procedures are not required. This review will also satisfy the review requirement under Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” 86 FR 7037 (January 25, 2021).

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/04/21	86 FR 60974
NPRM Comment Period End.	01/03/22	
NPRM Comment Period Extended and Notification of Data Availability.	12/16/21	86 FR 71406

Action	Date	FR Cite
NPRM Comment Period Extended.	01/18/22	
Second NPRM Comment Period Extended.	01/18/22	87 FR 2559
Second NPRM Comment Period Extended.	02/17/22	
Final Action .....	07/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stephanie Johnson, General Engineer, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW, Building Technologies Office, EE5B, Washington, DC 20585, *Phone:* 202 287-1943, *Email:* stephanie.johnson@ee.doe.gov. *RIN:* 1904-AF18

**DEPARTMENT OF ENERGY (DOE)**

*Energy Efficiency and Renewable Energy (EE)*

Completed Actions

**83. Energy Conservation Standards for Manufactured Housing [1904-AC11]**

*Legal Authority:* 42 U.S.C. 17071  
*Abstract:* The U.S. Department of Energy (DOE) has issued a final rule to address the requirement in section 413 of the Energy Independence and Security Act of 2007 (EISA) that DOE establish energy conservation standards for manufactured housing. See 42 U.S.C. 1707(a)(1). DOE is directed by EISA to base the energy efficiency standards on the most recent version of the International Energy Conservation Code (IECC), except where DOE finds that the IECC is not cost effective, or a more

stringent standard would be more cost effective, based on the impact of the IECC on the purchase price of manufactured housing and on total life-cycle construction and operating costs. The established standards provide a set of “tiered” standards based on the size of the manufactured home (single-section or multi-section) that would apply the 2021 IECC-based standards to manufactured homes, with less stringent building thermal envelope requirements for single-section manufactured homes.

*Completed:*

Reason	Date	FR Cite
SNPRM Comment Period End.	10/25/21	
NODA and Supplemental NPRM Comment Period Reopening.	10/26/21	86 FR 59042
NODA and Supplemental NPRM Comment Period Reopening End.	11/26/21	
NODA Comment Period Reopened.	01/14/22	87 FR 2359
NODA Comment Period Reopened End.	02/28/22	
Record of Decision.	05/31/22	87 FR 32405
Final Rule .....	05/31/22	87 FR 32728
Final Rule Effective.	08/01/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* John Cymbalsky, *Phone:* 202 287-1692, *Email:* john.cymbalsky@ee.doe.gov.

*RIN:* 1904-AC11

[FR Doc. 2022-14602 Filed 8-5-22; 8:45 am]

**BILLING CODE 6450-01-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part VIII

Department of Health and Human Services

---

Semiannual Regulatory Agenda



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Office of the Secretary**

**21 CFR Ch. I**

**25 CFR Ch. V**

**42 CFR Chs. I–V**

**45 CFR Subtitle A; Subtitle B, Chs. II, III, and XIII**

**Regulatory Agenda**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Semiannual Regulatory Agenda.

**SUMMARY:** The Regulatory Flexibility Act of 1980 and Executive Order (E.O.) 12866 require the semiannual issuance of an inventory of rulemaking actions under development throughout the Department, offering for public review summarized information about forthcoming regulatory actions.

**FOR FURTHER INFORMATION CONTACT:**

Kashif Syed, Senior Advisor to the Executive Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; (202) 690–5627.

**SUPPLEMENTARY INFORMATION:** The Department of Health and Human Services (HHS) is the Federal government’s lead agency for protecting the health of all Americans and providing essential human services. HHS enhances the health and well-being of Americans by promoting effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services.

This Agenda presents the regulatory activities that the Department expects to undertake in the foreseeable future to advance this mission. The purpose of the Agenda is to encourage more effective public participation in the regulatory process. The regulatory actions forecasted in this Agenda reflect

the priorities of HHS Secretary Xavier Becerra and the Biden-Harris Administration. Accordingly, this Agenda contains rulemakings aimed at tackling the coronavirus disease 2019 (COVID–19) pandemic, building and expanding access to affordable health care, addressing health disparities and promoting equity, and boosting the wellbeing of children and families, among other policy priorities.

The rulemaking abstracts included in this paper issue of the **Federal Register** cover, as required by the Regulatory Flexibility Act of 1980, those prospective HHS rulemakings likely to have a significant economic impact on a substantial number of small entities. The Department’s complete Regulatory Agenda is accessible online at <http://www.RegInfo.gov>.

**Kashif Syed,**

*Senior Advisor to the HHS Executive Secretary.*

**OFFICE OF THE SECRETARY—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
84 .....	Limiting the Effect of Exclusions Implemented Under the Social Security Act ( <b>Rulemaking Resulting From a Section 610 Review</b> ).	0991–AC11

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
85 .....	Treatment of Opioid use Disorder With Extended Take Home Doses of Methadone .....	0930–AA39

**CENTERS FOR DISEASE CONTROL AND PREVENTION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
86 .....	Control of Communicable Diseases; Foreign Quarantine .....	0920–AA75

**FOOD AND DRUG ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
87 .....	National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers ..	0910–AH11
88 .....	Medication Guide; Patient Medication Information .....	0910–AH68
89 .....	Requirements for Tobacco Product Manufacturing Practice .....	0910–AH91
90 .....	Administrative Detention of Tobacco Products .....	0910–AI05
91 .....	Nutrient Content Claims, Definition of Term: Healthy .....	0910–AI13
92 .....	Tobacco Product Standard for Characterizing Flavors in Cigars .....	0910–AI28
93 .....	Conduct of Analytical and Clinical Pharmacology, Bioavailability and Bioequivalence Studies .....	0910–AI57
94 .....	Amendments to the Final Rule Regarding the List of Bulk Substances That Can Be Used to Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug and Cosmetic Act ( <b>Section 610 Review</b> ).	0910–AI70
95 .....	Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act ( <b>Section 610 Review</b> ).	0910–AI71

## FOOD AND DRUG ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
96 .....	Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format.	0910-AG27
97 .....	Sunlamp Products; Amendment to the Performance Standard .....	0910-AG30
98 .....	Mammography Quality Standards Act .....	0910-AH04
99 .....	Amendments to the List of Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act.	0910-AH81
100 .....	Revocation of Uses of Partially Hydrogenated Oils in Foods .....	0910-AI15
101 .....	Requirements For Additional Traceability Records For Certain Foods .....	0910-AI44

## FOOD AND DRUG ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
102 .....	General and Plastic Surgery Devices: Restricted Sale, Distribution, and Use of Sunlamp Products .....	0910-AH14
103 .....	Nicotine Toxicity Warnings .....	0910-AH24
104 .....	Certain Requirements Regarding Prescription Drug Marketing (203 Amendment) .....	0910-AH56
105 .....	Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products.	0910-AI61

## FOOD AND DRUG ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
106 .....	Laboratory Accreditation for Analyses of Foods .....	0910-AH31

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
107 .....	Administrative Simplification: Modifications to NCPDP Retail Pharmacy Standards (CMS-0056) .....	0938-AU19
108 .....	Medicare Advantage and Medicare Prescription Drug Benefit Program Payment Policy (CMS-4198) .....	0938-AU59
109 .....	CY 2023 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1770) ( <b>Section 610 Review</b> ).	0938-AU81
110 .....	CY 2023 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1772) ( <b>Section 610 Review</b> ).	0938-AU82
111 .....	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2023 Rates (CMS-1771) ( <b>Section 610 Review</b> ).	0938-AU84
112 .....	Transitional Coverage for Emerging Technologies (CMS-3421) .....	0938-AU86
113 .....	Conditions of Participation (CoPs) for Rural Emergency Hospitals (REHs) and Critical Access Hospital (CAH) COP Updates (CMS-3419) ( <b>Section 610 Review</b> ).	0938-AU92

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
114 .....	Requirements Related to Surprise Billing; Part II (CMS-9908) .....	0938-AU62

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
115 .....	Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415) ( <b>Section 610 Review</b> ) .....	0938-AU75

## CENTERS FOR MEDICARE &amp; MEDICAID SERVICES—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
116 .....	Durable Medical Equipment Fee Schedule, Adjustments to Resume the Transitional 50/50 Blended Rates to Provide Relief in Non-Competitive Bidding Areas (CMS-1687) ( <b>Completion of a Section 610 Review</b> ).	0938-AT21

CENTERS FOR MEDICARE & MEDICAID SERVICES—COMPLETED ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
117 .....	Most Favored Nation (MFN) Model (CMS–5528) ( <b>Completion of a Section 610 Review</b> ) .....	0938–AT91
118 .....	Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2022 Rates (CMS–1752) ( <b>Completion of a Section 610 Review</b> ).	0938–AU44

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

RIN: 0991–AC11

Office of the Secretary (OS)

Proposed Rule Stage

**84. Limiting the Effect of Exclusions Implemented Under the Social Security Act (Rulemaking Resulting From a Section 610 Review) [0991–AC11]**

Legal Authority: 5 U.S.C. 301; 31 U.S.C. 6101

*Abstract:* Exclusions implemented under the Social Security Act prevent individuals convicted of certain crimes or individuals whose health care licenses have been revoked from participating in Federal health care programs. Instead of only being barred from participating in all Federal healthcare programs, certain regulatory provisions have resulted in these type of exclusion actions being given an overly broad government-wide effect, and excluded parties have been barred from participating in all Federal procurement and non-procurement actions. However, because Social Security Act exclusions are not issued under an agency’s suspension and debarment authority, they do not stop individuals from participating in all Federal procurement and non-procurement actions. For an agency to bar individuals from participating in all procurement and non-procurement activities, it must exercise its suspension and debarment authority under the Federal Acquisition Regulation or the Nonprocurement Common Rule. This rulemaking would remove the regulatory provisions at issue, in order to align the regulation with the intent of the Social Security Act and current practice.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Tiffani Redding, Program Analyst, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue SW, Washington, DC 20201, Phone: 202 205–4321, Email: tiffani.redding@hhs.gov.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Substance Abuse and Mental Health Services Administration (SAMHSA)

Proposed Rule Stage

**85. Treatment of Opioid Use Disorder With Extended Take Home Doses of Methadone [0930–AA39]**

Legal Authority: 21 U.S.C. 823(g)(1)  
*Abstract:* SAMHSA will propose to revise 42 CFR part 8 to make permanent some regulatory flexibilities for opioid treatment programs to provide extended take home doses of methadone. To facilitate this new treatment paradigm, sections of 42 CFR part 8 would require updating to reflect current treatment practice. SAMHSA’s changes would impact roughly 1800 opioid treatment programs and state opioid treatment authorities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Dr. Neeraj Gandotra, Chief Medical Officer, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 18E67, Rockville, MD 20857, Phone: 202 823–1816, Email: neeraj.gandotra@samhsa.hhs.gov.

RIN: 0930–AA39

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Centers for Disease Control and Prevention (CDC)

Final Rule Stage

**86. Control of Communicable Diseases; Foreign Quarantine [0920–AA75]**

Legal Authority: 42 U.S.C. 264; 42 U.S.C. 265

*Abstract:* This rulemaking amends current regulation to enable CDC to

require airlines to collect and provide to CDC certain data elements regarding passengers and crew arriving from foreign countries under certain circumstances.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule Effective.	02/07/20	
Interim Final Rule Comment Period End.	02/12/20 03/13/20	85 FR 7874
Final Action .....	05/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Ashley C. Altenburger JD, Public Health Analyst, Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS: H 16–4, Atlanta, GA 30307, Phone: 800 232–4636, Email: dgmqpolicyoffice@cdc.gov.

RIN: 0920–AA75

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Food and Drug Administration (FDA)

Proposed Rule Stage

**87. National Standards for the Licensure of Wholesale Drug Distributors and Third-Party Logistics Providers [0910–AH11]**

Legal Authority: secs. 583 and 584 of the FD&C Act, as added by the DSCSA under Pub. L. 113–54, together with related FD&C Act authority added by the DSCSA.

*Abstract:* The rulemaking, once finalized and effective, will establish national standards for State licensing of prescription drug wholesale distributors and third-party logistics providers. The rulemaking will also establish a Federal system for wholesale drug distributor and third-party logistics provider licensing for use in the absence of a State licensure program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/04/22	87 FR 6708
NPRM Comment Period Extended.	05/24/22	87 FR 31439
NPRM Comment Period End.	06/06/22	
NPRM Comment Extended End.	09/06/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Aaron Weisbuch, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796-9362, *Email:* aaron.weisbuch@fda.hhs.gov. *RIN:* 0910-AH11

**88. Medication Guide; Patient Medication Information [0910-AH68]**

*Legal Authority:* 21 U.S.C. 321 et seq.; 42 U.S.C. 262; 42 U.S.C. 264; 21 U.S.C. 371

*Abstract:* The proposed rule would amend FDA medication guide regulations to require a new form of patient labeling, Patient Medication Information, for submission to and review by FDA for human prescription drug products and certain blood products used, dispensed, or administered on an outpatient basis. The proposed rule would include requirements for Patient Medication Information development and distribution. The proposed rule would require clear and concisely written prescription drug product information presented in a consistent and easily understood format to help patients use their prescription drug products safely and effectively.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Chris Wheeler, Supervisory Project Manager, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 3330, Silver Spring, MD 20993, *Phone:* 301 796-0151, *Email:* chris.wheeler@fda.hhs.gov. *RIN:* 0910-AH68

**89. Requirements for Tobacco Product Manufacturing Practice [0910-AH91]**

*Legal Authority:* 21 U.S.C. 371; 21 U.S.C. 387b; 21 U.S.C. 387f

*Abstract:* The rule is proposing to establish tobacco product manufacturing practice (TPMP) requirements for manufacturers of finished and bulk tobacco products. This proposed rule, if finalized, would set forth requirements for the manufacture, pre-production design validation, packing, and storage of a tobacco product. This proposal would help prevent the manufacture and distribution of contaminated and otherwise nonconforming tobacco products. This proposed rule provides manufacturers with flexibility in the manner in which they comply with the proposed requirements while giving FDA the ability to enforce regulatory requirements, thus helping to assure the protection of public health.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Matthew Brenner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

*RIN:* 0910-AH91

**90. Administrative Detention of Tobacco Products [0910-AI05]**

*Legal Authority:* 21 U.S.C. 334; 21 U.S.C. 371

*Abstract:* FDA is proposing regulations to establish requirements for the administrative detention of tobacco products. This proposal would allow FDA to administratively detain tobacco products encountered during inspections of manufacturers or other establishments that manufacture, process, pack, or hold tobacco products that an authorized FDA representative conducting the inspection has reason to believe are adulterated or misbranded. The intent of administrative detention is to protect public health by preventing the distribution or use of tobacco products encountered during inspections that are believed to be adulterated or misbranded until FDA has had time to consider the appropriate action to take and, where appropriate, to initiate legal action.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nathan Mease, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

Matthew Brenner, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov. *RIN:* 0910-AI05

**91. Nutrient Content Claims, Definition of Term: Healthy [0910-AI13]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 343; 21 U.S.C. 371

*Abstract:* The proposed rule would update the definition for the implied nutrient content claim “healthy” to be consistent with current nutrition science and federal dietary guidelines. The proposed rule would revise the requirements for when the claim “healthy” can be voluntarily used in the labeling of human food products so that the claim reflects current science and dietary guidelines and helps consumers maintain healthy dietary practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Vincent De Jesus, Nutritionist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition, (HFS-830), Room 3D-031, 5100 Paint Branch Parkway, College Park, MD 20740, *Phone:* 240 402-1774, *Fax:* 301 436-1191, *Email:* vincent.dejesus@fda.hhs.gov. *RIN:* 0910-AI13

**92. Tobacco Product Standard for Characterizing Flavors in Cigars [0910-AI28]**

*Legal Authority:* 21 U.S.C. 331; 21 U.S.C. 333; 21 U.S.C. 371(a); 21 U.S.C. 387b and 387c; 21 U.S.C. 387f(d) and 387g; . . .

*Abstract:* Evidence shows that flavored tobacco products appeal to youth and also shows that youth may be more likely to initiate tobacco use with such products. Characterizing flavors in cigars, such as strawberry, grape, orange, and cocoa, enhance taste and make them easier to use. Over a half million youth in the United States use flavored cigars, placing these youth at risk for cigar-related disease and death. This proposed rule is a tobacco product standard that would prohibit characterizing flavors (other than tobacco) in all cigars. We are taking this action with the intention of reducing the tobacco-related death and disease associated with cigar use.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/21/18	83 FR 12294
ANPRM Comment Period End.	07/19/18	
NPRM .....	05/04/22	87 FR 26396
NPRM Comment Period End.	07/05/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nathan Mease, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Center for Tobacco Products, Document Control Center, Building 71, Room G335, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).

Courtney Smith, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, Document Control Center, Building 71, Room G335, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Fax:* 877 287-1426, *Email:* [ctpregulations@fda.hhs.gov](mailto:ctpregulations@fda.hhs.gov).

RIN: 0910-AI28

**93. Conduct of Analytical and Clinical Pharmacology, Bioavailability and Bioequivalence Studies [0910-AI57]**

*Legal Authority:* 21 U.S.C. 355; 21 U.S.C. 371; 21 U.S.C. 374; 42 U.S.C. 262

*Abstract:* FDA is proposing to amend 21 CFR 320, in certain parts, and establish a new 21 CFR 321 to clarify FDA's study conduct expectations for analytical and clinical pharmacology, bioavailability (BA) and bioequivalence (BE) studies that support marketing applications for human drug and biological products. The proposed rule would specify needed basic study conduct requirements to enable FDA to ensure those studies are conducted appropriately and to verify the

reliability of study data from those studies. This regulation would align with FDA's other good practice regulations, would also be consistent with current industry best practices, and would harmonize the regulations more closely with related international regulatory expectations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brian Joseph Folian, Supervisory Biologist, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5215, Silver Spring, MD 20993-0002, *Phone:* 240 402-4089, *Email:* [brian.folian@fda.hhs.gov](mailto:brian.folian@fda.hhs.gov).

RIN: 0910-AI57

**94. Amendments to the Final Rule Regarding the List of Bulk Substances That Can Be Used to Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug and Cosmetic Act (Section 610 Review) [0910-AI70]**

*Legal Authority:* 21 U.S.C. 353a; 21 U.S.C. 351; 21 U.S.C. 371(a); 21 U.S.C. 352; 21 U.S.C. 355; . . .

*Abstract:* FDA has issued a regulation creating a list of bulk drug substances (active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act), although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drug products (the 503A Bulks List). The proposed rule will identify certain bulk drug substances that FDA has considered and is proposing to place on the 503A Bulks List and certain bulk drug substances that FDA has considered and is proposing not to include on the 503A Bulks List.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexandria Fujisaki, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5169, Center for Drug Evaluation and

Research, Silver Spring, MD 20993, *Phone:* 240 402-4078.

RIN: 0910-AI70

**95. • Distribution of Compounded Drug Products Under Section 503A of the Federal Food, Drug, and Cosmetic Act (Section 610 Review) [0910-AI71]**

*Legal Authority:* 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 353a-1; 21 U.S.C. 353b; 21 U.S.C. 355; 21 U.S.C. 371

*Abstract:* The Food and Drug Administration is proposing rulemaking regarding statutory requirements for certain distributions of compounded human prescription drug products. The proposed rule, if finalized, will include provisions regarding a standard memorandum of understanding (MOU) that describes the responsibilities of a State Board of Pharmacy or other appropriate State agency that chooses to sign the standard MOU in investigating complaints related to drug products compounded in such State and distributed outside such State and in addressing the interstate distribution of inordinate amounts of compounded human drug products. It will also, if finalized, include provisions regarding the statutory 5 percent limit on distribution of compounded human drug products out of the State in which they are compounded in States that do not sign the standard MOU, and may address adverse event reporting, product quality reporting, and communication with State boards of pharmacy.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Undetermined.*

*Agency Contact:* Alexandria Fujisaki, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5169, Center for Drug Evaluation and Research, Silver Spring, MD 20993, *Phone:* 240 402-4078, *Email:* [alexandria.fujisaki@fda.hhs.gov](mailto:alexandria.fujisaki@fda.hhs.gov).

RIN: 0910-AI71

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Food and Drug Administration (FDA)*  
Final Rule Stage

**96. Direct-to-Consumer Prescription Drug Advertisements: Presentation of the Major Statement in a Clear, Conspicuous, Neutral Manner in Advertisements in Television and Radio Format [0910-AG27]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 331; 21 U.S.C. 352; 21 U.S.C. 355; 21 U.S.C. 360b; 21 U.S.C. 371; . . .

*Abstract:* The Food and Drug Administration (FDA) is amending its regulations concerning direct-to-consumer (DTC) advertisements of prescription drugs. Prescription drug advertisements presented through media such as TV and radio must disclose the product's major side effects and contraindications in what is sometimes called the major statement. The rule would revise the regulation to reflect the statutory requirement that in DTC advertisements for human drugs in television or radio format, the major statement relating to side effects and contraindications of an advertised prescription drug must be presented in a clear, conspicuous, and neutral manner. This rule also establishes standards for determining whether the major statement in these advertisements is presented in the manner required.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/29/10	75 FR 15376
NPRM Comment Period End.	06/28/10	
NPRM Comment Period Re-opened.	01/27/12	77 FR 4273
NPRM Comment Period End.	02/27/12	
NPRM Comment Period Re-opened.	03/29/12	77 FR 16973
NPRM Comment Period Re-opened End.	04/09/12	
Final Rule .....	05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Suzanna Boyle, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 51, Room 3214, Silver Spring, MD 20993, *Phone:* 240 402-4723, *Email:* [suzanna.boyle@fda.hhs.gov](mailto:suzanna.boyle@fda.hhs.gov).

*RIN:* 0910-AG27

**97. Sunlamp Products; Amendment to the Performance Standard [0910-AG30]**

*Legal Authority:* 21 U.S.C. 360ii; 21 U.S.C. 360kk; 21 U.S.C. 393; 21 U.S.C. 371

*Abstract:* FDA is updating the performance standard for sunlamp products and ultraviolet lamps for use in these products to improve safety, reflect new scientific information, and work towards harmonization with international standards. By harmonizing with the International Electrotechnical Commission, this rule will decrease the regulatory burden on industry and allow the Agency to take advantage of the expertise of the international committees, thereby also saving resources.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/22/15	80 FR 79505
NPRM Comment Period End.	03/21/16	
Final Rule .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796-5678, *Email:* [ian.ostermiller@fda.hhs.gov](mailto:ian.ostermiller@fda.hhs.gov).

*RIN:* 0910-AG30

**98. Mammography Quality Standards Act [0910-AH04]**

*Legal Authority:* 21 U.S.C. 360i; 21 U.S.C. 360nn; 21 U.S.C. 374(e); 42 U.S.C. 263b

*Abstract:* FDA is amending its regulations governing mammography. The amendments will update the regulations issued under the Mammography Quality Standards Act of 1992 (MQSA) and the Federal Food, Drug, and Cosmetic Act (FD&C Act). FDA is taking this action to address changes in mammography technology and mammography processes that have occurred since the regulations were published in 1997 and to address breast density reporting to patient and healthcare providers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/28/19	84 FR 11669
NPRM Comment Period End.	06/26/19	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Laurie Sternberg, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 66, Room 5517, Silver Spring, MD 20993, *Phone:* 240 402-0425, *Email:* [laurie.sternberg@fda.hhs.gov](mailto:laurie.sternberg@fda.hhs.gov).

*RIN:* 0910-AH04

**99. Amendments to the List of Bulk Drug Substances That Can Be Used to Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act [0910-AH81]**

*Legal Authority:* 21 U.S.C. 351; 21 U.S.C. 352; 21 U.S.C. 353a; 21 U.S.C. 355; 21 U.S.C. 371; . . .

*Abstract:* FDA has issued a regulation creating a list of bulk drug substances (active pharmaceutical ingredients) that can be used to compound drug products in accordance with section 503A of the Federal Food, Drug, and Cosmetic Act (FD&C Act), although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drugs (the 503A Bulks List). FDA has proposed to amend the 503A Bulks List by placing five additional bulk drug substances on the list. FDA has also identified 26 bulk drug substances that FDA has considered and proposed not to include on the 503A Bulks List. Additional substances nominated by the public for inclusion on this list are currently under consideration and will be the subject of a future rulemaking.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/05/19	84 FR 46688
NPRM Comment Period End.	12/04/19	
Final Rule .....	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Rosilend Lawson, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, Building 51, Room 5197, Silver Spring, MD 20993, *Phone:* 240 402-6223, *Email:* [rosilend.lawson@fda.hhs.gov](mailto:rosilend.lawson@fda.hhs.gov).

*RIN:* 0910-AH81

**100. Revocation of Uses of Partially Hydrogenated Oils in Foods [0910-AI15]**

*Legal Authority:* 21 U.S.C. 321; 21 U.S.C. 341; 21 U.S.C. 342; 21 U.S.C. 343;

21 U.S.C. 348; 21 U.S.C. 371; 21 U.S.C. 379e

*Abstract:* In the **Federal Register** of June 17, 2015 (80 FR 34650), we published a declaratory order announcing our final determination that there is no longer a consensus among qualified experts that partially hydrogenated oils (PHOs) are generally recognized as safe (GRAS) for any use in human food. In the **Federal Register** of May 21, 2018 (83 FR 23382), we denied a food additive petition requesting that the food additive regulations be amended to provide for the safe use of PHOs in certain food applications. We are now planning to issue a direct final rule and companion proposed rule to update our regulations to remove all mention of partially hydrogenated oils from FDA’s GRAS regulations and as an optional ingredient in standards of identity. We are also revoking all prior sanctions for uses of PHOs in food.

*Timetable:*

Action	Date	FR Cite
Direct Final Rule	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ellen Anderson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, HFS-265, 4300 River Road, College Park, MD 20740, *Phone:* 240 402-1309, *Email:* ellen.anderson@fda.hhs.gov.  
*RIN:* 0910-A115

**101. Requirements for Additional Traceability Records for Certain Foods [0910-AI44]**

*Legal Authority:* sec. 204 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111-353) (21 U.S.C. 2223(d)); sec. 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)); sec. 361 of the Public Health Service Act (42 U.S.C. 264)

*Abstract:* This rule will establish additional recordkeeping requirements for facilities that manufacture, process, pack, or hold foods that are designated as high-risk foods.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/23/20	85 FR 59984
NPRM Comment Period End.	01/21/21	
NPRM Comment Period Extended.	12/18/20	85 FR 82393
NPRM Comment Period End.	02/22/21	
Final Rule .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Katherine Vierk, Director, Division of Public Health Informatics and Analytics, Department of Health and Human Services, Food and Drug Administration, 5001 Campus Drive, CPK1, Room 2B014, HFS-005, College Park, MD 20740, *Phone:* 240 402-2122, *Email:* katherine.vierk@fda.hhs.gov

*RIN:* 0910-AI44

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Food and Drug Administration (FDA)*

Long-Term Actions

**102. General and Plastic Surgery Devices: Restricted sale, Distribution, and Use of Sunlamp Products [0910-AH14]**

*Legal Authority:* 21 U.S.C. 360j(e)

*Abstract:* This rule will apply device restrictions to sunlamp products. Sunlamp products include ultraviolet (UV) lamps and UV tanning beds and booths. The incidence of skin cancer, including melanoma, has been increasing, and a large number of skin cancer cases are attributable to the use of sunlamp products. The devices may cause about 400,000 cases of skin cancer per year, and 6,000 of which are melanoma. Beginning use of sunlamp products at young ages, as well as frequently using sunlamp products, both increases the risk of developing skin cancers and other illnesses, and sustaining other injuries. Even infrequent use, particularly at younger ages, can significantly increase these risks.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/22/15	80 FR 79493
NPRM Comment Period End.	03/21/16	
Final Rule .....	06/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ian Ostermiller, Regulatory Counsel, Center for Devices and Radiological Health, Department of Health and Human Services, Food and Drug Administration, 10903 New Hampshire Avenue, WO 66, Room 5454, Silver Spring, MD 20993, *Phone:* 301 796-567, *Email:* ian.ostermiller@fda.hhs.gov.

*RIN:* 0910-AH14

**103. Nicotine Toxicity Warnings [0910-AH24]**

*Legal Authority:* 21 U.S.C. 301 *et seq.*; 21 U.S.C. 331; 21 U.S.C. 371; 21 U.S.C. 387f; . . .

*Abstract:* This rule would establish acute nicotine toxicity warning requirements for liquid nicotine and nicotine-containing e-liquid(s) that are made or derived from tobacco and intended for human consumption, and potentially for other tobacco products including, but not limited to, novel tobacco products such as dissolvables, lotions, gels, and drinks. This action is intended to increase consumer awareness and knowledge of the risks of acute toxicity due to accidental nicotine exposure from nicotine-containing e-liquids in tobacco products.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Courtney Smith, Senior Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Tobacco Products, 10903 New Hampshire Avenue, Document Control Center, Building 71, Room G3355, Silver Spring, MD 20993, *Phone:* 877 287-1373, *Email:* ctpregulations@fda.hhs.gov.

*RIN:* 0910-AH24

**104. Certain Requirements Regarding Prescription Drug Marketing (203 Amendment) [0910-AH56]**

*Legal Authority:* Section 503 and related provisions of the FD&C Act, as amended by Pub. L. 113-54

*Abstract:* The Food and Drug Administration (FDA) is amending the regulations at 21 CFR 203 to remove provisions no longer in effect and incorporate conforming changes following enactment of the Drug Supply Chain Security Act (DSCSA). In this proposed rulemaking, the Agency is amending the regulations to clarify provisions and avoid causing confusion with the new standards for wholesale distribution established by DSCSA.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/04/22	87 FR 6443
NPRM Comment Period End.	04/05/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Aaron Weisbuch, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Building 51, Room 4261, 10903 New Hampshire Avenue, Silver Spring, MD 20993, *Phone:* 301 796-9362, *Email:* aaron.weisbuch@fda.hhs.gov.

*RIN:* 0910-AH56

**105. Postmarketing Safety Reporting Requirements, Pharmacovigilance Plans, and Pharmacovigilance Quality Systems for Human Drug and Biological Products [0910-AI61]**

*Legal Authority:* 42 U.S.C. 262; 42 U.S.C. 264; 42 U.S.C. 300aa-25; 21 U.S.C. 321; 21 U.S.C. 351 to 353; 21 U.S.C. 355; 21 U.S.C. 360; 21 U.S.C. 371; 21 U.S.C. 374; . . .

*Abstract:* The proposed rule would modernize FDA’s regulations on postmarketing safety reporting and pharmacovigilance for human drug and biological products, including blood and blood components, by capturing important new safety-related information, improving the quality and utility of submitted reports, and supporting enhanced alignment with internationally harmonized reporting guidelines. Among other things, the proposed rule would require the submission of certain nonclinical and clinical data to FDA in a periodic safety report, rather than the annual report. The proposed rule also would require application holders for drug products and certain biological products to establish and maintain a pharmacovigilance quality system that reflects the application holder’s unique needs and that may support a more streamlined, flexible approach to satisfying certain postmarketing safety reporting requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Janice L. Weiner, Principal Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Avenue, Building 51, Room 6270, Silver Spring, MD 20993-0002, *Phone:* 301 796-3475, *Fax:* 301 847-8440, *Email:* janice.weiner@fda.hhs.gov.

*RIN:* 0910-AI61

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Food and Drug Administration (FDA)*

Completed Actions

**106. Laboratory Accreditation for Analyses of Foods [0910-AH31]**

*Legal Authority:* 21 U.S.C. 350k; 21 U.S.C. 371(a); . . .

*Abstract:* This rule will enable FDA to recognize accreditation bodies that will accredit laboratories to perform analyses of food under certain circumstances to help ensure appropriate use of equipment, personnel, and procedures to conduct reliable analyses. A program for accredited laboratories will increase the number of qualified laboratories eligible to perform testing of food, which will help FDA improve the safety of the U.S. food supply.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	12/03/21	86 FR 68728
Final Rule Effective.	02/01/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Stacie Hammack, *Phone:* 301 796-5817, *Email:* stacie.hammack@fda.hhs.gov. *RIN:* 0910-AH31

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Centers for Medicare & Medicaid Services (CMS)*

Proposed Rule Stage

**107. Administrative Simplification: Modifications to NCPDP Retail Pharmacy Standards (CMS-0056) [0938-AU19]**

*Legal Authority:* 42 U.S.C. 1320d to 1320d-9

*Abstract:* This proposed rule would require pharmacies and vendors to modify the currently adopted National Council for Prescription Drug Programs (NCPDP) standards to the Telecommunications Standard Implementation Guide Version F6 (F6); Batch Standard Implementation Guide version 15; and Batch Standard Subrogation Implementation Guide version 10.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Geanelle Herring, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Office of Burden Reduction and Health Informatics, MS: S2-26-17, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786-4466, *Email:* geanelle.herring@cms.hhs.gov. *RIN:* 0938-AU19

**108. Medicare Advantage and Medicare Prescription Drug Benefit Program Payment Policy (CMS-4198) [0938-AU59]**

*Legal Authority:* 42 U.S.C. 1395w  
*Abstract:* This proposed rule would codify long-established Medicare Advantage and Part D payment policies that are outside the scope of the annual Advance Notice/Rate Announcement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jennifer Shapiro, Director, Medicare Plan Payment Group, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C1-13-18, 7500 Security Boulevard, Baltimore, MD 21244, *Phone:* 410 786-7407, *Email:* jennifer.shapiro@cms.hhs.gov. *RIN:* 0938-AU59

**109. CY 2023 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1770) (Section 610 Review) [0938-AU81]**

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395hh

*Abstract:* This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2023. Additionally, this rule proposes updates to the Quality Payment Program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Gift Tee, Director, Division of Physician Services, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, 7500 Security Boulevard, MS: C1-09-



07, Baltimore, MD 21244, Phone: 410 786-9316, Email: gift.tee@cms.hhs.gov.  
RIN: 0938-AU81

**110. CY 2023 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1772) (Section 610 Review) [0938-AU82]**

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates. This proposed rule would also update and refine the requirements for the Hospital Outpatient Quality Reporting (OQR) Program and the ASC Quality Reporting (ASCQR) Program.

Timetable:

Action	Date	FR Cite
NPRM .....	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elise Barringer, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-03-06, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-9222, Email: elise.barringer@cms.hhs.gov.

RIN: 0938-AU82

**111. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; The Long-Term Care Hospital Prospective Payment System; and FY 2023 Rates (CMS-1771) (Section 610 Review) [0938-AU84]**

Legal Authority: 42 U.S.C. 1302; 42 U.S.C. 1395hh

Abstract: This annual final rule revises the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems. In addition, the rule establishes new requirements or revises existing requirements for quality reporting by specific Medicare providers.

Timetable:

Action	Date	FR Cite
NPRM .....	05/10/22	87 FR 28108
NPRM Comment Period End.	06/17/22	
Final Action .....	10/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Donald Thompson, Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-01-26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-6504, Email: donald.thompson@cms.hhs.gov.

RIN: 0938-AU84

**112. Transitional Coverage for Emerging Technologies (CMS-3421) [0938-AU86]**

Legal Authority: 42 U.S.C. 263a; 42 U.S.C. 405(a); 42 U.S.C. 1302; 42 U.S.C. 1320b-12; . . .

Abstract: This proposed rule would establish the criteria for an expedited coverage pathway to provide Medicare beneficiaries with faster access to innovative and beneficial technologies.

Timetable:

Action	Date	FR Cite
NPRM .....	04/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lori Ashby, Senior Technical Advisor, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3-02-01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-6322, Email: lori.ashby@cms.hhs.gov.

RIN: 0938-AU86

**113. Conditions of Participation (COPS) for Rural Emergency Hospitals (REHS) and Critical Access Hospital (CAH) COP Updates (CMS-3419) (Section 610 Review) [0938-AU92]**

Legal Authority: 42 U.S.C. 1395x  
Abstract: This proposed rule would establish health and safety requirements for a new provider type, Rural Emergency Hospitals, in accordance with section 125 of the Consolidated Appropriations Act, 2021.

Timetable:

Action	Date	FR Cite
NPRM .....	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Kianna Banks, Health Insurance Specialist, Department

of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: S3-02-01, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-8486, Email: kianna.banks@cms.hhs.gov.  
RIN: 0938-AU92

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Centers for Medicare & Medicaid Services (CMS)

Final Rule Stage

**114. Requirements Related to Surprise Billing; Part II (CMS-9908) [0938-AU62]**

Legal Authority: Pub. L. 116-260, Division BB, title I and title II

Abstract: This final rule implements provisions related to the independent dispute resolution processes included in the Public Health Service Act sections 2799A-1(c) and 2799A-2(b), as added by sections 103 and 105 of the No Surprises Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/21	86 FR 55980
Interim Final Rule Effective.	10/07/21	
Interim Final Rule Comment Period End.	12/06/21	
Final Action .....	06/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Deborah Bryant, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, MS: W08-134, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 301 492-4293, Email: deborah.bryant@cms.hhs.gov.

RIN: 0938-AU62

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

Centers for Medicare & Medicaid Services (CMS)

Long-Term Actions

**115. Omnibus Covid-19 Health Care Staff Vaccination (CMS-3415) (Section 610 Review) [0938-AU75]**

Legal Authority: 42 U.S.C. 1395hh; 42 U.S.C. 1302

Abstract: This interim final rule with comment period revises the infection

control requirements that most Medicare- and Medicaid-participating providers and suppliers must meet to participate in the Medicare and Medicaid programs. These changes are necessary to protect the health and safety of residents, clients, patients, and staff and reflect lessons learned as result of the COVID-19 public health emergency. The revisions to the infection control requirements establish COVID-19 vaccination requirements for staff at the included Medicare- and Medicaid-participating providers and suppliers.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	11/05/21	86 FR 61555
Interim Final Rule Effective.	11/05/21	
Interim Final Rule Comment Period End.	01/04/22	
Reviewing Public Comments.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kim Roche, Nurse, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Clinical Standards and Quality, MS: C2-21-16, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-3524, Email: kim.roche@cms.hhs.gov. RIN: 0938-AU75

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**

*Centers for Medicare & Medicaid Services (CMS)*

Completed Actions

**116. Durable Medical Equipment Fee Schedule, Adjustments To Resume the Transitional 50/50 Blended Rates To Provide Relief in Non-Competitive Bidding Areas (CMS-1687) (Completion of a Section 610 Review) [0938-AT21]**

*Legal Authority:* 42 U.S.C. 1302, 1395hh, and 1395rr(b)(1); Pub. L. 114-255, sec. 5004(b), 16007(a) and 16008  
*Abstract:* This final rule responds to public comments on the interim final rule that published May 11, 2018 and extended the end of the transition period from June 30, 2016, to December 31, 2016 for phasing in adjustments to the fee schedule amounts for certain durable medical equipment (DME) and

enteral nutrition paid in areas not subject to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Competitive Bidding Program (CBP). In addition, the interim rule amended the regulation to resume the transition period for items furnished from August 1, 2017, through December 31, 2018. The interim rule also made technical amendments to existing regulations for DMEPOS items and services to exclude infusion drugs used with DME from the DMEPOS CBP.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	05/11/18	83 FR 21912
Interim Final Rule Comment Period End.	07/09/18	
Continuation Notice.	04/26/21	86 FR 21949
Final Action Merged With 0938-AU38 and 0938-AU17.	12/28/21	86 FR 73860

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexander Ullman, Health Insurance Specialist, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C5-07-26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-9671, Email: alexander.ullman@cms.hhs.gov. RIN: 0938-AT21

**117. Most Favored Nation (MFN) Model (CMS-5528) (Completion of a Section 610 Review) [0938-AT91]**

*Legal Authority:* Social Security Act, sec. 1115A

*Abstract:* This final rule rescinds the Most Favored Nation Model interim final rule with comment period that appeared in the November 27, 2020, **Federal Register**.

*Timetable:*

Action	Date	FR Cite
ANPRM	10/30/18	83 FR 54546
ANPRM Comment Period End.	12/31/18	
Interim Final Rule	11/27/20	85 FR 76180
Interim Final Rule Effective.	11/27/20	
Interim Final Rule Comment Period End.	01/26/21	
NPRM	08/10/21	86 FR 43618
NPRM Comment Period End.	10/12/21	
Final Action	12/29/21	86 FR 73986

Action	Date	FR Cite
Final Action Effective.	02/28/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Lara Strawbridge, Director, Division of Ambulatory Payment Models, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare and Medicaid Innovation, 7500 Security Boulevard, MS: WB-06-05, Baltimore, MD 21244, Phone: 410 786-7400, Email: mfn@cms.hhs.gov. RIN: 0938-AT91

**118. Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2022 Rates (CMS-1752) (Completion of a Section 610 Review) [0938-AU44]**

*Legal Authority:* 42 U.S.C. 1302; 42 U.S.C. 1395hh

*Abstract:* This rule finalizes the remaining policies proposed for the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. These policies include implementation of sections 126, 127, and 131 of the Consolidated Appropriations Act of 2020, and organ acquisition payment policies.

*Timetable:*

Action	Date	FR Cite
NPRM	05/10/21	86 FR 25070
NPRM Comment Period End.	06/28/21	
Final Action	08/13/21	86 FR 44774
Final Action Effective.	10/01/21	
Final Action Correction.	10/20/21	86 FR 58019
2nd Final Action	12/27/21	86 FR 73416
2nd Final Action Effective.	02/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Donald Thompson, Director, Division of Acute Care, Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Medicare, MS: C4-01-26, 7500 Security Boulevard, Baltimore, MD 21244, Phone: 410 786-6504, Email: donald.thompson@cms.hhs.gov. RIN: 0938-AU44

[FR Doc. 2022-14603 Filed 8-5-22; 8:45 am]

BILLING CODE 4150-03-P





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part IX

Department of Homeland Security

---

Semiannual Regulatory Agenda

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

**6 CFR Chs. I and II**

[DHS Docket No. OGC–RP–04–001]

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Office of the Secretary, DHS.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This regulatory agenda is a semiannual summary of projected regulations, existing regulations, and completed actions of the Department of Homeland Security (DHS) and its components. This agenda provides the public with information about DHS’s regulatory and deregulatory activity. DHS expects that this information will enable the public to be more aware of, and effectively participate in, the Department’s regulatory and deregulatory activity. DHS invites the public to submit comments on any aspect of this agenda.

**FOR FURTHER INFORMATION CONTACT:**

**General**

Please direct general comments and inquiries on the agenda to the

Regulatory Affairs Law Division, Office of the General Counsel, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Mail Stop 0485, Washington, DC 20528–0485.

**Specific**

Please direct specific comments and inquiries on individual actions identified in this agenda to the individual listed in the summary portion as the point of contact for that action.

**SUPPLEMENTARY INFORMATION:** DHS provides this notice pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, Sept. 19, 1980) and Executive Order 12866 “Regulatory Planning and Review” (Sept. 30, 1993) as incorporated in Executive Order 13563 “Improving Regulation and Regulatory Review” (Jan. 18, 2011), which require the Department to publish a semiannual agenda of regulations. The regulatory agenda is a summary of existing and projected regulations as well as actions completed since the publication of the last regulatory agenda for the Department. DHS’s last semiannual regulatory agenda was published online on December 10, 2021, at <http://www.reginfo.gov/public/do/eAgendaMain>.

Beginning in fall 2007, the internet became the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires Federal agencies to publish their regulatory flexibility agendas in the **Federal Register**. A regulatory flexibility agenda shall contain, among other things, a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities. DHS’s printed agenda entries include regulatory actions that are in the Department’s regulatory flexibility agenda. Printing of these entries is limited to fields that contain information required by the agenda provisions of the Regulatory Flexibility Act. Additional information on these entries is available in the Unified Agenda published on the internet.

The semiannual agenda of the Department conforms to the Unified Agenda format developed by the Regulatory Information Service Center.

Dated: April 1, 2022.

**Christina E. McDonald,**

*Associate General Counsel for Regulatory Affairs.*

**OFFICE OF THE SECRETARY—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
119 .....	Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees.	1601–AA72
120 .....	Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015–002).	1601–AA78

**OFFICE OF THE SECRETARY—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
121 .....	Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Information (HSAR Case 2015–001).	1601–AA76

**OFFICE OF THE SECRETARY—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
122 .....	Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015–003) .....	1601–AA79

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
123 .....	U.S. Citizenship and Immigration Services Fee Schedule .....	1615–AC68

## U.S. CITIZENSHIP AND IMMIGRATION SERVICES—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
124 .....	Requirements for Filing Motions and Administrative Appeals .....	1615-AB98

## U.S. COAST GUARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
125 .....	Claims Procedures Under the Oil Pollution Act of 1990 (USCG-2004-17697) .....	1625-AA03
126 .....	Lifejacket Approval Harmonization .....	1625-AC62

## U.S. COAST GUARD—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
127 .....	Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation .....	1625-AB85

## U.S. CUSTOMS AND BORDER PROTECTION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
128 .....	Importer Security Filing and Additional Carrier Requirements ( <b>Section 610 Review</b> ) .....	1651-AA70
129 .....	Implementation of the Guam-CNMI Visa Waiver Program ( <b>Section 610 Review</b> ) .....	1651-AA77

## TRANSPORTATION SECURITY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
130 .....	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652-AA70

## CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
131 .....	Ammonium Nitrate Security Program .....	1670-AA00

## CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
132 .....	Chemical Facility Anti-Terrorism Standards (CFATS) .....	1670-AA01

**DEPARTMENT OF HOMELAND SECURITY (DHS)***Office of the Secretary (OS)*

Proposed Rule Stage

**119. Homeland Security Acquisition Regulation, Enhancement of Whistleblower Protections for Contractor Employees [1601-AA72]**

*Legal Authority:* Sec. 827 of the National Defense Authorization Act (NDAA) for Fiscal Year 2013, (Pub. L. 112-239, enacted January 2, 2013); 41 U.S.C. 1302(a)(2) and 1707

*Abstract:* The Department of Homeland Security (DHS) is proposing to amend its Homeland Security Acquisition Regulation (HSAR) parts 3003 and 3052 to implement section 827 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) for the United States Coast Guard (USCG). Section 827 of the NDAA for FY 2013 established enhancements to the Whistleblower Protections for Contractor Employees for all agencies subject to section 2409 of title 10,

United States Code, which includes the USCG.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC

20528, Phone: 202 447-0956, Email: nancy.harvey@hq.dhs.gov. RIN: 1601-AA72

**120. Homeland Security Acquisition Regulation: Information Technology Security Awareness Training (HSAR Case 2015-002) [1601-AA78]**

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1707, 1302 and 1303

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would standardize information technology security awareness training and DHS Rules of Behavior requirements for contractor and subcontractor employees who access DHS information systems and information resources or contractor-owned and/or operated information systems and information resources capable of collecting, processing, storing, or transmitting controlled unclassified information (CUI).

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/17	82 FR 6446
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Supplemental NPRM.	09/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Shaundra Ford, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, Phone: 202 447-0056, Email: shaundra.ford@hq.dhs.gov.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528, Phone: 202 447-0956, Email: nancy.harvey@hq.dhs.gov. RIN: 1601-AA78

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Office of the Secretary (OS)

Final Rule Stage

**121. Homeland Security Acquisition Regulation: Safeguarding of Controlled Unclassified Information (HSAR Case 2015-001) [1601-AA76]**

Legal Authority: 5 U.S.C. 301 to 302; 41 U.S.C. 1302, 1303 and 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would implement security and privacy measures to ensure Controlled Unclassified Information (CUI), such as Personally Identifiable Information (PII), is adequately safeguarded by DHS contractors. Specifically, the rule would define key terms, outline security requirements and inspection provisions for contractor information technology (IT) systems that store, process or transmit CUI, institute incident notification and response procedures, and identify post-incident credit monitoring requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/17	82 FR 6429
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Shaundra Ford, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, 245 Murray Lane SW, Washington, DC 20528, Phone: 202 447-0056, Email: shaundra.ford@hq.dhs.gov.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528, Phone: 202 447-0956, Email: nancy.harvey@hq.dhs.gov. RIN: 1601-AA76

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Office of the Secretary (OS)

Completed Actions

**122. Homeland Security Acquisition Regulation: Privacy Training (HSAR Case 2015-003) [1601-AA79]**

Legal Authority: 5 U.S.C. 301 and 302; 41 U.S.C. 1303, 1702 and 1707

Abstract: This Homeland Security Acquisition Regulation (HSAR) rule would require contractors to complete training that addresses the protection of privacy, in accordance with the Privacy Act of 1974, and the handling and safeguarding of Personally Identifiable Information and Sensitive Personally Identifiable Information. DHS is withdrawing this regulatory action,

because privacy training is covered by the Federal Acquisition Regulation final rule titled Privacy Training (81 FR 93476, Dec. 20, 2016) and DHS FAR Class Deviation Number 17-03.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/17	82 FR 6425
NPRM Comment Period End.	03/20/17	
NPRM Comment Period Extended.	03/20/17	82 FR 14341
NPRM Comment Period Extended End.	04/19/17	
Notice of Withdrawal.	12/10/21	86 FR 70429

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Candace Lightfoot, Procurement Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Acquisition Policy and Legislation, Room 3636-15, 301 7th Street SW, Washington, DC 20528, Phone: 202 447-0082, Email: candace.lightfoot@hq.dhs.gov.

Nancy Harvey, Policy Analyst, Department of Homeland Security, Office of the Chief Procurement Officer, Room 3636-15, 301 7th Street SW, Washington, DC 20528, Phone: 202 447-0956, Email: nancy.harvey@hq.dhs.gov. RIN: 1601-AA79

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

U.S. Citizenship and Immigration Services (USCIS)

Proposed Rule Stage

**123. U.S. Citizenship and Immigration Services Fee Schedule [1615-AC68]**

Legal Authority: 8 U.S.C. 1356(m), (n)

Abstract: DHS will propose to adjust the fees charged by U.S. Citizenship and Immigration Services (USCIS) for immigration and naturalization benefit requests. On August 3, 2020, DHS adjusted the fees USCIS charges for immigration and naturalization benefit requests, imposed new fees, revised certain fee waiver and exemption policies, and changed certain application requirements via the rule "USCIS Fee Schedule & Changes to Certain Other Immigration Benefit Request Requirements." DHS has been preliminarily enjoined from implementing that rule by court order. This rule would rescind and replace the changes made by the August 3, 2020, rule and establish new USCIS fees to recover USCIS operating costs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kika M. Scott, Chief Financial Officer, Department of Homeland Security, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588–0009, *Phone:* 240 721–3000.

*RIN:* 1615–AC68

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Citizenship and Immigration Services (USCIS)*

Long-Term Actions

**124. Requirements for Filing Motions and Administrative Appeals [1615–AB98]**

*Legal Authority:* 5 U.S.C. 552 and 552a; 8 U.S.C. 1101, 1103 and 1304; 6 U.S.C. 112

*Abstract:* The Department of Homeland Security (DHS) is proposing this rule to improve the administration of U.S. Citizenship and Immigration Services (USCIS) appeals, motions, and certifications. The proposed changes would update and restructure the regulations in order to clarify and streamline the administrative review process, increase efficiency, and reflect the establishment of DHS and its components.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* William K. Renwick, Jr., Branch Chief, Department of Homeland Security, U.S. Citizenship and Immigration Services, Administrative Appeals Office, 5900 Capital Gateway Drive, Suite 4S190, Camp Springs, MD 20588–0009, *Phone:* 240 721–3000.

*RIN:* 1615–AB98

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Proposed Rule Stage

**125. Claims Procedures Under the Oil Pollution Act of 1990 (USCG–2004–17697) [1625–AA03]**

*Legal Authority:* 33 U.S.C. 2713 and 2714

*Abstract:* The purpose of this project is to remove superseded regulations at 33 Code of Federal Regulations (CFR) part 135, and to finalize the Oil Pollution Act of 1990 (OPA90) claims procedures at 33 CFR part 136. The OPA90 claims procedures, implementing OPA90 section 1013 (Claims Procedures) and section 1014 (Designation of Source and Advertisement), were established by an interim rule, titled “Claims under the Oil Pollution Act of 1990” (Interim Rule) that has not been substantively amended since it was published in 1992. This rulemaking supports the Coast Guard’s strategic goal of protection of natural resources.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule Correction .....	08/12/92	57 FR 36314
Interim Final Rule Comment Period End.	09/09/92	57 FR 41104
Notice of Inquiry ..	12/10/92	
Notice of Inquiry Comment Period End.	11/01/11	76 FR 67385
NPRM .....	01/30/12	
	05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Benjamin White, Project Manager, Department of Homeland Security, U.S. Coast Guard, National Pollution Funds Center (NPFC), 2703 Martin Luther King Jr. Avenue SE, STOP 7605, Washington, DC 20593–7605, *Phone:* 202 795–6066, *Email:* benjamin.h.white@uscg.mil.

*RIN:* 1625–AA03

**126. Lifejacket Approval Harmonization [1625–AC62]**

*Legal Authority:* 46 U.S.C. 3306(a); 46 U.S.C. 3306(b); 46 U.S.C. 4102(a); 46 U.S.C. 4102(b); 46 U.S.C. 4302(a); 46 U.S.C. 4502(a); 46 U.S.C. 4502(c)(2)(B)

*Abstract:* The Coast Guard proposes to amend the lifejacket approval requirements and follow-up program requirements by incorporating new bi-national standards. At the same time, the Coast Guard proposes to amend lifejacket and personal flotation devices (PFDs) carriage requirements to allow

for the use of equipment approved to the new standards, and to remove obsolete equipment approval requirements. The new standards are state-of-the-art and are intended to replace the legacy standards. The proposed amendments will streamline the process for approval of PFDs and allow manufacturers the opportunity to produce more innovative equipment that meets the approval requirements of both Canada and the United States, while reducing the burden for manufacturers in both the approval process and follow-up program. These proposed changes are expected to promote economic relief. The proposed rule is expected to promote economic relief by reducing the regulatory burden on PFD manufacturers by harmonizing our PFD approval standards with Canada, requiring less frequent inspections of manufacturing facilities, providing lower cost PFD user manuals, and by creating a new market in PFDs with a lower buoyancy rating. This rule is consistent with Executive Order 14058, which directs agencies to take actions that improve service delivery and customer experience by decreasing administrative burdens, enhancing transparency, and improving the efficiency and effectiveness of government.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jacqueline M. Yurkovich, Project Manager, Department of Homeland Security, U.S. Coast Guard, Office of Design and Engineering Standards (CG–ENG–4), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593–7509, *Phone:* 202 372–1389, *Email:* jacqueline.m.yurkovich@uscg.mil.

*RIN:* 1625–AC62

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Coast Guard (USCG)*

Long-Term Actions

**127. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation [1625–AB85]**

*Legal Authority:* 46 U.S.C. 4502 and 5103; Pub. L. 111–281

*Abstract:* The Coast Guard would implement 2010 and 2012 legislation that pertains to uninspected commercial fishing industry vessels. The



requirements took effect upon enactment of the legislation but require amendments to Coast Guard regulations to be implemented. Coast Guard is changing the applicability of the regulations, and adding new requirements to safety training, equipment, vessel examinations, vessel safety standards, the documentation of maintenance, and the termination of unsafe operations. This rulemaking promotes the Coast Guard's maritime safety mission.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/21/16	81 FR 40437
NPRM Comment Period Extended.	08/15/16	81 FR 53986
NPRM Comment Period End.	10/19/16	
NPRM Comment Period Extended End.	12/18/16	
Final Rule .....	07/00/23	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Morgan Benggio, Marine Transportation Safety Specialist, Department of Homeland Security, U.S. Coast Guard, Office of Commercial Vessel Compliance (CG-CVC-3), 2703 Martin Luther King Jr. Avenue SE, Stop 7501, Washington, DC 20593-7501, *Phone:* 202 372-1246, *Email:* [morgan.d.benggio@uscg.mil](mailto:morgan.d.benggio@uscg.mil), *RIN:* 1625-AB85

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

*U.S. Customs and Border Protection (USCBP)*

Long-Term Actions

**128. Importer Security Filing And Additional Carrier Requirements (Section 610 Review) [1651-AA70]**

*Legal Authority:* Pub. L. 109-347, sec. 203; 5 U.S.C. 301; 19 U.S.C. 66; 19 U.S.C. 1431; 19 U.S.C. 1433 and 1434; 19 U.S.C. 1624; 19 U.S.C. 2071 (note); 46 U.S.C. 60105

*Abstract:* This final rule implements the provisions of section 203 of the Security and Accountability for Every Port Act of 2006. On November 25, 2008, Customs and Border Protection (CBP) published an interim final rule (CBP Dec. 08-46) in the **Federal Register** (73 FR 71730), that finalized most of the provisions proposed in the Notice of Proposed Rulemaking. It requires carrier and importers to provide to CBP, via a CBP approved electronic data interchange system,

certain advance information pertaining to cargo brought into the United States by vessel to enable CBP to identify high-risk shipments to prevent smuggling and ensure cargo safety and security. The interim final rule did not finalize six data elements that were identified as areas of potential concern for industry during the rulemaking process and, for which, CBP provided some type of flexibility for compliance with those data elements. CBP solicited public comment on these six data elements and also invited comments on the revised Regulatory Assessment and Final Regulatory Flexibility Analysis. (See 73 FR 71782-85 for regulatory text and 73 CFR 71733-34 for general discussion.)

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/02/08	73 FR 90
NPRM Comment Period End.	03/03/08	
NPRM Comment Period Extended.	02/01/08	73 FR 6061
NPRM Comment Period Extended End.	03/18/08	
Interim Final Rule Effective.	11/25/08	73 FR 71730
Interim Final Rule Comment Period End.	01/26/09	
Correction .....	06/01/09	
Correction .....	07/14/09	74 FR 33920
Next Action Undetermined.	12/24/09	74 FR 68376

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Brian Sale, Branch Chief, Manifest & Conveyance Security Division, Cargo & Conveyance, Office of Field Operation, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 325-3338, *Email:* [brian.a.sale@cbp.dhs.gov](mailto:brian.a.sale@cbp.dhs.gov); [of-manifestbranch@cbp.dhs.gov](mailto:of-manifestbranch@cbp.dhs.gov), *RIN:* 1651-AA70

**129. Implementation of the Guam-CNMI Visa Waiver Program (Section 610 Review) [1651-AA77]**

*Legal Authority:* Pub. L. 110-229, sec. 702

*Abstract:* The interim final rule amends Department of Homeland Security (DHS) regulations to implement section 702 of the Consolidated Natural Resources Act of 2008 (CNRA). This law extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a joint visa waiver program for travel

to Guam and the CNMI. This rule implements section 702 of the CNRA by amending the regulations to replace the current Guam Visa Waiver Program with a new Guam-CNMI Visa Waiver Program. The amended regulations set forth the requirements for nonimmigrant visitors who seek admission for business or pleasure and solely for entry into and stay on Guam or the CNMI without a visa. This rule also establishes six ports of entry in the CNMI for purposes of administering and enforcing the Guam-CNMI Visa Waiver Program. Section 702 of the Consolidated Natural Resources Act of 2008 (CNRA), subject to a transition period, extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI) and provides for a visa waiver program for travel to Guam and/or the CNMI. On January 16, 2009, the Department of Homeland Security (DHS), Customs and Border Protection (CBP), issued an interim final rule in the **Federal Register** replacing the then-existing Guam Visa Waiver Program with the Guam-CNMI Visa Waiver Program and setting forth the requirements for nonimmigrant visitors seeking admission into Guam and/or the CNMI under the Guam-CNMI Visa Waiver Program. As of November 28, 2009, the Guam-CNMI Visa Waiver Program is operational. This program allows nonimmigrant visitors from eligible countries to seek admission for business or pleasure for entry into Guam and/or the CNMI without a visa for a period of authorized stay not to exceed 45 days. This rulemaking would finalize the January 2009 interim final rule.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule Effective.	01/16/09	74 FR 2824
Interim Final Rule Comment Period End.	01/16/09	
Technical Amendment; Change of Implementation Date.	03/17/09	
	05/28/09	74 FR 25387
Final Action .....	To Be Determined	

*Regulatory Flexibility Analysis*

*Required:* No.

*Agency Contact:* Neyda I. Yejo, Program Manager, Electronic System for Travel Authorization, Office of Field Operations, Department of Homeland Security, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 344-2373, *Email:* [neyda.i.yejo@cbp.dhs.gov](mailto:neyda.i.yejo@cbp.dhs.gov)

RIN: 1651-AA77

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Transportation Security Administration (TSA)

Long-Term Actions

**130. Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA) [1652-AA70]**

Legal Authority: Pub. L. 114-190, sec. 3405

Abstract: As required by the FESSA, TSA will propose a rule to revise its regulations, reflecting current knowledge of insider threat and intelligence, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport. Consistent with the statutory mandate, TSA will consider adding to the list of disqualifying criminal offenses and criteria, develop a waiver process for approving the issuance of credentials for unescorted access, and propose an extension of the look back period for disqualifying crimes. As part of TSA's reevaluation of the eligibility and redress standards for aviation workers required by the Act, TSA is also reevaluating the current vetting process to minimize any security risks that may exist.

Timetable:

Action	Date	FR Cite
NPRM .....	To Be Determined	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Kevin Knott, Branch Manager, Airports Policy Branch-Aviation Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595 Springfield Center Drive, Springfield, VA 20598-6028, Phone: 571 227-4370, Email: kevin.knott@tsa.dhs.gov.

James Ruger, Chief Economist, Economic Analysis Branch-Coordination & Analysis Division, Department of Homeland Security, Transportation Security Administration, Policy, Plans, and Engagement, 6595 Springfield Center Drive, Springfield, VA 20598-6028, Phone: 571 227-5519, Email: james.ruger@tsa.dhs.gov.

Christine Beyer, Senior Counsel, Regulations and Security Standards, Department of Homeland Security, Transportation Security Administration, Chief Counsel's Office, 6595 Springfield

Center Drive, Springfield, VA 20598-6002, Phone: 571 227-3653, Email: christine.beyer@tsa.dhs.gov.  
RIN: 1652-AA70

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Cybersecurity and Infrastructure Security Agency (CISA)

Proposed Rule Stage

**131. Ammonium Nitrate Security Program [1670-AA00]**

Legal Authority: 6 U.S.C. 488 et seq.

Abstract: The Cybersecurity and Infrastructure Security Agency (CISA) is proposing a rulemaking to implement the December 2007 amendment to the Homeland Security Act titled "Secure Handling of Ammonium Nitrate." This amendment requires the Department of Homeland Security to "regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility . . . to prevent the misappropriation or use of ammonium nitrate in an act of terrorism." CISA previously issued a Notice of Proposed Rulemaking (NPRM) on August 3, 2011. CISA is planning to issue a Supplemental Notice of Proposed Rulemaking (SNPRM).

Timetable:

Action	Date	FR Cite
ANPRM .....	10/29/08	73 FR 64280
ANPRM Correction.	11/05/08	73 FR 65783
ANPRM Comment Period End.	12/29/08	
NPRM .....	08/03/11	76 FR 46908
Notice of Public Meetings.	10/07/11	76 FR 62311
Notice of Public Meetings.	11/14/11	76 FR 70366
NPRM Comment Period End.	12/01/11	
Notice of Availability.	06/03/19	84 FR 25495
Notice of Availability Comment Period End.	09/03/19	
Supplemental NPRM.	04/00/23	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Ryan Donaghy, Deputy Branch Chief for Chemical Security Policy, Rulemaking, and Engagement, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528, Phone: 571 532-4127, Email: ryan.donaghy@cisa.dhs.gov.

RIN: 1670-AA00

**DEPARTMENT OF HOMELAND SECURITY (DHS)**

Cybersecurity and Infrastructure Security Agency (CISA)

Long-Term Actions

**132. Chemical Facility Anti-Terrorism Standards (CFATS) [1670-AA01]**

Legal Authority: 6 U.S.C. 621 to 629

Abstract: The Cybersecurity and Infrastructure Security Agency (CISA) previously invited public comment on an Advance Notice of Proposed Rulemaking (ANPRM) during August 2014 for potential revisions to the Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The ANPRM provided an opportunity for the public to provide recommendations for possible program changes. In June 2020, CISA published for public comment a retrospective analysis of the CFATS program. And in January 2021, CISA invited additional public comment through an ANPRM concerning the removal of certain explosive chemicals from CFATS. CISA intends to address many of the subjects raised in both ANPRMs and the retrospective analysis in this regulatory action, including potential updates to CFATS cybersecurity requirements and Appendix A to the CFATS regulations.

Timetable:

Action	Date	FR Cite
ANPRM .....	08/18/14	79 FR 48693
ANPRM Comment Period End.	10/17/14	
ANPRM .....	01/06/21	86 FR 495
Announcement of Availability; Retrospective Analysis.	06/22/20	85 FR 37393
Announcement of Availability; Retrospective Analysis Comment Period End.	09/21/20	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Ryan Donaghy, Deputy Branch Chief for Chemical Security Policy, Rulemaking, and Engagement, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528, Phone: 571 532-4127, Email: ryan.donaghy@cisa.dhs.gov.

RIN: 1670-AA01

[FR Doc. 2022-14604 Filed 8-5-22; 8:45 am]

BILLING CODE 9110-9B-P





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part X

Department of the Interior

---

Semiannual Regulatory Agenda

**DEPARTMENT OF THE INTERIOR**

**Office of the Secretary**

**25 CFR Ch. I**

**30 CFR Chs. II and VII**

**36 CFR Ch. I**

**43 CFR Subtitle A, Chs. I and II**

**48 CFR Ch. 14**

**50 CFR Chs. I and IV**

[167D0102DM; DS6CS00000; DLSN00000.00000; DX6CS25]

**Semiannual Regulatory Agenda**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice provides the semiannual agenda of Department of the Interior (Department) rules scheduled for review or development between Spring 2022 and Spring 2023. The Regulatory Flexibility Act and Executive Order 12866 require publication of the agenda.

**ADDRESSES:** Unless otherwise indicated, all agency contacts are located at the Department of the Interior, 1849 C Street NW, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Please direct all comments and inquiries about these rules to the appropriate agency contact. Please direct general comments relating to the agenda to the Office of Executive Secretariat and Regulatory Affairs, Department of the Interior, at the address above or at (202) 208-5257.

**SUPPLEMENTARY INFORMATION:** With this publication, the Department satisfies the requirement of Executive Order 12866 that the Department publish an agenda of rules that we have issued or expect to issue and of currently effective rules that we have scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) to publish an agenda in April and October of each year identifying rules that will have significant economic effects on a substantial number of small entities. We have specifically identified in the agenda rules that will have such effects. The complete Unified Agenda will be

published at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users enhanced ability to obtain information from the Agenda database. Agenda information is also available at [www.regulations.gov](http://www.regulations.gov), the government-wide website for submission of comments on proposed regulations.

In some cases, the Department has withdrawn rules that were placed on previous agendas for which there has been no publication activity or for which a proposed or interim rule was published. There is no legal significance to the omission of an item from this agenda. Withdrawal of a rule does not necessarily mean that the Department will not proceed with the rulemaking. Withdrawal allows the Department to assess the action further and determine whether rulemaking is appropriate. Following such an assessment, the Department may determine that certain rules listed as withdrawn under this agenda are appropriate for promulgation.

**Bivan Patnaik,**  
*Deputy Director, Executive Secretariat and Regulatory Affairs.*

**BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
133 .....	Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions.	1014-AA52
134 .....	Revisions to Decommissioning Requirements on the OCS .....	1014-AA53

**ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
135 .....	Risk Management, Financial Assurance and Loss Prevention—Decommissioning Activities and Obligations.	1082-AA02

**UNITED STATES FISH AND WILDLIFE SERVICE—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
136 .....	Migratory Bird Hunting; 2022–23 Migratory Game Bird Hunting Regulations .....	1018-BF07
137 .....	Migratory Bird Hunting; 2023–24 Migratory Game Bird Hunting Regulations .....	1018-BF64
138 .....	Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations .....	1018-BG63

**UNITED STATES FISH AND WILDLIFE SERVICE—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
139 .....	Importation, Exportation and Transportation of Wildlife; Updates to the Regulations .....	1018-BF16

BUREAU OF OCEAN ENERGY MANAGEMENT—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
140 .....	Air Quality Rule .....	1010-AE09

**DEPARTMENT OF THE INTERIOR (DOI)**

*Bureau of Safety and Environmental Enforcement (BSEE)*

Proposed Rule Stage

**133. Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions [1014-AA52]**

*Legal Authority:* Not Yet Determined.  
*Abstract:* This rulemaking would revise the Bureau of Safety and Environmental Enforcement (BSEE) regulations published in the 2019 final rule entitled “Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control Revisions,” 84 FR 21908 (May 15, 2019), for drilling, workover, completion and decommissioning operations. In accordance with Executive Order (E.O.) 13990 (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis) and the E.O.’s accompanying “President’s Fact Sheet: List of Agency Actions for Review,” BSEE reviewed the 2019 final rule and plans to propose updates to Subpart G of 30 CFR part 250 to ensure operations are conducted safely and in an environmentally responsible manner.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	
NPRM Comment Period End.	08/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787-1751, *Fax:* 703 787-1555, *Email:* [kirk.malstrom@bsee.gov](mailto:kirk.malstrom@bsee.gov).  
*RIN:* 1014-AA52

**134. Revisions to Decommissioning Requirements on the OCS [1014-AA53]**

*Legal Authority:* Outer Continental Shelf Lands Act, 43 U.S.C. 1331 to 1356a

*Abstract:* This proposed rule would address issues relating to (1) idle iron by adding a definition of this term to clarify that it applies to idle wells and

structures on active leases; (2) abandonment in place of subsea infrastructure by adding regulations addressing when BSEE may approve decommissioning-in-place instead of removal of certain subsea equipment; and (3) other operational considerations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/23	
NPRM Comment Period End.	06/00/23	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kirk Malstrom, Chief, Regulations and Standards Branch, Department of the Interior, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787-1751, *Fax:* 703 787-1555, *Email:* [kirk.malstrom@bsee.gov](mailto:kirk.malstrom@bsee.gov).  
*RIN:* 1014-AA53

**DEPARTMENT OF THE INTERIOR (DOI)**

*Assistant Secretary for Land and Minerals Management (ASLM)*

Final Rule Stage

**135. Risk Management, Financial Assurance and Loss Prevention—Decommissioning Activities and Obligations [1082-AA02]**

*Legal Authority:* 43 U.S.C. 1334(a)  
*Abstract:* On October 12, 2020, the Bureau of Ocean Energy Management (BOEM) and Bureau of Safety and Environmental Enforcement (BSEE) published the joint proposed rule in the **Federal Register** (85 FR 65904). BSEE will continue to pursue this rulemaking as a BSEE-only final rule to revise policies and procedures concerning compliance with decommissioning obligations for Outer Continental Shelf (OCS) oil and gas. The final rule will clarify and streamline specific regulatory requirements associated with the operational and procedural aspects of applicable decommissioning responsibilities of OCS lessees and grant holders. BOEM will continue to evaluate and develop a comprehensive set of regulations to manage the risks and financial obligations associated with industry activities on the OCS and

pursue these actions in a separate rulemaking under RIN 1010-AE14.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/16/20	85 FR 65904
NPRM Comment Period End.	12/15/20	
Final Action .....	06/00/22	
Final Action Effective.	07/00/22	

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Bivan Patnaik, Deputy Director of Regulatory Affairs, Department of the Interior, Washington, DC 20240, *Phone:* 202 208-4582, *Email:* [bivan\\_patnaik@ios.doi.gov](mailto:bivan_patnaik@ios.doi.gov).  
*RIN:* 1082-AA02

**DEPARTMENT OF THE INTERIOR (DOI)**

*United States Fish and Wildlife Service (FWS)*

Proposed Rule Stage

**136. Migratory Bird Hunting; 2022–23 Migratory Game Bird Hunting Regulations [1018-BF07]**

*Legal Authority:* 16 U.S.C. 703 to 712; 16 U.S.C. 742a–j

*Abstract:* This rulemaking action will establish annual hunting regulations for certain migratory game birds for the 2022–23 hunting season. The FWS annually prescribes outside limits (frameworks) within which States may select hunting seasons. This rulemaking action is conducted under the direction of the Service Migratory Bird Regulations Committee and the Flyway Councils. It describes proposed regulatory alternatives for the 2022–23 duck hunting seasons and requests proposals from Indian Tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands.

*Timetable:*

Action	Date	FR Cite
Notice of Meeting	03/25/21	86 FR 15957
Meeting .....	04/06/21	
NPRM .....	08/31/21	86 FR 48649
NPRM Comment Period End.	09/30/21	
NPRM—Proposed Frameworks.	02/02/22	87 FR 5946

Action	Date	FR Cite
NPRM Comment Period End—Proposed Frameworks.	03/04/22	
NPRM—Proposed Tribal Regulations.	06/00/22	
Final Action—Final Frameworks.	06/00/22	
Final Action—Final Tribal Regulations.	08/00/22	
Final Action—Season Selections.	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Jerome Ford, Assistant Director-Migratory Bird Program, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS–MB, Falls Church, VA 22041–3803, *Phone:* 703 358–1050, *Email:* jerome\_ford@fws.gov. *RIN:* 1018–BF07

**137. Migratory Bird Hunting; 2023–24 Migratory Game Bird Hunting Regulations [1018–BF64]**

*Legal Authority:* 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a–j  
*Abstract:* This proposed rule would establish annual hunting regulations for certain migratory game birds. The U.S. Fish and Wildlife Service annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States may select season dates, bag limits, and other regulatory options for their hunting seasons.  
*Timetable:*

Action	Date	FR Cite
NPRM ..... Proposed Frameworks.	06/00/22 12/00/22	
Proposed Tribal Regulations.	01/00/23	
Final Frameworks	02/00/23	
Final Tribal Regulations.	04/00/23	
Seasons and Bag Limits.	06/00/23	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Dr. Eric L. Kershner, Chief, Branch of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife

Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, *Phone:* 703 358–2376, *Fax:* 703 358–2217, *Email:* eric\_kershner@fws.gov. *RIN:* 1018–BF64

**138. • Migratory Bird Hunting; 2024–25 Migratory Game Bird Hunting Regulations [1018–BG63]**

*Legal Authority:* 16 U.S.C. 703 *et seq.*; 16 U.S.C. 742a–j  
*Abstract:* This rulemaking action would establish annual hunting regulations for certain migratory game birds. FWS annually prescribes the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. After these frameworks are established, States may select season dates, bag limits, and other regulatory options for their hunting seasons.  
*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Eric L. Kershner, Chief, Branch of Conservation, Permits, and Regulations, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: MB, Falls Church, VA 22041, *Phone:* 703 358–2376, *Fax:* 703 358–2217, *Email:* eric\_kershner@fws.gov. *RIN:* 1018–BG63

**DEPARTMENT OF THE INTERIOR (DOI)**

*United States Fish and Wildlife Service (FWS)*

Long-Term Actions

**139. Importation, Exportation and Transportation of Wildlife; Updates to the Regulations [1018–BF16]**

*Legal Authority:* 16 U.S.C. 668; 16 U.S.C. 704; 16 U.S.C. 712; 16 U.S.C. 1382; 16 U.S.C. 1538(d)–(f); 16 U.S.C. 1540(f); 16 U.S.C. 33 8(d)–(f); 16 U.S.C. 3371 to 3378; 16 U.S.C. 4223 to 4244; 16 U.S.C. 4901 to 4916; 18 U.S.C. 42; 31 U.S.C. 42; 31 U.S.C. 9701  
*Abstract:* This proposed rule would rewrite FWS’s regulations governing the importation and exportation of wildlife to make these regulations easier to understand. In addition, FWS proposes to revise the inspection fees associated with the importation and exportation of

wildlife and to update the list of species that qualify as domesticated species, for which FWS inspection and clearance is not required. The current inspection fees have been in effect since 2012. The establishment of these fees is consistent with the Independent Offices Appropriations Act of 1952 and OMB Circular No. A–25, which provide that services provided by Federal agencies are to be self-sustaining to the extent possible and that fees assessed should be sufficient to recover the full cost to the Federal Government of providing the service and are based on market prices.

*Timetable:*

Action	Date	FR Cite
NPRM .....		To Be Determined

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Edward Grace, Assistant Director, Office of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 5275 Leesburg Pike, MS: LEO, Falls Church, VA 22041–3803, *Phone:* 703 358–1949, *Fax:* 703 358–1947, *Email:* edward\_grace@fws.gov. *RIN:* 1018–BF16

**DEPARTMENT OF THE INTERIOR (DOI)**

*Bureau of Ocean Energy Management (BOEM)*

Long-Term Actions

**140. Air Quality Rule [1010–AE09]**

*Legal Authority:* OCSLA sec. 5(a)(8)  
*Abstract:* This proposed rule would identify opportunities for clarifying air quality regulations.  
*Timetable:*

Action	Date	FR Cite
NPRM .....		To Be Determined

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Peter Meffert, Regulatory Specialist, Department of the Interior, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166, *Phone:* 703 787–1610, *Email:* peter.meffert@boem.gov. *RIN:* 1010–AE09



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XI

Department of Justice

---

Semiannual Regulatory Agenda



**DEPARTMENT OF JUSTICE**

**8 CFR Ch. V**

**21 CFR Ch. I**

**27 CFR Ch. II**

**28 CFR Ch. I, V**

**48 CFR Ch. XXVIII**

**Regulatory Agenda**

**AGENCY:** Department of Justice.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Justice is publishing its spring 2022 regulatory agenda pursuant to Executive Order 12866, “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. 601 to 612 (1988).

**FOR FURTHER INFORMATION CONTACT:**

Robert Hinchman, Senior Counsel, Office of Legal Policy, Department of Justice, Room 4252, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–8059.

**SUPPLEMENTARY INFORMATION:** Beginning with the fall 2007 edition, the internet has been the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at *www.reginfo.gov* in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), the Department of Justice’s printed agenda entries include only:

Rules that are in the Agency’s regulatory flexibility agenda, in

accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda published on the internet.

Dated: April 5, 2022.

**Hampton Y. Dellinger,**

*Assistant Attorney General, Office of Legal Policy.*

**CIVIL RIGHTS DIVISION—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
141 .....	Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments.	1190-AA79

**DEPARTMENT OF JUSTICE (DOJ)**

*Civil Rights Division (CRT)*

Long-Term Actions

**141. • Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Governments [1190-AA79]**

*Legal Authority:* 42 U.S.C. 12101 *et seq.*

*Abstract:* The Americans with Disabilities Act (ADA) states that: no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity,

or be subjected to discrimination by any such entity 42 U.S.C. 12132. However, many websites from public entities (*i.e.*, State and local governments) fail to incorporate or activate features that enable users with disabilities to access the public entity’s programs, activities, services, or information online. The Department intends to publish a Notice of Proposed Rulemaking (NPRM) to amend its Title II ADA regulation to provide technical standards to assist public entities in complying with their existing obligations to make their websites accessible to individuals with disabilities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/23	
NPRM Comment Period End.	06/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Rebecca Bond, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, 4 Constitution Square, 150 M Street NE, Washington, DC 20002, *Phone:* 202 305–2952.

*RIN:* 1190-AA79

[FR Doc. 2022–14606 Filed 8–5–22; 8:45 am]

**BILLING CODE 4410-BP-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XII

Department of Labor

---

Semiannual Regulatory Agenda

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**20 CFR Chs. I, IV, V, VI, VII, and IX**

**29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV**

**30 CFR Ch. I**

**41 CFR Ch. 60**

**48 CFR Ch. 29**

**Semiannual Agenda of Regulations**

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The internet has become the means for disseminating the entirety of the Department of Labor’s semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This

**Federal Register** Notice contains the regulatory flexibility agenda.  
**FOR FURTHER INFORMATION CONTACT:** Laura M. Dawkins, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S–2312, Washington, DC 20210; (202) 693–5959.

**Note:** Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department’s semiannual agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory

flexibility agenda. The Department’s Regulatory Flexibility Agenda, published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department’s semiannual regulatory agenda. The Department’s Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and are invited to participate in and comment on the review or development of the regulations listed on the Department’s agenda.

**Martin J. Walsh,**  
*Secretary of Labor.*

**WAGE AND HOUR DIVISION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
142 .....	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees.	1235-AA39

**EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
143 .....	Temporary Employment of H–2B Foreign Workers in Certain Itinerant Occupations in the United States ...	1205-AB93

**EMPLOYMENT AND TRAINING ADMINISTRATION—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
144 .....	Adjudication of Temporary Need for Herding and Range Livestock Applications Under the H–2A Program	1205-AB99

**EMPLOYEE BENEFITS SECURITY ADMINISTRATION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
145 .....	Requirements Related to Surprise Billing, Part 1 .....	1210-AB99

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PRERULE STAGE**

Sequence No.	Title	Regulation Identifier No.
146 .....	Process Safety Management and Prevention of Major Chemical Accidents .....	1218-AC82
147 .....	Prevention of Workplace Violence in Health Care and Social Assistance .....	1218-AD08

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
148 .....	Infectious Diseases .....	1218-AC46
149 .....	Communication Tower Safety .....	1218-AC90
150 .....	Emergency Response .....	1218-AC91
151 .....	Tree Care Standard .....	1218-AD04

**DEPARTMENT OF LABOR (DOL)**

Wage and Hour Division (WHD)

Proposed Rule Stage

**142. Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees [1235-AA39]**

*Legal Authority:* 29 U.S.C. 201 *et seq.*; 29 U.S.C. 213

*Abstract:* WHD is reviewing the regulations at 29 CFR 541, which implement the exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act’s minimum wage and overtime requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy DeBisschop, Director of the Division of Regulations, Legislation, and Interpretation, Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, FP Building, Room S-3502, Washington, DC 20210, *Phone:* 202 693-0406.

*RIN:* 1235-AA39

**DEPARTMENT OF LABOR (DOL)**

Employment and Training Administration (ETA)

Proposed Rule Stage

**143. Temporary Employment of H-2B Foreign Workers in Certain Itinerant Occupations in the United States [1205-AB93]**

*Legal Authority:* 8 U.S.C. 1184; 8 U.S.C. 1103

*Abstract:* The United States Department of Labor’s (DOL) Employment and Training Administration and Wage and Hour Division, and the United States Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, are jointly

proposing to amend H-2B non-immigrant visa program regulations at 20 CFR part 655, subpart A, and 8 CFR 214. The Notice of Proposed Rulemaking (NPRM) would establish standards and procedures for employers seeking to hire foreign temporary nonagricultural workers for certain itinerant job opportunities, including entertainers and carnivals and utility vegetation management.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* [pasternak.brian@dol.gov](mailto:pasternak.brian@dol.gov).

*RIN:* 1205-AB93

**DEPARTMENT OF LABOR (DOL)**

Employment and Training Administration (ETA)

Completed Actions

**144. Adjudication of Temporary Need for Herding and Range Livestock Applications Under the H-2A Program [1205-AB99]**

*Legal Authority:* 8 U.S.C. 1188

*Abstract:* ETA amended its regulations regarding the H-2A non-immigrant visa program at 20 CFR 655, subpart B. Specifically, ETA rescinded 20 CFR 655.215(b)(2) to align with the parties’ court-approved agreement in *Hispanic Affairs Project, et al. v. Scalia, et al.*, No. 15-cv-1562 (D.D.C.).

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/06/21	86 FR 24368
NPRM Comment Period End.	06/07/21	
Final Rule .....	12/16/21	86 FR 71373

Action	Date	FR Cite
Final Rule Effective.	01/18/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N-5311, FP Building, Washington, DC 20210, *Phone:* 202 693-8200, *Email:* [pasternak.brian@dol.gov](mailto:pasternak.brian@dol.gov).

*RIN:* 1205-AB99

**DEPARTMENT OF LABOR (DOL)**

Employee Benefits Security Administration (EBSA)

Final Rule Stage

**145. Requirements Related to Surprise Billing, Part 1 [1210-AB99]**

*Legal Authority:* Pub. L. 116-260, Division BB, Title I and Title II

*Abstract:* This interim final rule with comment would implement certain protections against surprise medical bills under the No Surprises Act, including requirements on group health plans, issuers offering group or individual health insurance coverage, providers, facilities, and providers of air ambulance services.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	07/13/21	86 FR 36872
Interim Final Rule Comment Period End.	09/07/21	
Interim Final Rule Effective (Applicability Date 1/1/2022).	09/13/21	
Final Rule Amendment.	12/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amber Rivers, Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits

Security Administration, 200 Constitution Avenue NW, Washington, DC 20210, Phone: 202 693–8335, Email: rivers.amber@dol.gov. RIN: 1210–AB99

**DEPARTMENT OF LABOR (DOL)**

Occupational Safety and Health Administration (OSHA)

Prerule Stage

**146. Process Safety Management and Prevention of Major Chemical Accidents [1218–AC82]**

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Abstract: The Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA completed SBREFA in August 2016.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Stakeholder Meeting.	07/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, Phone: 202 693–1950, Email: levinson.andrew@dol.gov.

RIN: 1218–AC82

**147. Prevention of Workplace Violence in Health Care and Social Assistance [1218–AD08]**

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: The Request for Information (RFI) (published on December 7, 2016, 81 FR 88147) provides OSHA’s history with the issue of workplace violence in health care and social assistance, including a discussion of the Guidelines

that were initially published in 1996, a 2014 update to the Guidelines, the agency’s use of 5(a)(1) in enforcement cases in health care. The RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the agency. OSHA was petitioned for a standard preventing workplace violence in health care by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions. OSHA is preparing for SBREFA.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	09/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, Phone: 202 693–1950, Email: levinson.andrew@dol.gov.

RIN: 1218–AD08

**DEPARTMENT OF LABOR (DOL)**

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

**148. Infectious Diseases [1218–AC46]**

Legal Authority: 5 U.S.C. 533; 29 U.S.C. 657 and 658; 29 U.S.C. 660; 29 U.S.C. 666; 29 U.S.C. 669; 29 U.S.C. 673

Abstract: Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles, as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS), the 2019 Novel Coronavirus (COVID–19), and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), COVID–19, and other infectious diseases that can be transmitted through a variety of

exposure routes. OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners’ offices, medical examiners, and mortuaries.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	05/06/10	75 FR 24835
RFI Comment Period End.	08/04/10	
Analyze Comments.	12/30/10	
Stakeholder Meetings.	07/05/11	76 FR 39041
Initiate SBREFA ..	06/04/14	
Complete SBREFA.	12/22/14	
NPRM .....	05/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N–3718, Washington, DC 20210, Phone: 202 693–1950, Email: levinson.andrew@dol.gov.

RIN: 1218–AC46

**149. Communication Tower Safety [1218–AC90]**

Legal Authority: 29 U.S.C. 655(b); 5 U.S.C. 609

Abstract: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past 20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April

2015 Request for Information (RFI), OSHA concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (e.g., buildings, rooftops, water towers, billboards).

*Timetable:*

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/11/18	
NPRM .....	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Scott Ketcham, Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, Room N-3468, FP Building, Washington, DC 20210, *Phone:* 202 693-2020, *Fax:* 202 693-1689, *Email:* ketcham.scott@dol.gov.

*RIN:* 1218-AC90

**150. Emergency Response [1218-AC91]**

*Legal Authority:* 29 U.S.C. 655(b); 29 U.S.C. 657; 5 U.S.C. 609

*Abstract:* OSHA currently regulates aspects of emergency response and preparedness; some of these standards were promulgated decades ago, and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders, and other workers providing skilled support, nor do they reflect major changes in performance specifications for protective clothing and equipment. The agency acknowledges that current OSHA standards also do not reflect all the major developments in safety and health practices that have already been accepted by the emergency response community and incorporated into industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings.

*Timetable:*

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	08/02/21	
Finalize SBREFA	12/02/21	
NPRM .....	05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218-AC91

**151. Tree Care Standard [1218-AD04]**

*Legal Authority:* Not Yet Determined

*Abstract:* There is no OSHA standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard, including the scope of the standard, effective work practices, and arboricultural specific uses of equipment to guide OSHA in developing a rule that would best address industry safety and health concerns. Tree care continues to be a high-hazard industry.

*Timetable:*

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	01/10/20	
Complete SBREFA.	05/22/20	
NPRM .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Andrew Levinson, Deputy Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210, *Phone:* 202 693-1950, *Email:* levinson.andrew@dol.gov.

*RIN:* 1218-AD04

[FR Doc. 2022-14607 Filed 8-5-22; 8:45 am]

**BILLING CODE 4510-HL-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XIII

Department of Transportation

---

Semiannual Regulatory Agenda



**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****14 CFR Chs. I–III****23 CFR Chs. I–III****33 CFR Chs. I and IV****46 CFR Chs. I–III****48 CFR Ch. 12****49 CFR Subtitle A, Chs. I–VI, and Chs. X–XII**

[DOT–OST–1999–5129]

**Department Regulatory and Deregulatory Agenda; Semiannual Summary****AGENCY:** Office of the Secretary, DOT.**ACTION:** Unified Agenda of Federal Regulatory and Deregulatory Actions (Regulatory Agenda).

**SUMMARY:** The Regulatory Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department of Transportation. The Agenda provides the public information about the Department of Transportation’s planned regulatory activity for the next 12 months. This information enables the public to participate in the Department’s regulatory process. The public is encouraged to submit comments on any aspect of this Agenda.

**FOR FURTHER INFORMATION CONTACT:****General**

Please direct all general comments and inquiries on the Agenda to Daniel Cohen, Assistant General Counsel for Regulation, Office of the General Counsel, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366–4702.

**Specific**

Please direct all comments and inquiries relative to specific items in the Agenda to the individual listed for the regulation or the general rulemaking contact person for the operating administration in Appendix B.

**Table of Contents**

## Supplementary Information

Background

Significant/Priority Rulemakings

Explanation of Information on the Agenda

Request for Comments

Purpose

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

Appendix B—General Rulemaking Contact Persons

Appendix C—Public Rulemaking Dockets  
Appendix D—Review Plans for Section 610 and Other Requirements**SUPPLEMENTARY INFORMATION:****Background**

The U.S. Department of Transportation (Department or DOT) issues regulations to ensure that the United States transportation system is safe, efficient, and inclusive, and to address urgent challenges facing both the transportation system and the Nation, including, the creation of good jobs, equity, consumer protection, and climate change. These challenges are addressed, in part, by encouraging innovation among all the transportation modes. And such innovation, in turn, leads to a need for Departmental regulations that keep pace with technological developments and approaches that reflect DOT’s top priorities.

To achieve these goals and priorities in accordance with Executive Order 12866, “Regulatory Planning and Review,” (58 FR 51735; Oct. 4, 1993), the Department prepares a semiannual Agenda. The Agenda summarizes all current and projected rulemakings, reviews of existing regulations, and completed actions of the Department. These are matters on which action has begun or is projected to begin during the next 12 months or for which action has been completed since the publication of the last Agenda in the fall of 2021.

Earlier this year, the Department issued the National Roadway Safety Strategy, which outlines the Department’s comprehensive plan to significantly reduce serious injuries and deaths on our Nation’s highways, roads, and streets. This is the first step in the ambitious long-term goal of reaching zero roadway fatalities. The Department is currently working on a number of rulemakings to help achieve this goal. For example, NHTSA is working to facilitate the deployment of new technology, such as automatic emergency braking systems, in certain vehicles to improve the safety of our Nation’s roads.

The Department is also moving to rapidly implement the provisions of the Bipartisan Infrastructure Law (BIL).<sup>1</sup> For example, FHWA is currently working on a BIL-required rulemaking to establish minimum standards and requirements for the implementation of a program that will result in a national network of 500,000 electric vehicle charging

<sup>1</sup> Infrastructure Investment and Jobs Act, Public Law 117–58 (2021).

stations by 2030. Further, FTA is working on a rulemaking, prescribed by BIL, that would require recipients of certain FTA funds serving large, urbanized areas to add a risk reduction program to their agency safety plans.

In response to Executive Orders 13990 and 14037, which direct the Department to consider vehicle emissions as a means of addressing climate change, the Department is working on rulemakings such as a NHTSA rule to limit emissions from trucks and heavy-duty vehicles. This rulemaking is in addition to other recently-completed NHTSA rules that, in aggregate, establish more stringent vehicle emission limits. Similarly, PHMSA is preparing to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines.

The Department is also developing rules increasing access to our transportation system for individuals with disabilities and thereby advancing equity in transportation. For example, OST is working on regulations that would make it easier for individuals with disabilities to use the lavatory in an aircraft during flight. In addition, OST is also developing a rulemaking to enhance the safety of air travel for individuals who use wheelchairs and rely on the physical assistance of airline personnel or contractors.

In response to Executive Order 14036, which requires the Department to promote competition and increase airline transparency, OST is working on several consumer protection regulations, such as a rule that would amend DOT’s aviation consumer protection program to ensure that, at the time of ticket purchase, consumers have ancillary fee information, including baggage and change fees.

**Explanation of Information in the Agenda**

An Office of Management and Budget memorandum, dated March 3, 2022, establishes the format for this Agenda.

First, the Agenda is divided by initiating office. Then, the Agenda is divided into five categories: (1) prerule stage; (2) proposed rule stage; (3) final rule stage; (4) long-term actions; and (5) completed actions. For each entry, the Agenda provides the following information: (1) its “significance”; (2) a short, descriptive title; (3) its legal basis; (4) the related regulatory citation in the Code of Federal Regulations; (5) any legal deadline and, if so, for what action (e.g., NPRM, final rule); (6) an abstract; (7) a timetable, including the earliest expected date for when a rulemaking document may publish; (8) whether the

rulemaking will affect small entities and/or levels of Government and, if so, which categories; (9) whether a Regulatory Flexibility Act (RFA) analysis is required (for rules that would have a significant economic impact on a substantial number of small entities); (10) a listing of any analyses an office will prepare or has prepared for the action (with minor exceptions, DOT requires an economic analysis for all its rulemakings); (11) an agency contact office or official who can provide further information; (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the Agenda and facilitate tracing further action on the issue; (13) whether the action is subject to the Unfunded Mandates Reform Act; (14) whether the action is subject to the Energy Act; and (15) whether the action is major under the congressional review provisions of the Small Business Regulatory Enforcement Fairness Act.

To keep the operational requirements, current for nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules), we only include the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations; we do not list individual regulations.

In the "Timetable" column, we use abbreviations to indicate the documents being considered. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, and NPRM for Notice of Proposed Rulemaking. Listing a future date in this column does not mean we have decided to issue a document; it is the earliest date on which a rulemaking document may publish. In addition, these dates are based on current schedules. Information received after the issuance of this Agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (•) preceding an entry indicates that the entry appears in the Agenda for the first time.

The internet is the basic means for disseminating the Unified Agenda. The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov) in a format that offers users a greatly enhanced ability to obtain information from the Agenda database. However, a portion of the Agenda is published in the **Federal Register** because the Regulatory Flexibility Act (5 U.S.C. 602) mandates publication for the regulatory flexibility agenda.

Accordingly, DOT's printed Agenda entries include only:

1. The agency's Agenda preamble.
2. Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and
3. Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act's Agenda requirements. These elements are: Sequence Number; Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). Additional information (for detailed list, see section heading "Explanation of Information on the Agenda") on these entries is available in the Unified Agenda published on the internet.

### Request for Comments

#### General

DOT's Agenda is intended primarily for the use of the public. Since its inception, the Department has made modifications and refinements that provide the public with more helpful information, as well as making the Agenda easier to use. We would like you, the public, to make suggestions or comments on how the Agenda could be further improved.

#### Regulatory Flexibility Act

The Department is interested in obtaining information on requirements that have a "significant economic impact on a substantial number of small entities" and, therefore, must be

reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please submit them to the Department, along with your explanation of why they should be reviewed.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that we have targeted for review under section 610 of the Act. The phrase (sec. 610 Review) appears at the end of the title for these reviews. Please see appendix D for the Department's section 610 review plans.

#### Consultation With State, Local, and Tribal Governments

Executive Orders 13132 and 13175 require the Department to develop a process to ensure "meaningful and timely input" by State, local, and Tribal officials in the development of regulatory policies that have federalism or tribal implications. These policies are defined in the Executive orders to include regulations that have "substantial direct effects" on States or Indian Tribes, on the relationship between the Federal Government and them, or on the distribution of power and responsibilities between the Federal Government and various levels of Government or Indian tribes. Therefore, we encourage State and local Governments or Indian Tribes to provide us with information about how the Department's rulemakings impact them.

#### Purpose

The Department is publishing this regulatory Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity and should result in more effective public participation. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department about any specific item on the Agenda. Regulatory action, in addition to the items listed, is not precluded.

Dated: June 23, 2022.

**Peter Paul Montgomery Buttigieg**,  
Secretary of Transportation.

OFFICE OF THE SECRETARY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
152 .....	+ Air Transportation Consumer Protection Requirements for Ticket Agents ( <b>Section 610 Review</b> ) .....	2105-AE57
+ DOT-designated significant regulation.		

FEDERAL AVIATION ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
153 .....	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects ( <b>Section 610 Review</b> ).	2120-AK77

FEDERAL AVIATION ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
154 .....	+ Airport Safety Management System .....	2120-AJ38
155 .....	+ Registration and Marking Requirements for Small Unmanned Aircraft .....	2120-AK82
+ DOT-designated significant regulation.		

FEDERAL AVIATION ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
156 .....	+ Regulation Of Flight Operations Conducted By Alaska Guide Pilots .....	2120-AJ78
157 .....	+ Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States.	2120-AK09
158 .....	+ Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization).	2120-AK26
159 .....	+ Aircraft Registration and Airmen Certification Fees .....	2120-AK37
160 .....	+ Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) ..	2120-AK57
+ DOT-designated significant regulation.		

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
161 .....	Self-Insurance Program Cost Recovery ( <b>Section 610 Review</b> ) .....	2126-AC58

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
162 .....	+ Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States.	2126-AA35
+ DOT-designated significant regulation.		

FEDERAL RAILROAD ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
163 .....	+ Train Crew Staffing .....	2130-AC88
+ DOT-designated significant regulation.		

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
164 .....	Seaway Regulations and Rules: Periodic Update, Various Categories ( <b>Rulemaking Resulting From a Section 610 Review</b> ).	2135-AA51

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
165 .....	Tariff of Tolls ( <b>Rulemaking Resulting From a Section 610 Review</b> ) .....	2135-AA52

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
166 .....	+ Pipeline Safety: Gas Pipeline Leak Detection and Repair .....	2137-AF51
167 .....	+ Pipeline Safety: Pipeline Operational Status .....	2137-AF52
168 .....	+ Pipeline Safety: Safety of Gas Distribution Pipelines .....	2137-AF53

+ DOT-designated significant regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
169 .....	+ Pipeline Safety: Amendments to Parts 192 and 195 to Require Valve Installation and Minimum Rupture Detection Standards.	2137-AF06
170 .....	+ Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018).	2137-AF20

+ DOT-designated significant regulation.

**DEPARTMENT OF TRANSPORTATION (DOT)**

Office of the Secretary (OST)

Long-Term Actions

**152. + Air Transportation Consumer Protection Requirements for Ticket Agents (Section 610 Review) [2105-AE57]**

Legal Authority: 49 U.S.C. 41712; 49 U.S.C. 42301 note prec

Abstract: This rulemaking would address a number of proposals to enhance protections for air travelers and to improve the air travel environment. Specifically, this rulemaking would enhance airline passenger protections by addressing whether to codify in regulation a definition of the term “ticket agent.” The rulemaking would also consider whether to require large travel agents to adopt minimum customer service standards and prohibit the unfair and deceptive practice of post-purchase price increases. These issues, previously part of a rulemaking known as Airline Pricing Transparency and Other Consumer Protection Issues, (2105-AE11) have been separated into this proceeding.

Timetable: Next Action

Undetermined.

Regulatory Flexibility Analysis

Required: No.

Agency Contact: Blane A. Workie, Assistant General Counsel, Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue SE, Washington, DC 20590, Phone: 202 366-

9342, Fax: 202 366-7153, Email: blane.workie@ost.dot.gov.

RIN: 2105-AE57

**DEPARTMENT OF TRANSPORTATION (DOT)**

Federal Aviation Administration (FAA)

Proposed Rule Stage

**153. Requirements To File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects (Section 610 Review) [2120-AK77]**

Legal Authority: 49 U.S.C. 40103

Abstract: This rulemaking would add specific requirements for proponents who wish to construct meteorological evaluation towers at a height of 50 feet above ground level (AGL) up to 200 feet AGL to file notice of construction with the FAA. This rule also requires sponsors of wind turbines to provide certain specific data when filing notice of construction with the FAA. This rulemaking is a statutory mandate under section 2110 of the FAA Extension, Safety, and Security Act of 2016 (Pub. L. 114-190).

Timetable:

Action	Date	FR Cite
NPRM .....	04/00/23	

Regulatory Flexibility Analysis Required: No.

Agency Contact: Brian Konie, Air Traffic Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, Phone: 202 267-0745, Email: brian.konie@faa.gov.

RIN: 2120-AK77

**DEPARTMENT OF TRANSPORTATION (DOT)**

Federal Aviation Administration (FAA)

Final Rule Stage

**154. + Airport Safety Management System [2120-AJ38]**

Legal Authority: 49 U.S.C. 44706; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701 to 44706; 49 U.S.C. 44709; 49 U.S.C. 44719

Abstract: This rulemaking would require certain airport certificate holders to develop, implement, maintain, and adhere to a safety management system (SMS) for its aviation related activities. An SMS is a formalized approach to managing safety by developing an organization-wide safety policy, developing formal methods of identifying hazards, analyzing and mitigating risk, developing methods for ensuring continuous safety improvement, and creating organization-wide safety promotion strategies.

Timetable:

Action	Date	FR Cite
NPRM .....	10/07/10	75 FR 62008
NPRM Comment Period Extended.	12/10/10	75 FR 76928
NPRM Comment Period End.	01/05/11	
End of Extended Comment Period.	03/07/11	
Second Extension of Comment Period.	03/07/11	76 FR 12300
End of Second Extended Comment Period.	07/05/11	
Second NPRM ....	07/14/16	81 FR 45871
Second NPRM Comment Period End.	09/12/16	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* James Schroeder, Office of Airport Safety and Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-4974, *Email:* james.schroeder@faa.gov.  
*RIN:* 2120-AJ38

**155. + Registration and Marking Requirements for Small Unmanned Aircraft [2120-AK82]**

*Legal Authority:* 49 U.S.C. 106(f), 49 U.S.C. 41703, 44101 to 44106, 44110 to 44113, and 44701

*Abstract:* This rulemaking would provide an alternative, streamlined and simple, web-based aircraft registration process for the registration of small, unmanned aircraft, including small, unmanned aircraft operated exclusively for limited recreational operations, to facilitate compliance with the statutory requirement that all aircraft register prior to operation. It would also provide a simpler method for marking small unmanned aircraft that is more appropriate for these aircraft. This action responds to public comments received regarding the proposed registration process in the Operation and Certification of Small Unmanned Aircraft notice of proposed rulemaking, the request for information regarding unmanned aircraft system registration, and the recommendations from the Unmanned Aircraft System Registration Task Force.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	12/16/15	80 FR 78593

Action	Date	FR Cite
Interim Final Rule Effective.	12/21/15	
OMB approval of information collection.	12/21/15	80 FR 79255
Interim Final Rule Comment Period End.	01/15/16	
Final Rule .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Bonnie Lefko, Department of Transportation, Federal Aviation Administration, 6500 S MacArthur Boulevard, Registry Building 26, Room 118, Oklahoma City, OK 73169, *Phone:* 405 954-7461, *Email:* bonnie.lefko@faa.gov.  
*RIN:* 2120-AK82

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Aviation Administration (FAA)*

Long-Term Actions

**156. + Regulation of Flight Operations Conducted by Alaska Guide Pilots [2120-AJ78]**

*Legal Authority:* 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C. 1155; 49 U.S.C. 40101 to 40103; 49 U.S.C. 40113; 49 U.S.C. 40120; 49 U.S.C. 44101; 49 U.S.C. 44105 to 44016; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903 to 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 46103; 49 U.S.C. 46105; 49 U.S.C. 46306; 49 U.S.C. 46315 to 46316; 49 U.S.C. 46504; 49 U.S.C. 46506 to 46507; 49 U.S.C. 47122; 49 U.S.C. 47508; 49 U.S.C. 47528 to 47531; Articles 12 and 29 of 61 Statue 1180; Pub. L. 106-181, sec. 732

*Abstract:* The rulemaking would establish regulations concerning Alaska guide pilot operations. The rulemaking would implement Congressional legislation and establish additional safety requirements for the conduct of these operations. The intended effect of this rulemaking is to enhance the level of safety for persons and property transported in Alaska guide pilot operations. In addition, the rulemaking would add a general provision applicable to pilots operating under the general operating and flight rules concerning falsification, reproduction, and alteration of applications, logbooks, reports, or records. This rulemaking is a statutory mandate under section 732 of the Wendell H. Ford Aviation

Investment and Reform Act for the 21st Century, (Pub. L. 106-181).

*Timetable:* Next Action

Undetermined.

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jeff Smith,

Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20785, *Phone:* 202 365-3617, *Email:* jeffrey.smith@faa.gov.

*RIN:* 2120-AJ78

**157. + Drug and Alcohol Testing of Certain Maintenance Provider Employees Located Outside of the United States [2120-AK09]**

*Legal Authority:* 14 CFR; 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44707; 49 U.S.C. 44709; 49 U.S.C. 44717

*Abstract:* This rulemaking would require controlled substance testing of some employees working in repair stations located outside the United States. The intended effect is to increase participation by companies outside of the United States in testing of employees who perform safety critical functions and testing standards similar to those used in the repair stations located in the United States. This action is necessary to increase the level of safety of the flying public. This rulemaking is a statutory mandate under section 308(d) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/17/14	79 FR 14621
Comment Period Extended.	05/01/14	79 FR 24631
ANPRM Comment Period End.	05/16/14	
Comment Period End.	07/17/14	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Julia Brady, Program Analyst, Program Policy Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-8083, *Email:* julia.brady@faa.gov.  
*RIN:* 2120-AK09

**158. + Applying the Flight, Duty, and Rest Requirements to Ferry Flights That Follow Commuter or On-Demand Operations (FAA Reauthorization) [2120-AK26]**

*Legal Authority:* 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 1153; 49 U.S.C.

40101; 49 U.S.C. 40102; 49 U.S.C. 40103; 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44105; 49 U.S.C. 44106; 49 U.S.C. 44111; 49 U.S.C. 44701 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44901; 49 U.S.C. 44903; 49 U.S.C. 44904; 49 U.S.C. 44906; 49 U.S.C. 44912; 49 U.S.C. 44914; 49 U.S.C. 44936; 49 U.S.C. 44938; 49 U.S.C. 45101 to 45105; 49 U.S.C. 46103

*Abstract:* This rulemaking would require a flightcrew member who is employed by an air carrier conducting operations under part 135, and who accepts an additional assignment for flying under part 91 from the air carrier or from any other air carrier conducting operations under part 121 or 135, to apply the period of the additional assignment toward any limitation applicable to the flightcrew member relating to duty periods or flight times under part 135.

*Timetable:* Next Action Undetermined.

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Chester Piolunek, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-3711, *Email:* chester.piolunek@faa.gov.

*RIN:* 2120-AK26

**159. + Aircraft Registration and Airmen Certification Fees [2120-AK37]**

*Legal Authority:* 31 U.S.C. 9701; 4 U.S.C. 1830; 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 106(l)(6); 49 U.S.C. 40104; 49 U.S.C. 40105; 49 U.S.C. 40109; 49 U.S.C. 40113; 49 U.S.C. 40114; 49 U.S.C. 44101 to 44108; 49 U.S.C. 44110 to 44113; 49 U.S.C. 44701 to 44704; 49 U.S.C. 44707; 49 U.S.C. 44709 to 44711; 49 U.S.C. 44713; 49 U.S.C. 45102; 49 U.S.C. 45103; 49 U.S.C. 45301; 49 U.S.C. 45302; 49 U.S.C. 45305; 49 U.S.C. 46104; 49 U.S.C. 46301; Pub. L. 108-297, 118 Stat. 1095

*Abstract:* This rulemaking would establish fees for airman certificates, medical certificates, and provision of legal opinions pertaining to aircraft registration or recordation. This rulemaking also would revise existing fees for aircraft registration, recording of security interests in aircraft or aircraft parts, and replacement of an airman certificate. This rulemaking addresses provisions of the FAA Modernization and Reform Act of 2012. This rulemaking is intended to recover the estimated costs of the various services and activities for which fees would be established or revised.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Isra Raza, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-8994, *Email:* isra.raza@faa.gov.

*RIN:* 2120-AK37

**160. + Helicopter Air Ambulance Pilot Training and Operational Requirements (HAA II) (FAA Reauthorization) [2120-AK57]**

*Legal Authority:* 49 U.S.C. 106(f); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 41706; 49 U.S.C. 44701; 49 U.S.C. 44702; 49 U.S.C. 44705; 49 U.S.C. 44709; 49 U.S.C. 44711 to 44713; 49 U.S.C. 44715 to 44717; 49 U.S.C. 44722; 49 U.S.C. 44730; 49 U.S.C. 45101 to 45105

*Abstract:* This rulemaking would develop training requirements for crew resource management, flight risk evaluation, and operational control of the pilot in command, as well as to develop standards for the use of flight simulation training devices and line-oriented flight training. Additionally, it would establish requirements for the use of safety equipment for flight crewmembers and flight nurses. These changes will aide in the increase in aviation safety and increase survivability in the event of an accident. Without these changes, the Helicopter Air Ambulance industry may continue to see the unacceptable high rate of aircraft accidents. This rulemaking is a statutory mandate under section 306(e) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

*Timetable:* Next Action Undetermined.

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Chris Holliday, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, *Phone:* 202 267-4552, *Email:* chris.holliday@faa.gov.

*RIN:* 2120-AK57

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Motor Carrier Safety Administration (FMCSA)*

Proposed Rule Stage

**161. • Self-Insurance Program Cost Recovery (Section 610 Review) [2126-AC58]**

*Legal Authority:* 31 U.S.C. 9701, 49 U.S.C. 13906(d); 49 U.S.C. 13908(d)

*Abstract:* FMCSA will propose to amend fees collected for the processing of new self-insurance applications and add new fees for ongoing monitoring of carrier compliance with the self-insurance program requirements. Application fees will be directed to FMCSA's Licensing and Insurance (L&I) Account while monitoring fees must be sent to the Treasury. This rulemaking will amend 49 CFR 360.3T/360.3 to ensure that the limited number of primarily large motor carriers that benefit from the program bear a proportionate cost of participating in the program. FMCSA may also need to amend 49 CFR 360.5T/360.5 to reflect any specific updates to the user fee methodology that are required by this rulemaking.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/23	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Kenneth Riddle, Office Director, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, W65-308, Washington, DC 20590, *Phone:* 202 366-9616, *Email:* kenneth.riddle@dot.gov.

*RIN:* 2126-AC58

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Motor Carrier Safety Administration (FMCSA)*

Long-Term Actions

**162. + Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers operating in the United States [2126-AA35]**

*Legal Authority:* Pub. L. 107-87, sec. 350; 49 U.S.C. 113; 49 U.S.C. 31136; 49 U.S.C. 31144; 49 U.S.C. 31502; 49 U.S.C. 504; 49 U.S.C. 5113; 49 U.S.C. 521(b)(5)(A)

*Abstract:* This rule would implement a safety monitoring system and compliance initiative designed to

evaluate the continuing safety fitness of all Mexico-domiciled carriers within 18 months after receiving a provisional Certificate of Registration or provisional authority to operate in the United States. It also would establish suspension and revocation procedures for provisional Certificates of Registration and operating authority, and incorporate criteria to be used by FMCSA in evaluating whether Mexico-domiciled carriers exercise basic safety management controls. The interim rule included requirements that were not proposed in the NPRM but which are necessary to comply with the FY-2002 DOT Appropriations Act. On January 16, 2003, the Ninth Circuit Court of Appeals remanded this rule, along with two other NAFTA-related rules, to the agency, requiring a full environmental impact statement and an analysis required by the Clean Air Act. On June 7, 2004, the Supreme Court reversed the Ninth Circuit and remanded the case, holding that FMCSA is not required to prepare the environmental documents. FMCSA originally planned to publish a final rule by November 28, 2003.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/03/01	66 FR 22415
NPRM Comment Period End.	07/02/01	
Interim Final Rule	03/19/02	67 FR 12758
Interim Final Rule Comment Period End.	04/18/02	
Interim Final Rule Effective.	05/03/02	
Notice of Intent to Prepare an EIS.	08/26/03	68 FR 51322
EIS Public Scoping Meetings.	10/08/03	68 FR 58162
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Sarah Stella, Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493-0192, *Email:* sarah.stella@dot.gov. *RIN:* 2126-AA35

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Federal Railroad Administration (FRA)*

Proposed Rule Stage

**163. + Train Crew Staffing [2130-AC88]**

*Legal Authority:* 49 U.S.C. 20103

*Abstract:* This rulemaking would address the potential safety impact of one-person train operations, including appropriate measures to mitigate an accident's impact and severity, and the patchwork of State laws concerning minimum crew staffing requirements. This rulemaking would address the issue of minimum requirements for the size of different train crew staffs, depending on the type of operations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Amanda Maizel, Attorney Adviser, Department of Transportation, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 493-8014, *Email:* amanda.maizel@dot.gov. *RIN:* 2130-AC88

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Saint Lawrence Seaway Development Corporation (SLSDC)*

Final Rule Stage

**164. Seaway Regulations and Rules: Periodic Update, Various Categories (Rulemaking Resulting From a Section 610 Review) [2135-AA51]**

*Legal Authority:* 33 U.S.C. 981 *et seq.*  
*Abstract:* The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Regulations and Rules (Practices and Procedures in Canada) in their respective jurisdictions. Under agreement with the SLSMC, the GLS is amending the joint regulations by updating the Regulations and Rules in various categories.

*Timetable:*

Action	Date	FR Cite
Final Rule .....	06/00/22	

*Regulatory Flexibility Analysis Required: No.*

*Agency Contact:* Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202

366-0091, *Email:* michal.chwedczuk@dot.gov.

*RIN:* 2135-AA51

**165. Tariff of Tolls (Rulemaking Resulting From a Section 610 Review) [2135-AA52]**

*Legal Authority:* 33 U.S.C. 981 *et seq.*

*Abstract:* The Great Lakes St. Lawrence Seaway Development Corporation (GLS) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the GLS and the SLSMC.

*Timetable:*

Action	Date	FR Cite
Final Rule .....	06/00/22	

*Regulatory Flexibility Analysis Required: No.*

*Agency Contact:* Michal Chwedczuk, Department of Transportation, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-0091, *Email:* michal.chwedczuk@dot.gov.

*RIN:* 2135-AA52

**BILLING CODE 4910-61-P**

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*

Proposed Rule Stage

**166. + Pipeline Safety: Gas Pipeline Leak Detection and Repair [2137-AF51]**

*Legal Authority:* 49 U.S.C. 60101 *et seq.*

*Abstract:* This rulemaking would amend the pipeline safety regulations to enhance requirements for detecting and repairing leaks on new and existing natural gas distribution, gas transmission, and gas gathering pipelines. The proposed rule is necessary to respond to a mandate from section 113 of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Sayler Palabrica, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, District of Columbia, DC 20590, *Phone:* 202 366-0559, *Email:* sayler.palabrica@dot.gov.  
*RIN:* 2137-AF51

**167. + Pipeline Safety: Pipeline Operational Status [2137-AF52]**

*Legal Authority:* 49 U.S.C. 60101 et seq.

*Abstract:* This rulemaking would amend the pipeline safety regulations to define an idled operational status for natural gas and hazardous liquid pipelines that are temporarily removed from service, set operations and maintenance requirements for idled pipelines, and establish inspection requirements for idled pipelines that are returned to service. The proposed rule is necessary to respond to a mandate from the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Sayler Palabrica, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, District of Columbia, DC 20590, *Phone:* 202 366-0559, *Email:* sayler.palabrica@dot.gov.  
*RIN:* 2137-AF52

**168. + Pipeline Safety: Safety of Gas Distribution Pipelines [2137-AF53]**

*Legal Authority:* 49 U.S.C. 60101 et seq.

*Abstract:* This rulemaking would amend the pipeline safety regulations to enhance the safety requirements for gas distribution pipelines. The proposed rule is necessary to respond to several mandates from title II of the Protecting our Infrastructure of Pipelines and Enhancing Safety Act of 2020 (PIPES Act of 2020).

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Ashlin Bollacker, Technical Writer, Department of

Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington DC, DC 20590, *Phone:* 202 366-4203, *Email:* ashlin.bollacker@dot.gov.  
*RIN:* 2137-AF53

**DEPARTMENT OF TRANSPORTATION (DOT)**

*Pipeline and Hazardous Materials Safety Administration (PHMSA)*

Final Rule Stage

**169. + Pipeline Safety: Amendments to Parts 192 and 195 To Require Valve Installation and Minimum Rupture Detection Standards [2137-AF06]**

*Legal Authority:* 49 U.S.C. 60101 et seq.

*Abstract:* This rulemaking action would revise the Pipeline Safety Regulations applicable to most newly constructed and entirely replaced onshore natural gas transmission and hazardous liquid pipelines to improve rupture mitigation and shorten pipeline segment isolation times. The rulemaking action would define “notification of potential rupture” and outline certain performance standards related to rupture identification and pipeline segment isolation. This rulemaking action also would require specific valve maintenance and inspection requirements, and 9–1–1 notification requirements to help operators achieve better rupture response and mitigation.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/06/20	85 FR 7162
NPRM Comment Period End.	04/06/20	
Final Rule .....	04/08/22	87 FR 20940
Final Rule Effective.	10/05/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Robert Jagger, Technical Writer, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-4595, *Email:* robert.jagger@dot.gov.  
*RIN:* 2137-AF06

**170. + Hazardous Materials: Enhanced Safety Provisions for Lithium Batteries Transported by Aircraft (FAA Reauthorization Act of 2018) [2137-AF20]**

*Legal Authority:* 49 U.S.C. 44701; 49 U.S.C. 5103(b); 49 U.S.C. 5120(b)

*Abstract:* This rulemaking amends the Hazardous Materials Regulations (HMR) to: (1) prohibit the transport of lithium ion cells and batteries as cargo on passenger aircraft; (2) require all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft; and (3) limit the use of alternative provisions for small lithium cell or battery to one package per consignment. The amendments do not restrict passengers or crew members from bringing personal items or electronic devices containing lithium cells or batteries aboard aircraft, or restrict the air transport of lithium ion cells or batteries when packed with or contained in equipment. To accommodate persons in areas potentially not serviced daily by cargo aircraft, PHMSA provides a limited exception for not more than two replacement lithium cells or batteries specifically used for medical devices to be transported by passenger aircraft and at a state of charge greater than 30 percent, under certain conditions and as approved by the Associate Administrator. This rulemaking is necessary to meet the FAA Reauthorization Act of 2018, address a safety hazard, and harmonize the HMR with emergency amendments to the 2015–2016 edition of the International Civil Aviation Organization’s Technical Instructions for the Safe Transport of Dangerous Goods by Air.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	03/06/19	84 FR 8006
Interim Final Rule Effective.	03/06/19	
Interim Final Rule Comment Period End.	05/06/19	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Eugenio Cardez, Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, *Phone:* 202 366-9542, *Email:* eugenio.cardez@dot.gov.

*RIN:* 2137-AF20

[FR Doc. 2022-14608 Filed 8-5-22; 8:45 am]

BILLING CODE 4910-60-P







# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XIV

Department of Treasury

---

Semiannual Regulatory Agenda

**DEPARTMENT OF THE TREASURY**

**31 CFR Subtitles A and B**

**Semiannual Agenda**

**AGENCY:** Department of the Treasury.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This notice is given pursuant to the requirements of the Regulatory Flexibility Act and Executive Order 12866 (“Regulatory Planning and Review”), which require the publication by the Department of a semiannual agenda of regulations.

**FOR FURTHER INFORMATION CONTACT:** The Agency contact identified in the item relating to that regulation.

**SUPPLEMENTARY INFORMATION:** The semiannual regulatory agenda includes regulations that the Department has

issued or expects to issue and rules currently in effect that are under departmental or bureau review.

Beginning with the fall 2007 edition, the internet has been the primary medium for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov) and [www.regulations.gov](http://www.regulations.gov), in a format that offers users an enhanced ability to obtain information from the Agenda database. Because publication in the **Federal Register** is mandated for the regulatory flexibility agenda required by the Regulatory Flexibility Act (5 U.S.C. 602), Treasury’s printed agenda entries include only:

(1) Rules that are in the regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because

they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules that have been identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda available on the internet.

The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda format developed by the Regulatory Information Service Center (RISC).

**Michael Briskin,**  
*Deputy Assistant General Counsel for General Law and Regulation.*

**FINANCIAL CRIMES ENFORCEMENT NETWORK—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
171 .....	Clarification of the Requirement to Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status.	1506–AB41
172 .....	Section 6403. Corporate Transparency Act .....	1506–AB49
173 .....	Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts.	1506–AB50
174 .....	Section 6101. Establishment of National Exam and Supervision Priorities .....	1506–AB52
175 .....	Real Estate Transaction Reports and Records .....	1506–AB54

**FINANCIAL CRIMES ENFORCEMENT NETWORK—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
176 .....	Amendments of the Definition of Broker or Dealer in Securities (Crowd Funding) .....	1506–AB36
177 .....	Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets .....	1506–AB47
178 .....	Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group.	1506–AB51

**CUSTOMS REVENUE FUNCTION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
179 .....	Enforcement of Copyrights and the Digital Millennium Copyright Act .....	1515–AE26

**INTERNAL REVENUE SERVICE—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
180 .....	Guidance on the Elimination of Interbank Offered Rates .....	1545–BO91
181 .....	Section 42. Low-Income Housing Credit Average Income Test Regulations .....	1545–BO92
182 .....	MEPs and the Unified Plan Rule .....	1545–BO97
183 .....	Requirements Related to Surprise Billing, Part 1 .....	1545–BQ01
184 .....	Requirements Related to Surprise Billing, Part 2 .....	1545–BQ02
185 .....	Requirements Related to Surprise Billing, Part 1 (Temporary Regulation) .....	1545–BQ04
186 .....	Requirements Related to Surprise Billing, Part 2 (Temporary Regulation) .....	1545–BQ05
187 .....	Information Reporting of Health Insurance Coverage and Other Issues Under Sections 6055 and 6056 ....	1545–BQ11

**DEPARTMENT OF THE TREASURY (TREAS)**

*Financial Crimes Enforcement Network (FINCEN)*

Proposed Rule Stage

**171. Clarification of the Requirement To Collect, Retain, and Transmit Information on Transactions Involving Convertible Virtual Currencies and Digital Assets With Legal Tender Status [1506-AB41]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* The Board of Governors of the Federal Reserve System and FinCEN (collectively, the “Agencies”) intend to issue a revised proposal to clarify the meaning of “money” as used in the rules implementing the Bank Secrecy Act requiring financial institutions to collect, retain, and transmit information on certain funds transfers and transmittals of funds. The Agencies intend that the revised proposal will ensure that the rules apply to domestic and cross-border transactions involving convertible virtual currency, which is a medium of exchange (such as cryptocurrency) that either has an equivalent value as currency, or acts as a substitute for currency, but lacks legal tender status. The Agencies further intend that the revised proposal will clarify that these rules apply to domestic and cross-border transactions involving digital assets that have legal tender status.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/27/20	85 FR 68005
NPRM Comment Period End.	11/27/20	
Second NPRM ....	12/00/22	
Second NPRM Comment Period End.	02/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

*RIN:* 1506-AB41

**172. Section 6403. Corporate Transparency Act [1506-AB49]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* On December 8, 2021, FinCEN issued a Notice of Proposed Rulemaking (NPRM) entitled

“Beneficial Ownership Information Reporting Requirements.” This related to one of the subjects of FinCEN’s Advance Notice of Proposed Rulemaking (ANPRM) entitled “Beneficial Ownership Information Reporting Requirements,” issued on April 5, 2021, which was prompted by the Corporate Transparency Act (Sections 6401-6403 of the Anti-Money Laundering Act of 2020 (the AML Act)). Section 6403 amends the Bank Secrecy Act by adding new Section 5336 to title 31 of the United States Code. New Section 5336 requires FinCEN to issue rules that: (i) require reporting companies to submit certain information about the individuals who are beneficial owners of those entities and the individuals who formed or registered those entities; (ii) establish a mechanism for issuing FinCEN identifiers to entities and individuals that request them; (iii) require FinCEN to maintain the information in a confidential, secure non-public database; and (iv) authorize FinCEN to disclose the information to certain government agencies and financial institutions for purposes specified in the legislation and subject to protocols to protect the confidentiality of the information. Section 5336 requires that the beneficial ownership information (BOI) reporting regulation for legal entities (the “reporting regulation”), be published in final form by January 1, 2022. Section 6403(d) of the Corporate Transparency Act requires FinCEN also to revise its customer due diligence requirements for financial institutions to account for the changes created by FinCEN’s compliance with these other requirements, and requires that these revisions be finalized within one year after the effective date of the reporting regulation. The ANPRM solicited comments on a wide range of questions that concerned three rulemaking actions: (i) the reporting regulation, (ii) an access regulation focused on authorizing FinCEN disclosure of BOI and establishing confidentiality protections for BOI being accessed, and (iii) revisions to the CDD requirements. The NPRM published on December 8, 2021 addressed only the first of these actions, but the comments FinCEN received related to all three subjects, as well as addressing issues that concerned the interaction of the three regulatory actions and the shape and functionality of the database that will be populated with the information reported under Section 5336. FinCEN is reviewing these comments and considering the timing and sequence of the regulatory actions it will take to fulfill the requirements of

Section 5336 in light of the issues of regulatory interaction that the comments raise.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	04/05/21	86 FR 17557
ANPRM Comment Period End.	05/05/21	
NPRM .....	12/08/21	86 FR 69920
NPRM Comment Period End.	02/07/22	
Analyzing Comments.	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

*RIN:* 1506-AB49

**173. Section 6110. Bank Secrecy Act Application to Dealers in Antiquities and Assessment of Bank Secrecy Act Application to Dealers in Arts [1506-AB50]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a Notice of Proposed Rulemaking in order to implement Section 6110 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5312(a)(2)) to include as a financial institution a person engaged in the trade of antiquities, including an advisor, consultant, or any other person who engages as a business in the solicitation or the sale of antiquities, subject to regulations prescribed by the Secretary of the Treasury. The section further requires the Secretary of the Treasury to issue proposed rules to implement the amendment within 360 days of enactment of the AML Act.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	09/24/21	86 FR 53021
ANPRM Comment Period End.	10/25/21	
NPRM .....	01/00/23	
NPRM Comment Period End.	03/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506-AB50

**174. Section 6101. Establishment of National Exam and Supervision Priorities [1506-AB52]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a Notice of Proposed Rulemaking to implement Section 6101 of the Anti-Money Laundering Act of 2020 (the AML Act). That section, among other things, amends section 5318(h) to title 31 of the United States Code to: (1) require financial institutions to establish countering the financing of terrorism (CFT) in addition to AML programs; (2) require FinCEN to establish national AML/CFT priorities and, as appropriate, promulgate implementing regulations within 180 days of the issuance of those priorities; and (3) provide that the duty to establish, maintain, and enforce a Bank Secrecy Act AML/CFT program remains the responsibility of, and must be performed by, persons in the United States who are accessible to, and subject to oversight and supervision by, the Secretary of the Treasury and the appropriate Federal functional regulator. Additionally, FinCEN intends to propose other changes, including regulatory amendments to establish that all financial institutions subject to an AML/CFT program requirement must maintain an effective and reasonably designed AML/CFT program, and that such a program must include a risk assessment process.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/22	
NPRM Comment Period End.	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).  
RIN: 1506-AB52

**175. Real Estate Transaction Reports and Records [1506-AB54]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN will issue a Notice of Proposed Rulemaking (NPRM) to propose a rule to address money laundering threats in the U.S. real estate sector.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	12/08/21	86 FR 69589
ANPRM Comment Period End.	02/07/22	
NPRM .....	11/00/22	
NPRM Comment Period End.	01/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506-AB54

**DEPARTMENT OF THE TREASURY (TREAS)**

*Financial Crimes Enforcement Network (FINCEN)*

Final Rule Stage

**176. Amendments of the Definition of Broker or Dealer in Securities (Crowd Funding) [1506-AB36]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5332

*Abstract:* FinCEN is finalizing amendments to the regulatory definitions of “broker or dealer in securities” under the regulations implementing the Bank Secrecy Act. The changes are intended to expand the current scope of the definitions to include funding portals. In addition, these amendments would require funding portals to implement policies and procedures reasonably designed to achieve compliance with all of the Bank Secrecy Act requirements that are currently applicable to brokers or dealers in securities. The rule to require these organizations to comply with the Bank Secrecy Act regulations is intended to help prevent money laundering, terrorist financing, and other financial crimes.

*Note:* This is not a new requirement; it replaces RINs 1506-AB24 and 1506-AB29.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/04/16	81 FR 19086
NPRM Comment Period End.	06/03/16	
Final Action .....	05/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement

Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506-AB36

**177. Requirements for Certain Transactions Involving Convertible Virtual Currency or Digital Assets [1506-AB47]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN is amending the regulations implementing the Bank Secrecy Act (BSA) to require banks and money service businesses (MSBs) to submit reports, keep records, and verify the identity of customers in relation to transactions involving convertible virtual currency (CVC) or digital assets with legal tender status (“legal tender digital assets” or “LTDA”) held in unhosted wallets, or held in wallets hosted in a jurisdiction identified by FinCEN.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/23/20	85 FR 83840
NPRM Comment Period End.	01/04/21	
Final Action .....	03/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov).

RIN: 1506-AB47

**178. Section 6212. Pilot Program on Sharing of Information Related to Suspicious Activity Reports Within a Financial Group [1506-AB51]**

*Legal Authority:* 12 U.S.C. 1829b; 12 U.S.C. 1951 to 1959; 31 U.S.C. 5311 to 5314; 31 U.S.C. 5316 to 5336

*Abstract:* FinCEN intends to issue a Final Rule in order to implement Section 6212 of the Anti-Money Laundering Act of 2020 (the AML Act). This section amends the Bank Secrecy Act (31 U.S.C. 5318(g)) to establish a pilot program that permits financial institutions to share suspicious activity report (SAR) information with their foreign branches, subsidiaries, and affiliates for the purpose of combating illicit finance risks. The section further requires the Secretary of the Treasury to issue rules to implement the amendment within one year of enactment of the AML Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/25/22	87 FR 3719
NPRM Comment Period End.	03/28/22	
Final Rule .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FinCEN Regulatory Support Section, Department of the Treasury, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183, *Phone:* 800 767-2825, *Email:* [frc@fincen.gov](mailto:frc@fincen.gov)

*RIN:* 1506-AB51

**BILLING CODE 4810-02-P**

**DEPARTMENT OF THE TREASURY (TREAS)**

*Customs Revenue Function (CUSTOMS)*

Final Rule Stage

**179. Enforcement of Copyrights and the Digital Millennium Copyright Act [1515-AE26]**

*Legal Authority:* Title III of the Trade Facilitation and Trade Enforcement Act of 2015 (Pub. L. 114-125); 19 U.S.C. 1595a(c)(2)(G); 19 U.S.C. 1624

*Abstract:* This rule amends the U.S. Customs and Border Protection (CBP) regulations pertaining to importations of merchandise that violate or are suspected of violating the copyright laws in accordance with title III of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) and certain provisions of the Digital Millennium Copyright Act (DMCA).

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/16/19	84 FR 55251
NPRM Comment Period End.	12/16/19	
Final Rule .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alaina Van Horn, Chief, Intellectual Property Enforcement Branch, Department of the Treasury, Customs Revenue Function, 1331 Pennsylvania Avenue NW, Washington, DC 20229, *Phone:* 202 325-0083, *Email:* [alaina.vanhorn@cbp.dhs.gov](mailto:alaina.vanhorn@cbp.dhs.gov)

*RIN:* 1515-AE26

**BILLING CODE 9111-14-P**

**DEPARTMENT OF THE TREASURY (TREAS)**

*Internal Revenue Service (IRS)*

Final Rule Stage

**180. Guidance on the Elimination of Interbank Offered Rates [1545-BO91]**

*Legal Authority:* 26 U.S.C. 1001b and 7805; 26 U.S.C. 7805

*Abstract:* The final regulations will provide guidance on the tax consequences of the phased elimination of interbank offered rates (IBORs) that is underway in the United States and many foreign countries. Taxpayers have requested guidance that addresses whether a modification to a debt instrument or other financial contract to accommodate the elimination of the relevant IBOR will be treated as a realization event for federal income tax purposes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/09/19	84 FR 54068
NPRM Comment Period End.	11/25/19	
Final Action (TD 9961).	01/04/22	87 FR 166
Final Action Effective.	03/07/22	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Caitlin Holzem, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 3547, Washington, DC 20224, *Phone:* 202 317-7036, *Fax:* 855 574-9023, *Email:* [caitlin.i.holzem@irs.counsel.treas.gov](mailto:caitlin.i.holzem@irs.counsel.treas.gov). *RIN:* 1545-BO91

**181. Section 42 Low-Income Housing Credit Average Income Test Regulations [1545-BO92]**

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 42

*Abstract:* The Consolidated Appropriations Act of 2018 added a new applicable minimum set-aside test under section 42(g) of the Internal Revenue Code known as the average income test. This proposed regulation will implement requirements related to the average income test.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/30/20	85 FR 68816
NPRM Comment Period End.	12/29/20	
NPRM; Correction and Notice of Public Hearing.	02/03/21	86 FR 8271
Public Hearing .....	03/24/21	

Action	Date	FR Cite
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dillon J. Taylor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5107, Washington, DC 20224, *Phone:* 202 317-4137, *Fax:* 855 591-7867, *Email:* [dillon.j.taylor@irs.counsel.treas.gov](mailto:dillon.j.taylor@irs.counsel.treas.gov).

*RIN:* 1545-BO92

**182. MEPs and the Unified Plan Rule [1545-BO97]**

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 413

*Abstract:* These proposed regulations provide guidance relating to the tax qualification of multiple employer plans (MEPs) described in section 413(e) of the Internal Revenue Code (Code). The proposed regulations would provide an exception, if certain requirements are met, to the application of the “unified plan rule” for section 413(e) MEPs in the event of a failure by one or more participating employers to take actions required of them to satisfy the requirements of section 401(a) or 408 of the Code. The regulations affect participants in MEPs, MEP sponsors and administrators, and employers maintaining MEPs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/03/19	84 FR 31777
NPRM Comment Period End.	10/01/19	
Second NPRM .....	03/28/22	87 FR 17225
Second NPRM Comment Period End.	05/27/22	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Thomas C. Morgan, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, *Phone:* 202 317-6391, *Fax:* 855 604-6086, *Email:* [thomas.c.morgan@irs.counsel.treas.gov](mailto:thomas.c.morgan@irs.counsel.treas.gov).

*RIN:* 1545-BO97

**183. Requirements Related to Surprise Billing, Part 1 [1545-BQ01]**

*Legal Authority:* 26 U.S.C. 7805; Pub. L. 116-260, Division BB, Title I and Title II

*Abstract:* The regulations implement the protections against surprise medical bills under the No Surprises Act, including requirements on group health plans, issuers offering group or

individual health insurance coverage, providers, facilities, and providers of air ambulance services.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/13/21	86 FR 36870
NPRM Comment Period End.	09/13/21	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kari L. DiCecco, General Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5712, Washington, DC 20224, *Phone:* 202 317-5500, *Email:* kari.l.dicecco@irs.counsel.treas.gov.

*RIN:* 1545-BQ01

**184. Requirements Related to Surprise Billing, Part 2 [1545-BQ02]**

*Legal Authority:* 26 U.S.C. 7805; Pub. L. 116-260, Division BB, Title I and Title II

*Abstract:* The regulations would implement additional protections against surprise medical bills under the No Surprises Act, including provisions related to the independent dispute resolution process.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/07/21	86 FR 55980
NPRM Comment Period End.	12/06/21	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kari L. DiCecco, General Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5712, Washington, DC 20224, *Phone:* 202 317-5500, *Email:* kari.l.dicecco@irs.counsel.treas.gov.

*RIN:* 1545-BQ02

**185. Requirements Related to Surprise Billing, Part 1 (Temporary Regulation) [1545-BQ04]**

*Legal Authority:* 26 U.S.C. 7805; Pub. L. 116-260, Division BB, Title I and Title II

*Abstract:* This temporary regulation implements the protections against surprise medical bills under the No Surprises Act.

*Timetable:*

Action	Date	FR Cite
Temporary Regulation.	07/13/21	86 FR 36872
Temporary Regulation Effective.	09/13/21	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kari L. DiCecco, General Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5712, Washington, DC 20224, *Phone:* 202 317-5500, *Email:* kari.l.dicecco@irs.counsel.treas.gov.

*RIN:* 1545-BQ04

**186. Requirements Related to Surprise Billing, Part 2 (Temporary Regulation) [1545-BQ05]**

*Legal Authority:* 26 U.S.C. 7805; Pub. L. 116-260, Division BB, Title I and Title II

*Abstract:* This temporary regulation would implement additional protections against surprise medical bills under the No Surprises Act and certain provisions related to Title II of Division BB of the Consolidated Appropriations Act.

*Timetable:*

Action	Date	FR Cite
Temporary Rule ..	10/07/21	86 FR 55980
Temporary Rule Effective.	10/07/21	
Temporary Rule Comment Period End.	12/06/21	

Action	Date	FR Cite
Removal of Temporary Action.	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kari L. DiCecco, General Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Room 5712, Washington, DC 20224, *Phone:* 202 317-5500, *Email:* kari.l.dicecco@irs.counsel.treas.gov.

*RIN:* 1545-BQ05

**187. Information Reporting of Health Insurance Coverage and Other Issues Under Sections 6055 and 6056 [1545-BQ11]**

*Legal Authority:* 26 U.S.C. 7805; 26 U.S.C. 5000A; 26 U.S.C. 6056

*Abstract:* These regulations revise notice and filing requirements under sections 6055 and 6056 of the Internal Revenue Code. The regulations are needed to provide health coverage reporters an extension of time in which to furnish certain statements and an alternative manner of allowing certain health coverage reporters to provide information to covered individuals.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/06/21	86 FR 68939
NPRM Comment Period End.	02/04/22	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Gerald Semasek, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20024, *Phone:* 202 317-7006, *Fax:* 855 576-2339, *Email:* gerald.semasek@irs.counsel.treas.gov.

*RIN:* 1545-BQ11

[FR Doc. 2022-14609 Filed 8-5-22; 8:45 am]

**BILLING CODE 4810-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XV

Committee for Purchase From People Who  
Are Blind or Severely Disabled

---

Semiannual Regulatory Agenda



**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**41 CFR Chapter 51**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the proposed regulatory actions that the

Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) plans for the next 12 months. It is issued in accordance with Executive Order 12866, “Regulatory Planning and Review”, and E.O. 13563, “Improving Regulation and Regulatory Review”. The Committee’s purpose for publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process via the Government’s portal at [www.regulations.gov](http://www.regulations.gov). The Committee has attempted to list all regulations pending at the time of publication,

except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations not included in this agenda.

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda in general, contact Shelly Hammond, Director, Contracting and Policy, Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024–3243; (571) 457–9468.

**Shelly Hammond,**  
*Director of Contracting & Policy.*

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
188 .....	AbilityOne Program, Department of Defense Section 898, Contracting Oversight, Accountability and Integrity Panel ( <b>Rulemaking Resulting From a Section 610 Review</b> ).	3037-AA14

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)**

*Proposed Rule Stage*

**188. AbilityOne Program, Department of Defense Section 898, Contracting Oversight, Accountability and Integrity Panel (Rulemaking Resulting From a Section 610 Review) [3037-AA14]**

*Legal Authority:* 41 U.S.C. 85  
*Abstract:* The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee) is requesting comment on how to incorporate recommendations from the section 898 panel review mandated by the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114–328) into the

Committee’s regulation at 41 CFR part 51. The mission of the Panel is to assess the overall effectiveness and internal controls of the AbilityOne Program related to Department of Defense contracts and provide recommendations for changes in business practices. Areas requesting comment will include: responsibilities and procedures associated with authorization/de-authorization of nonperforming nonprofit agencies; transfer of work within the AbilityOne Program; and broadening the methodologies used for the review of and/or negotiation of initial fair market prices and revised fair market prices for products and services on the AbilityOne Program Procurement List.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Shelly Hammond, Director, Policy and Programs, Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street NW, Washington, DC 20319, *Phone:* 571 457–9468, *Email:* [shammond@abilityone.gov](mailto:shammond@abilityone.gov).

*RIN:* 3037-AA14

[FR Doc. 2022-14611 Filed 8-5-22; 8:45 am]

**BILLING CODE 6350-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XVI

Environmental Protection Agency

---

Semiannual Regulatory Agenda

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Ch. I

[FRL 9752-01-OA; EPA-HQ-OAR-2021-0

### Spring 2022 Unified Agenda of Regulatory and Deregulatory Actions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at <https://www.reginfo.gov> to periodically update the public. This document contains information about:

- Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and
- Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

**FOR FURTHER INFORMATION CONTACT:** If you have questions or comments about a particular action, please get in touch with the agency contact listed in each agenda entry. If you have general questions about the Semiannual Agenda, please contact: Caryn Muellerleile ([muellerleile.caryn@epa.gov](mailto:muellerleile.caryn@epa.gov); 202-564-2855).

#### Table of Contents

#### I. Introduction

- A. EPA's Regulatory Information
- B. What key statutes and executive orders guide EPA's rule and policymaking process?
- C. How can you be involved in EPA's rule and policymaking process?

#### II. Semiannual Agenda of Regulatory and Deregulatory Actions

- A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?
- B. How is the e-Agenda organized?
- C. What information is in the Regulatory Flexibility Agenda and the e-Agenda?
- D. What tools are available for mining regulatory agenda data and for finding more about EPA rules and policies?

#### III. Review of Regulations Under Section 610 of the Regulatory Flexibility Act

- A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities
- B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?

#### IV. Thank You for Collaborating With Us

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

EPA is committed to a regulatory strategy that effectively achieves the

Agency's mission of protecting human health and the environment. EPA publishes the Semiannual Agenda of Regulatory and Deregulatory Actions to update the public about regulatory activity undertaken in support of this mission. In the Semiannual Agenda, EPA provides notice of our plans to review, propose, and issue regulations. EPA is committed to environmental protection that benefits all communities and encourages public participation and meaningful engagement in our regulatory activities and processes.

Additionally, EPA's Semiannual Agenda includes information about rules that may have a significant economic impact on a substantial number of small entities, and review of those regulations under the Regulatory Flexibility Act as amended.

In this document, EPA explains in greater detail the types of actions and information available in the Semiannual Agenda and actions that are currently undergoing review specifically for impacts on small entities.

#### A. EPA's Regulatory Information

"E-Agenda," "online regulatory agenda," and "semiannual regulatory agenda" all refer to the same comprehensive collection of information that, until 2007, was published in the **Federal Register**. Currently, this information is only available through an online database at <https://www.reginfo.gov/>.

"Regulatory Flexibility Agenda" refers to a document that contains information about regulations that may have a significant impact on a substantial number of small entities. We continue to publish this document in the **Federal Register** pursuant to the Regulatory Flexibility Act of 1980. This document is available at <https://www.govinfo.gov/app/collection/fr>.

"Unified Regulatory Agenda" refers to the collection of all agencies' agendas with an introduction prepared by the Regulatory Information Service Center facilitated by the U.S. General Services Administration.

"Regulatory Agenda Preamble" refers to the document you are reading now. It appears as part of the Regulatory Flexibility Agenda and introduces both EPA's Regulatory Flexibility Agenda and the e-Agenda.

"Section 610 Review" as required by the Regulatory Flexibility Act means a periodic review within ten years of promulgating a final rule that has or may have a significant economic impact on a substantial number of small entities. EPA maintains a list of these actions at <https://www.epa.gov/reg-flex/>

*section-610-reviews*. EPA is completing one Section 610 review in spring 2022.

#### B. What key statutes and executive orders guide EPA's rule and policymaking process?

Several environmental laws authorize EPA's actions, including but not limited to:

- Clean Air Act (CAA),
- Clean Water Act (CWA),
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund),
- Emergency Planning and Community Right-to-Know Act (EPCRA),
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),
- Resource Conservation and Recovery Act (RCRA),
- Safe Drinking Water Act (SDWA), and
- Toxic Substances Control Act (TSCA).

EPA must comply not only with environmental laws, but also with administrative legal requirements that apply to the issuance of regulations, such as the Administrative Procedure Act (APA), the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the Unfunded Mandates Reform Act (UMRA), the Paperwork Reduction Act (PRA), the National Technology Transfer and Advancement Act (NTTAA), and the Congressional Review Act (CRA).

EPA also meets a number of requirements contained in numerous Executive Orders: 12866, "Regulatory Planning and Review" (58 FR 51735, Oct. 4, 1993), as supplemented by Executive Order 13563, "Improving Regulation and Regulatory Review" (76 FR 3821, Jan. 21, 2011); 12898, "Environmental Justice" (59 FR 7629, Feb. 16, 1994); 13045, "Children's Health Protection" (62 FR 19885, Apr. 23, 1997); 13132, "Federalism" (64 FR 43255, Aug. 10, 1999); 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, Nov. 9, 2000); 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001).

#### C. How can you be involved in EPA's rule and policymaking process?

You can make your voice heard by getting in touch with the contact person provided in each agenda entry. EPA encourages you to participate as early in the process as possible. You may also participate by commenting on proposed

rules published in the **Federal Register** (FR).

Instructions on how to submit your comments through <https://www.regulations.gov> are provided in each Notice of Proposed Rulemaking (NPRM). To be most effective, comments should contain information and data that support your position, and you also should explain why EPA should incorporate your suggestion in the rule or other type of action. You can be particularly helpful and persuasive if you provide examples to illustrate your concerns and offer specific alternative(s) to what has been proposed by EPA.

EPA believes its actions will be more cost effective and protective if the development process includes stakeholders working with us to help identify the most practical and effective solutions to environmental problems. EPA encourages you to become involved in its rule- and policymaking processes. For more information about EPA's efforts to increase transparency, participation, and collaboration in EPA activities, please visit <https://www.epa.gov/laws-regulations/get-involved-epa-regulations>.

## II. Semiannual Agenda of Regulatory and Deregulatory Actions

### A. What actions are included in the e-Agenda and the Regulatory Flexibility Agenda?

EPA includes regulations in the e-Agenda. However, there is no legal significance to the omission of an item from the agenda, and EPA generally does not include the following categories of actions:

- Administrative actions such as delegations of authority, changes of address, or phone numbers.
- Under the CAA: Revisions to state implementation plans; equivalent methods for ambient air quality monitoring; deletions from the new source performance standards source categories list; delegations of authority to states; area designations for air quality planning purposes.
- Under FIFRA: Registration-related decisions, actions affecting the status of currently registered pesticides, and data call-ins.
- Under the Federal Food, Drug, and Cosmetic Act: Actions regarding pesticide tolerances and food additive regulations.
- Under TSCA: Licensing actions and new chemical actions.
- Under RCRA: Authorization of State solid waste management plans and hazardous waste delisting petitions.
- Under the CWA: State Water Quality Standards, deletions from the

section 307(a) list of toxic pollutants, suspensions of toxic testing requirements under the National Pollutant Discharge Elimination System (NPDES), and delegations of NPDES authority to States.

- Under SDWA: Actions on State underground injection control programs.

Meanwhile, the Regulatory Flexibility Agenda includes:

- Actions likely to have a significant economic impact on a substantial number of small entities.
- Rules the Agency has identified for periodic review under section 610 of the RFA.

EPA is announcing the completion of one review in this Agenda.

### B. How Is the e-Agenda organized?

Online, you can choose how to sort the agenda entries by specifying the characteristics of the entries of interest in the desired individual data fields of the e-Agenda at <https://www.reginfo.gov>. You can sort based on the following characteristics: EPA subagency (such as Office of Water), stage of rulemaking as described in the following paragraphs, alphabetically by title, or the Regulation Identifier Number (RIN), which is assigned sequentially when an action is added to the agenda.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. Pre-rule Stage—EPA's pre-rule actions generally are intended to determine whether the agency should initiate rulemaking. Pre-rulemakings may include anything that influences or leads to rulemaking; this would include Advance Notices of Proposed Rulemaking (ANPRMs), studies or analyses of the possible need for regulatory action.
2. Proposed Rule Stage—Proposed rulemaking actions include EPA's Notice of Proposed Rulemakings (NPRMs); these proposals are scheduled to publish in the **Federal Register** within the next year.
3. Final Rule Stage—Final rulemaking actions are those actions that EPA is scheduled to finalize and publish in the **Federal Register** within the next year.
4. Long-Term Actions—This section includes rulemakings for which the next scheduled regulatory action (such as publication of a NPRM or final rule) is twelve or more months into the future. We urge you to explore becoming involved even if an action is listed in the Long-Term category.
5. Completed Actions—EPA's completed actions are those that have been promulgated and published in the

**Federal Register** since publication of the fall 2021 Agenda. This category also includes actions that EPA is no longer considering and has elected to "withdraw" and the results of any RFA section 610 reviews.

### C. What Information is in the Regulatory Flexibility Agenda and the e-Agenda?

The Regulatory Flexibility Agenda entries include only the nine categories of information that are required by the Regulatory Flexibility Act of 1980 and by **Federal Register** Agenda printing requirements: Sequence Number, RIN, Title, Description, Statutory Authority, Section 610 Review, if applicable, Regulatory Flexibility Analysis Required, Schedule and Contact Person. Note that the electronic version of the Agenda (E-Agenda) replicates each of these actions with more extensive information, described below.

E-Agenda entries include:

**Title:** a brief description of the subject of the regulation. The notation "Section 610 Review" follows the title if we are reviewing the rule as part of our periodic review of existing rules under section 610 of the RFA (5 U.S.C. 610).

**Priority:** Each entry is placed into one of the five following categories:

a. **Economically Significant:** Under Executive Order 12866, a rulemaking that may have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

b. **Other Significant:** A rulemaking that is not economically significant but is considered significant for other reasons. This category includes rules that may:

1. Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

2. Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients; or

3. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles in Executive Order 12866.

c. **Substantive, Nonsignificant:** A rulemaking that has substantive impacts but is not Significant, Routine and Frequent, or Informational/Administrative/Other.

d. **Routine and Frequent:** A rulemaking that is a specific case of a recurring application of a regulatory program in the Code of Federal Regulations. If an action that would normally be classified Routine and

Frequent is reviewed by the Office of Management and Budget (OMB) under Executive Order 12866, then we would classify the action as either “Economically Significant” or “Other Significant.”

*e. Informational/Administrative/Other:* An action that is primarily informational or pertains to an action outside the scope of Executive Order 12866.

*Major:* A rule is “major” under 5 U.S.C. 801 (Pub. L. 104–121) if it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in the Congressional Review Act.

*Unfunded Mandates:* Whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, the agency prepare a written statement on federal mandates addressing costs, benefits, and intergovernmental consultation.

*Legal Authority:* The sections of the United States Code (U.S.C.), Public Law (Pub. L.), Executive Order (E.O.), or common name of the law that authorizes the regulatory action.

*CFR Citation:* The sections of the Code of Federal Regulations that would be affected by the action.

*Legal Deadline:* An indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to a NPRM, a Final Action, or some other action.

*Abstract:* A brief description of the problem the action will address.

*Timetable:* The dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 05/00/23 means the agency is predicting the month and year the action will take place but not the day it will occur. For some entries, the timetable indicates that the date of the next action is “to be determined.”

*Regulatory Flexibility Analysis Required:* Indicates whether EPA has prepared or anticipates preparing a regulatory flexibility analysis under section 603 or 604 of the RFA. Generally, such an analysis is required for proposed or final rules subject to the RFA that EPA believes may have a

significant economic impact on a substantial number of small entities.

*Small Entities Affected:* Indicates whether the rule is anticipated to have any effect on small businesses, small governments, or small nonprofit organizations.

*Government Levels Affected:* Indicates whether the rule may have any effect on levels of government and, if so, whether the affected governments are State, local, tribal, or Federal.

*Federalism Implications:* Indicates whether the action is expected to have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

*Energy Impacts:* Indicates whether the action is a significant energy action under Executive Order 13211.

*Sectors Affected:* Indicates the main economic sectors regulated by the action. The regulated parties are identified by their North American Industry Classification System (NAICS) codes. These codes were created by the Census Bureau for collecting, analyzing, and publishing statistical data on the U.S. economy. There are more than 1,000 NAICS codes for sectors in agriculture, mining, manufacturing, services, and public administration.

*International Trade Impacts:* Indicates whether the action is likely to have international trade or investment effects, or otherwise be of international interest.

*Agency Contact:* The name, address, phone number, and email address, if available, of a person who is knowledgeable about the regulation.

*Additional Information:* Other information about the action including docket information.

*URLs:* For some actions, the internet addresses are included for reading copies of rulemaking documents, submitting comments on proposals, and getting more information about the rulemaking and the program of which it is a part.

*RIN:* The Regulation Identifier Number is used by OMB to identify and track rulemakings. The first four digits of the RIN correspond to the EPA office with lead responsibility for developing the action.

*D. What tools are available for mining regulatory agenda data and for finding more about EPA rules and policies?*

#### 1. Federal Regulatory Dashboard

The <https://www.reginfo.gov> searchable database maintained by the

Regulatory Information Service Center and OMB’s Office of Information and Regulatory Affairs (OIRA), allows users to view the Regulatory Agenda database (<https://www.reginfo.gov/public/do/eAgendaMain>), with options for searching, displaying, and data transmission.

#### 2. Subject Matter EPA Websites

Some actions listed in the Agenda include a URL for an EPA-maintained website that provides additional information about the action.

#### 3. Public Dockets

When EPA publishes either an Advance Notice of Proposed Rulemaking (ANPRM) or a Notice of Proposed Rulemaking (NPRM) in the **Federal Register**, the Agency typically establishes a docket to accumulate materials developed throughout the development process for that rulemaking. The docket serves as the repository for the collection of documents or information related to that Agency’s action or activity. EPA uses dockets primarily for rulemaking actions, but dockets may also be used for section 610 reviews and for various non-rulemaking activities, such as **Federal Register** documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities. Docket information should be in that action’s agenda entry. All of EPA’s public dockets can be located at <https://www.regulations.gov>. EPA particularly welcomes feedback on rulemakings from communities likely to be affected by these actions.

### III. Review of Regulations Under Section 610 of the Regulatory Flexibility Act

#### A. Reviews of Rules With Significant Impacts on a Substantial Number of Small Entities

Section 610 of the RFA requires that an agency review, within 10 years of promulgation, each rule that has or will have a significant economic impact on a substantial number of small entities. Currently, EPA is announcing the completion of one Section 610 review.

Review title	RIN	Docket ID #	Status
Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Coal-and Oil-Fired Electric Utility Steam Generating Units.	2060-AV08	EPA-HQ-OAR-2021-0152 ....	Completed.

EPA established a public docket for this Section 610 review. While comments for the completed review are no longer accepted, submitted comments and the final report can be viewed at <https://www.regulations.gov/>, docket EPA-HQ-OAR-2021-0152.

*B. What other special attention does EPA give to the impacts of rules on small businesses, small governments, and small nonprofit organizations?*

For each of EPA’s rulemakings, consideration is given to whether there will be any adverse impact on any small entity. EPA attempts to fit the regulatory requirements, to the extent feasible, to

the scale of the businesses, organizations, and governmental jurisdictions subject to the regulation.

Under the RFA as amended by SBREFA, the Agency must prepare a formal analysis of the potential negative impacts on small entities, convene a Small Business Advocacy Review Panel (proposed rule stage), and prepare a Small Entity Compliance Guide (final rule stage) unless the Agency certifies a rule will not have a significant economic impact on a substantial number of small entities. For more detailed information about the Agency’s policy and practice with respect to implementing the RFA/SBREFA, please

visit EPA’s RFA/SBREFA website at <https://www.epa.gov/reg-flex>.

**IV. Thank You for Collaborating With Us**

Finally, we would like to thank those of you who choose to join with us in making progress on the complex issues involved in protecting human health and the environment. Collaborative efforts such as EPA’s open rulemaking process are valuable tools for addressing the problems we face, and the regulatory agenda plays an important role in that process.

**Victoria Arroyo,**  
Associate Administrator, Office of Policy.

**10—CLEAN AIR ACT—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
189 .....	National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations.	2060-AU37
190 .....	Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review.	2060-AV16
191 .....	Revisions to the Air Emission Reporting Requirements (AERR) .....	2060-AV41

**10—CLEAN AIR ACT—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
192 .....	Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Coal-and Oil-Fired Electric Utility Steam Generating Units ( <b>Completion of a Section 610 Review</b> ).	2060-AV08

**35—TSCA—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
193 .....	Methylene Chloride; Rulemaking Under TSCA Section 6(a) .....	2070-AK70
194 .....	1-Bromopropane; Rulemaking Under TSCA Section 6(a) .....	2070-AK73
195 .....	Trichloroethylene; Rulemaking Under TSCA Section 6(a) .....	2070-AK83
196 .....	Perchloroethylene; Rulemaking Under TSCA Section 6(a) .....	2070-AK84
197 .....	N-Methylpyrrolidone; Rulemaking Under TSCA Section 6(a) .....	2070-AK85

**35—TSCA—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
198 .....	Cyclic Aliphatic Bromide Cluster (HBCD); Rulemaking Under TSCA Section 6(a) .....	2070-AK71
199 .....	C.I. Pigment Violet 29; Rulemaking Under TSCA Section 6(a) .....	2070-AK87

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

10—Clean Air Act

Proposed Rule Stage

**189. National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations [2060–AU37]**

*Legal Authority:* secs. 112 and 307(d)(7)(B) of the CAA as amended (42 U.S.C. 7412 and 7607(d)(7)(B)). This action is also subject to section 307(d) of the CAA (42 U.S.C. 7607(d)); 42 U.S.C. 7401

*Abstract:* In December 1994, pursuant to section 112(d) of the CAA, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations (59 FR 62585). The NESHAP established standards for both major and area sources. EPA completed a residual risk and technology review for the NESHAP in 2006 and, at that time, concluded that no revisions to the standards were necessary. In this action, EPA will conduct the second technology review for the NESHAP and assess potential updates to the rule. To aid in this effort, EPA issued an advance notice of proposed rulemaking (ANPRM) that solicited comment from stakeholders and undertook a Small Business Advocacy Review (SBAR) panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered. EPA is also planning to undertake community outreach as part of the development of this action.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	12/12/19	84 FR 67889
NPRM .....	08/00/22	
Final Rule .....	10/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jon Witt, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–05, Research Triangle Park, NC 27709, Phone: 919 541–5645, Email: witt.jon@epa.gov.

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, E143–01, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711, Phone: 919 541–2837, Email: fruh.steve@epa.gov.

RIN: 2060–AU37

**190. Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review [2060–AV16]**

*Legal Authority:* 42 U.S.C. 7411

*Abstract:* On January 20, 2021, President Joe Biden issued an Executive Order titled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” which directs the EPA to take certain actions by September 2021 to reduce methane and volatile organic compound (VOC) emissions in the oil and natural gas sector. Specifically, the Executive Order directs the EPA to review the new source performance standards (NSPS) issued in 2020 for the oil and gas sector and, as appropriate and consistent with applicable law, consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the NSPS. The Executive Order further directs the EPA to consider proposing: (1) new regulations to establish comprehensive NSPS for methane and VOC emissions and (2) new regulations to establish emission guidelines for methane emissions from existing operations in the oil and gas sector, including from the exploration and production, transmission, processing, and storage segments. The purpose of this action is to review the existing NSPS and propose new standards as necessary to meet the directives set forth in the Executive Order, as well as to propose new emission guidelines for existing sources in the oil and gas sector.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/15/21	86 FR 63110
NPRM Comment Period End.	01/14/22	
Supplemental NPRM.	10/00/22	
Final Rule .....	05/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Karen Marsh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–01, Research Triangle Park, NC 27711, Phone: 919 541–1065, Email: marsh.karen@epa.gov.

Steve Fruh, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code E143–01, Research Triangle Park, NC 27711, Phone: 919 541–2837, Email: fruh.steve@epa.gov.

RIN: 2060–AV16

**191. Revisions to the Air Emission Reporting Requirements (AERR) [2060–AV41]**

*Legal Authority:* Clean Air Act

*Abstract:* This action proposes revisions to the existing Air Emissions Reporting Requirements (AERR) rule last revised on February 19, 2015 (80 FR 8787), and may include major revisions. The EPA is considering how to improve the quality and completeness of hazardous air pollutant (HAP) emissions from stationary sources and all pollutant emissions from prescribed fires. Further, the EPA is considering how best to quantify emissions from intermittent sources such as backup generators; how to obtain data from permitted facilities in Indian Country when a Tribe is not required to report emissions data; and how to address known data gaps, streamline processes, and improve data quality, documentation, and transparency for nonpoint and mobile sources.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	
Final Rule .....	10/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Marc Houyoux, Environmental Protection Agency, Office of Air and Radiation, C339–02, Research Triangle Park, NC 27711, Phone: 919 541–3649, Fax: 919 541–0684, Email: houyoux.marc@epa.gov. RIN: 2060–AV41

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

10—Clean Air Act

Completed Actions

**192. Section 610 Review of National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units (Completion of a Section 610 Review) [2060–AV08]**

*Legal Authority:* secs. 112 and 307(d)(7)(B) of the CAA as amended (42 U.S.C. 7412 and 7607(d)(7)(B)). This action is also subject to sec. 307(d) of the CAA (42 U.S.C. 7607(d))

*Abstract:* On February 16, 2012, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-fired Electric Utility Steam Generating Units (77 FR 9304). The rule (40 CFR part 63, subpart UUUUU), commonly referred to as the Mercury and Air Toxics Standards

(MATS), includes standards to control hazardous air pollutant emissions from new and existing coal- and oil-fired electric utility steam generating units located at both major and area sources of hazardous air pollutant emissions. This entry in the regulatory agenda announces that EPA has reviewed the MATS action pursuant to section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) to determine if the provisions that could affect small entities should be continued without change or should be rescinded or amended to minimize adverse economic impacts on small entities. As part of the review, EPA solicited comments on the following factors: (1) The continued need for the rule; (2) the nature of complaints or comments received concerning the rule; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal, State, or local government rules; and (5) the degree to which the technology, economic conditions or other factors have changed in the area affected by the rule. No comments were received. EPA has concluded that the rule does not need to be amended at this time and has addressed the review factors in a report. The report is available in Docket EPA-HQ-OAR-2021-0152, which can be accessed at [www.regulations.gov](http://www.regulations.gov).

*Timetable:*

Action	Date	FR Cite
Final Rule .....	02/16/12	77 FR 9303
Begin Review .....	07/30/21	86 FR 41276
End Review .....	04/08/22	

*Regulatory Flexibility Analysis Required:* No.

*Agency Contact:* Melanie King, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243-01, Research Triangle Park, NC 27711, Phone: 919 541-2469, Email: [king.melanie@epa.gov](mailto:king.melanie@epa.gov).

Nick Hutson, Environmental Protection Agency, Office of Air and Radiation, 109 T.W. Alexander Drive, Mail Code D243-01, Research Triangle Park, NC 27711, Phone: 919 541-2968, Fax: 919 541-4991, Email: [hutson.nick@epa.gov](mailto:hutson.nick@epa.gov).

RIN: 2060-AV08

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

35—TSCA

Proposed Rule Stage

**193. Methylene Chloride; Rulemaking Under TSCA Section 6(A) [2070-AK70]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for methylene chloride carried out under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk evaluation. EPA’s risk evaluation for methylene chloride, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0437, with additional information in docket EPA-HQ-OPPT-2016-0742.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Ingrid Feustel, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7405M, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Phone: 202 564-3199, Email: [feustel.ingrid@epa.gov](mailto:feustel.ingrid@epa.gov).

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, Phone: 202 564-0432, Email: [wolf.joel@epa.gov](mailto:wolf.joel@epa.gov).

RIN: 2070-AK70

**194. 1-Bromopropane; Rulemaking Under TSCA Section 6(A) [2070-AK73]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for 1-bromopropane carried out under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk

evaluation. EPA’s risk evaluation for 1-bromopropane, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0235, with additional information in docket EPA-HQ-OPPT-2016-0741.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Amy Shuman, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Phone: 202 564-2978, Email: [shuman.amy@epa.gov](mailto:shuman.amy@epa.gov).

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, Phone: 202 564-0432, Email: [wolf.joel@epa.gov](mailto:wolf.joel@epa.gov). RIN: 2070-AK73

**195. Trichloroethylene; Rulemaking Under TSCA Section 6(A) [2070-AK83]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for trichloroethylene (TCE) carried out under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk evaluation. EPA’s risk evaluation for TCE, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0500, with additional information in docket EPA-HQ-OPPT-2016-0737.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Katelan McNamara, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Washington, DC 20460, Phone: 202 564-4361, Email: [mcnamara.katelan@epa.gov](mailto:mcnamara.katelan@epa.gov).



Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-0432, *Email:* wolf.joel@epa.gov. *RIN:* 2070-AK83

**196. Perchloroethylene; Rulemaking Under TSCA Section 6(A) [2070-AK84]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for perchloroethylene (PCE) carried out under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk evaluation. EPA’s risk evaluation for PCE, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0502, with additional information in docket EPA-HQ-OPPT-2016-0732.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kelly Summers, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-2201, *Email:* summers.kelly@epa.gov.

Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-0432, *Email:* wolf.joel@epa.gov. *RIN:* 2070-AK84

**197. N-Methylpyrrolidone; Rulemaking Under TSCA Section 6(A) [2070-AK85]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for n-

methylpyrrolidone (NMP) carried out under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk evaluation. EPA’s risk evaluation for NMP, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0236, with additional information in docket EPA-HQ-OPPT-2016-0743.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Joel Wolf, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-0432, *Email:* wolf.joel@epa.gov.

Clara Hull, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7405M, Washington, DC 20460, *Phone:* 202 564-3954, *Email:* hull.clara@epa.gov. *RIN:* 2070-AK85

**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

35—TSCA

Long-Term Actions

**198. Cyclic Aliphatic Bromide Cluster (HBCD); Rulemaking Under TSCA Section 6(A) [2070-AK71]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation for cyclic aliphatic bromide cluster (HBCD) carried out under the authority of the TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health and the environment identified in the final risk evaluation. EPA’s risk evaluation for HBCD, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2019-0237,

with additional information in docket EPA-HQ-OPPT-2016-0735.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/23	
Final Rule .....	07/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Alie Muneer, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564-6369, *Email:* muneer.alie@epa.gov.

Ana Corado, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Mail Code 7408M, 1200 Pennsylvania Avenue NW, Washington, DC 20460, *Phone:* 202 564-0140, *Email:* corado.ana@epa.gov.

*RIN:* 2070-AK71

**199. C.I. Pigment Violet 29; Rulemaking Under TSCA Section 6(A) [2070-AK87]**

*Legal Authority:* 15 U.S.C. 2605 Toxic Substances Control Act

*Abstract:* Section 6 of the Toxic Substances Control Act (TSCA) requires EPA to address unreasonable risks of injury to health or the environment that the Administrator has determined are presented by a chemical substance under the conditions of use. Following a risk evaluation carried out for C.I. Pigment Violet 29 under the authority of TSCA section 6, EPA initiated rulemaking to address unreasonable risks of injury to health identified in the final risk evaluation. EPA’s risk evaluation for C.I. Pigment Violet 29, describing the conditions of use and presenting EPA’s determinations of unreasonable risk, is in docket EPA-HQ-OPPT-2018-0604, with additional information in docket EPA-HQ-OPPT-2016-0725.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/23	
Final Rule .....	08/00/24	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Todd Coleman, Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, 1200 Pennsylvania Avenue NW, Mail Code 7404T, Washington, DC 20460, *Phone:* 202 564-1208, *Email:* coleman.todd@epa.gov.

Robert Courtnage, Environmental  
Protection Agency, Office of Chemical  
Safety and Pollution Prevention, 1200  
Pennsylvania Avenue NW, Mail Code

7404T, Washington, DC 20460, *Phone:*  
202 566-1081, *Email:* [courtnage.rob@epa.gov](mailto:courtnage.rob@epa.gov)

*RIN:* 2070-AK87  
[FR Doc. 2022-14612 Filed 8-5-22; 8:45 am]  
**BILLING CODE 6560-50-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XVII

General Services Administration

---

Semiannual Regulatory Agenda

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Chapters 101, 102, 105, 300, 301, 302, and 304**

**48 CFR Chapter 5**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** General Services Administration (GSA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those that were completed since the fall 2021 edition. This agenda was developed under the guidelines of Executive Orders 12866 “Regulatory Planning and Review,” and Executive Order 13563 “Improving Regulation and Regulatory Review.” GSA’s purpose in publishing this agenda is to allow interested

persons an opportunity to participate in the rulemaking process. GSA also invites interested persons to recommend existing significant regulations for review to determine whether they should be modified or eliminated. The public may provide comments on rules via <http://www.regulations.gov>.

The Unified Agenda, including previous versions are available at [www.reginfo.gov](http://www.reginfo.gov).

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), GSA’s printed agenda entries include only:

(1) Rules that are in the Agency’s regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) Any rules that the Agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries is limited to fields that contain information required by the Regulatory Flexibility Act’s Agenda requirements. Additional information on these entries is available in the Unified Agenda. In addition, for fall editions of the Agenda, the entire Regulatory Plan will continue to be printed in the **Federal Register**, as in past years, including GSA’s regulatory plan.

**FOR FURTHER INFORMATION CONTACT:** Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street NW, 2nd Floor, Washington, DC 20405-0001, 202-501-2735.

Dated: March 31, 2022.

**Krystal J. Brumfield,**  
*Associate Administrator, Office of Government-wide Policy.*

**GENERAL SERVICES ADMINISTRATION—PRERULE STAGE**

Sequence No.	Title	Regulation Identifier No.
200 .....	General Services Acquisition Regulation (GSAR); GSAR Case 2022–G517 Single-use Plastic Packaging Reduction.	3090–AK60

**GENERAL SERVICES ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
201 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G503, Streamlining GSA Commercial Contract Clause Requirements.	3090–AK09
202 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G504, Federal Supply Schedule Catalog Management.	3090–AK17
203 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment.	3090–AK20
204 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules.	3090–AK21
205 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2020–G512, System for Award Management Representation for Leases.	3090–AK22
206 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions.	3090–AK29
207 .....	General Services Acquisition Regulation (GSAR); GSAR Case 2021–G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements.	3090–AK36
208 .....	General Services Administration Acquisition Regulations (GSAR); GSAR 2021–G520, Economic Price Adjustment for Deregulated Electric Supplies.	3090–AK48
209 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G530, Extension of Federal Minimum Wage to Lease Acquisitions.	3090–AK51
210 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G513, Updating Payments Clause ....	3090–AK55
211 .....	General Service Acquisition Regulation (GSAR); GSAR Case 2022–G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions.	3090–AK58

**GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
212 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G505, Clarify Commercial Products and Services Contract Terms and Conditions.	3090–AK18
213 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021–G522, Contract Requirements for High-Security Leased Space.	3090–AK39

GENERAL SERVICES ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
214 .....	General Services Administration Acquisition Regulation (GSAR); GSAR 2021–G527, Immediate and Highest-Level Owner for High-Security Leased Space.	3090–AK44

GENERAL SERVICES ADMINISTRATION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
215 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016–G511, Contract Requirements for GSA Information Systems.	3090–AJ84
216 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G502, Increasing Order Level Competition for Federal Supply Schedules.	3090–AK15
217 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G503, Increasing Order Level Competition for Indefinite-Delivery, Indefinite-Quantity Contracts.	3090–AK16
218 .....	General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G509, Extending Federal Supply Schedule Orders Beyond the Contract Term.	3090–AK19

**GENERAL SERVICES ADMINISTRATION (GSA)**

*Office of Acquisition Policy*

Prerule Stage

**200. • General Services Acquisition Regulation (GSAR): GSAR Case 2022–G517 Single-Use Plastic Packaging Reduction [3090–AK60]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* GSA is exploring regulation that will reduce single-use plastic consumption by the agency. Single-use plastic poses an environmental risk that is documented as having the potential to impact biodiversity. To better understand the cost impact of such a rule change, GSA proposes publishing an Advanced Notice of Proposed Rule (ANPRM) to ask industry for feedback as to what potential barriers, costs, and reporting mechanisms could be utilized for such a rule change.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	06/00/22	
ANPRM Comment Period End.	08/00/22	
NPRM .....	09/00/22	
NPRM Comment Period End.	11/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Adina Torberntsson, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 303 236–2677, *Email:* adina.torberntsson@gsa.gov.

*RIN:* 3090–AK60

**GENERAL SERVICES ADMINISTRATION (GSA)**

*Office of Acquisition Policy*

Proposed Rule Stage

**201. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2019–G503, Streamlining GSA Commercial Contract Clause Requirements [3090–AK09]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline requirements for GSA commercial contracts. This rule will update GSAR Clauses 552.212–71 and 552.212–72 to remove any requirements that are not necessary by law or Executive Order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	
NPRM Comment Period End.	08/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 718–6112, *Email:* johnnie.mcdowell@gsa.gov. *RIN:* 3090–AK09

**202. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G504, Federal Supply Schedule Catalog Management [3090–AK17]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to consolidate all terms related to Federal Supply Schedule catalog management, which are currently spread across multiple clauses, into one consolidated clause.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	
NPRM Comment Period End.	02/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Thomas O’Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445–0390, *Email:* thomas.olinn@gsa.gov.

*RIN:* 3090–AK17

**203. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020–G510, Federal Supply Schedule Economic Price Adjustment [3090–AK20]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to clarify, update, and incorporate Federal Supply Schedule (FSS) program policies and procedures regarding economic price adjustment, including updating related prescriptions and clauses. This rule will provide unique guidance for contracts based on commercial price lists or not, and contracts with data reporting requirements or not.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	
NPRM Comment Period End.	12/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.

*RIN:* 3090-AK20

**204. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G511, Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules [3090-AK21]**

*Legal Authority:* 40 U.S.C. 121(c); 40 U.S.C. 502

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and clarify the requirements for use of Federal Supply Schedules by eligible Non-Federal Entities, such as state and local governments. The rule is intended to increase understanding of the existing guidance and expand access to GSA sources of supply by eligible Non-Federal Entities, as authorized by historic statutes including the Federal Supply Schedules Usage Act of 2010. This rule supports underserved communities, promoting equity in the Federal government.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	
NPRM Comment Period End.	10/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Thomas O'Linn, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.

*RIN:* 3090-AK21

**205. General Service Acquisition Regulation (GSAR); GSAR Case 2020-G512, System for Award Management Representation for Leases [3090-AK22]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation

(GSAR) to remove the requirement for lease offerors to have an active System for Award Management (SAM) registration when submitting offers and instead allow offers up until the time of award to obtain an active SAM registration. Entities seeking Federal leases differ from the typical entities seeking Federal contracts in that common practice is to form a new entity for every new lease offer. Requiring representations from these entities prior to offer submission restricts competition. In addition, the tools in SAM typically used in the Government's evaluation of offers do not add value when evaluating lease offers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	
NPRM Comment Period End.	10/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Clarence Harrison, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 227-7051, *Email:* clarence.harrison@gsa.gov.

*RIN:* 3090-AK22

**206. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G534, Extension of Certain Telecommunication Prohibitions to Lease Acquisitions [3090-AK29]**

*Legal Authority:* 40 U.S.C. 121(c); 5 U.S.C. 801; Pub. L. 115-232 sec. 889

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to prohibit procurement from certain covered entities using covered equipment and services in lease acquisitions pursuant to section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019. The rule will implement the section 889 requirements in lease acquisitions by requiring inclusion of the related Federal Acquisition Regulation (FAR) provisions and clause. This rule supports the national security priority.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	
NPRM Comment Period End.	05/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition

Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* stephen.carroll@gsa.gov. *RIN:* 3090-AK29

**207. General Services Acquisition Regulation (GSAR); GSAR Case 2021-G505, Amending Prescriptions for Including FAR Provisions and Clauses in Lease Procurements [3090-AK36]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise the prescriptions for FAR provisions and clauses that apply to lease solicitations and contracts. Additionally, GSA is proposing to make conforming changes to some provision and clause titles and numbers listed to align with the FAR, along with other editorial changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	
NPRM Comment Period End.	12/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Marten Wallace, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7736, *Email:* marten.wallace@gsa.gov. *RIN:* 3090-AK36

**208. General Services Administration Acquisition Regulations (GSAR); GSAR 2021-G520, Economic Price Adjustment for Deregulated Electric Supplies [3090-AK48],**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to revise internal agency approval procedures to allow the use of an economic price adjustment clause for deregulated electric supplies under fixed-price contracts. This rule will better account for regional variability in prices, portions of which are controlled by the Federal Energy Regulatory Commission under section 205 and 206 of the Federal Power Act and other regulatory bodies.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	
NPRM Comment Period End.	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* [stephen.carroll@gsa.gov](mailto:stephen.carroll@gsa.gov).  
*RIN:* 3090-AK48

**209. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021-G530, Extension of Federal Minimum Wage to Lease Acquisitions [3090-AK51]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to extend the requirements of Executive Order 14026 (Increasing the Minimum Wage for Federal Contractors) and Department of Labor regulations (29 CFR part 23) to lease acquisitions where the Davis Bacon Act applies by requiring inclusion of the related Federal Acquisition Regulation (FAR) clause. Generally, the FAR does not apply to leasehold acquisitions of real property. However, several FAR clauses have been adopted based on requirements through GSAR part 570. The Federal minimum wage requirements apply to Government lease acquisitions where the Davis Bacon Act applies and extension of the FAR requirements will ensure compliance. The Executive order seeks to increase efficiency and cost savings in the work performed by parties who contract with the Federal Government by increasing to \$15.00 the hourly minimum wage paid to those contractors. This rule promotes economic resilience, and improves the buying power of U.S. citizens.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	03/00/23 05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 718-6112, *Email:* [johnnie.mcdowell@gsa.gov](mailto:johnnie.mcdowell@gsa.gov).  
*RIN:* 3090-AK51

**210. • General Service Acquisition Regulation (GSAR); GSAR Case 2022-G513, Updating Payments Clause [3090-AK55]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the agency supplemental clause regarding payments for non-commercial fixed price contracts for supplies or services. This payments clause provides that, in certain transactions, the Government must pay a contractor without submission of an invoice or voucher. GSA has determined that this is no longer in the best interest of the Government. This proposed rule will additionally amend any corresponding references to the clause.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	02/00/23 04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Byron Boyer, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 850-5580, *Email:* [byron.boyer@gsa.gov](mailto:byron.boyer@gsa.gov).  
*RIN:* 3090-AK55

**211. • General Service Acquisition Regulation (GSAR); GSAR Case 2022-G514, Standardizing Federal Supply Schedule Clause and Provision Prescriptions [3090-AK58]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to standardize the identification of Federal Supply Schedule (FSS) clauses, provisions, and references. GSA will clarify the distinction between Federal Supply Schedule and the Multiple Award Schedule (MAS) Program. GSA will also clarify the applicability of FSS clauses and provisions for FSS contracts managed by GSA and the Department of Veterans Affairs.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	11/00/22 01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Adina Torberntsson, General Services Administration, 1800 F Street NW, Washington, DC 20405,

*Phone:* 303 236-2677, *Email:* [adina.torberntsson@gsa.gov](mailto:adina.torberntsson@gsa.gov).  
*RIN:* 3090-AK58

**GENERAL SERVICES ADMINISTRATION (GSA)**

*Office of Acquisition Policy*

Final Rule Stage

**212. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G505, Clarify Commercial Products and Services Contract Terms and Conditions [3090-AK18]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* The General Services Administration (GSA) is proposing to amend the General Services Acquisition Regulation (GSAR) to clarify commercial products and services contract terms and conditions. This rule will update GSAR Clause 552.212-4 to clarify the prescription and language applicable for the different clause alternates.

*Timetable:*

Action	Date	FR Cite
Final Rule ..... Final Rule Effective.	09/00/22 11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Johnnie McDowell, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 718-6112, *Email:* [johnnie.mcdowell@gsa.gov](mailto:johnnie.mcdowell@gsa.gov).  
*RIN:* 3090-AK18

**213. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2021-G522, Contract Requirements for High-Security Leased Space [3090-AK39]**

*Legal Authority:* 40 U.S.C. 121(c); Pub. L. 116-276

*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to incorporate contractor disclosure requirements and access limitations for high-security leased space pursuant to the Secure Federal Leases Act. Covered entities are required to identify whether the beneficial owner of a high-security leased space, including an entity involved in the financing thereof, is a foreign person or entity when first submitting a proposal and annually thereafter. This rule supports the national security priority.

*Timetable:*



Action	Date	FR Cite
NPRM .....	12/27/21	86 FR 73219
NPRM Comment Period End.	02/25/22	
Final Rule .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* stephen.carroll@gsa.gov.  
*RIN:* 3090-AK39

**214. General Services Administration Acquisition Regulation (GSAR); GSAR 2021-G527, Immediate and Highest-Level Owner for High-Security Leased Space [3090-AK44]**

*Legal Authority:* 40 U.S.C. 121(c)  
*Abstract:* GSA is amending the General Services Administration Acquisition Regulation (GSAR) to implement certain requirements outlined in the Secure Federal LEASEs Act (Pub. L. 116-276). The Act addresses the risks of foreign ownership of Government-leased real estate and requires the disclosure of ownership information for high-security space leased to accommodate a Federal agency. This rule supports the national security priority.  
*Timetable:*

Action	Date	FR Cite
Interim Final Rule Effective.	06/30/21	86 FR 34966
Interim Final Rule	07/01/21	
Interim Final Rule Comment Period End.	08/30/21	
Final Rule .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Stephen Carroll, Procurement Analyst, GSA Acquisition Policy Division, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 817 253-7858, *Email:* stephen.carroll@gsa.gov.  
*RIN:* 3090-AK44

**GENERAL SERVICES ADMINISTRATION (GSA)**

Completed Actions

**215. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2016-G511, Contract Requirements for GSA Information Systems [3090-AJ84]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems. GSA’s policies on cybersecurity and other information technology requirements have been previously issued and communicated by the Office of the Chief Information Officer through the GSA public website. By incorporating these requirements into the GSAR, the GSAR will provide centralized guidance to ensure consistent application across the organization. This rule supports the national security priority.

This rule will require contracting officers to incorporate applicable GSA cybersecurity requirements within the statement of work to ensure compliance with Federal cybersecurity requirements and implement best practices for preventing cyber incidents. Contract requirements for internal information systems, external contractor systems, cloud systems, and mobile systems will be covered by this rule. This rule will also update existing GSAR provision 552.239-70, Information Technology Security Plan and Security Authorization, and GSAR clause 552.239-71, Security Requirements for Unclassified Information Technology Resources, to only require the provision and clause when the contract will involve information or information systems connected to a GSA network.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	02/09/22	87 FR 7393
Correction .....	02/17/22	87 FR 8960
Final Rule Effective.	03/11/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Johnnie McDowell, *Phone:* 202 718-6112, *Email:* johnnie.mcdowell@gsa.gov.  
*RIN:* 3090-AJ84

**216. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G502, Increasing Order Level Competition for Federal Supply Schedules [3090-AK15]**

*Legal Authority:* 40 U.S.C. 121(c); Pub. L. 115-232 sec. 876

*Abstract:* After working to develop GSAR Case 2020-G502, GSA’s Federal Acquisition Service (FAS) Multiple Award Schedule (MAS) Program Management Office (PMO) has determined not to pursue section 876 authority of the National Defense

Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) as it relates to Federal Supply Schedule contracts. As such, GSA is withdrawing this RIN.

*Completed:*

Reason	Date	FR Cite
Withdrawn .....	03/23/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Thomas O’Linn, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.  
*RIN:* 3090-AK15

**217. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G503, Increasing Order Level Competition for Indefinite-Delivery, Indefinite-Quantity Contracts [3090-AK16]**

*Legal Authority:* 40 U.S.C. 121(c); Pub. L. 115-232, sec. 876

*Abstract:* After working to develop GSAR Case 2020-G503, GSA’s Federal Acquisition Service (FAS) leadership has determined not to pursue Section 876 authority of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Pub. L. 115-232) as it relates to certain indefinite-delivery, indefinite-quantity contracts. As such, GSA is withdrawing this RIN.

*Completed:*

Reason	Date	FR Cite
Withdrawn .....	03/23/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Thomas O’Linn, *Phone:* 202 445-0390, *Email:* thomas.olinn@gsa.gov.  
*RIN:* 3090-AK16

**218. General Services Administration Acquisition Regulation (GSAR); GSAR Case 2020-G509, Extending Federal Supply Schedule Orders Beyond the Contract Term [3090-AK19]**

*Legal Authority:* 40 U.S.C. 121(c)

*Abstract:* The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to incorporate existing internal Federal Supply Schedule (FSS) policy concerning the option to extend the term of the contract and performance of orders beyond the term of the base FSS contract.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	02/24/22	87 FR 10313

Reason	Date	FR Cite
Final Rule Effective.	03/28/22	

*Agency Contact:* Thomas O'Linn,  
*Phone:* 202 445-0390, *Email:*  
*thomas.olinn@gsa.gov.*

*RIN:* 3090-AK19

[FR Doc. 2022-14613 Filed 8-5-22; 8:45 am]

**BILLING CODE 6820-34-P**

*Regulatory Flexibility Analysis  
Required: Yes.*





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XVIII

Office of Personnel Management

---

Semiannual Regulatory Agenda

**OFFICE OF PERSONNEL  
MANAGEMENT**

**5 CFR Ch. I**

**Regulatory Agenda**

**AGENCY:** Office of Personnel Management.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The following Office of Personnel Management (OPM) regulations are scheduled for development or review during the 6-month period following publication. This agenda carries out OPM’s responsibilities to publish a semiannual agenda under Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility Act (5 U.S.C.

chapter 6). This publication does not impose a binding obligation on OPM with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

**FOR FURTHER INFORMATION CONTACT:** Steve Hickman, (202) 606–1000.

**Stephen Hickman,**  
*Federal Register Liaison.*

OFFICE OF PERSONNEL MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
219 .....	Requirements Related to Surprise Billing; Part II .....	3206–AO29

**OFFICE OF PERSONNEL  
MANAGEMENT (OPM)**

Final Rule Stage

**219. Requirements Related to Surprise Billing; Part II [3206–AO29]**

*Legal Authority:* Pub. L. 116–260, Division BB, title I and title II

*Abstract:* This final rule implements provisions related to the independent dispute resolution processes included in the Public Health Service Act sections 2799A–1(c) and 2799A–2(b), as added

by sections 102(d), 103 and 105 of the No Surprises Act.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	10/07/21	86 FR 55980
Interim Final Rule Effective.	10/07/21	
Interim Final Rule Comment Period End.	12/06/21	
Final Action .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Padma Babubhai Shah, Senior Policy Analyst, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415, *Phone:* 202 606–4056, *Email:* padma.shah@opm.gov.

*RIN:* 3206–AO29

[FR Doc. 2022–14614 Filed 8–5–22; 8:45 am]

**BILLING CODE 3280–F5–P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XIX

Small Business Administration

---

Semiannual Regulatory Agenda

**SMALL BUSINESS ADMINISTRATION**  
**13 CFR Ch. I**

**Semiannual Regulatory Agenda**

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This semiannual Regulatory Agenda (Agenda) is a summary of current and projected rulemakings and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA’s regulatory activities. Accordingly, SBA

invites the public to submit comments on any aspect of this Agenda.

**FOR FURTHER INFORMATION CONTACT:**

*General*

Please direct general comments or inquiries to Daniel Kane, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; (202) 744–2509; *Daniel.Kane@sba.gov*.

*Specific*

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA)

requires SBA to publish in the **Federal Register** a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the **Federal Register** is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal Government’s unified Regulatory Agenda, which will be available online at *www.reginfo.gov* in a format that offers users enhanced ability to obtain information about SBA’s rules.

**Isabella Casillas Guzman,**  
*Administrator.*

**SMALL BUSINESS ADMINISTRATION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
220 .....	Small Business Development Center Program Revisions .....	3245–AE05
221 .....	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs .....	3245–AG16
222 .....	National Defense Authorization Act of 2020, Credit for Lower Tier Subcontracting and Other Amendments .....	3245–AH28
223 .....	Small Business Size Standards: Adoption of 2022 North American Industry Classification System for Size Standards.	3245–AH89
224 .....	Small Business Lending Company (SBLC) Moratorium Rescission and Change of Ownership Updates .....	3245–AH92

**SMALL BUSINESS ADMINISTRATION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
225 .....	Small Business Timber Set-Aside Program .....	3245–AG69
226 .....	Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade.	3245–AH09
227 .....	Small Business Size Standards: Wholesale Trade and Retail Trade .....	3245–AH10
228 .....	Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation .....	3245–AH17

**SMALL BUSINESS ADMINISTRATION—COMPLETED ACTIONS**

Sequence No.	Title	Regulation Identifier No.
229 .....	Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services.	3245–AG88
230 .....	Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction.	3245–AG89
231 .....	Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing.	3245–AG90
232 .....	Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services.	3245–AG91
233 .....	Small Business Size Standards: Calculation of Number of Employees for All Programs and of Average Annual Receipts in Business Loan, Disaster Loan, and Small Business Investment Company Programs.	3245–AH26

**SMALL BUSINESS ADMINISTRATION (SBA)**

Proposed Rule Stage

**220. Small Business Development Center Program Revisions [3245–AE05]**

*Legal Authority:* 15 U.S.C. 634(b)(6); 15 U.S.C. 648

*Abstract:* This rule proposes to update the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) procedures for approving when a new Lead SBDC Center Director is selected; (2) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews,

accreditation reviews, and other SBA oversight activities; (3) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC’s cooperative agreement; and (4) provisions regarding the collection and use of the individual SBDC client data.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	04/02/15	80 FR 17708
ANPRM Comment Period End.	06/01/15	
NPRM .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Rachel Newman-Karton, Program Manager, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 619-1816, *Email:* rachel.newman-karton@sba.gov.

*RIN:* 3245-AE05

**221. Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs [3245-AG16]**

*Legal Authority:* Pub. L. 111-240, sec. 1116

*Abstract:* SBA will propose amendments its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/22/18	83 FR 12506
ANPRM Comment Period End.	05/21/18	
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AG16

**222. National Defense Authorization Act of 2020, Credit for Lower Tier Subcontracting and Other Amendments [3245-AH28]**

*Legal Authority:* Pub. L. 116-92

*Abstract:* Section 870 of the National Defense Authorization Act of 2020 (NDAA 2020) made a change that will require SBA to amend its regulations. Specifically, the language of NDAA 2020 requires SBA to alter the method and means of accounting for lower tier small business subcontracting. This proposed rule may also contain several smaller changes that might be necessary to implement this provision and other provisions in NDAA 2020.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brenda J. Fernandez, Analyst, Office of Policy, Planning and Liaison, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7337, *Email:* brenda.fernandez@sba.gov.

*RIN:* 3245-AH28

**223. • Small Business Size Standards: Adoption of 2022 North American Industry Classification System for Size Standards [3245-AH89]**

*Legal Authority:* Not Yet Determined

*Abstract:* This will amend SBA's Small Business Size Regulations by incorporating the Office of Management and Budget's (OMB) 2022 revision of the North American Industry Classification System (NAICS) into its table of small business size standards. NAICS 2022 created 111 new industries involving 147 NAICS 2017 industries in 11 Sectors, mostly in Sector 44-45 (Retail Trade), followed by Sector 31-33 (Manufacturing), and Sector 51 (Information). Of the 111 new industries, 79 were formed by merging two or more of 124 industries or their parts. In addition, the NAICS 2022 revised titles, 6-digit codes, or definitions of the 32 other NAICS 2017 industries or their parts. As a result, the size standards for some existing industries or parts will change. Similar to the adoptions of prior OMB revisions to NAICS in 2002, 2007, 2012, and 2017, SBA will adopt the NAICS 2022 revision to its table of size standards, effective the beginning of the Federal government's new fiscal year (October 1, 2022).

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AH89

**224. • Small Business Lending Company (SBLC) Moratorium Rescission and Change of Ownership Updates [3245-AH92]**

*Legal Authority:* Sec. 3(r) and 7(a) of the Small Business Act

*Abstract:* SBA will publish a notice of proposed rulemaking in order to receive comments from the public and the lending industry regarding the proposal to lift the moratorium on permitting new Small Business Lending Companies (SBLC). Also, SBA will be requesting comments regarding removing the prohibition of partial changes in ownership under the 7(a) loan program.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dianna L. Seaborn, Director, Office of Financial Assistance, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-3645, *Email:* dianna.seaborn@sba.gov.

*RIN:* 3245-AH92

**SMALL BUSINESS ADMINISTRATION (SBA)**

Final Rule Stage

**225. Small Business Timber Set-Aside Program [3245-AG69]**

*Legal Authority:* 15 U.S.C. 631; 15 U.S.C. 644(a)

*Abstract:* The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small



business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	03/25/15	80 FR 15697
ANPRM Comment Period End.	05/26/15	
NPRM .....	09/27/16	81 FR 66199
NPRM Comment Period End.	11/28/16	
Final Rule .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* David W. Loines, Director, Office of Government Contracting, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 431-0472, *Email:* david.loines@sba.gov.

*RIN:* 3245-AG69

**226. Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade [3245-AH09]**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 31-33 (Manufacturing) and industries with employee-based size standards in other sectors except Wholesale Trade and Retail Trade and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/26/22	87 FR 24752
NPRM Comment Period End.	06/27/22	
Final Rule .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AH09

**227. Small Business Size Standards: Wholesale Trade and Retail Trade [3245-AH10]**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 42 (Wholesale Trade) and Sector 44-45 (Retail Trade) and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/25/21	86 FR 28012
NPRM Comment Period End.	07/26/21	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AH10

**228. Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation [3245-AH17]**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* In this final rule, the U.S. Small Business Administration (SBA or Agency) adjusts all monetary based industry size standards (*i.e.*, receipts,

assets, net worth, and net income) for inflation since the last adjustment in 2014. In accordance with its regulations in 13 CFR 121.102(c), SBA is required to review the effects of inflation on its monetary standards at least once every five years and adjust them, if necessary. In addition, the Small Business Jobs Act of 2010 (Jobs Act) also requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. This action will restore the small business eligibility of businesses that have lost that status due to inflation.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	07/18/19	84 FR 34261
Interim Final Rule Effective.	08/19/19	
Interim Final Rule Comment Period End.	09/16/19	
Final Action .....	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dr. Khem Raj Sharma, Chief, Office of Size Standards, Small Business Administration, 409 Third Street SW, Washington, DC 20416, *Phone:* 202 205-7189, *Fax:* 202 205-6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AH17

**SMALL BUSINESS ADMINISTRATION (SBA)**

Completed Actions

**229. Small Business Size Standards: Educational Services; Health Care and Social Assistance; Arts, Entertainment and Recreation; Accommodation and Food Services; Other Services [3245-AG88]**

*Legal Authority:* 15 U.S.C. 632(a)

*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this rule, SBA has evaluated size standards for all industries in North American Industry Classification System (NAICS) Sector 61 (Educational Services), Sector 62 (Health Care and Social Assistance), Sector 71 (Arts, Entertainment and Recreation), Sector 72 (Accommodation and Food Services), and Sector 81 (Other Services) and made necessary adjustments to size standards in these

sectors. This is one of a series of rules that examines groups of NAICS sectors. SBA has applied its Size Standards Methodology to this rule.

*Completed:*

Reason	Date	FR Cite
Final Rule ..... Final Rule Effective.	03/31/22 05/02/22	87 FR 18646

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov. RIN: 3245-AG88

**230. Small Business Size Standards: Agriculture, Forestry, Fishing and Hunting; Mining, Quarrying, and Oil and Gas Extraction; Utilities; Construction [3245-AG89]**

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this rule, SBA has evaluated each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 11 (Agriculture, Forestry, Fishing and Hunting), Sector 21 (Mining, Quarrying, and Oil and Gas Extraction), Sector 22 (Utilities), and Sector 23 (Construction), and made necessary adjustments to size standards in these sectors. This is one of a series of rules that examines groups of NAICS sectors. SBA has applied its Size Standards Methodology to this rule.

*Completed:*

Reason	Date	FR Cite
Final Rule ..... Final Rule Effective.	03/31/22 05/02/22	87 FR 18607

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov. RIN: 3245-AG89

**231. Small Business Size Standards: Transportation and Warehousing; Information; Finance and Insurance; Real Estate and Rental and Leasing [3245-AG90]**

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed

review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this rule, SBA has evaluated each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 48-49 (Transportation and Warehousing), Sector 51 (Information), Sector 52 (Finance and Insurance), and Sector 53 (Real Estate and Rental and Leasing) and made necessary adjustments to size standards in these sectors. This is one of a series of rules that examines groups of NAICS sectors. SBA has applied its Size Standards Methodology to this rule.

*Completed:*

Reason	Date	FR Cite
Final Rule ..... Final Rule Effective.	03/31/22 05/02/22	87 FR 18627

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov. RIN: 3245-AG90

**232. Small Business Size Standards: Professional, Scientific and Technical Services; Management of Companies and Enterprises; Administrative and Support and Waste Management and Remediation Services [3245-AG91]**

*Legal Authority:* 15 U.S.C. 632(a)  
*Abstract:* The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second five-year review of size standards under the Jobs Act, in this rule, SBA has evaluated each industry that has a receipts-based standard in North American Industry Classification System (NAICS) Sector 54 (Professional, Scientific and Technical Services), Sector 55 (Management of Companies and Enterprises), and Sector 56 (Administrative and Support, Waste Management and Remediation Services) and made necessary adjustments to size standards in these sectors. This is one of a series of rules that examines groups of NAICS sectors. SBA has applied its Size Standards Methodology to this rule.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	03/31/22	87 FR 18665

Reason	Date	FR Cite
Final Rule Effective.	05/02/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Khem Raj Sharma, Phone: 202 205-7189, Fax: 202 205-6390, Email: khem.sharma@sba.gov. RIN: 3245-AG91

**233. Small Business Size Standards: Calculation of Number of Employees for All Programs and of Average Annual Receipts in Business Loan, Disaster Loan, and Small Business Investment Company Programs [3245-AH26]**

*Legal Authority:* 15 U.S.C. 632(a)(2); Pub. L. 115-324; Pub. L. 116-283

*Abstract:* In accordance with section 863 of the National Defense Authorization Act for Fiscal Year 2021, Public Law 116-238, in this rulemaking SBA proposes to change the averaging period for employee-based size standards from 12 months to 24 months. In addition, the Small Business Runway Extension Act of 2018, Public Law 115-324, amended the Small Business Act to provide for calculation of average annual gross receipts using a 5-year average, rather than the prior 3-year average, in defined circumstances. In RIN 3245-AH16, SBA implemented the Small Business Runway Extension Act in programs other than SBA's loan programs—including SBA's procurement programs—and SBA issued its final rule in that first rulemaking on December 5, 2019 (84 FR 66561). This second rulemaking would consider how to address the Small Business Runway Extension Act in SBA's business loan, disaster loan, and SBIC programs. Specifically, SBA also proposes to permit businesses in its Business Loan, Disaster Loan, and Small Business Investment Company (SBIC) Programs to use a 5-year averaging period, in addition to the existing 3-year averaging period, for the purposes of calculating annual average receipts. These proposed changes will allow larger small businesses to retain their small business size status for longer, and some mid-sized businesses to regain small business status.

*Completed:*

Reason	Date	FR Cite
NPRM .....	11/02/21	86 FR 60396
Final Rule .....	06/06/22	87 FR 34094
Final Rule Effective.	07/06/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Khem Raj Sharma,  
*Phone:* 202 205-7189, *Fax:* 202 205-  
6390, *Email:* khem.sharma@sba.gov.

*RIN:* 3245-AH26  
[FR Doc. 2022-15034 Filed 8-5-22; 8:45 am]  
**BILLING CODE 8026-03-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XX

Department of Defense

General Services Administration

National Aeronautics and Space Administration

---

Semiannual Regulatory Agenda

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Ch. 1**

**Semiannual Regulatory Agenda**

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in

compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process. The Regulatory Secretariat Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown. The public can comment on rules by visiting <http://www.regulations.gov> and following the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Lois Mandell, Division Director, Regulatory Secretariat Division, 1800 F Street, NW, 2nd Floor, Washington, DC 20405–0001, 202–501–4755.

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at <http://www.acquisition.gov/far>.

Dated: March 31, 2022.

**William F. Clark,**

*Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

**DOD/GSA/NASA (FAR)—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
234 .....	Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI) .....	9000–AN56
235 .....	Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations.	9000–AN72
236 .....	Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition .....	9000–AN73
237 .....	Federal Acquisition Regulation (FAR); FAR Case 2019–015, Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment.	9000–AN98
238 .....	Federal Acquisition Regulation (FAR); FAR Case 2019–018, Federal Acquisition Supply Chain Security Act of 2018.	9000–AO01
239 .....	Federal Acquisition Regulation (FAR); FAR Case 2020–005, Explanations to Unsuccessful Offerors on Certain Orders Under Task and Delivery Order Contracts.	9000–AO08
240 .....	Federal Acquisition Regulation (FAR); FAR Case 2020–008, Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer.	9000–AO11
241 .....	Federal Acquisition Regulation (FAR); FAR Case 2020–010, Small Business Innovation Research and Technology Transfer Programs.	9000–AO12
242 .....	Federal Acquisition Regulation (FAR); FAR Case 2020–016, Rerepresentation of Size and Socioeconomic Status.	9000–AO18
243 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–001, Increased Efficiencies With Regard to Certified Mail, In-Person Business, Mail, Notarization, Original Documents, Seals, and Signatures.	9000–AO19
244 .....	FAR Acquisition Regulation (FAR); FAR Case 2021–005, Disclosure of Beneficial Owner in Federal Contracting.	9000–AO23
245 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–009, Protests of Orders Set Aside for Small Business.	9000–AO26
246 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–011, Past Performance of First-Tier Subcontractors.	9000–AO28
247 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–012, 8(a) Program .....	9000–AO29
248 .....	Federal Acquisitions Regulation (FAR); FAR Case 2021–013, Access to Past Performance Information ....	9000–AO30
249 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk.	9000–AO32
250 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions.	9000–AO33
251 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–017, Cyber Threat and Incident Reporting and Information Sharing.	9000–AO34
252 .....	Federal Acquisition Regulation (FAR); FAR Case 2021–019, Standardizing Cybersecurity Requirements for Unclassified Information Systems.	9000–AO35
253 .....	Federal Acquisition Regulations (FAR); FAR Case 2021–020, Limitations on Subcontracting .....	9000–AO36
254 .....	Federal Acquisition Regulation (FAR); FAR Case 2022–006, Sustainable Procurement .....	9000–AO43

**DOD/GSA/NASA (FAR)—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
255 .....	Federal Acquisition Regulation: FAR Case 2016–005; Effective Communication Between Government and Industry.	9000–AN29
256 .....	FAR Acquisition Regulation (FAR); FAR Case 2015–038, Reverse Auction Guidance .....	9000–AN31

DOD/GSA/NASA (FAR)—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
257	Federal Acquisition Regulation (FAR); FAR Case 2017–005, Whistleblower Protection for Contractor Employees.	9000–AN32
258	Federal Acquisition Regulation (FAR); FAR Case 2017–014, Use of Acquisition 360 to Encourage Vendor Feedback.	9000–AN43
259	Federal Regulation Acquisition (FAR); FAR Case 2017–019, Policy on Joint Ventures	9000–AN59
260	Federal Acquisition Regulation (FAR); FAR Case 2018–020, Construction Contract Administration	9000–AN78
261	Federal Acquisition Regulation (FAR); FAR Case 2018–017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN83
262	Federal Acquisition Regulation (FAR); FAR Case 2019–007, Update of Historically Underutilized Business Zone Program.	9000–AN90
263	Federal Acquisition Regulation (FAR); FAR Case 2019–008, Small Business Program Amendments	9000–AN91
264	Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment.	9000–AN92
265	Federal Acquisition Regulation (FAR); FAR Case 2020–007, Accelerated Payments Applicable to Contracts With Certain Small Business Concerns.	9000–AO10
266	Federal Acquisition Regulation (FAR); FAR Case 2020–011, Implementation of FASC Exclusion Orders	9000–AO13
267	Federal Acquisition Regulation (FAR); FAR Case 2020–013, Certification of Women-Owned Small Businesses.	9000–AO17
268	Federal Acquisition Regulation (FAR); FAR Case 2021–008, Amendments to the FAR Buy American Act Requirements.	9000–AO22
269	Federal Acquisition Regulation (FAR); FAR Case 2021–014, Increasing the Minimum Wage for Contractors.	9000–AO31

DOD/GSA/NASA (FAR)—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
270	Federal Acquisition Regulation (FAR); FAR Case 2018–006; Definition of Subcontract	9000–AN66

DOD/GSA/NASA (FAR)—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
271	Federal Acquisition Regulation; FAR Case 2016–002, Applicability of Small Business Regulations Outside the United States.	9000–AN34
272	Federal Acquisition Regulation (FAR); FAR Case 2019–003, Substantial Bundling and Consolidation	9000–AN86
273	Federal Acquisition Regulation (FAR); FAR Case 2021–003, Update to Certain Online References in the FAR.	9000–AO21
274	Federal Acquisition Regulation (FAR); FAR Case 2021–007, Maximum Award Price for Certain Sole Source Manufacturing Contracts.	9000–AO25

**DEPARTMENT OF DEFENSE/  
GENERAL SERVICES  
ADMINISTRATION/NATIONAL  
AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

Proposed Rule Stage

**234. Federal Acquisition Regulation (FAR); FAR Case 2017–016, Controlled Unclassified Information (CUI) [9000–AN56]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the National Archives and Records Administration (NARA) Controlled Unclassified Information (CUI) program of Executive Order 13556 of November 4, 2010 as implemented in NARA’s implementing regulations at 32

CFR 2002, and implement the OMB Memorandum M–17–12, entitled Preparing for and Responding to a Breach of Personally Identifiable Information (PII). This rule will apply the CUI program requirements in Federal contracts in a uniform manner to protect CUI. This rule is one element of a larger strategy to improve the Government’s efforts to identify, deter, protect against, detect and respond to increasing sophisticated threat actions targeting Federal contractors.

*Timetable:*

Action	Date	FR Cite
NPRM	06/00/22	
NPRM Comment Period End.	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208–4949, *Email:* michaelo.jackson@gsa.gov.

*RIN:* 9000–AN56

**235. Federal Acquisition Regulation (FAR); FAR Case 2018–013, Exemption of Commercial and COTS Item Contracts From Certain Laws and Regulations [9000–AN72]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch.137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 839 of the John S. McCain National Defense Authorization Act for fiscal year 2019 which requires

the FAR Council to review each past determination made not to exempt contracts and subcontracts for commercial products, commercial services, and commercially available off-the-shelf (COTS) items from certain laws when these contracts would otherwise have been exempt under 41 U.S.C. 1906(d) or 41 U.S.C. 1907(b). A new determination is to be made whether to provide exemptions from those certain laws and if so, propose revisions to the FAR to reflect those exemptions. The law also requires the FAR Council to review the FAR to assess every regulation not based on law or Executive order that requires a specific clause in contracts for commercial products or commercial service sand propose to eliminate those regulations unless the FAR Council makes a new determination not to do so. It also requires an assessment of every regulation that requires a prime contractor to include a specific clause in subcontracts for commercially available off-the-shelf items, unless the clause is required by law or Executive order. Paragraph (c) also requires that revisions to the FAR be proposed to eliminate those regulations unless the FAR Council decides not to do so.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	05/00/23 07/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* [carrie.moore@gsa.gov](mailto:carrie.moore@gsa.gov).  
*RIN:* 9000–AN72

**236. Federal Acquisition Regulation (FAR); FAR Case 2018–014, Increasing Task-Order Level Competition [9000–AN73]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 876 of the John S. McCain National Defense Authorization Act for fiscal year 2019, which would provide civilian agencies with an exception to the existing statutory requirement to include price to the Federal Government as an evaluation factor that must be considered in the evaluation of proposals for all contracts. The exception would only apply to IDIQ contracts and to Federal Supply

Schedule contracts for services that are priced at an hourly rate. Furthermore, the exception would only apply in those instances where the Government intends to make a contract award to all qualifying offerors, thus affording maximum opportunity for effective competition at the task order level. An offeror would be qualified only if it is a responsible source and submits a proposal that conforms to the requirements of the solicitation, meets any technical requirements, and is otherwise eligible for award.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	04/00/23 06/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email:* [curtis.glover@gsa.gov](mailto:curtis.glover@gsa.gov).  
*RIN:* 9000–AN73

**237. Federal Acquisition Regulation (FAR); FAR Case 2019–015, Improving Consistency Between Procurement & Non-Procurement Procedures on Suspension and Debarment [9000–AN98]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to bring the FAR and the Non-procurement Common Rule (NCR) procedures on suspension and debarment into closer alignment. The FAR covers procurement matters and the NCR covers other transactions, such as grants, cooperative agreements, contracts of assistance, loans and loan guarantees.

The Government uses suspension and debarment procedures to exercise business judgment. These procedures give Federal officials a discretionary means to exclude parties from participation in certain transactions, while affording those parties due process.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	08/00/22 10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA

(FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email:* [curtis.glover@gsa.gov](mailto:curtis.glover@gsa.gov).

*RIN:* 9000–AN98

**238. Federal Acquisition Regulation (FAR); FAR Case 2019–018, Federal Acquisition Supply Chain Security Act of 2018 [9000–AO01]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to partially implement a section of the Federal Acquisition Supply Chain Security Act of 2018. This law provides executive agency authorities for determining and mitigating supply chain risks in procurements involving controlled unclassified information, information technology, embedded information technology, and telecommunications. The law allows executive agencies to exclude sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract.

*Timetable:*

Action	Date	FR Cite
NPRM ..... NPRM Comment Period End.	02/00/23 04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586–1280, *Email:* [marissa.ryba@gsa.gov](mailto:marissa.ryba@gsa.gov).  
*RIN:* 9000–AO01

**239. Federal Acquisition Regulation (FAR); FAR Case 2020–005, Explanations to Unsuccessful Offerors on Certain Orders Under Task and Delivery Order Contracts [9000–AO08]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 874 of the NDAA for FY 2020. For awards of certain task or delivery orders, section 874 provides unsuccessful offerors the opportunity to request in writing an explanation as to why their offer was unsuccessful. Contracting offers are required to provide a brief explanation, including the rationale for award and an evaluation of the significant weak or deficient factors in the offeror’s offer.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	
NPRM Comment Period End.	02/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208-4949, *Email:* michaelo.jackson@gsa.gov.

*RIN:* 9000-AO08

**240. Federal Acquisition Regulation (FAR); FAR Case 2020-008, Prohibition on Criminal History Inquiries by Contractors Prior to Conditional Offer [9000-AO11]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 1123 of the NDAA for FY 2020 (Pub. L. 116-92), which added at 41 U.S.C. 4714 and 10 U.S.C. 2339 prohibitions related to criminal history inquiries on individuals competing for or applying to work on Federal contracts. Per the statute, a contractor may not request criminal history record information on an applicant for a position related to work under a contract before the contractor has extended a conditional offer to the applicant for that position. In addition, the Federal Government may not request criminal history record information on an individual or sole proprietor who is competing on a Federal Government contract, unless that individual is the apparently successful offeror. This proposed rule implements the statutory prohibition and the associated procedures and exceptions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/22	
NPRM Comment Period End.	01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7386, *Email:* jennifer.hawes@gsa.gov.

*RIN:* 9000-AO11

**241. Federal Acquisition Regulation (FAR); FAR Case 2020-010, Small Business Innovation Research and Technology Transfer Programs [9000-AO12]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement changes to the U.S. Small Business Administration (SBA) Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Policy Directive issued (May 2, 2019). The proposed changes include updating FAR 27 to add reference to the STTR program, revise: definitions, allocation of rights, protection period, SBIR/STTR rights notice, data rights marking provisions, and add language to FAR 6.302-5(b) to acknowledge the unique competition requirements for SBIR/STTR Phase III contracts permitted by the Small Business Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/23	
NPRM Comment Period End.	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.

*RIN:* 9000-AO12

**242. Federal Acquisition Regulation (FAR); FAR Case 2020-016, Rerepresentation of Size and Socioeconomic Status [9000-AO18]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the FAR to implement statutory requirements as implemented by the Small Business Administration's final rule published October 16, 2020 (85 FR 66146), requiring contractors to rerepresent its size and economic status for all set-aside orders issued under full and open multiple-award contract. Additionally, rerepresentation is required for orders issued under a small business set-aside MAC where the orders are further set aside exclusively for a particular socioeconomic category and the required socioeconomic status differs from the underlying multiple-award contract. Orders issued under any FSS are exempt from the requirement to

rerepresent size and or socioeconomic status.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	
NPRM Comment Period End.	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* dana.bowman@gsa.gov.

*RIN:* 9000-AO18

**243. Federal Acquisition Regulation (FAR); FAR Case 2021-001, Increased Efficiencies With Regard to Certified Mail, In-Person Business, Mail, Notarization, Original Documents, Seals, and Signatures [9000-AO19]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation to increase flexibilities and efficiencies regarding certified mail, in-person business, mail, notarization, original documents, seals, and signatures using digital and virtual technology. This would streamline certain essential contracting procedures.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	
NPRM Comment Period End.	05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7207, *Email:* zenaida.delgado@gsa.gov.

*RIN:* 9000-AO19

**244. FAR Acquisition Regulation (FAR); FAR Case 2021-005; Disclosure of Beneficial Owner in Federal Contracting [9000-AO23]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement sections 885 and 6403 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Section 885 requires that the Federal Awardee Performance and Integrity Information System include identifying information on the



beneficial owner of a Federal contractor that is a corporation. Paragraph (c) of section 6403 directs the FAR to be changed to require certain offerors to disclose beneficial ownership information in their offers for contracts over the simplified acquisition threshold.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/00/22	
NPRM Comment Period End.	02/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969-7207, *Email:* zenaida.delgado@gsa.gov.  
*RIN:* 9000-AO23

**245. Federal Acquisition Regulation (FAR); FAR Case 2021-009, Protests of Orders Set Aside for Small Business [9000-AO26]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement the requirements in SBA’s final rule issued on October 16, 2020 regarding size protests on set-aside orders under multiple-award contracts that were not set-aside; socioeconomic status protests on set-aside orders where the required status differs from that of the underlying multiple-award contract; and the authority for SBA’s Associate General Counsel for Procurement Law to initiate size protest.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/00/23	
NPRM Comment Period End.	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* dana.bowman@gsa.gov.  
*RIN:* 9000-AO26

**246. Federal Acquisition Regulation (FAR); FAR Case 2021-011, Past Performance of First-Tier Subcontractors [9000-AO28]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal

Acquisition Regulation (FAR) to implement the statutory requirements (15 U.S.C. 644(e)(4)(B)(i)) and (15 U.S.C. 644(q)(1)(B)) as implemented by the Small Business Administration’s final rule published October 16, 2020 (85 FR 66146). 15 U.S.C. 644(e)(4)(B)(i) requires contracting officers to consider the capabilities and past performance of first tier subcontractors for bundled or consolidated contracts, and 15 U.S.C. 644(q)(1)(B) requires contracting officers to consider the capabilities and past performance of first tier subcontractors for multiple award contracts valued above the substantial bundling threshold of the Federal agency. SBA’s final rule also gives contracting officers discretion to consider past performance and experience of first-tier subcontractors for other procurements as appropriate where the first-tier subcontractors are specifically identified in the proposal, and the capabilities and past performance of the small business prime do not independently demonstrate capabilities and past performance necessary for award.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/00/22	
NPRM Comment Period End.	01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2815, *Email:* malissa.jones@gsa.gov.  
*RIN:* 9000-AO28

**247. Federal Acquisition Regulation (FAR); FAR Case 2021-012, 8(A) Program [9000-AO29]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the SBA, in its final rule published in the **Federal Register** on October 16, 2020, to the 8(a) Business Development Program to eliminate or reduce unnecessary or excessive burdens on 8(a) Participants. This rule promotes equity in Federal procurement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/00/22	
NPRM Comment Period End.	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Dana Bowman, Procurement Analyst, DoD/GSA/NASA (FAR), DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* dana.bowman@gsa.gov.  
*RIN:* 9000-AO29

**248. Federal Acquisitions Regulation (FAR); FAR Case 2021-013, Access to Past Performance Information [9000-AO30]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to clarify language at FAR 42.1503(d) regarding restrictions on the release of past performance information in the Contractor Performance Assessment Reporting System (CPARS) to other than Government personnel to perform value added services to the Government. Artificial intelligence (e.g., machine learning) may improve the workforce’s ability to leverage the use of contractor performance information in informing future contract award decisions and other related efforts.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/23	
NPRM Comment Period End.	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501-1448, *Email:* curtis.glover@gsa.gov.  
*RIN:* 9000-AO30

**249. Federal Acquisition Regulation (FAR); FAR Case 2021-015, Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk [9000-AO32]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 5(b)(i) of Executive Order 14030, Climate-Related Financial Risk. Section 5(b)(i) directs the FAR Council to consider amending the FAR to require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risk and to set science-based reduction targets.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	
NPRM Comment Period End.	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7386, *Email:* jennifer.hawes@gsa.gov.  
*RIN:* 9000–AO32

**250. Federal Acquisition Regulation (FAR); FAR Case 2021–016, Minimizing the Risk of Climate Change in Federal Acquisitions [9000–AO33]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 5(b)(ii) of Executive Order 14030, Climate-Related Financial Risk. Section 5(b)(ii) directs the FAR Council to consider amending the FAR to ensure that major agency procurements minimize the risk of climate change and to require consideration of the social cost of greenhouse gas emissions in procurement decisions for major agency procurements.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	10/15/21	86 FR 57404
Comment Period Extended.	12/07/21	86 FR 69218
ANPRM Comment Period End.	01/13/22	
NPRM .....	01/00/23	
NPRM Comment Period End.	03/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7386, *Email:* jennifer.hawes@gsa.gov.  
*RIN:* 9000–AO33

**251. Federal Acquisition Regulation (FAR); FAR Case 2021–017, Cyber Threat and Incident Reporting and Information Sharing [9000–AO34]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to increase the sharing of information about cyber threats and incident information between the Government and certain providers, pursuant to OMB

recommendations, in accordance with section 2(b)–(c), and Department of Homeland Security recommendations, in accordance with section 8(b), of Executive Order 14028, Improving the Nation’s Cybersecurity. In addition, requires certain contractors to report cyber incidents to the Federal Government to facilitate effective cyber incident response and remediation, pursuant to Department of Homeland Security recommendations in accordance with sections 2(g)(i) of Executive Order 14028.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	
NPRM Comment Period End.	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501–1448, *Email:* curtis.glover@gsa.gov.  
*RIN:* 9000–AO34

**252. Federal Acquisition Regulation (FAR); FAR Case 2021–019, Standardizing Cybersecurity Requirements for Unclassified Information Systems [9000–AO35]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to standardize common cybersecurity contractual requirements across Federal agencies for unclassified information systems, pursuant to Department of Homeland Security recommendations in accordance with sections 2(i) and 8(b) of Executive Order 14028, Improving the Nation’s Cybersecurity.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/00/22	
NPRM Comment Period End.	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300–5917, *Email:* carrie.moore@gsa.gov.  
*RIN:* 9000–AO35

**253. Federal Acquisition Regulations (FAR) FAR Case 2021–020, Limitations on Subcontracting [9000–AO36]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Small Business Administration (SBA) changes to the limitations on subcontracting in SBA’s final rules published on November 29, 2019, and October 16, 2020, which implemented sections of the National Defense Authorization Acts (NDAA) for fiscal years 2016 and 2017, and the Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act).

Generally this rule will clarify matters related to the limitations on subcontracting for small businesses. Changes will be made in areas such as: exclusions of other direct costs from the limitations on subcontracting for services; similarly situated entities and the treatment of independent contractors; applicability of the Nonmanufacturer rule to 541519 when using the Information Technology Value Added Reseller (ITVAR) exception; the multiple item rule; mixed contracts; and CO discretion to ask for compliance information.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/00/23	
NPRM Comment Period End.	05/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2815, *Email:* malissa.jones@gsa.gov.  
*RIN:* 9000–AO36

**254. • Federal Acquisition Regulation (FAR); FAR Case 2022–006, Sustainable Procurement [9000–AO43]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement Executive Order 14057, Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, and Office of Management and Budget Memorandum M–22–06, requirements for the procurement of sustainable products and services. This proposed rule will also reorganize FAR part 23 for consistency and clarity, and include statutory updates to definition of “biobased product” (7 U.S.C 8101 and 8102) for the purposes of agency affirmative procurement programs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/00/22	
NPRM Comment Period End.	12/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Jennifer Hawes, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 969-7386, Email: jennifer.hawes@gsa.gov.

RIN: 9000-AO43

**DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Final Rule Stage

**255. Federal Acquisition Regulation: FAR Case 2016-005; Effective Communication Between Government and Industry [9000-AN29]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to implement section 887 of the NDAA for FY 2016 (Pub. L. 114-92). This law provides that Government acquisition personnel are permitted and encouraged to engage in responsible and constructive exchanges with industry. This change will permit and encourage Government acquisition personnel to engage in responsible and constructive exchanges with industry as part of market research as long as those exchanges are consistent with existing laws and regulations and promote a fair competitive environment.

Timetable:

Action	Date	FR Cite
NPRM .....	11/29/16	81 FR 85914
NPRM Comment Period End.	03/02/17	
Final Rule .....	07/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 208-4949, Email: michaelo.jackson@gsa.gov.

RIN: 9000-AN29

**256. FAR Acquisition Regulation (FAR); FAR Case 2015-038, Reverse Auction Guidance [9000-AN31]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement policies addressing the effective use of reverse auctions. Reverse auctions involve offerors lowering their pricing over multiple rounds of bidding in order to win Federal contracts. This change incorporates guidance from the Office of Federal Procurement Policy (OFPP) memorandum, "Effective Use of Reverse Auctions," which was issued in response to recommendations from the GAO report, *Reverse Auctions: Guidance is Needed to Maximize Competition and Achieve Cost Savings* (GAO-14-108). Reverse auctions are one tool used by Federal agencies to increase competition and reduce the cost of certain items. Reverse auctions differ from traditional auctions in that sellers compete against one another to provide the lowest price or highest-value offer to a buyer. This change to the FAR will include guidance that will standardize agencies' use of reverse auctions to help agencies maximize competition and savings when using reverse auctions.

Timetable:

Action	Date	FR Cite
NPRM .....	12/07/20	85 FR 78815
NPRM Comment Period End.	02/05/21	
Final Rule .....	12/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 501-1448, Email: curtis.glover@gsa.gov.

RIN: 9000-AN31

**257. Federal Acquisition Regulation (FAR); FAR Case 2017-005, Whistleblower Protection for Contractor Employees [9000-AN32]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement 41 U.S.C. 4712, "Enhancement of Contractor Protection From Reprisal for Disclosure of Certain Information," and makes the pilot program permanent. The pilot was enacted on January 2, 2013, by section 828 of the National Defense Authorization Act (NDAA) for fiscal year (FY) 2013. The rule clarifies that contractors and subcontractors are prohibited from discharging, demoting, or otherwise discriminating against an

employee as a reprisal for disclosing to any of the entities such as agency Inspector Generals and Congress information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract; a gross waste of Federal funds; an abuse of authority relating to a Federal contract; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract.) This rule enhances whistleblower protections for contractor employees by making permanent the protection for disclosure of the aforementioned information and ensuring that the prohibition on reimbursement for legal fees accrued in defense against reprisal claims applies to both contractors and subcontractors.

Timetable:

Action	Date	FR Cite
NPRM .....	12/26/18	83 FR 66223
NPRM Comment Period End.	02/25/19	
Final Rule .....	09/00/22	

*Regulatory Flexibility Analysis*

Required: Yes.

Agency Contact: Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, Phone: 202 501-1448, Email: curtis.glover@gsa.gov.

RIN: 9000-AN32

**258. Federal Acquisition Regulation (FAR); FAR Case 2017-014, Use of Acquisition 360 To Encourage Vendor Feedback [9000-AN43]**

Legal Authority: 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

Abstract: DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to address the solicitation of contractor feedback on both contract formation and contract administration activities. Agencies would consider this feedback, as appropriate, to improve the efficiency and effectiveness of their acquisition activities. The rule will create FAR policy to encourage regular feedback in accordance with agency practice (both for contract formation and administration activities) and a standard FAR solicitation provision to support a sustainable model for broadened use of the Acquisition 360 survey to elicit feedback on the pre-award and debriefing processes in a consistent and standardized manner. Agencies will be able to use the solicitation provision to notify interested sources that a procurement is part of the Acquisition

360 survey and encourage stakeholders to voluntarily provide feedback on their experiences of the pre-award process.

*Timetable:*

Action	Date	FR Cite
ANPRM .....	07/23/18	83 FR 34820
ANPRM Comment Period End.	09/21/18	
NPRM .....	09/15/20	85 FR 57177
NPRM Comment Period End.	11/16/20	
Final Rule .....	07/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Curtis E. Glover Sr., Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 501-1448, *Email:* [curtis.glover@gsa.gov](mailto:curtis.glover@gsa.gov), *RIN:* 9000-AN43

**259. Federal Regulation Acquisition (FAR); FAR Case 2017-019, Policy on Joint Ventures [9000-AN59]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement regulatory changes made by the Small Business Administration (SBA), Small Business Mentor Protégé Programs, published on July 25, 2016 (81 FR 48557), regarding joint ventures and to clarify policy on 8(a) joint ventures. The regulatory changes provide industry with a new way to compete for small business or socioeconomic set-asides using a joint venture made up of a mentor and a protégé. The 8(a) joint venture clarification prevents confusion on an 8(a) joint venture's eligibility to compete for an 8(a) competitive procurement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/05/20	85 FR 34561
NPRM Comment Period End.	08/04/20	
Final Rule .....	07/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2815, *Email:* [malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov), *RIN:* 9000-AN59

**260. Federal Acquisition Regulation (FAR); FAR Case 2018-020, Construction Contract Administration [9000-AN78]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to implement section 855 of the NDAA for FY 2019 (Pub. L. 115-232). Section 855 requires, for solicitations for construction contracts anticipated to be awarded to a small business, notification to prospective offerors regarding agency policies or practices in complying with FAR requirements relating to the timely definitization of requests for equitable adjustment and agency past performance in definitizing such requests.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/01/20	85 FR 18181
NPRM Comment Period End.	06/01/20	
Final Rule .....	07/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Dana L. Bowman, Procurement Analyst, General Services Administration, 1800 F Street NW, Washington, DC 20405, *Phone:* 202 803-3188, *Email:* [dana.bowman@gsa.gov](mailto:dana.bowman@gsa.gov), *RIN:* 9000-AN78

**261. Federal Acquisition Regulation (FAR); FAR Case 2018-017, Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment [9000-AN83]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA amended the Federal Acquisition Regulation (FAR) to implement section 889(a)(1)(A) of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115-232). Section 889(a)(1)(A) prohibits the Government from procuring covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. Provisions have been added to the FAR which require that an offeror represent at an entity level in SAM, and if applicable on an offer-by-offer basis, if the offeror will or will not provide any covered telecommunications equipment or services to the Government. If an offeror responds in an offer that it will provide covered telecommunications, the offeror will need to provide additional disclosures. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported

telecommunications equipment and services.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	08/13/19	84 FR 40216
Interim Final Rule Comment Period End.	10/15/19	
Interim Final Rule Effective.	12/13/19	84 FR 68314
Interim Final Rule Comment Period End.	12/13/19	
Interim Final Rule Comment Period End.	02/11/20	
Final Rule .....	10/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Carrie Moore, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 571 300-5917, *Email:* [carrie.moore@gsa.gov](mailto:carrie.moore@gsa.gov), *RIN:* 9000-AN83

**262. Federal Acquisition Regulation (FAR); FAR Case 2019-007, Update of Historically Underutilized Business Zone Program [9000-AN90]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement regulatory changes issued in a final rule on November 26, 2019, by the Small Business Administration regarding the Historically Underutilized Business Zone (HUBZone) Program. The regulatory changes are intended to reduce the regulatory burden associated with the HUBZone Program. This rule promotes equity in Federal procurement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/14/21	86 FR 31468
NPRM Comment Period End.	08/13/21	
Final Rule .....	07/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2815, *Email:* [malissa.jones@gsa.gov](mailto:malissa.jones@gsa.gov), *RIN:* 9000-AN90

**263. Federal Acquisition Regulation (FAR); FAR Case 2019-008, Small Business Program Amendments [9000-AN91]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition

Regulation (FAR) to implement regulatory changes proposed by the Small Business Administration regarding small business programs. The proposed regulatory changes include the timing of the determination of size status for multiple-award contracts for which price is not evaluated at the contract level; the grounds for size-status protests; and the grounds for socioeconomic status protests.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/24/22	87 FR 10327
NPRM Comment Period End.	04/25/22	
Final Rule .....	01/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605–2815, *Email:* malissa.jones@gsa.gov.  
*RIN:* 9000–AN91

**264. Federal Acquisition Regulation (FAR); FAR Case 2019–009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment [9000–AN92]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement paragraph (a)(1)(B) of section 889 of the National Defense Authorization Act (NDAA) for FY 19 (Pub. L. 115–232). Beginning two years from the enacted date, paragraph (a)(1)(B) of section 889 prohibits the Government from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment and services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Technology Company, or Dahua Technology Company, to include any subsidiaries or affiliates. This FAR rule is needed to protect U.S. networks against cyber activities conducted through Chinese Government-supported telecommunications equipment and services. Paragraph (a)(1)(A) of section 889 is being implemented separately through FAR Case 2018–017.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	07/14/20	85 FR 42665
Interim Final Rule Effective.	08/13/20	

Action	Date	FR Cite
Interim Final Rule	08/27/20	85 FR 53126
Interim Final Rule Comment Period End.	09/14/20	
Interim Final Rule Comment Period End.	10/26/20	
Interim Final Rule Effective.	10/26/20	
Final Rule .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* FAR Policy, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–4075, *Email:* farpolicy@gsa.gov.  
*RIN:* 9000–AN92

**265. Federal Acquisition Regulation (FAR); FAR Case 2020–007, Accelerated Payments Applicable to Contracts With Certain Small Business Concerns [9000–AO10]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to establish an accelerated payment date for small business contractors, to the fullest extent permitted by law, with a goal of 15 days after receipt of a proper invoice, if a specific payment date is not established by contract. For contractors that subcontract with small businesses, the rule, to the fullest extent permitted by law, establishes an accelerated payment date, with a goal of 15 days after receipt of a proper invoice, if: (1) A specific payment date is not established by contract, and (2) the contractor agrees to make accelerated payments to the subcontractor without any further consideration from, or fees charged to, the subcontractor. This change implements section 873 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116–92). Section 873 amends 31 U.S.C. 3903(a).

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/29/21	86 FR 53923
NPRM Comment Period End.	11/29/21	
Final Rule .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Zenaida Delgado, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 969–7207, *Email:* zenaida.delgado@gsa.gov.  
*RIN:* 9000–AO10

**266. Federal Acquisition Regulation (FAR); FAR Case 2020–011, Implementation of FASC Exclusion Orders [9000–AO13]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* This rule will amend the Federal Acquisition Regulation (FAR) to address implementation of issued exclusion orders authorized by section 202 of the SECURE Technology Act (115 Pub. L. 390), which amends 41 U.S.C. 1323 by creating the Federal Acquisition Security Council (FASC) and authorizing the Secretary of Homeland Security, the Secretary of Defense, and the Director of National Intelligence to issue exclusion orders, upon the recommendation of the FASC. These orders are issued to protect national security by excluding certain covered products, services, or sources from the Federal supply chain.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	09/00/22	
Interim Final Rule Comment Period End.	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Marissa Ryba, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 314 586–1280, *Email:* marissa.ryba@gsa.gov.  
*RIN:* 9000–AO13

**267. Federal Acquisition Regulation (FAR); FAR Case 2020–013, Certification of Women-Owned Small Businesses [9000–AO17]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* The purpose of this FAR case is to implement the statutory requirement for certification of women-owned and economically disadvantaged women-owned small businesses participating in the Women-Owned Small Business Program (section 825 of the National Defense Authorization Act for Fiscal Year 2015), as implemented by the Small Business Administration in its final rule published May 11, 2020. This rule promotes equity in Federal procurement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/07/21	86 FR 55769
NPRM Comment Period End.	12/06/21	
Final Rule .....	08/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Malissa Jones, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2815, *Email:* malissa.jones@gsa.gov.  
*RIN:* 9000-AO17

**268. Federal Acquisition Regulation (FAR); FAR Case 2021-008, Amendments to the FAR Buy American Act Requirements [9000-AO22]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement section 8 of Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers. Section 8 requires the Federal Acquisition Regulatory Council to strengthen the impact of the Buy American Act. In pursuit of the goals of section 8, the final rule would provide for (1) an increase to the domestic content threshold, a schedule for future increases, and a fallback threshold that would allow for products meeting a specific lower domestic content threshold to qualify as domestic products under certain circumstances; and (2) a framework for application of an enhanced price preference for a domestic product that is considered a critical item or made up of critical components.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/30/21	86 FR 40980
NPRM Comment Period End.	09/28/21	
Comment Period Extended.	10/28/21	86 FR 52871
Final Rule .....	03/07/22	87 FR 12780
Final Rule Effective.	10/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.  
*RIN:* 9000-AO22

**269. Federal Acquisition Regulation (FAR); FAR Case 2021-014, Increasing the Minimum Wage for Contractors [9000-AO31]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA will finalize an interim rule which amended the Federal Acquisition Regulation (FAR) to implement Executive Order

14026, Increasing the Minimum Wage for Federal Contractors, dated April 27, 2021, and Department of Labor regulations (29 CFR part 23). The Executive order seeks to increase efficiency and cost savings in the work performed by parties who contract with the Federal Government by increasing to \$15.00 the hourly minimum wage paid to those contractors.

*Timetable:*

Action	Date	FR Cite
Interim Final Rule	01/26/22	87 FR 4117
Interim Final Rule Comment Period End.	03/28/22	
Final Rule .....	11/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mahruba Uddowla, Procurement Analyst, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.  
*RIN:* 9000-AO31

**DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Long-Term Actions

**270. Federal Acquisition Regulation (FAR); FAR Case 2018-006; Definition of Subcontract [9000-AN66]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 820 of the National Defense Authorization Act (NDAA) for FY 2018. Section 820 amends 41 U.S.C. 1906(c)(1) to change the definition of "subcontract" for the procurement of commercial items to exclude agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Federal Government and other parties and are not identifiable to any particular contract.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/23	
NPRM Comment Period End.	08/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael O. Jackson, Procurement Analyst, DOD/GSA/NASA

(FAR), 1800 F Street NW, Washington, DC 20405, *Phone:* 202 208-4949, *Email:* michaelo.jackson@gsa.gov.  
*RIN:* 9000-AN66

**DEPARTMENT OF DEFENSE/ GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)**

Completed Actions

**271. Federal Acquisition Regulation; FAR Case 2016-002, Applicability of Small Business Regulations Outside the United States [9000-AN34]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are issuing a final rule to amend the Federal Acquisition Regulation (FAR) to support SBA's policy of including overseas contracts in agency small business contracting goals. SBA revised its regulation at 13 CFR 125.2, as finalized in its rule "Acquisition Process: Task and Delivery Order Contracts, Bundling, Consolidation" issued on October 2, 2013, to clarify that overseas contracting is not excluded from agency responsibilities to foster small business participation.

In its final rule, SBA has clarified that, as a general matter, its small business contracting regulations apply regardless of the place of performance. In light of these changes, there is a need to amend the FAR, both to support the changes to SBA's regulation, and to give agencies the tools they need, especially the ability to use set-asides to maximize opportunities for small businesses overseas.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	04/22/22	87 FR 24836
Final Rule Effective.	05/26/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Mahruba Uddowla, *Phone:* 703 605-2868, *Email:* mahruba.uddowla@gsa.gov.  
*RIN:* 9000-AN34

**272. Federal Acquisition Regulation (FAR); FAR Case 2019-003, Substantial Bundling And Consolidation [9000-AN86]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement section

863 of the National Defense Authorization Acts (NDAA) for FY 2016 and the Small Business Administration (SBA) implementing regulations requiring public notification of an agency’s determination to substantially bundle or consolidate contract requirements.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	11/04/21	86 FR 61038
Final Rule Effective.	12/06/21	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Dana Bowman,

*Phone:* 202 803–3188, *Email:*

*dana.bowman@gsa.gov.*

*RIN:* 9000–AN86

**273. Federal Acquisition Regulation (FAR); FAR Case 2021–003, Update to Certain Online References in the FAR [9000–AO21]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are issuing a final rule amending the Federal Acquisition Regulation (FAR) to replace FAR references to Federal

Business Opportunities (*FBO.gov*) and Wage Determinations Online (*WDOL.gov*) with the System for Award Management (*SAM.gov*), because of their integration with and increased functionality of *SAM.gov*.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	12/15/21	86 FR 71323
Final Rule Effective.	01/14/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Curtis E. Glover,

*Phone:* 202 501–1448, *Email:*

*curtis.glover@gsa.gov.*

*RIN:* 9000–AO21

**274. Federal Acquisition Regulation (FAR); FAR Case 2021–007, Maximum Award Price for Certain Sole Source Manufacturing Contracts [9000–AO25]**

*Legal Authority:* 40 U.S.C. 121(c); 10 U.S.C. ch. 137; 51 U.S.C. 20113

*Abstract:* DoD, GSA, and NASA are amending the Federal Acquisition Regulation (FAR) to implement section 864 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Section 864 amends

the Small Business Act by modifying the maximum award price for sole source manufacturing contracts to \$7 million for the 8(a), Women-Owned Small Business (WOSB), Historically Underutilized Business Zone (HUBZone), and Service-Disabled Veteran-Owned Small Business (SDVOSB) programs. This rule will change the current FAR thresholds for the 8(a) and HUBZone programs from \$7.5 million to the statutory threshold of \$7 million. The thresholds for the WOSB and SDVOSB programs will remain unchanged at the current FAR \$7 million threshold.

*Completed:*

Reason	Date	FR Cite
Final Rule .....	11/04/21	86 FR 61040
Final Rule Effective.	12/06/21	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Michael O. Jackson,

*Phone:* 202 208–4949, *Email:*

*michaelo.jackson@gsa.gov.*

*RIN:* 9000–AO25

[FR Doc. 2022–14615 Filed 8–5–22; 8:45 am]

**BILLING CODE 6820–EP–P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXI

Bureau of Consumer Financial Protection

---

Semiannual Regulatory Agenda



**BUREAU OF CONSUMER FINANCIAL PROTECTION**

**12 CFR CH. X**

**Semiannual Regulatory Agenda**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Consumer Financial Protection Bureau (Bureau) is publishing this agenda as part of the Spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions. The Bureau reasonably anticipates having the regulatory matters identified below under consideration during the period from June 1, 2022 to May 31, 2023. The next agenda will be published in Fall 2022 and will update this agenda through Fall 2023. Publication of this agenda is in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

**DATES:** This information is current as of April 1, 2022.

**ADDRESSES:** Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

**FOR FURTHER INFORMATION CONTACT:** A staff contact is included for each regulatory item listed herein. If you require this document in an alternative electronic format, please contact *CFPB\_Accessibility@cfpb.gov*.

**SUPPLEMENTARY INFORMATION:** The Bureau is publishing its Spring 2022 Agenda as part of the Spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget (OMB) under Executive Order 12866. The agenda lists the regulatory matters that the Bureau reasonably anticipates having under consideration during the period from June 1, 2022 to May 31, 2023, as described further below.<sup>1</sup> The complete

Unified Agenda is available to the public at the following website: *http://www.reginfo.gov*.

Consistent with procedures established by OMB’s Office of Information and Regulatory Affairs,<sup>2</sup> the Bureau’s agenda is divided into six sections: pre-rule stage; proposed rule stage; final rule stage; long-term actions, and completed actions. Generally, the pre-rule through final rule stages sections list items the agency plans to issue within the next 12 months. The long-term actions are listed for informational purposes, if a regulatory action is anticipated beyond that one-year time frame. Completed actions are those that have been published as final or are withdrawn.

Dated: April 1, 2022.

**Rohit Chopra,**

*Director, Consumer Financial Protection Bureau.*

**CONSUMER FINANCIAL PROTECTION BUREAU—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
275 .....	Small Business Lending Data Collection Under the Equal Credit Opportunity Act .....	3170-AA09

**CONSUMER FINANCIAL PROTECTION BUREAU (CFPB)**

Final Rule Stage

**275. Small Business Lending Data Collection Under the Equal Credit Opportunity Act [3170-AA09]**

*Legal Authority:* 15 U.S.C. 1691c–2  
*Abstract:* Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the Equal Credit Opportunity Act (ECOA) to require, subject to rules prescribed by the Bureau, financial institutions to report information concerning credit applications made by women-owned, minority-owned, and small businesses. On October 8, 2021, a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register**.

The Bureau’s next action for the section 1071 rulemaking is the issuance of a final rule.

*Timetable:*

Action	Date	FR Cite
Request for Information.	05/15/17	82 FR 22318
Request for Information Comment Period End.	09/14/17	
SBREFA Outline Pre-Rule Activity—SBREFA Report.	09/15/20 12/14/20	
NPRM .....	10/08/21	86 FR 56356
NPRM Comment Period End.	01/06/22	
Final Rule .....	03/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Kristine Andreassen, Office of Regulations, Consumer Financial Protection Bureau, Washington, DC 20552, *Phone:* 202 435–7700.

*RIN:* 3170-AA09

[FR Doc. 2022–14616 Filed 8–5–22; 8:45 am]

**BILLING CODE 4810-AM-P**

<sup>1</sup> The listing does not include certain routine, frequent, or administrative matters. The Bureau is reporting information for this Unified Agenda in a manner consistent with past practice.

<sup>2</sup> See *https://www.reginfo.gov/public/jsp/eAgenda/UA\_About.myjsp*.



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXII

Consumer Product Safety Commission

---

Semiannual Regulatory Agenda

**CONSUMER PRODUCT SAFETY COMMISSION**

**16 CFR Ch. II**

**Semiannual Regulatory Agenda**

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** In this document, the Commission publishes its semiannual regulatory flexibility agenda. In addition, this document includes an agenda of regulations that the Commission expects to develop or review during the next year. This document meets the requirements of the Regulatory Flexibility Act and Executive Order 12866.

**DATES:** The Commission welcomes comments on the agenda and on the individual agenda entries. Submit comments to the Division of the Secretariat on or before September 7, 2022.

**ADDRESSES:** Caption comments on the regulatory agenda, “Regulatory Flexibility Agenda.” You can submit comments by email to: *cpsc-os@cpsc.gov*. You can also submit comments by mail or delivery to the Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408.

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda, in general, contact Meridith L. Kelsch, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408, *mkelsch@cpsc.gov*. For further information regarding a particular item on the agenda, contact the person listed in the column titled, “Contact,” for that particular item.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) contains several provisions intended to reduce

unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the RFA requires each agency to publish, twice a year, a regulatory flexibility agenda containing “a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities.” 5 U.S.C. 602. The agency must provide a summary of the nature of the rule, the objectives and legal basis for the rule, and an approximate schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. In addition, the regulatory flexibility agenda must contain the name and telephone number of an agency official who is knowledgeable about the listed items. Agencies must attempt to provide notice of their agendas to small entities and solicit their comments either by directly notifying them, or by including the agenda in publications that small entities are likely to obtain.

In addition, Executive Order 12866, *Regulatory Planning and Review* (Sep. 30, 1993), requires each agency to publish, twice a year, a regulatory agenda of regulations under development or review during the next year. 58 FR 51735 (Oct. 4, 1993). The Executive order states that agencies may combine this agenda with the regulatory flexibility agenda required under the RFA. The agenda required by Executive Order 12866 must include all of the regulations the agency expects to develop or review during the next 12 months, regardless of whether they may have a significant economic impact on a substantial number of small entities. This agenda also includes regulatory activities that the Commission listed in the fall 2021 agenda and completed before publishing this agenda.

The agenda contains a brief description and summary of each

regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for developing or completing each activity; and the name and telephone number of an agency official who is knowledgeable about items in the agenda.

The internet is the primary means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at: *www.reginfo.gov*, in a format that allows users to obtain information from the agenda database.

Because agencies must publish in the **Federal Register** the regulatory flexibility agenda required by the RFA (5 U.S.C. 602), the Commission’s printed agenda entries include only:

(1) rules that are in the agency’s regulatory flexibility agenda, in accordance with the RFA, because they are likely to have a significant economic impact on a substantial number of small entities; and

(2) rules that the agency has identified for periodic review under section 610 of the RFA.

The entries in the Commission’s printed agenda are limited to fields that contain information that the RFA requires in an agenda. Additional information on these entries is available in the Unified Agenda published on the internet.

The agenda reflects the Commission’s assessment of the likelihood that the specified event will occur during the next year; the precise dates for each rulemaking are uncertain. New information, changes of circumstances, or changes in the law, may alter anticipated timing. In addition, you should not infer from this agenda a final determination by the Commission or its staff regarding the need for, or the substance of, any rule or regulation.

**Alberta E. Mills,**  
*Secretary, Consumer Product Safety Commission.*

**CONSUMER PRODUCT SAFETY COMMISSION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
276 .....	Portable Generators .....	3041–AC36

**CONSUMER PRODUCT SAFETY COMMISSION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
277 .....	Regulatory Options for Table Saws .....	3041–AC31
278 .....	Furniture Tip Overs: Clothing Storage Units .....	3041–AD65
279 .....	Safety Standard for Magnets .....	3041–AD82

CONSUMER PRODUCT SAFETY COMMISSION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
280 .....	Recreational Off-Road Vehicles .....	3041-AC78

CONSUMER PRODUCT SAFETY COMMISSION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
281 .....	Petition Requesting Ban for Supplemental Mattresses for Play Yards With Non-Rigid Sides .....	3041-AD52

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Proposed Rule Stage

**276. Portable Generators [3041-AC36]**

*Legal Authority:* 15 U.S.C. 2051  
*Abstract:* In 2006, the Commission issued an advance notice of proposed rulemaking (ANPRM) under the Consumer Product Safety Act (CPSA) concerning portable generators. The ANPRM discussed regulatory options that could reduce deaths and injuries related to portable generators, particularly those involving carbon monoxide (CO) poisoning. In fiscal year 2006, staff awarded a contract to develop a prototype generator engine with reduced CO in the exhaust. Also, in fiscal year 2006, staff entered into an interagency agreement (IAG) with the National Institute of Standards and Technology (NIST) to conduct tests with a generator, in both off-the-shelf and prototype configurations, operating in the garage attached to NIST’s test house. In fiscal year 2009, staff entered into a second IAG with NIST with the goal of developing CO emission performance requirements for a possible proposed regulation that would be based on health effects criteria. After additional staff and contractor work, the Commission issued a notice of proposed rulemaking (NPRM) in 2016, proposing a performance standard that would limit the CO emission rates from operating portable generators. In 2018, two voluntary standards adopted different CO-mitigation requirements intended to address the CO poisoning hazard associated with portable generators. Staff developed a simulation and analysis plan to evaluate the effectiveness of those voluntary standards’ requirements. In 2019, the Commission sought public comments on staff’s plan. In August 2020, staff submitted to the Commission a draft notice of availability of the modified plan, based on staff’s review and consideration of the comments, for evaluating the voluntary standards; the

Commission published the notice of availability in August 2020. In February 2022, staff delivered a briefing package to the Commission with the results of the effectiveness analysis and information on the availability of compliant generators in the marketplace. Staff concluded that the CO hazard-mitigation requirements of one standard are more effective than the other, but conformance to either standard is low. Staff intends to propose that the Fiscal Year 2023 Operating Plan include delivering a rulemaking briefing package on portable generators to the Commission.

*Timetable:*

Action	Date	FR Cite
Staff Sent ANPRM to Commission.	07/06/06	
Staff Sent Supplemental Material to Commission.	10/12/06	
Commission Decision.	10/26/06	
Staff Sent Draft ANPRM to Commission.	11/21/06	
ANPRM .....	12/12/06	71 FR 74472
ANPRM Comment Period End.	02/12/07	
Staff Releases Research Report for Comment.	10/10/12	
NPRM .....	11/21/16	81 FR 83556
NPRM Comment Period Extended.	12/13/16	81 FR 89888
Public Hearing for Oral Comments.	03/08/17	82 FR 8907
NPRM Comment Period End.	04/24/17	
Staff Sends Notice of Availability to the Commission.	06/26/19	
Commission Decision.	07/02/19	
Notice of Availability.	07/09/19	84 FR 32729

Action	Date	FR Cite
Staff Sends Notice of Availability to Commission.	08/12/20	
Commission Decision.	08/19/20	
Notice of Availability.	08/24/20	85 FR 52096
Staff Report on Effectiveness Evaluation of Voluntary Standards.	02/16/22	
Staff Sends (S)NPRM to Commission.	01/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Janet L. Buyer, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2293, Email: jbuyer@cpsc.gov.  
*RIN:* 3041-AC36

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Final Rule Stage

**277. Regulatory Options for Table Saws [3041-AC31]**

*Legal Authority:* 5 U.S.C. 553(e); 15 U.S.C. 2051  
*Abstract:* In 2006, the Commission granted a petition asking that the Commission issue a rule to prescribe performance standards for an active injury mitigation (AIM) system to reduce or prevent injuries from contacting the blade of a table saw. The Commission subsequently issued a notice of proposed rulemaking (NPRM) that would establish a performance standard requiring table saws to limit the depth of cut to 3.5 millimeters when a test probe, acting as a surrogate for a human body/finger, contacts the table

saw’s spinning blade. Staff has conducted several studies to provide information for the rulemaking. Staff is working on a final rule briefing package.

*Timetable:*

Action	Date	FR Cite
Commission Decision to Grant Petition.	07/11/06	
ANPRM .....	10/11/11	76 FR 62678
Notice of Extension of Time for Comments.	12/02/11	76 FR 75504
Comment Period End.	02/10/12	
Notice to Reopen Comment Period.	02/15/12	77 FR 8751
Reopened Comment Period End.	03/16/12	
Staff Sent NPRM Briefing Package to Commission.	01/17/17	
Commission Decision.	04/27/17	
NPRM .....	05/12/17	82 FR 22190
NPRM Comment Period End.	07/26/17	
Public Hearing .....	08/09/17	82 FR 31035
Staff Sent 2016 NEISS Table Saw Type Study Status Report to Commission.	08/15/17	
Staff Sent 2017 NEISS Table Saw Special Study to Commission.	11/13/18	
Notice of Availability of 2017 NEISS Table Saw Special Study.	12/04/18	83 FR 62561
Staff Sends a Status Briefing Package on Table Saws to Commission.	08/28/19	
Commission Decision.	09/10/19	
Staff Sends Final Rule Briefing Package to Commission.	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2225, Email: cpaul@cpsc.gov.

RIN: 3041-AC31

**278. Furniture Tip Overs: Clothing Storage Units [3041-AD65]**

*Legal Authority:* 15 U.S.C. 2056; 15 U.S.C. 2058; 15 U.S.C. 2076(e)

*Abstract:* Based on direction in the Fiscal Year 2016 Operating Plan, staff submitted a briefing package to the Commission in September 2016, addressing furniture tip overs and focused, specifically, on clothing storage unit (CSU) tip overs. CPSC is aware of fatal and nonfatal incidents involving CSUs tipping over. The majority of incidents involve children. In November 2017, the Commission issued an advance notice of proposed rulemaking (ANPRM), seeking comments and initiating rulemaking under the Consumer Product Safety Act (15 U.S.C. 2051-2089). In July 2021, staff submitted a notice of proposed rulemaking (NPRM) briefing package to the Commission. On January 19, 2022, the Commission approved publication of an NPRM addressing CSU tip overs. The NPRM was published in the **Federal Register** on February 3, 2022. The written comment period closes on April 19, 2022. On February 9, 2022, the Commission received a request to extend the written comment period on the NPRM. On February 23, 2022, staff forwarded to the Commission a draft notice to extend the written comment period. On March 1, 2022, the Commission voted not to extend the written comment period. On February 16, 2022, staff submitted to the Commission a draft notice announcing the opportunity for interested parties to make oral comments on the NPRM. On February 23, 2022, the Commission voted to approve publication of the oral comment notice. The oral comment notice was published in the **Federal Register** on March 1, 2022, announcing that the Commission would hold the hearing on April 6, 2022. After reviewing comments on the NPRM, staff will work on a final rule briefing package.

*Timetable:*

Action	Date	FR Cite
Staff Sent Briefing Package to Commission.	09/30/16	
Staff Sent ANPRM Briefing Package to Commission.	11/15/17	
Commission Decision on ANPRM.	11/21/17	
ANPRM .....	11/30/17	82 FR 56752
Comment Period Extended.	01/17/18	83 FR 2382
Comment Period End.	04/14/18	

Action	Date	FR Cite
Staff Sent NPRM Briefing Package to Commission.	07/14/21	
Commission Decision on NPRM.	01/19/22	
NPRM .....	02/03/22	87 FR 6246
Draft Notice of Oral Comment Hearing to Commission.	02/16/22	
Commission Decision on Notice of Oral Comment Hearing.	02/23/22	
Draft FR Notice to Commission to Extend NPRM Comment Period.	02/23/22	
Commission Decision Not To Extend Comment Period.	03/01/22	
Notice of Oral Comment Hearing.	03/01/22	87 FR 11366
Oral Comment Hearing.	04/06/22	
End of NPRM Comment Period.	04/19/22	
Staff Sends Final Rule Briefing Package to Commission.	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kristen Talcott, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, Phone: 301 987-2311, Email: ktalcott@cpsc.gov.

RIN: 3041-AD65

**279. Safety Standard for Magnets [3041-AD82]**

*Legal Authority:* 15 U.S.C. 553; 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* Based on direction in the Commission’s Fiscal Year 2021 Operating Plan, staff submitted a notice of proposed rulemaking (NPRM) briefing package to the Commission on October 6, 2021, to address the internal interaction hazard associated with ingestion of small, powerful magnets. On December 14, 2021, the Commission voted to approve publication of the NPRM. On January 10, 2022, the NPRM was published in the **Federal Register**, seeking comments and initiating rulemaking under the Consumer Product Safety Act (15 U.S.C. 2051-2089). The written comment period on the NPRM closed on March 28, 2022.

On February 2, 2022, staff submitted to the Commission a draft notice announcing the opportunity for interested parties to make oral comments on the NPRM. On February 8, 2022, the Commission voted to approve publication of the oral comment notice. The oral comment notice was published in the **Federal Register** on February 15, 2022, indicating that requests to present at the oral hearing had to be provided by February 23, 2022. The Commission held the hearing on March 2, 2022. After reviewing comments on the NPRM and incident data, among other considerations, staff will complete a final rule briefing package.

*Timetable:*

Action	Date	FR Cite
Staff Sends NPRM Briefing Package to Commission.	10/06/21	
Commission Decision.	12/14/21	
NPRM .....	01/10/22	87 FR 1260
Staff Sends Hearing Notice to Commission.	02/02/22	
Commission Decision on Notice of Hearing.	02/08/22	
Notice of Hearing	02/15/22	87 FR 8442
Oral Comment Hearing.	03/02/22	
End of NPRM Comment Period.	03/28/22	
Staff Sends Final Rule Briefing Package to Commission.	09/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Stephen Harsanyi, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987-2209, *Email:* sharsanyi@cpsc.gov. *RIN:* 3041-AD82

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Long-Term Actions

**280. Recreational Off-Road Vehicles [3041-AC78]**

*Legal Authority:* 15 U.S.C. 2056; 15 U.S.C. 2058

*Abstract:* The Commission is considering whether recreational off-road vehicles (ROVs) present an unreasonable risk of injury that should

be regulated. Staff conducted testing and evaluation programs to develop performance requirements addressing vehicle stability, vehicle handling, and occupant protection. In 2014, the Commission issued a notice of proposed rulemaking (NPRM) proposing standards addressing vehicle stability, vehicle handling, and occupant protection. Congress directed in fiscal year 2016, and reaffirmed in subsequent fiscal year appropriations, that none of the amounts made available by the Appropriations Bill may be used to finalize or implement the proposed Safety Standard for Recreational Off-Highway Vehicles until after the National Academy of Sciences completes a study to determine specific information, as set forth in the Appropriations Bill. Staff ceased work on a Final Rule briefing package and instead engaged the Recreational Off-Highway Vehicle Association (ROHVA) and Outdoor Power Equipment Institute (OPEI) in the development of voluntary standards for ROVs. Staff conducted dynamic and static tests on ROVs, shared test results with ROHVA and OPEI, and participated in the development of revised voluntary standards to address staff's concerns with vehicle stability, vehicle handling, and occupant protection. The voluntary standards for ROVs were revised and published in 2016 (ANSI/ROHVA 1-2016 and ANSI/OPEI B71.9-2016). Staff assessed the new voluntary standard requirements and prepared a termination of rulemaking briefing package that was submitted to the Commission on November 22, 2016. The Commission voted not to terminate the rulemaking associated with ROVs. In the Fiscal Year 2020 Operating Plan, the Commission directed staff to prepare a rulemaking termination briefing package. Staff submitted a briefing package to the Commission on September 16, 2020 that recommended termination of the rulemaking. On September 22, 2020, the Commission voted 2-2 on this matter. A majority was not reached and no action is being taken.

*Timetable:*

Action	Date	FR Cite
Staff Sends ANPRM Briefing Package to Commission.	10/07/09	
Commission Decision.	10/21/09	
ANPRM .....	10/28/09	74 FR 55495
ANPRM Comment Period Extended.	12/22/09	74 FR 67987

Action	Date	FR Cite
Extended Comment Period End.	03/15/10	
Staff Sends NPRM Briefing Package to Commission.	09/24/14	
Staff Sends Supplemental Information on ROVs to Commission.	10/17/14	
Commission Decision.	10/29/14	
NPRM Published in <b>Federal Register</b> .	11/19/14	79 FR 68964
NPRM Comment Period Extended.	01/23/15	80 FR 3535
Extended Comment Period End.	04/08/15	
Staff Sends Briefing Package Assessing Voluntary Standards to Commission.	11/22/16	
Commission Decision Not to Terminate.	01/25/17	
Staff Sends Briefing Package to Commission.	09/16/20	
Commission Decision: Majority Not Reached, No Action Will be Taken.	09/22/20	
Next Step Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Caroleene Paul, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987-2225, *Email:* cpaul@cpsc.gov. *RIN:* 3041-AC78

**CONSUMER PRODUCT SAFETY COMMISSION (CPSC)**

Completed Actions

**281. Petition Requesting Ban for Supplemental Mattresses for Play Yards With Non-Rigid Sides [3041-AD52]**

*Legal Authority:* Pub. L. 110-314, sec. 104

*Abstract:* The Commission received a petition requesting that the Commission initiate rulemaking under section 8 of

the CPSA to ban supplemental mattresses for play yards with non-rigid sides, which are currently marketed to be used with non-full-size cribs, play yards, portable cribs, and playpens. After obtaining comments on the petition, the Commission voted to “take other action” on the petition, granting the petition but directing staff to initiate a rulemaking under section 104 of the Consumer Product Safety Improvement Act to promulgate a mandatory standard that will address the risk of injury associated with the use of crib mattresses, as well as supplemental and aftermarket mattresses used in play yards and portable cribs. The Commission assessed the effectiveness of applicable voluntary standards, and in accordance with the Administrative Procedure Act, promulgated a consumer product safety standard that incorporates the relevant voluntary standard, with additional requirements to make the standard more stringent, to further reduce the risk of injury associated with the product. The Commission issued a notice of proposed rulemaking (NPRM) for crib mattresses in October 2020, to address hazards associated with full-size crib mattresses, non-full-size mattresses, and after-market mattresses for play yards and non-full-size crib mattresses. Staff sent a

final rule briefing package to the Commission in September 2021. On December 1, 2021, staff briefed the Commission on the final rule, and on January 26, 2022, the Commission voted (4–0) to issue the final rule. The final rule requires after-market mattresses for play yards to meet the same requirements as original equipment manufacturer (OEM) play yard mattresses. Staff continues to work with the voluntary standards committee on play yards, to address hazards associated with OEM and after-market play yard mattress fit and thickness.

*Timetable:*

Action	Date	FR Cite
Petition Docketed	07/29/15	80 FR 48043
Notice Published in <b>Federal Register</b> .	08/11/15	
Comment Period End.	10/13/15	
Staff Sends Briefing Package to Commission.	05/10/17	
Commission Decision.	05/25/17	
Staff Sends Crib Mattresses NPRM Briefing Package to Commission.	09/30/20	

Action	Date	FR Cite
Commission Publishes Crib Mattresses NPRM in <b>Federal Register</b> .	10/26/20	85 FR 67906
NPRM Comment Period End.	01/11/21	
Staff Sends Crib Mattresses Final Rule Briefing Package to Commission.	09/22/21	
Commission Decision.	01/26/22	
Commission Publishes Final Rule in <b>Federal Register</b> .	02/15/22	87 FR 8640

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Frederick DeGrano, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850, *Phone:* 301 987–2711, *Email:* fdegrano@cpsc.gov.

*RIN:* 3041–AD52.

[FR Doc. 2022–14617 Filed 8–5–22; 8:45 am]

**BILLING CODE 6355–01–P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXIII

Federal Communications Commission

---

Semiannual Regulatory Agenda



**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Ch. I**

**Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2022**

**AGENCY:** Federal Communications Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Twice a year, in spring and fall, the Commission publishes in the **Federal Register** a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act (U.S.C. 602). The Unified Agenda also provides the Code of Federal Regulations citations and legal authorities that govern these proceedings. The complete Unified Agenda will be published on the internet in a searchable format at [www.reginfo.gov](http://www.reginfo.gov).

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Maura McGowan, Telecommunications Policy Specialist, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, (202) 418-0990.

**SUPPLEMENTARY INFORMATION:**

**Unified Agenda of Major and Other Significant Proceedings**

The Commission encourages public participation in its rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared a list of important proceedings now in progress. The General Services Administration publishes the Unified Agenda in the **Federal Register** in the spring and fall of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

**Docket Number**—assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry concerning the matter under consideration. The Commission has used docket numbers since January 1, 1978. Docket numbers consist of the last two digits of the calendar year in which the docket was established plus a sequential number that begins at 1 with the first docket initiated during a calendar year (e.g., Docket No. 15–1 or Docket No. 17–1). The abbreviation for the responsible bureau usually precedes the docket number, as in “MB Docket No. 17–289,” which indicates that the responsible bureau is the Media Bureau. A docket number consisting of only five digits (e.g., Docket No. 29622) indicates that the docket was established before January 1, 1978.

**Notice of Inquiry (NOI)**—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

**Notice of Proposed Rulemaking (NPRM)**—issued by the Commission when it is proposing a specific change to Commission rules and regulations. Before any changes are actually made, interested parties may submit written comments on the proposed revisions.

**Further Notice of Proposed Rulemaking (FNPRM)**—issued by the Commission when additional comment in the proceeding is sought.

**Memorandum Opinion and Order (MO&O)**—issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or address a petition for reconsideration of a decision.

**Rulemaking (RM) Number**—assigned to a proceeding after the appropriate bureau or office has reviewed a petition for rulemaking, but before the Commission has acted on the petition.

**Report and Order (R&O)**—issued by the Commission to state a new or amended rule or state that the Commission rules and regulations will not be revised.

**Marlene H. Dortch,**  
*Secretary, Federal Communications Commission.*

**CONSUMER AND GOVERNMENTAL AFFAIRS BUREAU—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
282 .....	Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278).	3060–AI14
283 .....	Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123).	3060–AI15
284 .....	Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10–51) .....	3060–AJ42
285 .....	Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12–129).	3060–AJ84
286 .....	Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13–24.	3060–AK01
287 .....	Advanced Methods to Target and Eliminate Unlawful Robocalls (CG Docket No. 17–59) .....	3060–AK62
288 .....	Empowering Broadband Consumers Through Transparency .....	3060–AL33

**ECONOMICS—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
289 .....	Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans.	3060–AJ15
290 .....	Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268).	3060–AJ82
291 .....	Broadband Data Collection .....	3060–AL42

## OFFICE OF ENGINEERING AND TECHNOLOGY—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
292 .....	Use of the 5.850–5.925 GHz Band (ET Docket No. 19–138) .....	3060–AK96
293 .....	Allowing Earlier Equipment Marketing and Importation Opportunities; Petition to Expand Marketing Opportunities for Innovative Technologies (ET Docket No. 20–382 & RM–11857) NPRM, 86 FR 2337, January 1.	3060–AL18
294 .....	Unlicensed White Space Device Operations in the Television Bands (ET Docket No. 20–36) .....	3060–AL22
295 .....	Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21–232, EA Docket No. 21–233.	3060–AL23
296 .....	Wireless Microphones in the TV Bands (ET Docket No. 21–115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz.	3060–AL27
297 .....	FCC Seeks to Enable State-of-the-Art Radar Sensors in 60 GHz Band .....	3060–AL36
298 .....	FCC Proposes to Update Equipment Authorization Rules to Incorporate New and Revised Industry Standards.	3060–AL39
299 .....	Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13–115) .....	3060–AL44
300 .....	FCC Looks to Open the Door to New Wireless Microphone Technologies .....	3060–AL45

## INTERNATIONAL BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
301 .....	Update to Parts 2 and 25 Concerning NonGeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. I6–408.	3060–AK59
302 .....	Amendment of Parts 2 and 25 of the FCC Rules to Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17–95.	3060–AK84
303 .....	Further Streamlining Part 25 Rules Governing Satellite Services: IB Docket No. 18–314 .....	3060–AK87
304 .....	Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18–315.	3060–AK89
305 .....	Mitigation of Orbital Debris in the New Space Age: IB Docket No. 18–313 .....	3060–AK90
306 .....	Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership (IB Docket No. 16–155).	3060–AL12
307 .....	Parts 2 and 25 to Enable GSO FSS in the 17.3–17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended Ka-Band FSS (IB Doc. No. 20–330).	3060–AL28
308 .....	Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21–456.	3060–AL41

## MEDIA BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
309 .....	Revision of EEO Rules and Policies (MM Docket No. 98–204) .....	3060–AH95
310 .....	Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03–185).	3060–AL38
311 .....	Preserving Vacant Channels in the UHF Television Band for Unlicensed Use; (MB Docket No. 15–146) ...	3060–AK43
312 .....	Authorizing Permissive Use of the “Next Generation” Broadcast Television Standard (GN Docket No. 16–142).	3060–AK56
313 .....	2018 Quadrennial Regulatory Review of the Commission’s Broadcast Ownership Rules (MB Docket 18–349).	3060–AK77
314 .....	Equal Employment Opportunity Enforcement (MB Docket 19–177) .....	3060–AK86
315 .....	Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19–310) .....	3060–AL19
316 .....	Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20–299).	3060–AL20
317 .....	FM Broadcast Booster Stations (MB Docket 20–401) .....	3060–AL21
318 .....	Revisions to Political Programming and Record-Keeping Rules (MB Docket No. 21–93) .....	3060–AL25
319 .....	Updating Broadcast Radio Technical Rules (MB Docket 21–263) .....	3060–AL26
320 .....	FM Broadcast Radio Service Directional Antenna Performance Verification (MB Docket No. 21–422) .....	3060–AL32

## OFFICE OF MANAGING DIRECTOR—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
321 .....	Assessment and Collection of Regulatory Fees .....	3060–AK64

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
322 .....	Wireless E911 Location Accuracy Requirements: PS Docket No. 07–114 .....	3060–AJ52
323 .....	Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15–206.	3060–AK39
324 .....	Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications: PS Docket No. 15–80.	3060–AK40
325 .....	New Part 4 of the Commission’s Rules Concerning Disruptions to Communications; ET Docket No. 04–35	3060–AK41
326 .....	Wireless Emergency Alerts (WEA): PS Docket No. 15–91 .....	3060–AK54
327 .....	911 Fee Diversion Rulemaking: PS Docket Nos. 20–291, 09–14 .....	3060–AL31
328 .....	Resilient Networks, Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications; PS Docket No 21–346, PS Docket No. 15–80, ET Docket No. 04–35.	3060–AL43

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
329 .....	Blue Alert EAS Event Code .....	3060–AK63

WIRELESS TELECOMMUNICATIONS BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
330 .....	Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission’s Rules to Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10–4).	3060–AJ87
331 .....	Promoting Technological Solutions to Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13–111.	3060–AK06
332 .....	Promoting Investment in the 3550–3700 MHz Band; GN Docket No. 17–258 .....	3060–AK12
333 .....	Updating Part 1 Competitive Bidding Rules (WT Docket No. 14–170) .....	3060–AK28
334 .....	Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10–112 .....	3060–AK44
335 .....	Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18–122 .....	3060–AK76
336 .....	Amendment of the Commission’s Rules to Promote Aviation Safety: WT Docket No. 19–140 .....	3060–AK92
337 .....	Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No.19–250).	3060–AL29
338 .....	Expanding Flexible Use of the 12.2–12.7 GHz Band, et al., WT Docket No. 20–443, et al .....	3060–AL40

WIRELESS TELECOMMUNICATIONS BUREAU—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
339 .....	Revisions to Reporting Requirements Governing Hearing Aid Compatible Mobile Handsets (WT Docket No. 17–228).	3060–AK72
340 .....	Transforming the 2.5 GHz Band, WT Docket No.18–120 .....	3060–AK75

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
341 .....	Local Telephone Networks That LECs Must Make Available to Competitors .....	3060–AH44
342 .....	Jurisdictional Separations .....	3060–AJ06
343 .....	Rural Call Completion; WC Docket No. 13–39 .....	3060–AJ89
344 .....	Rates for Inmate Calling Services; WC Docket No. 12–375 .....	3060–AK08
345 .....	Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14–130) .....	3060–AK20
346 .....	Restoring Internet Freedom (WC Docket No. 17–108); Protecting and Promoting the Open Internet (GN Docket No. 14–28).	3060–AK21
347 .....	Technology Transitions; GN Docket No 13–5, WC Docket No. 05–25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17–84.	3060–AK32
348 .....	Numbering Policies for Modern Communications, WC Docket No. 13–97 .....	3060–AK36
349 .....	Implementation of the Universal Service Portions of the 1996 Telecommunications Act .....	3060–AK57
350 .....	Toll Free Assignment Modernization and Toll Free Service Access Codes: WC Docket No. 17–192, CC Docket No. 95–155.	3060–AK91
351 .....	Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19–195 and 11–10 .....	3060–AK93
352 .....	Call Authentication Trust Anchor .....	3060–AL00
353 .....	Implementation of the National Suicide Improvement Act of 2018 .....	3060–AL01
354 .....	Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services	3060–AL02
355 .....	Eliminating Ex Ante Pricing Regulation and Tariffing of Telephone Access Charges (WC Docket 20–71) ...	3060–AL03

WIRELINE COMPETITION BUREAU—LONG-TERM ACTIONS—Continued

Sequence No.	Title	Regulation Identifier No.
356 .....	Establishing a 5G Fund for Rural America; GN Docket No. 20–32 .....	3060–AL15
357 .....	Improving Competitive Broadband Access to Multiple Tenant Environments .....	3060–AL35

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Consumer and Governmental Affairs Bureau*

Long-Term Actions

**282. Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (CG Docket No. 02–278) [3060–AI14]**

*Legal Authority:* 47 U.S.C. 227  
*Abstract:* In this docket, the Commission considers rules and policies to implement the Telephone Consumer Protection Act of 1991 (TCPA). The TCPA places requirements on robocalls (calls using an automatic telephone dialing system, an autodialer, a prerecorded or, an artificial voice), telemarketing calls, and unsolicited fax advertisements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/08/02	67 FR 62667
FNPRM .....	04/03/03	68 FR 16250
Order .....	07/25/03	68 FR 44144
Order Effective .....	08/25/03	
Order on Reconsideration.	08/25/03	68 FR 50978
Order .....	10/14/03	68 FR 59130
FNPRM .....	03/31/04	69 FR 16873
Order .....	10/08/04	69 FR 60311
Order .....	10/28/04	69 FR 62816
Order on Reconsideration.	04/13/05	70 FR 19330
Order .....	06/30/05	70 FR 37705
NPRM .....	12/19/05	70 FR 75102
Public Notice .....	04/26/06	71 FR 24634
Order .....	05/03/06	71 FR 25967
NPRM .....	12/14/07	72 FR 71099
Declaratory Ruling	02/01/08	73 FR 6041
R&O .....	07/14/08	73 FR 40183
Order on Reconsideration.	10/30/08	73 FR 64556
NPRM .....	03/22/10	75 FR 13471
R&O .....	06/11/12	77 FR 34233
Public Notice .....	06/30/10	75 FR 34244
Public Notice (Reconsideration Petitions Filed).	10/03/12	77 FR 60343
Announcement of Effective Date.	10/16/12	77 FR 63240
Opposition End Date.	10/18/12	
Rule Corrections Declaratory Ruling (release date).	11/08/12	77 FR 66935
Declaratory Ruling (release date).	11/29/12	
Declaratory Ruling (release date).	05/09/13	
Declaratory Ruling and Order.	10/09/15	80 FR 61129

Action	Date	FR Cite
NPRM .....	05/20/16	81 FR 31889
Declaratory Ruling	07/05/16	
R&O .....	11/16/16	81 FR 80594
Public Notice .....	06/28/18	83 FR 26284
Public Notice .....	10/03/18	
Declaratory Ruling	12/06/19	
Declaratory Ruling	12/09/19	
Order .....	03/17/20	
Declaratory Ruling	03/20/20	
Declaratory Ruling	06/25/20	
Declaratory Ruling and Order.	06/25/20	
Order on Reconsideration.	08/28/20	
Declaratory Ruling	09/04/20	
Declaratory Ruling	09/21/20	
NPRM .....	10/09/20	85 FR 64091
Public Notice .....	12/17/20	
Declaratory Ruling	12/18/20	
Declaratory Ruling	01/15/21	
Order on Recon ..	02/12/21	86 FR 9299
R&O .....	02/25/21	86 FR 11443
Public Notice (Reconsideration Petitions Filed). Next Action Undetermined.	04/12/21	86 FR 18934

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Kristi Thornton, Deputy Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2467, *Email:* kristi.thornton@fcc.gov.  
*RIN:* 3060–AI14

**283. Rules and Regulations Implementing Section 225 of the Communications Act (Telecommunications Relay Service) (CG Docket No. 03–123) [3060–AI15]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

*Abstract:* This proceeding continues the Commission’s inquiry into improving the quality of telecommunications relay service (TRS) and furthering the goal of functional equivalency, consistent with Congress’ mandate that TRS regulations encourage the use of existing technology and not discourage or impair the development of new technology. In this docket, the Commission explores ways to improve emergency preparedness for TRS facilities and services, new TRS technologies, public access to information and outreach, and issues

related to payments from the Interstate TRS Fund.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/25/03	68 FR 50993
R&O, Order on Reconsideration.	09/01/04	69 FR 53346
FNPRM .....	09/01/04	69 FR 53382
Public Notice .....	02/17/05	70 FR 8034
Declaratory Ruling/Interpretation.	02/25/05	70 FR 9239
Public Notice .....	03/07/05	70 FR 10930
Order .....	03/23/05	70 FR 14568
Public Notice/Announcement of Date.	04/06/05	70 FR 17334
Order .....	07/01/05	70 FR 38134
Order on Reconsideration.	08/31/05	70 FR 51643
R&O .....	08/31/05	70 FR 51649
Order .....	09/14/05	70 FR 54294
Order .....	09/14/05	70 FR 54298
Public Notice .....	10/12/05	70 FR 59346
R&O/Order on Reconsideration.	12/23/05	70 FR 76208
Order .....	12/28/05	70 FR 76712
Order .....	12/29/05	70 FR 77052
NPRM .....	02/01/06	71 FR 5221
Declaratory Ruling/Clarification.	05/31/06	71 FR 30818
FNPRM .....	05/31/06	71 FR 30848
FNPRM .....	06/01/06	71 FR 31131
Declaratory Ruling/Dismissal of Petition.	06/21/06	71 FR 35553
Clarification .....	06/28/06	71 FR 36690
Declaratory Ruling on Reconsideration.	07/06/06	71 FR 38268
Order on Reconsideration.	08/16/06	71 FR 47141
MO&O .....	08/16/06	71 FR 47145
Clarification .....	08/23/06	71 FR 49380
FNPRM .....	09/13/06	71 FR 54009
Final Rule; Clarification.	02/14/07	72 FR 6960
Order .....	03/14/07	72 FR 11789
R&O .....	08/06/07	72 FR 43546
Public Notice .....	08/16/07	72 FR 46060
Order .....	11/01/07	72 FR 61813
Public Notice .....	01/04/08	73 FR 863
R&O/Declaratory Ruling.	01/17/08	73 FR 3197
Order .....	02/19/08	73 FR 9031
Order .....	04/21/08	73 FR 21347
R&O .....	04/21/08	73 FR 21252
Order .....	04/23/08	73 FR 21843
Public Notice .....	04/30/08	73 FR 23361
Order .....	05/15/08	73 FR 28057
Declaratory Ruling	07/08/08	73 FR 38928
FNPRM .....	07/18/08	73 FR 41307
R&O .....	07/18/08	73 FR 41286
Public Notice .....	08/01/08	73 FR 45006

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Public Notice .....	08/05/08	73 FR 45354	NPRM Comment	01/21/14		FNPRM Comment	04/29/19	
Public Notice .....	10/10/08	73 FR 60172	Period End.			Period End.		
Order .....	10/23/08	73 FR 63078	Announcement of	07/11/14	79 FR 40003	R&O .....	06/06/19	84 FR 26364
2nd R&O and	12/30/08	73 FR 79683	Effective Date.			FNPRM .....	06/06/19	84 FR 26379
Order on Re-			Announcement of	08/28/14	79 FR 51446	Petition for Recon	06/18/19	84 FR 28264
consideration.			Effective Date.			Request for		
Order .....	05/06/09	74 FR 20892	Correction—An-	08/28/14	79 FR 51450	Comment.		
Public Notice .....	05/07/09	74 FR 21364	ouncement of			Petition for Recon	07/15/19	
NPRM .....	05/21/09	74 FR 23815	Effective Date.			Comment Pe-		
Public Notice .....	05/21/09	74 FR 23859	Technical Amend-	09/09/14	79 FR 53303	riod End.		
Public Notice .....	06/12/09	74 FR 28046	ments.			FNPRM Comment	08/05/19	
Order .....	07/29/09	74 FR 37624	Public Notice .....	09/15/14	79 FR 54979	Period End.		
Public Notice .....	08/07/09	74 FR 39699	R&O and Order ...	10/21/14	79 FR 62875	R&O .....	01/06/20	85 FR 462
Order .....	09/18/09	74 FR 47894	FNPRM .....	10/21/14	79 FR 62935	R&O .....	01/09/20	85 FR 1125
Order .....	10/26/09	74 FR 54913	FNPRM Comment	12/22/14		NPRM .....	01/09/20	85 FR 1134
Public Notice .....	05/12/10	75 FR 26701	Period End.			NPRM Comment	02/13/20	
Order Denying	07/09/10		Final Action (An-	10/30/14	79 FR 64515	Period End.		
Stay Motion			ouncement of			Announcement of	02/19/20	85 FR 9392
(Release Date).			Effective Date).			Effective Date.		
Order .....	08/13/10	75 FR 49491	Final Rule Effec-	10/30/14		Final Rule; re-	05/06/20	85 FR 26857
Order .....	09/03/10	75 FR 54040	tive.			moval of com-		
NPRM .....	11/02/10	75 FR 67333	FNPRM .....	11/08/15	80 FR 72029	pliance notices.		
NPRM .....	05/02/11	76 FR 24442	FNPRM Comment	01/01/16		Report & Order ...	05/08/20	85 FR 27309
Order .....	07/25/11	76 FR 44326	Period End.			Final Rule; correc-	08/26/20	85 FR 52489
Final Rule (Order)	09/27/11	76 FR 59551	Public Notice .....	01/20/16	81 FR 3085	tion.		
Final Rule; An-	11/22/11	76 FR 72124	Public Notice	02/16/16		R&O and Order	10/14/20	85 FR 64971
ouncement of			Comment Pe-			on Recon.		
Effective Date.			riod End.			Final Rule; an-	10/23/20	85 FR 67447
Proposed Rule	02/28/12	77 FR 11997	R&O .....	03/21/16	81 FR 14984	ouncement of		
(Public Notice).			FNPRM .....	08/24/16	81 FR 57851	effective and		
Proposed Rule	02/01/12	77 FR 4948	FNPRM Comment	09/14/16		compliance		
(FNPRM).			Period End.			dates.		
First R&O .....	07/25/12	77 FR 43538	NOI and FNPRM	04/12/17	82 FR 17613	FNPRM .....	02/01/21	86 FR 7681
Public Notice .....	10/29/12	77 FR 65526	NOI and FNPRM	05/30/17		FNPRM Comment	04/02/21	
Order on Recon-	12/26/12	77 FR 75894	Comment Pe-			riod End.		
sideration.			riod End.			Public Notice; Pe-	02/22/21	86 FR 10458
Order .....	02/05/13	78 FR 8030	R&O .....	04/13/17	82 FR 17754	tition for Recon-		
Order (Interim	02/05/13	78 FR 8032	R&O .....	04/27/17	82 FR 19322	sideration.		
Rule).			FNPRM .....	04/27/17	82 FR 19347	Oppositions Due	03/19/21	
NPRM .....	02/05/13	78 FR 8090	FNPRM Comment	07/11/17		Date.		
Announcement of	03/07/13	78 FR 14701	Period End.			R&O .....	02/23/21	86 FR 10844
Effective Date.			Public Notice .....	06/23/17	82 FR 28566	NPRM .....	03/19/21	86 FR 14859
NPRM Comment	03/13/13		Public Notice—	07/21/17	82 FR 33856	NPRM Comment	05/03/21	
Period End.			Correction.	07/25/17	82 FR 34471	Period End.		
FNPRM .....	07/05/13	78 FR 40407	Public Notice	07/31/17		NPRM .....	06/04/21	86 FR 29969
FNPRM Comment	09/18/13		Comment Pe-			NPRM Correction	06/15/21	86 FR 31668
Period End.			riod End.			Order on Recon ..	07/07/21	86 FR 35632
R&O .....	07/05/13	78 FR 40582	Public Notice—	08/17/17		Public Notice .....	07/15/21	86 FR 37328
R&O .....	08/15/13	78 FR 49693	Correction			NPRM Correction	07/30/21	
FNPRM .....	08/15/13	78 FR 49717	Comment Pe-			riod End.		
FNPRM Comment	09/30/13		riod End.			Public Notice	08/09/21	
Period End.			R&O .....	08/22/17	82 FR 39673	Comment Pe-		
R&O .....	08/30/13	78 FR 53684	Announcement of	10/17/17	82 FR 48203	riod End.		
FNPRM .....	09/03/13	78 FR 54201	Effective Date.			Order on Recon;	10/05/21	86 FR 54871
NPRM .....	10/23/13	78 FR 63152	Public Notice; Pe-	10/25/17	82 FR 49303	Correction.		
FNPRM Comment	11/18/13		tition for Recon-			NPRM .....	10/05/21	86 FR 64440
Period End.			sideration.			NPRM Comment	01/18/22	
Petition for Recon-	12/16/13	78 FR 76096	Oppositions Due	11/20/17		Period End.		
sideration; Re-			Date.			Next Action Unde-		
quest for Com-			R&O and Declara-	06/27/18	83 FR 30082	terminated.		
ment.	12/16/13	78 FR 76097	tory Ruling.					
Petition for Re-			FNPRM .....	07/18/18	83 FR 33899			
consideration;			FNPRM Comment	11/15/18				
Request for	12/30/13	78 FR 79362	Period End.					
Comment.			Public Notice .....	08/23/18	83 FR 42630			
Request for Clari-			Public Notice Op-	09/17/18				
fication; Re-			position Period					
quest for Com-			End.					
ment; Correc-	01/10/14		Announcement of	02/04/19	84 FR 1409			
tion.			Effective Date.					
Petition for Re-			R&O .....	03/08/19	84 FR 8457			
consideration			FNPRM .....	03/14/19	84 FR 9276			
Comment Pe-								
riod End.								

*Regulatory Flexibility Analysis  
Required: Yes.*

*Agency Contact: Eliot Greenwald,  
Deputy Chief, Disability Rights Office,  
Federal Communications Commission,  
45 L Street NE, Washington, DC 20554,  
Phone: 202 418-2235, Email:  
eliot.greenwald@fcc.gov.*

*RIN: 3060-A115*

**284. Structure and Practices of the Video Relay Service (VRS) Program (CG Docket No. 10–51) [3060–AJ42]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225; 47 U.S.C. 303(r)

*Abstract:* The Commission takes a fresh look at its VRS rules to ensure that it is available to and used by the full spectrum of eligible users, encourages innovation, and is provided efficiently to be less susceptible to the waste, fraud, and abuse that have plagued the program and threatened its long-term viability. The Commission also considers the most effective and efficient way to make VRS available and to determine what is the most fair, efficient, and transparent cost-recovery methodology. In addition, the Commission looks at various ways to measure the quality of VRS so as to ensure a better consumer experience.

*Timetable:*

Action	Date	FR Cite
Declaratory Ruling	05/07/10	75 FR 25255
Declaratory Ruling	07/13/10	75 FR 39945
Order .....	07/13/10	75 FR 39859
Notice of Inquiry ..	07/19/10	75 FR 41863
NPRM .....	08/23/10	75 FR 51735
Interim Final Rule	02/15/11	76 FR 8659
Public Notice .....	03/02/11	76 FR 11462
R&O .....	05/02/11	76 FR 24393
FNPRM .....	05/02/11	76 FR 24437
NPRM .....	05/02/11	76 FR 24442
R&O (Correction)	05/27/11	76 FR 30841
Order .....	07/25/11	76 FR 44326
2nd R&O .....	08/05/11	76 FR 47469
Order (Interim Final Rule).	08/05/11	76 FR 47476
Final Rule; Announcement of Effective Date.	09/26/11	76 FR 59269
Final Rule; Petition for Reconsideration; Public Notice.	09/27/11	76 FR 59557
Oppositions Due Date.	10/07/11	
Final Rule; Clarification (MO&O).	10/31/11	76 FR 67070
FNPRM .....	10/31/11	76 FR 67118
Interim Final Rule; Announcement of Effective Date.	11/03/11	76 FR 68116
Final Rule; Announcement of Effective Date.	11/04/11	76 FR 68328
Final Rule; Announcement of Effective Date.	11/07/11	76 FR 68642
FNPRM Comment Period End.	12/30/11	
FNPRM .....	02/01/12	77 FR 4948
FNPRM Comment Period End.	03/19/12	
Final Rule; Correction.	03/27/12	77 FR 18106
Correcting Amendments.	06/07/12	77 FR 33662

Action	Date	FR Cite
Order (Release Date).	07/25/12	
Correcting Amendments.	10/04/12	77 FR 60630
Public Notice .....	10/29/12	77 FR 65526
Comment Period End.	11/29/12	
FNPRM .....	07/05/13	78 FR 40407
R&O .....	07/05/13	78 FR 40582
FNPRM Comment Period End.	09/18/13	
Public Notice .....	09/11/13	78 FR 55696
Public Notice .....	09/15/14	79 FR 54979
Comment Period End.	10/10/14	
Final Action (Announcement of Effective Date).	10/30/14	79 FR 64515
Final Rule Effective.	10/30/14	
FNPRM .....	11/18/15	80 FR 72029
FNPRM Comment Period End.	02/01/16	
R&O .....	03/21/16	81 FR 14984
FNPRM .....	08/24/16	81 FR 57851
FNPRM Comment Period End.	09/14/16	
NOI and FNPRM	04/12/17	82 FR 17613
NOI and FNPRM Comment Period End.	05/30/17	
R&O .....	04/13/17	82 FR 17754
R&O .....	04/27/17	82 FR 19322
FNPRM .....	04/27/17	82 FR 19347
FNPRM Comment Period End.	07/01/17	
Order .....	06/23/17	82 FR 28566
Public Notice .....	07/21/17	82 FR 33856
Public Notice	07/31/17	
Comment Period End.		
Public Notice Correction.	07/25/17	82 FR 34471
Public Notice Correction Comment Period End.	08/17/17	
R&O and Order ...	08/22/17	82 FR 39673
Announcement of Effective Date.	10/17/17	82 FR 48203
Public Notice; Petition for Reconsideration.	10/25/17	82 FR 49303
Oppositions Due Date.	11/20/17	
R&O .....	06/06/19	84 FR 26364
FNPRM .....	06/06/19	84 FR 26379
FNPRM Comment Period End.	08/05/19	
Report & Order ...	05/08/20	85 FR 27309
R&O and Order on Recon.	10/14/20	85 FR 64971
Final rule; announcement of effective and compliance dates.	10/23/20	85 FR 67447
FNPRM .....	02/01/21	86 FR 7681
FNPRM Comment Period End.	04/02/21	
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458

Action	Date	FR Cite
Oppositions Due Date.	03/19/21	
NPRM .....	03/19/21	86 FR 14859
NPRM Comment Period End.	05/03/21	
NPRM .....	06/04/21	86 FR 29969
NPRM Correction	06/15/21	86 FR 31668
NPRM Correction Comment Period End.	07/30/21	
Order on Recon ..	07/07/21	86 FR 35632
Order on Recon; Correction.	10/05/21	86 FR 54871
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–2235, *Email:* eliot.greenwald@fcc.gov. *RIN:* 3060–AJ42

**285. Implementation of the Middle Class Tax Relief and Job Creation Act of 2012/Establishment of a Public Safety Answering Point Do-Not-Call Registry (CG Docket No. 12–129) [3060–AJ84]**

*Legal Authority:* Pub. L. 112–96, sec. 6507

*Abstract:* The Middle Class Tax Relief and Job Creation Act of 2012 required the Commission to create a Do-Not-Call Registry for public safety answering point (PSAP) telephone numbers and to prohibit the use of automated dialing equipment to place calls to PSAP numbers on the Registry. In this docket, the Commission adopted rules and policies implementing these statutory requirements.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/21/12	77 FR 37362
R&O .....	10/29/12	77 FR 71131
Correction	02/13/13	78 FR 10099
Amendments.		
Announcement of Effective Date.	03/26/13	78 FR 18246
FNPRM .....	11/01/21	86 FR 60189
FNPRM Comment Period End.	12/01/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Richard D. Smith, Special Counsel, Consumer Policy Division, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW, Washington, DC 20554, *Phone:* 717 338–2797, *Fax:* 717 338–2574, *Email:* richard.smith@fcc.gov.

RIN: 3060-AJ84

**286. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services; CG Docket No. 13-24 [3060-AK01]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 225

*Abstract:* The Federal Communications Commission (FCC) initiated this proceeding in its effort to ensure that internet-Protocol Captioned Telephone Service (IP CTS) is provided effectively and in the most efficient manner. In doing so, the FCC adopted rules to address certain practices related to the provision and marketing of IP CTS, as well as compensation of TRS providers. IP CTS is a form of relay service designed to allow people with hearing loss to speak directly to another party on a telephone call and to simultaneously listen to the other party and read captions of what that party is saying over an IP-enabled device. To ensure that IP CTS is provided efficiently to persons who need to use this service, the Commission adopted rules establishing several requirements and issued an FNPRM to address additional issues.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/05/13	78 FR 8090
Order (Interim Rule).	02/05/13	78 FR 8032
Order .....	02/05/13	78 FR 8030
Announcement of Effective Date.	03/07/13	78 FR 14701
NPRM Comment Period End.	03/12/13	
R&O .....	08/30/13	78 FR 53684
FNPRM .....	09/03/13	78 FR 54201
FNPRM Comment Period End.	11/18/13	
Petition for Reconsideration Request for Comment.	12/16/13	78 FR 76097
Petition for Reconsideration Comment Period End.	01/10/14	
Announcement of Effective Date.	07/11/14	79 FR 40003
Announcement of Effective Date.	08/28/14	79 FR 51446
Correction—Announcement of Effective Date.	08/28/14	79 FR 51450
Technical Amendments.	09/09/14	79 FR 53303
R&O and Declaratory Ruling.	06/27/18	83 FR 30082
FNPRM .....	07/18/18	83 FR 33899
Public Notice .....	08/23/18	83 FR 42630
Public Notice Opposition Period End.	09/17/18	

Action	Date	FR Cite
FNPRM Comment Period End.	11/15/18	
Announcement of Effective Date.	02/04/19	84 FR 1409
R&O .....	03/08/19	84 FR 8457
FNPRM .....	03/14/19	84 FR 9276
FNPRM Comment Period End.	04/29/19	
Petition for Recon Request for Comment.	06/18/19	84 FR 28264
Petition for Recon Comment Period End.	07/15/19	
R&O .....	01/06/20	85 FR 462
Announcement of Effective Date.	02/19/20	85 FR 9392
Final Rule; Removal of Compliance Notes.	05/06/20	85 FR 26857
Final Rule; correction.	08/26/20	85 FR 52489
R&O and Order on Recon.	10/14/20	85 FR 64971
FNPRM .....	02/01/21	86 FR 7681
Public Notice; Petition for Reconsideration.	02/22/21	86 FR 10458
NPRM .....	03/19/21	86 FR 14859
Oppositions Due Date.	03/19/21	
FNPRM Comment Period End.	04/02/21	
NPRM Comment Period End.	05/03/21	
Public Notice .....	07/15/21	86 FR 37328
Public Notice Comment Period End.	08/09/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Eliot Greenwald, Deputy Chief, Disability Rights Office, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2235, *Email:* [eliot.greenwald@fcc.gov](mailto:eliot.greenwald@fcc.gov).  
RIN: 3060-AK01

**287. Advanced Methods To Target and Eliminate Unlawful Robocalls (CG Docket No. 17-59) [3060-AK62]**

*Legal Authority:* 47 U.S.C. 201 and 202; 47 U.S.C. 227; 47 U.S.C. 251(e)

*Abstract:* The Telephone Consumer Protection Act of 1991 restricts the use of robocalls autodialed or prerecorded calls in certain instances. In CG Docket No. 17-59, the Commission considers rules and policies aimed at eliminating unlawful robocalling. Among the issues it examines in this docket are whether to allow carriers to block calls that purport to be from unallocated or unassigned phone numbers through the use of spoofing, whether to allow carriers to block calls based on their own analyses of which calls are likely

to be unlawful and whether to establish a database of reassigned phone numbers to help prevent robocalls to consumers, who did not consent to such calls.

*Timetable:*

Action	Date	FR Cite
NPRM/NOI .....	05/17/17	82 FR 22625
2nd NOI .....	07/13/17	
NPRM Comment Period End.	07/31/17	
FNPRM .....	01/08/18	83 FR 770
R&O .....	01/12/18	83 FR 1566
2nd FNPRM .....	04/23/18	83 FR 17631
2nd FNPRM Comment Period End.	06/07/18	
2nd FNPRM Reply Comment Period End.	07/09/18	
2nd R&O .....	03/26/19	84 FR 11226
3rd FNPRM .....	06/24/19	84 FR 29478
Declaratory Ruling Public Notice Seeking Input on Report.	06/24/19	84 FR 29387
Public Notice Seeking Comment on Reassigned Numbers.	12/30/19	
Public Notice Seeking Comment on RND Cost/Fee Structure.	01/24/20	
Public Notice Establishing Guidelines for RND.	02/26/20	
Report .....	06/25/20	
3rd NPRM Comment Date.	06/26/20	85 FR 38334
Announcement of Compliance Dates.	07/31/20	85 FR 46063
3rd R&O, Order of Reconsideration, 4th FNPRM.	12/30/20	
4th R&O (release date).	02/08/21	86 FR 8558
Public Notice .....	04/13/21	
Public Notice .....	06/15/21	
Public Notice .....	10/01/21	86 FR 61077
5th FNPRM .....	10/26/21	86 FR 59084
Public Notice .....	12/29/21	
Order on Reconsideration, 6th FNPRM, Waiver Order.	12/30/21	86 FR 74399
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required:* Yes.

*Agency Contact:* Karen Schroeder, Associate Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0654, *Email:* [karen.schroeder@fcc.gov](mailto:karen.schroeder@fcc.gov).

Jerusha Burnett, Attorney Advisor,  
Federal Communications Commission,  
45 L Street NE, Washington, DC 20554,  
Phone: 202 418-0526, Email:  
jerusha.burnett@fcc.gov.  
RIN: 3060-AK62

**288. • Empowering Broadband Consumers Through Transparency [3060-AL33]**

*Legal Authority:* Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429, 60504(a) (2021)

*Abstract:* In this docket, the Commission requires that broadband internet access service providers (ISPs) display, at the point of sale, labels to disclose to consumers certain information about prices, introductory rates or promotions, data allowances, broadband speeds, and management practices, among other things.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/07/22	87 FR 6827
NPRM Comment Period End.	03/09/22	
Reply NPRM Comment Period End.	03/24/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Erica McMahon, Attorney Advisor, Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street SW, Washington, DC 20554, Phone: 202 418-0346, Email: erica.mcmahon@fcc.gov.  
RIN: 3060-AL33

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Economics*

Long-Term Actions

**289. Development of Nationwide Broadband Data To Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans [3060-AJ15]**

*Legal Authority:* 15 U.S.C. 251; 47 U.S.C. 252; 47 U.S.C. 257; 47 U.S.C. 271; 47 U.S.C. 1302; 47 U.S.C. 160(b); 47 U.S.C. 161(a)(2)

*Abstract:* The Report and Order streamlined and reformed the Commission’s Form 477 Data Program, which is the Commission’s primary tool to collect data on broadband and telephone services.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/16/07	72 FR 27519
Order .....	07/02/08	73 FR 37861
Order .....	10/15/08	73 FR 60997
NPRM .....	02/08/11	76 FR 10827
Order .....	06/27/13	78 FR 49126
NPRM .....	08/24/17	82 FR 40118
NPRM Comment Period End.		
NPRM Reply Comment Period End.	10/10/17	
R&O and FNPRM Next Action Undetermined.	08/22/19	84 FR 43764

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Suzanne Mendez, Program Analyst, OEA, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-0941, Email: suzanne.mendez@fcc.gov.  
RIN: 3060-AJ15

**290. Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12-268) [3060-AJ82]**

*Legal Authority:* 47 U.S.C. 309(j)(8)(G); 47 U.S.C. 1452

*Abstract:* In February 2012, the Middle Class Tax Relief and Job Creation Act was enacted (Pub. L. 112-96, 126 Stat. 156 (2012)). Title VI of that statute, commonly known as the Spectrum Act, provides the Commission with the authority to conduct incentive auctions to meet the growing demand for wireless broadband. Pursuant to the Spectrum Act, the Commission may conduct incentive auctions that will offer new initial spectrum licenses subject to flexible-use service rules on spectrum made available by licensees that voluntarily relinquish some or all of their spectrum usage rights in exchange for a portion, based on the value of the relinquished rights as determined by an auction, of the proceeds of bidding for the new licenses. In addition to granting the Commission general authority to conduct incentive auctions, the Spectrum Act requires the Commission to conduct an incentive auction of broadcast TV spectrum and sets forth special requirements for such an auction.

The Spectrum Act requires that the BIA consist of a reverse auction “to determine the amount of compensation that each broadcast television licensee would accept in return for voluntarily relinquishing some or all of its spectrum usage rights” and a forward auction of licenses in the reallocated spectrum for flexible-use services, including mobile broadband. Broadcast television

licensees who elected to voluntarily participate in the auction had three bidding options: go off-the-air, share spectrum with another broadcast television licensee, or move channels to the upper or lower VHS band in exchange for receiving part of the proceeds from auctioning that spectrum to wireless providers. The Spectrum Act also authorized the Commission to reorganize the 600 MHz band following the BIA including, as necessary, reassigning full power and Class A television stations to new channels in order to clear the spectrum sold in the BIA. That post-auction reorganization (known as the repack) is currently underway and all of the stations who were assigned new channels are scheduled to have vacated their pre-auction channels by July 3, 2020, pursuant to a 10-phase transition schedule adopted by the Commission.

In May 2014, the Commission adopted a Report and Order that laid out the general framework for the BIA. The auction started on March 29, 2016, with the submission of initial commitments by eligible broadcast licensees. The BIA ended on April 13, 2017, with the release of the Auction Closing and Channel Reassignment Public Notice that also marked the start of the 39-month transition period during which 987 of the full power and Class A television stations remaining on-the-air will transition their stations to their post-auction channel assignments in the reorganized television band. Pursuant to the Spectrum Act, the Commission will reimburse 957 of those full power and Class A stations for the reasonable costs associated with relocating to their post-auction channel assignments and will reimburse multichannel video programming distributors for their costs associated with continuing to carry the signals of those stations.

In March 2018, the Consolidated Appropriations Act (Pub. L. 115-141, at Div. E, Title V, 511, 132 Stat. 348 (2018), codified at 47 U.S.C. 1452(j)-(n)) (the Reimbursement Expansion Act or REA), extended the deadline for reimbursement of eligible entities from April 2020 to no later than July 3, 2023, and also expanded the universe of entities eligible for reimbursement to include low-power television stations and TV translator stations displaced by the BIA for their reasonably incurred costs to relocate to a new channel, and FM broadcast stations for their reasonably incurred costs for facilities necessary to reasonably minimize disruption of service as a result of the post-auction reorganization of the television band. On March 15, 2019, the Commission adopted a Report and



Order setting rules for the reimbursement of eligible costs to those newly eligible entities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/21/12	77 FR 69933
R&O .....	08/15/14	79 FR 48441
Final Rule .....	10/11/17	82 FR 47155
NPRM .....	08/27/18	83 FR 43613
R&O .....	03/26/19	84 FR 11233
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jean L. Kiddoo, Chair, Incentive Auction Task Force, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7757, *Email:* jean.kiddoo@fcc.gov, *RIN:* 3060-AJ82

**291. • Broadband Data Collection [3060-AL42]**

*Legal Authority:* 47 U.S.C. 151-154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641-646

*Abstract:* On August 6, 2019, the Commission adopted a new data collection of precise, granular broadband availability data from fixed broadband providers, including a mechanism for incorporating public feedback into the data. On March 23, 2020, the Broadband Deployment Accuracy and Technology Availability Act (Broadband DATA Act) was enacted, establishing requirements for the Commission to adopt rules and carry out other steps for the collection and publication of granular data on the quality and availability of broadband internet service. On July 16, 2020, the Commission adopted a Second Report and Order and Third Further Notice of Proposed Rulemaking that took steps to implement requirements of the Broadband DATA Act, including the adoption of rules for the collection and verification of improved, more precise data on both fixed and mobile broadband availability. On January 13, 2021, the Commission adopted a Third Report and Order that took key additional steps to ensure that both the new data collection itself, and the measures for verifying the accuracy of the data collected, will yield a robust and reliable data resource for the Commission, Congress, federal and state policymakers, and consumers to evaluate the status of broadband deployment throughout the United States.

*Timetable:*

Action	Date	FR Cite
3rd FNPRM .....	08/12/20	85 FR 50911
2nd R&O .....	08/18/20	85 FR 50886
3rd FNPRM Comment Period End.	09/08/20	
3rd FNPRM Reply Comment Period End.	09/17/20	
3rd R&O .....	04/07/21	86 FR 18124
Proposed Rule .....	07/28/21	86 FR 40398
Proposed Rule Comment Period End.	09/10/21	
Proposed Rule Reply Comment Period End.	09/27/21	
Order (release date).	03/09/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes*

*Agency Contact:* John Cobb, Legal Advisor, Broadband Data Task Force, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2655, *Email:* john.cobb@fcc.gov, *RIN:* 3060-AL42

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Office of Engineering and Technology*  
Long-Term Actions

**292. Use of the 5.850-5.925 GHz Band (ET Docket No. 19-138) [3060-AK96]**

*Legal Authority:* 47 U.S.C. 1; 47 U.S.C. 4(i); 47 U.S.C.301; 47 U.S.C.302; 47 U.S.C.303; 47 U.S.C.316; 47 U.S.C.332; 47 CFR 1.411

*Abstract:* In this proceeding, we repurpose 45 megahertz of the 5.850-5.925 GHz band (the 5.9 GHz band) to allow for the expansion of unlicensed mid-band spectrum operations, while continuing to dedicate 30 megahertz of spectrum for vital intelligent transportation system (ITS) operations. In addition, to promote the most efficient and effective use of this ITS spectrum, we are requiring the ITS service to use cellular vehicle-to-everything (C-V2X) based technology at the end of a transition period. By splitting the 5.9 GHz band between unlicensed and ITS uses, today's decision puts the 5.9 GHz band in the best position to serve the needs of the American public.

In the Further Notice, the Commission addresses issues remaining to finalize the restructuring of the 5.9 GHz band. Specifically, the Commission addresses: The transition of ITS operations in the

5.895-5.925 GHz band from Dedicated Short Range Communications (DSRC) based technology to Cellular Vehicle-to-Everything (C-V2X) based technology; the codification of C-V2X technical parameters in the Commission's rules; other transition considerations; and the transmitter power and emissions limits, and other issues, related to full-power outdoor unlicensed operations across the entire 5.850-5.895 GHz portion of the 5.9 GHz band. The Commission modified the Further Notice released on November 20, 2020, with an Erratum released on December 11, 2020. The Commission released a Second Erratum on February 9, 2021. The corrections from these errata are included in this document.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/06/20	85 FR 6841
NPRM Comment Period End.	03/09/20	
R&O & Order of Proposed Modification.	05/03/21	86 FR 23281
FNPRM .....	05/03/21	86 FR 23323
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Howard Griboff, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0657, *Fax:* 202 418-2824, *Email:* howard.griboff@fcc.gov, *RIN:* 3060-AK96

**293. Allowing Earlier Equipment Marketing and Importation Opportunities; Petition To Expand Marketing Opportunities for Innovative Technologies (ET Docket No. 20-382 & RM-11857) NPRM, 86 FR 2337, January 1 [3060-AL18]**

*Legal Authority:* 47 U.S.C. 154(i), 301, 302a, 303(c), 303(f), and 303(r)

*Abstract:* In this document, the Commission recognize that our equipment authorization rules have in some ways failed to keep pace with developments in the modern device ecosystem. In particular, our rules limit the ability of device manufacturers to market and import radiofrequency devices in the most efficient and cost-effective ways possible. We therefore take the opportunity here to propose specific rule changes that would allow device manufacturers to take full advantage of modern marketing and importation practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/12/21	86 FR 2337
NPRM Comment Period End.	02/11/21	
R&O, published 09/20/21. Next Action Unde- termined.	04/05/22	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Thomas Struble, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2470, *Email:* thomas.struble@fcc.gov.

Brian Butler, Attorney, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2702, *Email:* brian.butler@fcc.gov.

*RIN:* 3060-AL18

**294. Unlicensed White Space Device Operations in the Television Bands (ET Docket No. 20-36) [3060-AL22]**

*Legal Authority:* 47 U.S.C.154(i); 47 U.S.C. 201; 47 U.S.C. 302a; 47 U.S.C. 303; 47 U.S.C. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission revises its rules to provide additional opportunities for unlicensed white space devices operating in the broadcast television bands (TV bands) to deliver wireless broadband services in rural areas and applications associated with the Internet of Things (IoT). This region of the spectrum has excellent propagation characteristics that make it particularly attractive for delivering communications services over long distances, coping with variations in terrain, as well as providing coverage into and within buildings. We offer several proposals to spur continued growth of the white space device ecosystem, especially for providing affordable broadband service to rural and underserved communities that can help close the digital divide.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/03/20	85 FR 18901
NPRM Comment Period End.	04/03/20	
R&O .....	01/12/21	86 FR 2278
Proposed Rule FR published 2/ 25/21 at 86 FR 11490. Next Action Unde- termined.	04/05/22	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L

Street NE, Washington, DC 20554, *Phone:* 202 418-7506, *Fax:* 202 418-1944, *Email:* hugh.vantuyl@fcc.gov.

*RIN:* 3060-AL22

**295. Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization and Competitive Bidding Programs; ET Docket No. 21-232, EA Docket No. 21-233 [3060-AL23]**

*Legal Authority:* secs. 4(i), 301, 302, 303, 309(j), 312, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. secs. 154(i), 301, 302a, 303, 309(j), 312, 316, and sec. 1.411

*Abstract:* In this proceeding, the Commission proposes prohibiting the authorization of any communications equipment on the list of equipment and services (Covered List) that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019. Such equipment has been found to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons. We also seek comment on whether and under what circumstances we should revoke any existing authorizations of such covered communications equipment. We invite comment on whether we should require additional certifications relating to national security from applicants who wish to participate in Commission auctions. In the Notice of Inquiry, we seek comment on other actions the Commission should consider taking to create incentives in its equipment authorization processes for improved trust through the adoption of cybersecurity best practices in consumer devices.

*Timetable:*

Action	Date	FR Cite
NPRM and NOI ...	08/19/21	86 FR 46644
NPRM Comment Period End. Next Action Unde- termined.	09/20/21	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Jamie Coleman, Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2705, *Email:* jaime.coleman@fcc.gov.

*RIN:* 3060-AL23

**296. Wireless Microphones in the TV Bands (ET Docket No. 21-115), 600 MHz Guard Band, 600 MHz Duplex Gap, and the 941.5-944 MHz, 944-952 MHz, 952.850-956.250 MHz, 956.45-959.85 MHz, 1435-1525 MHz [3060-AL27]**

*Legal Authority:* 47 U.S.C. secs. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission seeks to enhance the spectral efficiency of wireless microphones by permitting a recently developed type of wireless microphone system, termed herein as a Wireless Multi-Channel Audio System (WMAS), to operate in certain frequency bands. This emerging technology would enable more wireless microphones to operate in the spectrum available for wireless microphone operations, and thus advances an important Commission goal of promoting efficient spectrum use. The Commission proposes to revise the applicable technical rules for operation of low-power auxiliary station (LPAS) devices to permit WMAS to operate in the broadcast television (TV) bands and other LPAS frequency bands on a licensed basis. The Commission also proposes to update the existing LPAS and wireless microphone rules to reflect the end of the post-Incentive auction transition period and update references to international wireless microphone standards.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/21	86 FR 35046
NPRM Comment Period End. Next Action Unde- termined.	08/02/21	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7506, *Fax:* 202 418-1944, *Email:* hugh.vantuyl@fcc.gov. *RIN:* 3060-AL27

**297. • FCC Seeks To Enable State-of-the-Art Radar Sensors in 60 GHz Band [3060-AL36]**

*Legal Authority:* 47 U.S.C. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* In this proceeding, the Commission proposes to revise the Commission's rules to provide expanded operational flexibility to unlicensed field disturbance sensor (FDS) devices (e.g., radars) that operate in the 57-64 GHz band (60 GHz band).

The Commission’s proposal recognizes the increasing practicality of using mobile radar devices in the 60 GHz band to perform innovative and life-saving functions, including gesture control, detection of unattended children in vehicles, and monitoring of vulnerable medical patients, and it is designed to stimulate the development of new products and services in a wide variety of areas to include, for example, personal safety, autonomous vehicles, home automation, environmental control, and healthcare monitoring, while also ensuring coexistence among unlicensed FDS devices and current and future unlicensed communications devices in the 60 GHz band.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/19/21	86 FR 46661
NPRM Comment Period End.	10/18/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Anh Wride, Electronics Engineer, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, Phone: 202 418-0577, Fax: 202 418-1944, Email: [anh.wride@fcc.gov](mailto:anh.wride@fcc.gov).

Thomas Struble, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-2470, Email: [thomas.struble@fcc.gov](mailto:thomas.struble@fcc.gov).

RIN: 3060-AL36

**298. • FCC Proposes To Update Equipment Authorization Rules To Incorporate New and Revised Industry Standards [3060-AL39]**

*Legal Authority:* 47 U.S.C. 154(i), 301, 302a, 303, and sections 1.407 and 1.411

*Abstract:* We propose targeted updates to our rules to incorporate four new and updated standards that are integral to the testing of equipment and accreditation of laboratories that test RF devices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/17/22	87 FR 15180
NPRM Comment Period End.	04/16/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brian Butler, Attorney, Federal Communications Commission, 45 L Street NE,

Washington, DC 20554, Phone: 202 418-2702, Email: [brian.butler@fcc.gov](mailto:brian.butler@fcc.gov).

RIN: 3060-AL39

**299. • Allocation of Spectrum for Non-Federal Space Launch Operations (ET Docket No. 13-115) [3060-AL44]**

*Legal Authority:* 47 U.S.C. 151, 152, 154(i), 155(c), 301, 303(c), 303(f), and 303(r)

*Abstract:* In this proceeding, the Federal Communications Commission (Commission) takes steps towards establishing a spectrum allocation and licensing framework that will provide regulatory certainty and improved efficiency and that will promote innovation and investment in the United States commercial space launch industry. In the Further Notice of Proposed Rulemaking, the Commission seeks comment on the definition of space launch operations, the potential allocation of spectrum for the commercial space launch industry, including the 420-430 MHz, 2025-2110 MHz, and 5650-5925 MHz bands. In addition, the Commission seeks comment on establishing service rules, including licensing and technical rules and coordination procedures, for the use of spectrum for commercial space launch operations. Finally, the Commission seeks to refresh the record on potential ways to facilitate Federal use of commercial satellite services in what are currently non-Federal satellite bands and enable more robust federal use of the 399.9-400.05 MHz band.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/10/21	86 FR 30860
NPRM Comment Period End.	08/09/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nicholas Oros, Supervisory Attorney Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-0636, Email: [nicholas.oros@fcc.gov](mailto:nicholas.oros@fcc.gov).

RIN: 3060-AL44

**300. • FCC Looks To Open the Door to New Wireless Microphone Technologies [3060-AL45]**

*Legal Authority:* 47 U.S.C. 154(i), 201, 302a, 303, and secs. 1.407 and 1.411

*Abstract:* In this document, the Commission aims to enhance the spectral efficiency of wireless microphones by permitting a recently developed type of wireless microphone system, termed herein as a Wireless

Multi-Channel Audio System (WMAS), to operate in certain frequency bands. This emerging technology would enable more wireless microphones to operate in the spectrum available for wireless microphone operations, and thus advances an important Commission goal of promoting efficient spectrum use. The Commission proposes to revise the applicable technical rules for operation of low-power auxiliary station (LPAS) devices to permit WMAS to operate in the broadcast television (TV) bands and other LPAS frequency bands on a licensed basis. The Commission also proposes to update the existing LPAS and wireless microphone rules to reflect the end of the post-Incentive auction transition period and update references to international wireless microphone standards.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/10/21	86 FR 35036
NPRM Comment Period End.	08/30/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Hugh Van Tuyl, Electronics Engineer, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-7506, Fax: 202 418-1944, Email: [hugh.vantuyl@fcc.gov](mailto:hugh.vantuyl@fcc.gov).

RIN: 3060-AL45

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*International Bureau*

*Long-Term Actions*

**301. Update to Parts 2 and 25 Concerning Nongeostationary, Fixed-Satellite Service Systems, and Related Matters: IB Docket No. 16-408 [3060-AK59]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 303; 47 U.S.C. 316

*Abstract:* On January 11, 2017, the Commission began a rulemaking to update its rules and policies concerning non-geostationary-satellite orbit (NGSO), fixed-satellite service (FSS) systems and related matters. The Commission proposed among other things, to provide for more flexible use of the 17.8-20.2 GHz bands for FSS, promote shared use of spectrum among NGSO FSS satellite systems, and remove unnecessary design restrictions on NGSO FSS systems. The Commission subsequently adopted a Report and

Order establishing new sharing criteria among NGSO FSS systems and providing additional flexibility for FSS spectrum use. The Commission also released a Further Notice of Proposed Rulemaking proposing to remove the domestic coverage requirement for NGSO FSS systems and later adopted a Second Report and Order removing this requirement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/11/17	82 FR 3258
NPRM Comment Period End.	04/10/17	
FNPRM .....	11/15/17	82 FR 52869
R&O .....	12/18/17	82 FR 59972
FNPRM Comment Period End.	01/02/18	
2nd R&O .....	02/21/21	86 FR 11642
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0803, *Email:* clay.decell@fcc.gov. *RIN:* 3060-AK59

**302. Amendment of Parts 2 and 25 of the FCC Rules To Facilitate the Use of Earth Stations in Motion Communicating With Geostationary Orbit Space Stations in FSS Bands: IB Docket No. 17-95 [3060-AK84]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

*Abstract:* In June 2017, the Commission began a rulemaking to streamline, consolidate, and harmonize rules governing earth stations in motion (ESIMs) used to provide satellite-based services on ships, airplanes and vehicles communicating with geostationary-satellite orbit (GSO), fixed-satellite service (FSS) satellite systems. In September 2018, the Commission adopted rules governing communications of ESIMs with GSO satellites. These rules addressed communications in the conventional C-, Ku-, and Ka-bands, as well as portions of the extended Ku-band. At the same time, the Commission also released a Further Notice of Proposed Rulemaking that sought comment on allowing ESIMs to operate in all of the frequency bands in which earth stations at fixed locations operating in GSO FSS satellite networks can be blanket-licensed. Specifically, comment was sought on expanding the frequencies available for communications of ESIMs

with GSO FSS satellites to include the following frequency bands: 10.7–10.95 GHz, 11.2–11.45 GHz, 17.8–18.3 GHz, 18.8–19.3 GHz, 19.3–19.4 GHz, 19.6–19.7 GHz (space-to-Earth); and 28.6–29.1 GHz (Earth-to-space).

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/16/17	82 FR 27652
NPRM Comment Period End.	08/30/17	
OMB-approval for Information Collection of R&O Comment Period End.	08/28/18	
FNPRM .....	07/24/20	85 FR 44818
R&O .....	07/24/20	85 FR 44772
FNPRM Comment Period End.	09/22/20	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1593, *Email:* cindy.spiers@fcc.gov. *RIN:* 3060-AK84

**303. Further Streamlining Part 25 Rules Governing Satellite Services: IB Docket No. 18-314 [3060-AK87]**

*Legal Authority:* 47 U.S.C. secs. 154(i); 47 U.S.C. 161; 47 U.S.C. 303; 47 U.S.C. 316

*Abstract:* Under the Commission’s rules, satellite operators must follow separate application and authorization processes for the satellites and earth stations that make up their networks and have no option for a single, unified network license. In a Notice of Proposed Rulemaking, the FCC proposed to create a new, optional, unified license to include both space stations and earth stations operating in a geostationary-satellite orbit, fixed-satellite service (GSO FSS) satellite network. In addition, the Commission proposed to repeal or modify unnecessarily burdensome rules in part 25 governing satellite services, such as annual reporting requirements. These proposals would greatly simplify the Commission’s licensing and regulation of satellite systems. In a subsequent Report and Order, the Commission streamlined its rules governing satellite services by creating an optional framework for the authorization of blanket-licensed earth stations and space stations in a satellite system through a unified license. The Commission also aligned the build-out

requirements for earth stations and space stations and eliminated unnecessary reporting rules.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/31/19	84 FR 638
NPRM Comment Period End.	03/18/19	
NPRM Reply Comment Period End.	04/16/19	
Report & Order ... Next Action Undetermined.	03/01/21	86 FR 11880

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0803, *Email:* clay.decell@fcc.gov. *RIN:* 3060-AK87

**304. Facilitating the Communications of Earth Stations in Motion With Non-Geostationary Orbit Space Stations: IB Docket No. 18-315 [3060-AK89]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

*Abstract:* In November 2018, the Commission adopted a notice of proposed rulemaking that proposed to expand the scope of the Commission’s rules governing ESIMs operations to cover communications with NGSO FSS satellites. Comment was sought on establishing a regulatory framework for communications of ESIMs with NGSO FSS satellites that would be analogous to that which exists for ESIMs communicating with GSO FSS satellites. In this context, comment was sought on: (1) allowing ESIMs to communicate in many of the same conventional Ku-band, extended Ku-band, and Ka-band frequencies that were allowed for communications of ESIMs with GSO FSS satellites (with the exception of the 18.6–18.8 GHz and 29.25–29.5 GHz frequency bands); (2) extending blanket licensing to ESIMs communicating with NGSO satellites; and (3) revisions to specific provisions in the Commission’s rules to implement these changes. The specific frequency bands for communications of ESIMs with NGOS FSS satellites on which comment was sought are as follows: 10.7–11.7 GHz; 11.7–12.2 GHz; 14.0–14.5 GHz; 17.8–18.3 GHz; 18.3–18.6 GHz; 18.8–19.3 GHz; 19.3–19.4 GHz; 19.6–19.7 GHz; 19.7–20.2 GHz; 28.35–28.6 GHz; 28.6–29.1 GHz; and 29.5–30.0 GHz.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/28/18	83 FR 67180
NPRM Comment Period End.	03/13/19	
R&O .....	07/24/20	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Cindy Spiers, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1593, *Email:* cindy.spiers@fcc.gov. *RIN:* 3060-AK89

**305. Mitigation of Orbital Debris in the New Space Age: IB Docket No. 18-313 [3060-AK90]**

*Legal Authority:* 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 605; 47 U.S.C. 721

*Abstract:* The Commission’s current orbital debris rules were first adopted in 2004. Since then, significant changes have occurred in satellite technologies and market conditions, particularly in Low Earth Orbit, *i.e.*, below 2000 kilometers altitude. These changes include the increasing use of lower cost small satellites and proposals to deploy large constellations of non-geostationary satellite orbit (NGSO) systems, some involving thousands of satellites.

The NPRM proposes changes to improve disclosure of debris mitigation plans. The NPRM also makes proposals and seeks comment related to satellite disposal reliability and methodology, appropriate deployment altitudes in low-Earth-orbit, and on-orbit lifetime, with a particular focus on large NGSO satellite constellations. Other aspects of the NPRM include new rule proposals for geostationary orbit satellite (GSO) license term extension requests, and consideration of disclosure requirements related to several emerging technologies and new types of commercial operations, including rendezvous and proximity operations.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/19/19	84 FR 4742
NPRM Comment Period End.	05/06/19	
R&O .....	08/25/20	85 FR 52422
FNPRM .....	08/25/20	85 FR 52455
FNPRM Comment Period End.	10/09/20	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Merissa Velez, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0751, *Email:* merissa.velez@fcc.gov. *RIN:* 3060-AK90

**306. Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership (IB Docket No. 16-155) [3060-AL12]**

*Legal Authority:* 47 U.S.C 154(l); 47 U.S.C. 154(j); 47 U.S.C. 214; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 413; 47 U.S.C. 34-39; E.O. 10530; 3 U.S.C. 301

*Abstract:* In this proceeding, the Commission considers rules and procedures that streamline and improve the timeliness and transparency of the process by which the Commission refers certain applications and petitions for declaratory ruling to the Executive Branch agencies for assessment of any national security, law enforcement, foreign policy or trade policy issues related to foreign investment in the applicants and petitioners.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/24/16	81 FR 46870
NPRM Comment Period End.	09/02/16	
Public Notice .....	04/27/20	85 FR 29914
Public Notice Comment Period End.	09/02/20	
Report & Order ...	10/01/20	85 FR 76360
Public Notice .....	12/30/20	85 FR 12312
Public Notice Comment Period End.	04/19/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Arthur T. Lechtman, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1465, *Fax:* 202 418-0175, *Email:* arthur.lechtman@fcc.gov. *RIN:* 3060-AL12

**307. Parts 2 and 25 To Enable GSO FSS in the 17.3-17.8 GHz Band, Modernize Rules for 17/24 GHz BSS Space Stations, and Establish Off-Axis Uplink Power Limits for Extended KA-Band FSS (IB Doc. No. 20-330) [3060-AL28]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j)

*Abstract:* This item addresses the addition of an allocation in the 17.3-17.7 GHz and 17.7-17.8 GHz bands to the fixed-satellite service in the space-to-Earth direction. The Notice of Proposed Rulemaking proposes to add these allocations to the U.S. Table of Frequency Allocations (non-Federal), and proposes modification of existing technical rules to prevent harmful interference between services in these bands.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/01/21	86 FR 7660
NPRM Comment Period End.	03/03/21	
NPRM Reply Comment Period End.	03/18/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Sean O’More, Attorney Advisor, International Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 245 418-2453, *Email:* sean.omore@fcc.gov. *RIN:* 3060-AL28

**308. • Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: IB Docket No. 21-456 [3060-AL41]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 157(a); 47 U.S.C. 303; 47 U.S.C. 308(b); 47 U.S.C. 316

*Abstract:* This Notice of Proposed Rulemaking (NPRM) seeks comment on revisions to the spectrum sharing requirements among non-geostationary satellite orbit (NGSO), fixed-satellite service (FSS) systems. The NPRM proposes that the Commission’s existing spectrum sharing mechanism for NGSO FSS systems will be limited to those systems approved in the same processing round. The NPRM also proposes to adopt a rule providing that later-round NGSO FSS systems will have to protect earlier-round systems, and invites comment on how to define such protection. In addition, the NPRM seeks comment on whether to sunset, after a period of time, the interference protection afforded to an NGSO FSS system because of its processing round status.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/24/22	87 FR 3481
NPRM Comment Period End.	03/25/22	

Action	Date	FR Cite
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Clay DeCell, Attorney Advisor, Federal Communications Commission, International Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0803, *Email:* clay.decell@fcc.gov.  
*RIN:* 3060-AL41

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Media Bureau*

Long-Term Actions

**309. Revision of EEO Rules and Policies (MM Docket No. 98-204) [3060-AH95]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 257; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 334; 47 U.S.C. 403; 47 U.S.C. 554

*Abstract:* FCC authority to govern Equal Employment Opportunity (EEO) responsibilities of cable television operators was codified in the Cable Communications Policy Act of 1984. This authority was extended to television broadcast licensees and other multi-channel video programming distributors (MVPDs) in the Cable and Television Consumer Protection Act of 1992. In the Second Report and Order, the FCC adopted new EEO rules and policies. This action was in response to a decision of the U.S. Court of Appeals for the District of Columbia Circuit that found prior EEO rules unconstitutional. The Third Notice of Proposed Rulemaking (NPRM) requested comment as to the applicability of the EEO rules to part-time employees. The Third Report and Order adopted revised forms for broadcast station and MVPD Annual Employment Reports. The 2021 NPRM sought to update the existing record.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/14/02	67 FR 1704
Second R&O and Third NPRM.	01/07/03	68 FR 670
Correction .....	01/13/03	68 FR 1657
Fourth NPRM .....	06/23/04	69 FR 34986
Third R&O .....	06/23/04	69 FR 34950
FNPRM .....	08/31/21	86 FR 48610
FNPRM Comment Period End.	09/30/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2757, *Email:* brendan.holland@fcc.gov.  
*RIN:* 3060-AH95

**310. Establishment of Rules for Digital Low-Power Television, Television Translator, and Television Booster Stations (MB Docket No. 03-185) [3060-AI38]**

*Legal Authority:* 47 U.S.C. 309; 47 U.S.C. 336

*Abstract:* This proceeding initiated the digital television conversion for low-power television (LPTV) and television translator stations. The rules and policies adopted as a result of this proceeding provide the framework for these stations' conversion from analog to digital broadcasting.

The Report and Order adopts definitions and permissible use provisions for digital TV translator and LPTV stations. The Second Report and Order takes steps to resolve the remaining issues in order to complete the low-power television digital transition. The third Notice of Proposed Rulemaking seeks comment on a number of issues related to the potential impact of the incentive auction and the repacking process.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/26/03	68 FR 55566
NPRM Comment Period End.	11/25/03	
R&O .....	11/29/04	69 FR 69325
FNPRM and MO&O.	10/18/10	75 FR 63766
2nd R&O .....	07/07/11	76 FR 44821
3rd NPRM .....	11/28/14	79 FR 70824
NPRM Comment Period End.	12/29/14	
NPRM Reply Comment Period End.	01/12/15	
3rd R&O .....	02/01/16	81 FR 5041
4th NPRM .....	02/01/16	81 FR 5086
Comment Period End.	02/22/16	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Shaun Maher, Attorney, Video Division, Federal Communications Commission, Media Bureau, 45 L. Street NE, Washington, DC 20554, *Phone:* 202 418-2324, *Fax:* 202 418-2827, *Email:* shaun.maher@fcc.gov.  
*RIN:* 3060-AI38

**311. Preserving Vacant Channels in the UHF Television Band for Unlicensed Use; (MB Docket No. 15-146) [3060-AK43]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 308; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 403

*Abstract:* In this proceeding, the Commission considers proposals to preserve vacant television channels in the UHF television band for shared use by white space devices and wireless microphones following the repacking of the band after the conclusion of the Incentive Auction. In the 2015 NPRM, the Commission proposed preserving in each area of the country at least one vacant television channel. In the 2021 Report and Order, the Commission declined to adopt rules proposed in the 2015 NPRM. Petitions for reconsideration are pending.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/02/15	80 FR 38158
NPRM Comment Period End.	08/03/15	
NPRM Reply Comment Period End.	08/31/15	
Public Notice .....	09/01/15	80 FR 52715
R&O .....	02/12/21	86 FR 9297
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Shaun Maher, Attorney, Video Division, Federal Communications Commission, Media Bureau, 45 L. Street NE, Washington, DC 20554, *Phone:* 202 418-2324, *Fax:* 202 418-2827, *Email:* shaun.maher@fcc.gov  
*RIN:* 3060-AK43

**312. Authorizing Permissive Use of the "Next Generation" Broadcast Television Standard (GN Docket No. 16-142) [3060-AK56]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307 to 309; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 325(b); 47 U.S.C. 336; 47 U.S.C. 399(b); 47 U.S.C. 403; 47 U.S.C. 534; 47 U.S.C. 535

*Abstract:* In this proceeding, the Commission seeks to authorize television broadcasters to use the "Next Generation" ATSC 3.0 broadcast television transmission standard on a voluntary, market-driven basis, while they continue to deliver current-generation digital television broadcast

service to their viewers. In the Report and Order, the Commission adopted rules to afford broadcasters flexibility to deploy ATSC 3.0-based transmissions, while minimizing the impact on, and costs to, consumers and other industry stakeholders.

In the 2nd R&O, the Commission provided additional guidance to broadcasters deploying Next Gen TV.

In 2021, the Commission made a technical modification to the rules governing the use of a distribution transmission system by a television station to account for deployment of ATSC 3.0. Further, the Commission released an FNPRM that sought comment on rule changes designed to preserve over-the-air viewers access to the widest possible range of television programming.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/10/17	82 FR 13285
NPRM Comment Period End.	05/09/17	
FNPRM .....	12/20/17	82 FR 60350
R&O .....	02/02/18	83 FR 4998
FNPRM Comment Period End.	02/20/18	
FNPRM Reply Comment Period End.	03/20/18	
NPRM .....	05/13/20	85 FR 28586
2nd R&O Order on Recon.	07/17/20	85 FR 43478
Report & Order ...	04/22/21	86 FR 21217
FNPRM .....	12/13/21	86 FR 70793
FNPRM Comment Period End.	02/11/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes*

*Agency Contact:* Ty Bream, Attorney Advisor, Industry Analysis Div., Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0644, *Email:* ty.bream@fcc.gov.

*RIN:* 3060-AK56

**313. 2018 Quadrennial Regulatory Review of the Commission’s Broadcast Ownership Rules (MB Docket 18-349) [3060-AK77]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152(a); 47 U.S.C. 154(i); 47 U.S.C. 257; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 403; sec. 202(h) of the Telecommunications Act

*Abstract:* Section 202(h) of the Telecommunications Act of 1996 requires the Commission to review its broadcast ownership rules every 4 years and to determine whether any such rules are necessary in the public interest as the result of competition. The rules

subject to review in the 2018 quadrennial review are the Local Radio Ownership Rule, the Local Television Ownership Rule, and the Dual Network Rule. The Commission also sought comment on potential pro-diversity proposals including extending cable procurement requirements to broadcasters, adopting formulas aimed at creating media ownership limits that promote diversity, and developing a model for market-based, tradeable diversity credits to serve as an alternative method for setting ownership limits.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/28/19	84FR 6741
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2757, *Email:* brendan.holland@fcc.gov. *RIN:* 3060-AK77

**314. Equal Employment Opportunity Enforcement (MB Docket 19-177) [3060-AK86]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 334; 47 U.S.C. 554

*Abstract:* In this proceeding, the Commission seeks comment on ways in which it can make improvements to equal employment opportunity (EEO) compliance and enforcement.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/22/19	84 FR 35063
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes*

*Agency Contact:* Radhika Karmarker, Attorney Advisor, IAD, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarker@fcc.gov *RIN:* 3060-AK86

**315. Duplication of Programming on Commonly Owned Radio Stations (MB Docket No. 19-310) [3060-AL19]**

*Legal Authority:* 47 U.S.C. 151. 154(i), 154(j), and 303(r)

*Abstract:* In this proceeding, the Commission eliminated the radio duplication rule. The rule bars same-

service (AM or FM) commercial radio stations from duplicating more than 25% of their total hours of programming in an average broadcast week if the stations have 50% or more contour overlap and are commonly owned or subject to a time brokerage agreement. Petitions for reconsideration are pending.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/23/19	84 FR 70485
Report & Order ...	10/22/20	85 FR 67303
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brendan Holland, Chief, Industry Analysis Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2757, *Email:* brendan.holland@fcc.gov. *RIN:* 3060-AL19

**316. Sponsorship Identification Requirements for Foreign Government-Provided Programming (MB Docket No. 20-299) [3060-AL20]**

*Legal Authority:* 47 U.S.C. 151, 154, 155, 301, 303, 307, 309, 310, 334, 336, 339

*Abstract:* In this proceeding, the Commission modifies its rules to require specific disclosure requirements for broadcast programming that is paid for, or provided by a foreign government or its representative. Petitions for reconsideration are pending.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/24/20	85 FR 74955
R&O .....	06/17/21	86 FR 32221
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Radhika Karmarker, Attorney Advisor, IAD, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1523, *Email:* radhika.karmarker@fcc.gov. *RIN:* 3060-AL20

**317. FM Broadcast Booster Stations (MB Docket 20-401) [3060-AL21]**

*Legal Authority:* 47 U.S.C. 151, 154, 157, 301, 302, 303, 307, 308, 309, 316, 319, 324

*Abstract:* In this proceeding, the Commission proposes to amend its rules to enable FM broadcasters to use FM booster stations to air geo-targeted



content (e.g., news, weather, and advertisements) independent of the signals of its primary station within different portions of the primary station's protected service contour for a limited period of time during the broadcast hour.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/11/21	86 FR 1909
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Al Shuldiner, Chief, Audio Div., Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2700, *Email:* [albert.shuldiner@fcc.gov](mailto:albert.shuldiner@fcc.gov).

RIN: 3060-AL21

**318. Revisions to Political Programming and Record-Keeping Rules (MB Docket No. 21-93) [3060-AL25]**

*Legal Authority:* 47 U.S.C secs. 151, 154(i), 154(j), 303, 307, 312, 315, 335, and 403

*Abstract:* This proceeding was initiated to update the political programming and recordkeeping rules for broadcast licensees, cable television system operators, Direct Broadcast Satellite service providers, and Satellite Digital Audio Radio Service licensees. Given the substantial growth of such programming in recent years, the updates adopted in this proceeding are intended to conform the Commission's rules with statutory amendments, increase transparency, and account for modern campaign practices.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/01/21	86 FR 48942
NPRM Comment Period End.	10/01/21	
R&O .....	02/10/22	87 FR 7748
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Robert Baker, Assistant Division Chief, Policy Division, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554 *Phone:* 202 418-1417, *Email:* [robert.baker@fcc.gov](mailto:robert.baker@fcc.gov)

RIN: 3060-AL25

**319. Updating Broadcast Radio Technical Rules (MB Docket 21-263) [3060-AL26]**

*Legal Authority:* 47 U.S.C. secs. 151, 154(i), 154(j), 301, 303, 307, 308, 309, 316, and 319

*Abstract:* This proceeding was initiated to update the Commission's rules for the broadcast radio services by eliminating or amending outmoded or unnecessary regulations. This update ensures that the Commission's rules are accurate, reducing any potential confusion and alleviating unnecessary burdens.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/12/21	86 FR 43145
NPRM Comment Period End.	09/07/21	
R&O .....	03/18/22	87 FR 15339
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Christine Goepf, Attorney Advisor, Media Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7834, *Email:* [christine.goepf@fcc.gov](mailto:christine.goepf@fcc.gov).

RIN: 3060-AL26

**320. • FM Broadcast Radio Service Directional Antenna Performance Verification (MB Docket No. 21-422) [3060-AL32]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 307; 47 U.S.C. 316; 47 U.S.C. 319

*Abstract:* In this proceeding, the Commission proposes to allow FM broadcasters using directional antennas to verify the antennas' directional patterns through use of computer modeling rather than the physical modeling and measurement required under our current rules.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/30/21	86 FR 67886
NPRM Comment Period End.	12/30/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Thomas Nessinger, Senior Counsel, Audio Division, Federal Communications Commission, Media Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2700, *Email:* [thomas.nessinger@fcc.gov](mailto:thomas.nessinger@fcc.gov).

RIN: 3060-AL32

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Office of Managing Director*

Long-Term Actions

**321. Assessment and Collection of Regulatory Fees [3060-AK64]**

*Legal Authority:* 47 U.S.C. 159

*Abstract:* Section 9 of the Communications Act of 1934, as amended (47 U.S.C. 159), requires the Federal Communications Commission to recover the cost of its activities by assessing and collecting annual regulatory fees from beneficiaries of the activities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/06/17	82 FR 26019
R&O .....	09/22/17	82 FR 44322
NPRM .....	06/14/18	83 FR 27846
NPRM Comment Period End.	06/21/18	
R&O .....	09/18/18	83 FR 47079
NPRM .....	06/05/19	84 FR 26234
NPRM Comment Period End.	06/07/19	
R&O .....	09/26/19	84 FR 50890
NPRM .....	05/08/20	85 FR 32256
R&O .....	06/22/20	85 FR 37364
NPRM .....	05/13/21	86 FR 26262
R&O .....	05/17/21	86 FR 26677
NPRM .....	09/21/21	86 FR 52429
R&O .....	09/22/21	86 FR 52742
NPRM Comment Period End.	10/21/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Roland Helvajian, Office of the Managing Director, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-0444, *Email:* [roland.helvajian@fcc.gov](mailto:roland.helvajian@fcc.gov).

RIN: 3060-AK64

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Public Safety and Homeland Security Bureau*

Long-Term Actions

**322. Wireless E911 Location Accuracy Requirements: PS Docket No. 07-114 [3060-AJ52]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 332

*Abstract:* This rulemaking is related to the proceedings in which the FCC



previously acted to improve the quality of all emergency services. Wireless carriers must provide specific automatic location information in connection with 911 emergency calls to Public Safety Answering Points (PSAPs). Wireless licensees must satisfy enhanced 911 location accuracy standards at either a county-based or a PSAP-based geographic level.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/20/07	72 FR 33948
R&O .....	02/14/08	73 FR 8617
Public Notice .....	09/25/08	73 FR 55473
FNPRM; NOI .....	11/02/10	75 FR 67321
Public Notice .....	11/18/09	74 FR 59539
2nd R&O .....	11/18/10	75 FR 70604
Second NPRM .....	08/04/11	76 FR 47114
Second NPRM Comment Period End.	11/02/11	
Final Rule .....	04/28/11	76 FR 23713
NPRM, 3rd R&O, and 2nd FNPRM.	09/28/11	76 FR 59916
3rd FNPRM .....	03/28/14	79 FR 17820
Order Extending Comment Period.	06/10/14	79 FR 33163
3rd FNPRM Comment Period End.	07/14/14	
Public Notice (Release Date).	11/20/14	
Public Notice Comment Period End.	12/17/14	
4th R&O .....	03/04/15	80 FR 11806
Final Rule .....	08/03/15	80 FR 45897
Order Granting Waiver.	07/10/17	
NPRM .....	09/26/18	83 FR 54180
4th NPRM .....	03/18/19	84 FR 13211
5th R&O .....	01/16/20	85 FR 2660
5th NPRM .....	01/16/20	85 FR 2683
5th NPRM Comment Period End.	03/16/20	
6th R&O and Order on Recon.	08/28/20	85 FR 53234
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-2062, *Email:* [brenda.boykin@fcc.gov](mailto:brenda.boykin@fcc.gov).

*RIN:* 3060-AJ52

**323. Improving Outage Reporting for Submarine Cables and Enhancing Submarine Cable Outage Data; GN Docket No. 15-206 [3060-AK39]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154; 47 U.S.C. 34 to 39; 47 U.S.C. 301

*Abstract:* This proceeding takes steps toward assuring the reliability and resiliency of submarine cables, a critical piece of the Nation’s communications infrastructure, by proposing to require submarine cable licensees to report to the Commission when outages occur and communications are disrupted. The Commission’s intent is to enhance national security and emergency preparedness by these actions. In December 2019, the Commission adopted an Order on Reconsideration that modifies the requirement for submarine cable licensees to report outages to the Commission.

*Timetable:*

Action	Date	FR Cite
NPRM (Release Date).	09/18/15	
R&O .....	06/24/16	81 FR 52354
Petitions for Recon.	09/08/16	
Petitions for Recon—Public Comment.	10/17/16	81 FR 75368
Order on Recon.	12/20/19	84 FR 15733
PRA Approval for new collection.	03/25/21	
Public Notice re effective date.	04/28/21	
Compliance Date for New Rules.	10/28/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Scott Cinnamon, Attorney-Advisor, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554, *Phone:* 202 418-2319, *Email:* [scott.cinnamon@fcc.gov](mailto:scott.cinnamon@fcc.gov). *RIN:* 3060-AK39

**324. Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications: PS Docket No. 15-80 [3060-AK40]**

*Legal Authority:* sec. 1, 4(i), 4(j), 4(o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j); 316, 332, 403, 615a-1, and 615c of Pub. L. 73-416, 4 Stat. 1064, as amended; and sec. 706 of Pub. L. 104-104, 110 Stat. 56; 47 U.S.C. 151, 154(i)-(j) & (o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307; 309(a), 309(j), 316, 332, 403, 615a-1, 615c, and 1302, unless otherwise noted

*Abstract:* The 2004 Report and Order (R&O) extended the Commission’s

communication disruptions reporting rules to non-wireline carriers and streamlined reporting through a new electronic template (see docket ET Docket 04-35). In 2015, this proceeding, PS Docket 15-80, was opened to amend the original communications disruption reporting rules from 2004 in order to reflect technology transitions observed throughout the telecommunications sector. The Commission seeks to further study the possibility to share the reporting database information and access with State and other Federal entities. In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see also Dockets 11-82 and 04-35). The R&O adopted rules to update the part 4 requirements to reflect technology transitions. The FNPRM sought comment on sharing information in the reporting database. Comments and replies were received by the Commission in August and September 2016.

In March 2020, the Commission adopted a Second Further Notice of Proposed Rulemaking in PS Docket No. 15-80 that proposed a framework to provide state and federal agencies with access to outage information to improve their situational awareness while preserving the confidentiality of this data, including proposals to: provide direct, read-only access to NORS and DIRS filings to qualified agencies of the 50 states, the District of Columbia, Tribal nations, territories, and federal government; allow these agencies to share NORS and DIRS information with other public safety officials that reasonably require NORS and DIRS information to prepare for and respond to disasters; allow participating agencies to publicly disclose NORS or DIRS filing information that is aggregated and anonymized across at least four service providers; condition a participating agency’s direct access to NORS and DIRS filings on their agreement to treat the filings as confidential and not disclose them absent a finding by the Commission that allows them to do so; and establish an application process that would grant agencies access to NORS and DIRS after those agencies certify to certain requirements related to maintaining confidentiality of the data and the security of the databases. In March 2021, the Commission adopted the proposed information sharing framework with some modifications in a Second Report and Order. In April 2021, in a Notice of Proposed Rulemaking, the Commission proposed to codify a rule adopted in 2016 that exempts satellite and terrestrial wireless

providers from reporting outages that potentially affect special offices and facilities, as defined in Commission rules. This proceeding addresses the Commission's efforts to improve the utility of its efforts to track network outages and disruptions and does not promote the administration's specified priorities.

In May 2021, the California Public Utilities Commission (CPUC) filed a Petition for Reconsideration (PFR) requesting that the Commission reconsider its decision in the Second Report and Order to maintain the presumption of confidentiality applied to NORS and DIRS filings. The Commission sought comment on the PFR's requests.

*Timetable:*

Action	Date	FR Cite
NPRM, 2nd R&O, Order on Recon.	06/16/15	80 FR 34321
NPRM Comment Period End.	07/31/15	
R&O .....	07/12/16	81 FR 45055
FNPRM, 1 Part 4 R&O, Order on Recon.	08/11/16	81 FR 45059
Order Denying Reply Comment Deadline Extension Request.	09/08/16	
FNPRM Comment Period End.	09/12/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Second Further NPRM.	02/28/20	85 FR 17818
Second Further NPRM Comment Period End.	06/01/20	
2nd R&O .....	04/29/21	86 FR 22796
3rd NPRM .....	06/30/21	86 FR 34679
CPUC PFR Comment Period End.	08/23/21	86 FR 40801
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Saswat Misra, Attorney-Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0944, *Email:* saswat.misra@fcc.gov.

*RIN:* 3060-AK40

**325. New Part 4 of the Commission's Rules Concerning Disruptions to Communications; ET Docket No. 04-35 [3060-AK41]**

*Legal Authority:* 47 U.S.C. 154 and 155; 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 307; 47 U.S.C. 316

*Abstract:* The proceeding creates a new part 4 in title 47 and amends part 63.100. The proceeding updates the Commission's communication disruptions reporting rules for wireline providers formerly in 47 CFR 63.100 and extends these rules to other non-wireline providers. Through this proceeding, the Commission streamlines the reporting process through an electronic template. The Report and Order received several petitions for reconsideration, of which two were eventually withdrawn. In 2015, seven were addressed in an Order on Reconsideration and in 2016 another petition was addressed in an Order on Reconsideration. One petition (CPUC Petition) remains pending regarding NORS database sharing with States, which is addressed in a separate proceeding, PS Docket 15-80. To the extent the communication disruption rules cover VoIP, the Commission studies and addresses these questions in a separate docket, PS Docket 11-82.

In May 2016, the Commission released a Report and Order, FNPRM, and Order on Reconsideration (see Dockets 11-82 and 15-80). The Order on Reconsideration addressed outage reporting for events at airports, and the FNPRM sought comment on database sharing. The Commission received comments and replies in August and September 2016.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/26/04	69 FR 15761
R&O .....	11/26/04	69 FR 68859
Denial for Petition for Partial Stay.	12/02/04	
Seek Comment on Petition for Recon.	02/02/10	
Reply Period End	03/19/10	
Seek Comment on Broadband and Inter-connected VOIP Service Providers.	07/02/10	
Reply Period End 2nd R&O, and Order on Recon, NPRM.	08/16/12	
R&O .....	06/16/15	80 FR 34321
FNPRM, 1 Part 4 R&O, Order on Recon.	07/12/16	81 FR 45055
	08/11/16	81 FR 45095, 81 FR 45055

Action	Date	FR Cite
Order Denying Extension of Time to File Reply Comments.	09/08/16	
Announcement of Effective Date for Rule Changes in R&O.	06/22/17	82 FR 28410
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Robert Finley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7835, *Email:* robert.finley@fcc.gov.

*RIN:* 3060-AK41

**326. Wireless Emergency Alerts (WEA); PS Docket No. 15-91 [3060-AK54]**

*Legal Authority:* Pub. L. 109-347, title VI; 47 U.S.C. 151; 47 U.S.C. 154(i)

*Abstract:* This proceeding was initiated to improve Wireless Emergency Alerts (WEA) messaging, ensure that WEA alerts reach only those individuals to whom they are relevant, and establish an end-to-end testing program based on advancements in technology.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/19/15	80 FR 77289
NPRM Comment Period End.	01/13/16	
NPRM Reply Comment Period End.	02/12/16	
Order .....	11/01/16	81 FR 75710
FNPRM .....	11/08/16	81 FR 78539
Comment Period End.	12/08/16	
Petition for Recon	12/19/16	81 FR 91899
Order on Recon ..	12/04/17	82 FR 57158
2nd R&O and 2nd Order on Recon.	02/28/18	83 FR 8619
Public Notice .....	04/26/18	83 FR 18257
Public Notice Comment Period End.	05/29/18	
Public Notice Reply Comment Period End.	06/11/18	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* James Wiley, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554,

Phone: 202 418-1678, Email: james.wiley@fcc.gov.

RIN: 3060-AK54

**327. • 911 Fee Diversion Rulemaking: PS Docket Nos. 20-291, 09-14 [3060-AL31]**

*Legal Authority:* Consolidated Appropriations Act, 2021, Pub. L. 116-260, Division FF, Title 1X, Section 902, Don't Break Up the T-Band Act of 2020 (section 902).

*Abstract:* In 2020, Congress adopted the "Don't Break Up the T-Band Act" (section 902) to help address the diversion of 911 fees by states and other jurisdictions for purposes unrelated to 911. Among other requirements, Congress mandated that the Commission should issue final rules designating the uses of 911 fees by states and taxing jurisdictions that constitute 911 fee diversion for purposes of 47 U.S.C. 615a-1, as amended by section 902. The Commission initiated this proceeding and issued new rules at 47 CFR 9.21-9.26 that: (1) clarify the purposes and functions for which expenditures of 911 fees are acceptable and which would be considered unacceptable and constitute diversion, with illustrative, non-exhaustive examples of each; (2) establish a declaratory ruling process for providing further guidance to states and taxing jurisdictions on fee diversion issues; and (3) codify the specific obligations and restrictions that section 902 imposes on states and taxing jurisdictions, including those that engage in diversion as defined by the Commission's rules.

*Timetable:*

Action	Date	FR Cite
Notice of Inquiry ..	10/02/20	
NOI Comment Period End.	11/02/20	
NOI Reply Comment Period End.	12/02/20	
NPRM .....	02/17/21	86 FR 12399
NPRM Comment Period End.	03/23/21	
NPRM Reply Comment Period End.	04/02/21	86 FR 12399
Report & Order ...	06/25/21	86 FR 45892
R&O Erratum .....	08/12/21	86 FR 45892
Petition for Recon	12/22/21	86 FR 72546
Oppositions to Petition for Recon.	01/06/22	
Replies to Oppositions to Petition for Recon.	01/18/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Brenda Boykin, Attorney Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-2062, Email: brenda.boykin@fcc.gov.

RIN: 3060-AL31

**328. • Resilient Networks, Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; PS Docket No. 21-346, PS Docket No. 15-80, ET Docket No. 04-35. [3060-AL43]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i)-(j); 47 U.S.C. 154(n)-(o); 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 214; 47 U.S.C. 218; 47 U.S.C. 251(e)(3); 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303(b); 47 U.S.C. 303(g); 47 U.S.C. 303(r); 47 U.S.C. 307; 47 U.S.C. 309(a); 47 U.S.C. 309(j); 47 U.S.C. 316; 47 U.S.C. 332; 47 U.S.C. 403; . . .

*Abstract:* In October 2021, the Commission adopted a Notice of Proposed Rulemaking (NPRM) to investigate ways to improve the reliability and resiliency of communications networks during emergencies and ways to ensure that communications services remain operational when disasters strike. The NPRM sought comment on: (i) potential improvements to the voluntary Wireless Resiliency Cooperative Framework (Framework), including evaluating what triggers its activation, its scope of participants, whether existing Framework elements can be strengthened, any gaps that need to be addressed, and whether the public would benefit from codifying some or all of the Framework, (ii) ways to enhance the information available to the Commission through Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS) during disasters and network outages to improve situational awareness, and (iii) communications resiliency strategies for power outages, including improved coordination between communications service providers and power companies and deploying onsite backup power or other alternative measures to reduce the frequency, duration, or severity of power-related disruptions to communications services. This proceeding addresses network reliability in the context of public safety and does not promote the administration's specified priorities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/01/21	86 FR 61103
NPRM Comment Period End.	01/14/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Saswat Misra, Attorney-Advisor, Public Safety and Homeland Security Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, Phone: 202 418-0944, Email: saswat.misra@fcc.gov.

RIN: 3060-AL43

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Public Safety and Homeland Security Bureau*

Completed Actions

**329. Blue Alert EAS Event Code [3060-AK63]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and 154(o); 47 U.S.C. 301; 47 U.S.C. 303(r) and (v); 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 335; 47 U.S.C. 403; 47 U.S.C. 544(g); 47 U.S.C. 606 and 615

*Abstract:* In 2015, Congress adopted the Blue Alert Act to help the States provide effective alerts to the public and law enforcement when police and other law enforcement officers are killed or are in danger. To ensure that these State plans are compatible and integrated throughout the United States as envisioned by the Blue Alert Act, the Blue Alert Coordinator made a series of recommendations in a 2016 Report to Congress. Among these recommendations, the Blue Alert Coordinator identified the need for a dedicated EAS event code for Blue Alerts, and noted the alignment of the EAS with the implementation of the Blue Alert Act. On June 22, 2017, the FCC released an NPRM proposing to revise the EAS rules to adopt a new event code, which would allow transmission of Blue Alerts to the public over the EAS and thus satisfy the stated need for a dedicated EAS event code. On December 14, 2017, the Commission released an Order adopting a new Blue Alert EAS Code-BLU. EAS participants must be able to implement the BLU code by January 19, 2019. BLU alerts must be available to wireless emergency alerts by July, 2019.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/30/17	82 FR 29811
NPRM Comment Period End.	07/31/17	
NPRM Reply Comment Period End.	08/29/17	
Order .....	12/14/18	83 FR 2557

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Linda Pintro, Attorney Advisor, Policy and Licensing Division, PSHSB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7490, *Email:* linda.pintro@fcc.gov, *RIN:* 3060-AK63

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Wireless Telecommunications Bureau*

Long-Term Actions

**330. Amendment of Parts 1, 2, 22, 24, 27, 90, and 95 of the Commission's Rules To Improve Wireless Coverage Through the Use of Signal Boosters (WT Docket No. 10-4) [3060-AJ87]**

*Legal Authority:* 15 U.S.C. 79; 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 303(r)

*Abstract:* This action adopts new technical, operational, and registration requirements for signal boosters. It creates two classes of signal boosters—consumer and industrial—with distinct regulatory requirements for each, thereby establishing a two-step transition process for equipment certification for both consumer and industrial signal boosters sold and marketed in the United States.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/10/11	76 FR 26983
R&O .....	04/11/13	78 FR 21555
Petition for Reconsideration.	06/06/13	78 FR 34015
Order on Reconsideration.	11/08/14	79 FR 70790
FNPRM .....	11/28/14	79 FR 70837
2nd R&O and 2nd FNPRM.	03/23/18	83 FR 17131
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Jaclyn Rosen, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L

Street NE, Washington, DC 20554, *Phone:* 202 418-0154, *Email:* jaclyn.rosen@fcc.gov, *RIN:* 3060-AJ87

**331. Promoting Technological Solutions To Combat Wireless Contraband Device Use in Correctional Facilities; GN Docket No. 13-111 [3060-AK06]**

*Legal Authority:* 47 U.S.C. 151 to 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 301; 47 U.S.C. 303(a); 47 U.S.C. 303(b); 47 U.S.C. 307 to 310; 47 U.S.C. 332; 47 U.S.C. 302(a)

*Abstract:* In the 2017 Report and Order, 82 FR 22742, the Commission addressed the problem of illegal use of contraband wireless devices by inmates in correctional facilities by streamlining the process of deploying contraband wireless device interdiction systems (CIS)—systems that use radio communications signals requiring Commission authorization—in correctional facilities. In particular, the Commission eliminated certain filing requirements and provides for immediate approval of the lease applications needed to operate these systems. In the 2017 Further Notice, 82 FR 22780, the Commission sought comment on a process for wireless providers to disable contraband wireless devices once they have been identified. The Commission also sought comment on additional methods and technologies that might prove successful in combating contraband device use in correctional facilities, and on various other proposals related to the authorization process for CISs and their deployment.

In the Second Report and Order, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Report and Order adopts a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria, and the Commission addresses issues involving oversight, wireless provider liability, and treatment of 911 calls. The Second Report and Order further adopts rules requiring advance notice of certain wireless provider network changes to promote and maintain contraband interdiction system effectiveness. In the Second Further Notice of Proposed Rulemaking, the Commission takes further steps to facilitate the deployment and viability of technological solutions used to combat contraband wireless devices in correctional facilities. The Second Further Notice of Proposed Rulemaking seeks further comment on the relative

effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in correctional facilities previously identified in the record.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/18/13	78 FR 36469
NPRM Comment Period End.	08/08/13	
FNPRM .....	05/18/17	82 FR 22780
R&O .....	05/18/17	82 FR 22742
Final Rule Effective (Except for Rules Requiring OMB Approval).	06/19/17	
FNPRM Comment Period End.	07/17/17	
Final Rule Effective for 47 CFR 1.9020(n), 1.9030(m), 1.9035(o), and 20.23(a).	10/20/17	82 FR 48773
Final Rule Effective for 47 CFR 1.902(d)(8), 1.9035(d)(4), 20.18(a), and 20.18(f).	02/12/18	
2nd FNPRM .....	08/13/21	86 FR 44681
2nd R&O .....	08/13/21	86 FR 44635
2nd FNPRM Comment Period End.	09/13/21	
Final Rules Effective (except for those requiring OMB approval).	09/13/21	
Reply Comment Period End.	10/12/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Melissa Conway, Attorney Advisor, Mobility Div., Wireless Bureau, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-2887, *Email:* melissa.conway@fcc.gov, *RIN:* 3060-AK06

**332. Promoting Investment in the 3550-3700 MHz Band; GN Docket No. 17-258 [3060-AK12]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i); 47 U.S.C. 154(j); 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307(e); 47 U.S.C. 316

*Abstract:* The Report and Order and Second Further Notice of Proposed Rulemaking (NPRM) adopted by the Commission established a new Citizens Broadband Radio Service for shared wireless broadband use of the 3550 to 3700 MHz band. The Citizens Broadband Radio Service is governed by a three-tiered spectrum authorization

framework to accommodate a variety of commercial uses on a shared basis with incumbent Federal and non-Federal users of the band. Access and operations will be managed by a dynamic spectrum access system. The three tiers are: Incumbent Access, Priority Access, and General Authorized Access. Rules governing the Citizens Broadband Radio Service are found in part 96 of the Commission's rules.

The Order on Reconsideration and Second Report and Order addressed several Petitions for Reconsideration submitted in response to the Report and Order and resolved the outstanding issues raised in the Second Further Notice of Proposed Rulemaking.

The 2017 NPRM sought comment on limited changes to the rules governing Priority Access Licenses in the band, adjacent channel emissions limits, and public release of base station registration information.

The 2018 Report and Order addressed the issues raised in the 2017 NPRM and implemented changes rules governing Priority Access Licenses in the band and public release of base station registration information.

On July 2020, the Commission commenced an auction of Priority Access Licenses in the band. "Winning bidders were announced on September 2, 2020".

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/08/13	78 FR 1188
NPRM Comment Period End.	03/19/13	
FNPRM .....	06/02/14	79 FR 31247
FNPRM Comment Period End.	08/15/14	
R&O and 2nd FNPRM.	06/15/15	80 FR 34119
2nd FNPRM Comment Period End.	08/14/15	
Order on Recon and 2nd R&O.	07/26/16	81 FR 49023
NPRM .....	11/28/17	82 FR 56193
NPRM Comment Period End.	01/29/18	
R&O .....	12/07/18	83 FR 6306
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1613, *Email:* paul.powell@fcc.gov. *RIN:* 3060-AK12

**333. Updating Part 1 Competitive Bidding Rules (WT Docket No. 14-170) [3060-AK28]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 303(r); 47 U.S.C. 309(j); 47 U.S.C. 316

*Abstract:* This proceeding was initiated to revise some of the Commission's general part 1 rules governing competitive bidding for spectrum licenses to reflect changes in the marketplace, including the challenges faced by new entrants, as well as to advance the statutory directive to ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services. In July 2015, the Commission revised its competitive bidding rules, specifically adopting revised requirements for eligibility for bidding credits, a new rural service provider bidding credit, a prohibition on joint bidding agreements and other changes.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/14/14	79 FR 68172
Public Notice .....	03/16/15	80 FR 15715
Public Notice .....	04/23/15	80 FR 22690
R&O .....	09/18/15	80 FR 56764
Public Notice on Petitions for Reconsideration.	11/10/15	80 FR 69630
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Kelly Quinn, Assistant Chief, Auctions and Spectrum Access Division, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-0660, *Email:* kelly.quinn@fcc.gov. *RIN:* 3060-AK28

**334. Use of Spectrum Bands Above 24 GHz for Mobile Services—Spectrum Frontiers: WT Docket 10-112 [3060-AK44]**

*Legal Authority:* 47 U.S.C. 151 to 154; 47 U.S.C. 157; 47 U.S.C. 160; 47 U.S.C. 201; 47 U.S.C. 225; 47 U.S.C. 227; 47 U.S.C. 301 and 302; 47 U.S.C. 302(a); 47 U.S.C. 303 and 304; 47 U.S.C. 307; 47 U.S.C. 309 and 310; 47 U.S.C. 316; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 336; 47 U.S.C. 1302

*Abstract:* In this proceeding, the Commission adopted service rules for licensing of mobile and other uses for millimeter wave (mmW) bands. These high frequencies previously have been best suited for satellite or fixed

microwave applications; however, recent technological breakthroughs have newly enabled advanced mobile services in these bands, notably including very high speed and low latency services. This action will help facilitate Fifth Generation mobile services and other mobile services. In developing service rules for mmW bands, the Commission will facilitate access to spectrum, develop a flexible spectrum policy, and encourage wireless innovation.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/13/16	81 FR 1802
NPRM Comment Period End.	02/26/16	
FNPRM .....	08/24/16	81 FR 58269
Comment Period End.	09/30/16	
FNPRM Reply Comment Period End.	10/31/16	
R&O .....	11/14/16	81 FR 79894
R&O .....	01/02/18	83 FR 37
FNPRM .....	01/02/18	83 FR 85
FNPRM Comment Period End.	01/23/18	
R&O .....	07/20/18	83 FR 34478
FNPRM .....	07/20/18	83 FR 34520
FNPRM Comment Period End.	09/28/18	
R&O .....	02/05/19	84 FR 1618
R&O .....	05/01/19	84 FR 18405
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0797, *Email:* john.schauble@fcc.gov. *RIN:* 3060-AK44

**335. Expanding Flexible Use of the 3.7 to 4.2 GHz Band: GN Docket No. 18-122 [3060-AK76]**

*Legal Authority:* 47 U.S.C.151 to 153; 47 U.S.C.154(i); 47 U.S.C.157; 47 U.S.C. 201; 47 U.S.C. 301 to 304; 47 U.S.C. 307 to 310; 47 U.S.C. 1302; . . .

*Abstract:* In the 2020 Report and Order, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use (plus a 20-megahertz guard band) throughout the contiguous United States. Pursuant to the Report and Order, existing fixed satellite service (FSS) and fixed services (FS) must relocate operations out of the lower portion of the 3.7-4.0 GHz band. The Commission will issue flexible use licenses in the 3.7-3.98 GHz portion of the band in the contiguous United States via a system of competitive

bidding. The Commission established rules to govern the transition including optional payments for satellite operators that choose to relocate on an accelerated schedule and provide reimbursement to FSS operators and their associated earth stations for reasonable expenses incurred to facilitate the transition. The Report and Order also established service and technical rules for the new flexible use licenses that will be issued in the 3.7–3.98 GHz portion of the band. “On December 8, 2020, the Commission began an auction of licenses in the 3.7–3.98 GHz portion of the band. the winning bidders were announced on February 24, 2021”.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/29/18	83 FR 44128
NPRM Comment Period End.	11/27/18	
Public Notice .....	05/20/19	84 FR 22733
Certifications and Data Filing Deadline.	05/28/19	
Public Notice .....	06/03/19	84 FR 22514
Public Notice Comment Period End.	07/03/19	
Public Notice Reply Comment Period End.	07/18/19	
R&O .....	04/23/20	85 FR 22804
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Paul Powell, Assistant Chief, Mobility Division, WTB, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1613, *Email:* paul.powell@fcc.gov. *RIN:* 3060–AK76

**336. Amendment of the Commission’s Rules To Promote Aviation Safety: WT Docket No. 19–140 [3060–AK92]**

*Legal Authority:* 47 U.S.C. 154; 47 U.S.C. 303; 307(e)

*Abstract:* The Federal Communications Commission regulates the Aviation Radio Service, a family of services using dedicated spectrum to enhance the safety of aircraft in flight, facilitate the efficient movement of aircraft both in the air and on the ground, and otherwise ensure the reliability and effectiveness of aviation communications. Recent technological advances have prompted the Commission to open this new rulemaking proceeding to ensure the timely deployment and use of today’s state-of-the-art safety-enhancing

technologies. With this Notice of Proposed Rulemaking, the Commission proposes changes to its part 87 Aviation Radio Service rules to support the deployment of more advanced avionics technology, increase the efficient use of limited spectrum resources, and generally improve aviation safety.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/02/19	84 FR 31542
NPRM Comment Period End.	09/03/19	
NPRM Reply Comment Period End.	09/30/19	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Jeff Tobias, Attorney Advisor, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1617, *Email:* jeff.tobias@fcc.gov. *RIN:* 3060–AK92

**337. Implementation of State and Local Governments’ Obligation To Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012 (WT Docket No. 19–250) [3060–AL29]**

*Legal Authority:* 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

*Abstract:* In this proceeding, the Commission seeks to reduce regulatory barriers to wireless infrastructure deployment by further streamlining the state and local government review process for modifications to existing wireless infrastructure under section 6409(a) of the Spectrum Act of 2012.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/02/20	85 FR 39859
Declaratory Ruling	07/27/20	85 FR 45126
NPRM Comment Period End.	08/03/20	
R&O .....	12/03/20	85 FR 78005
Petition for Recon	03/03/21	86 FR 12898
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Georgios Leris, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1994, *Email:* georgios.leris@fcc.gov. *RIN:* 3060–AL29

**338. • Expanding Flexible Use of the 12.2–12.7 GHz Band, et al., WT Docket No. 20–443, et al. [3060–AL40]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 152; 47 U.S.C. 153; 47 U.S.C. 154; 47 U.S.C. 155; 47 U.S.C. 157; 47 U.S.C. 301; 47 U.S.C. 302; 47 U.S.C. 303; 47 U.S.C. 304; 47 U.S.C. 307; 47 U.S.C. 309; 47 U.S.C. 310; 47 U.S.C. 316

*Abstract:* The Commission seeks input on feasibility of allowing mobile services in the 12.2–12.7 GHz band while protecting incumbents from harmful interference.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/08/21	86 FR 13266
NPRM Comment Period End.	05/07/21	
NPRM Reply Comment Period End.	07/07/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Madelaine Major, Assistant Division Chief, Broadband Div., WTB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1466, *Email:* madelaine.major@fcc.gov. *RIN:* 3060–AL40

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Wireless Telecommunications Bureau*

Completed Actions

**339. Revisions to Reporting Requirements Governing Hearing Aid Compatible Mobile Handsets (WT Docket No. 17–228) [3060–AK72]**

*Legal Authority:* 47 U.S.C. 151, 152(a) 154(i), 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, 615c

*Abstract:* In this proceeding, the Commission seeks to provide relief to non-nationwide service providers by revising the Commission’s wireless hearing aid compatibility reporting requirements. In doing so, the Commission seeks to reduce the regulatory burden and provide a cost savings for service providers, while maintaining its enforcement objectives.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/13/17	82 FR 47663
NPRM Comment Period End.	11/17/17	

Action	Date	FR Cite
R&O .....	12/07/18	83 FR 63098
Final Rule .....	08/01/19	84 FR 37591
Final Action .....	08/01/19	84 FR 37591

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Eli Johnson, Senior Attorney, CIPD, Federal Communications Commission, Wireless Telecommunications Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1395, *Email:* eli.johnson@fcc.gov.  
*RIN:* 3060-AK72

**340. Transforming the 2.5 GHz Band, WT Docket No. 18-120 [3060-AK75]**

*Legal Authority:* 47 U.S.C. 151 to 153; 47 U.S.C. 154(i); 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 301 and 302; 47 U.S.C. 304; 47 U.S.C. 307 to 310; 47 U.S.C. 1302

*Abstract:* The 2.5 GHz band (2496-2690 MHz) constitutes the single largest band of contiguous spectrum below 3 GHz and has been identified as prime spectrum for next generation mobile operations, including 5G uses. Significant portions of this band, however, currently lie fallow across approximately one-half of the United States, primarily in rural areas. Moreover, access to the Educational Broadband Service (EBS) has been strictly limited since 1995, and current licensees are subject to a regulatory regime largely unchanged from the days when educational TV was the only use envisioned for this spectrum. The Commission proposes to allow more efficient and effective use of this spectrum band by providing greater flexibility to current EBS licensees as well as providing new opportunities for additional entities to obtain unused 2.5 GHz spectrum to facilitate improved access to next generation wireless broadband, including 5G. The Commission also seeks comment on additional approaches for transforming the 2.5 GHz band, including by moving directly to an auction for some or all of the spectrum.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/07/18	83 FR 26396
NPRM Comment Period Extended.	06/21/18	83 FR 31515
NPRM Comment Period End.	09/07/18	
Final Rule .....	10/25/19	84 FR 57343
Dismissal of Petitions for Reconsideration.	02/23/21	86 FR 10839

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* John Schauble, Deputy Chief, Broadband Division, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0797, *Email:* john.schauble@fcc.gov.  
*RIN:* 3060-AK75

**FEDERAL COMMUNICATIONS COMMISSION (FCC)**

*Wireline Competition Bureau*

Long-Term Actions

**341. Local Telephone Networks That LECS Must Make Available to Competitors [3060-AH44]**

*Legal Authority:* 47 U.S.C. 251  
*Abstract:* The Commission adopted rules applicable to incumbent local exchange carriers (LECs) to permit competitive carriers to access portions of the incumbent LECs' networks on an unbundled basis. Unbundling allows competitors to lease portions of the incumbent LECs' network to provide telecommunications services. These rules, adopted in dockets CC 96-98, WC 01-338, and WC 04-313, are intended to accelerate the development of local exchange competition.

*Timetable:*

Action	Date	FR Cite
Second FNPRM ..	04/26/99	64 FR 20238
Fourth FNPRM ....	01/14/00	65 FR 2367
Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Second Errata Third R&O and Fourth FNPRM.	01/18/00	65 FR 2542
Supplemental Order.	01/18/00	65 FR 2542
Third R&O .....	01/18/00	65 FR 2542
Correction .....	04/11/00	65 FR 19334
Supplemental Order Clarification.	06/20/00	65 FR 38214
Public Notice .....	02/01/01	66 FR 8555
Public Notice .....	03/05/01	66 FR 18279
Public Notice .....	04/10/01	
Public Notice .....	04/23/01	
Public Notice .....	05/14/01	
NPRM .....	01/15/02	67 FR 1947
Public Notice .....	05/29/02	
Public Notice .....	08/01/02	
Public Notice .....	08/13/02	
NPRM .....	08/21/03	68 FR 52276
R&O and Order on Remand.	08/21/03	68 FR 52276
Errata .....	09/17/03	
Report .....	10/09/03	68 FR 60391
Order .....	10/28/03	
Order .....	01/09/04	
Public Notice .....	01/09/04	
Public Notice .....	02/18/04	
Order .....	07/08/04	

Action	Date	FR Cite
Second R&O .....	07/08/04	69 FR 43762
Order on Recon ..	08/09/04	69 FR 54589
Interim Order .....	08/20/04	69 FR 55111
NPRM .....	08/20/04	69 FR 55128
Public Notice .....	09/10/04	
Public Notice .....	09/13/04	
Public Notice .....	10/20/04	
Order on Recon ..	12/29/04	69 FR 77950
Order on Remand	02/04/04	
Public Notice .....	04/25/05	70 FR 29313
Public Notice .....	05/25/05	70 FR 34765
Declaratory Ruling	05/26/11	
NPRM .....	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* Edward Krachmer, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1525, *Email:* edward.krachmer@fcc.gov.  
*RIN:* 3060-AH44

**342. Jurisdictional Separations [3060-AJ06]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and 154(j); 47 U.S.C. 205; 47 U.S.C. 221(c); 47 U.S.C. 254; 47 U.S.C. 403; 47 U.S.C. 410

*Abstract:* Jurisdictional separations is the process, pursuant to part 36 of the Commission's rules, by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. In 1997, the Commission initiated a proceeding seeking comment on the extent to which legislative changes, technological changes, and marketplace changes warrant comprehensive reform of the separations process. In 2001, the Commission adopted the Federal-State Joint Board on Jurisdictional Separations' Joint Board's recommendation to impose an interim freeze on the part 36 category relationships and jurisdictional cost allocation factors for a period of 5 years, pending comprehensive reform of the part 36 separations rules. In 2006, the Commission issued an Order and Further Notice of Proposed Rulemaking that extended the separations freeze for a period of 3 years and sought comment on comprehensive reform. In 2009, the Commission issued a Report and Order extending the separations freeze an additional year to June 2010. In 2010, the Commission issued a Report and Order extending the separations freeze for an additional year to June 2011. In 2011, the Commission adopted a Report



and Order extending the separations freeze for an additional year to June 2012. In 2012, the Commission issued a Report and Order extending the separations freeze for an additional 2 years to June 2014. In 2014, the Commission issued a Report and Order extending the separations freeze for an additional 3 years to June 2017.

In 2016, the Commission issued a Report and Order extending the separations freeze for an additional 18 months until January 1, 2018. In 2017, the Joint Board issued a Recommended Decision recommending changes to the part 36 rules designed to harmonize them with the Commission's previous amendments to its part 32 accounting rules. In February 2018, the Commission issued a Notice of Proposed Rulemaking proposing amendments to part 36 consistent with the Joint Board's recommendations. In October 2018, the Commission issued a Report and Order adopting each of the Joint Board's recommendations and amending the Part 36 consistent with those recommendations. In July 2018, the Commission issued a Notice of Proposed Rulemaking proposing to extend the separations freeze for an additional 15 years and to provide rate-of-return carriers that had elected to freeze their category relationships a time limited opportunity to opt out of that freeze. In December 2018, the Commission issued a Report and Order extending the freeze for up to 6 years until December 31, 2024, and granting rate-of-return carriers that had elected to freeze their category relationships a one-time opportunity to opt out of that freeze.

On March 31, 2020, the United States Court of Appeals for the District of Columbia Circuit affirmed the Commission's December 2018 Report and Order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/05/97	62 FR 59842
NPRM Comment Period End.	12/10/97	
Order .....	06/21/01	66 FR 33202
Order and FNPRM.	05/26/06	71 FR 29882
Order and FNPRM Comment Period End.	08/22/06	
R&O .....	05/15/09	74 FR 23955
R&O .....	05/25/10	75 FR 30301
R&O .....	05/27/11	76 FR 30840
R&O .....	05/23/12	77 FR 30410
R&O .....	06/13/14	79 FR 36232
R&O .....	06/02/17	82 FR 25535
Recommended Decision.	10/27/17	
NPRM .....	03/13/18	83 FR 10817

Action	Date	FR Cite
NPRM Comment Period End.	04/27/18	
NPRM .....	07/27/18	83 FR 35589
NPRM Comment Period End.	09/10/18	
R&O .....	12/11/18	83 FR 63581
R&O .....	02/15/19	84 FR 4351
Announcement of OMB Approval.	03/01/19	84 FR 6977
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* William A. Kehoe III, Senior Counsel, Policy & Program Planning Division, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7122, *Email:* william.kehoe@fcc.gov.

*RIN:* 3060-AJ06

**343. Rural Call Completion; WC Docket No. 13-39 [3060-AJ89]**

*Legal Authority:* 47 U.S.C. 154; 47 U.S.C. 217; 47 U.S.C. 201; 47 U.S.C. 202; 47 U.S.C. 218; 47 U.S.C. 220; 47 U.S.C. 262; 47 U.S.C. 403(b)(2)(B); 47 U.S.C. 251(a); 47 U.S.C. 225; 47 U.S.C. 620; 47 U.S.C. 251; 47 U.S.C. 251(e); 47 U.S.C. 254(k); 47 U.S.C. 616; 47 U.S.C. 226; 47 U.S.C. 227; 47 U.S.C. 228; 47 U.S.C. 1401-1473

*Abstract:* The Third RCC Order began implementation of the Improving Rural Call Quality and Reliability Act of 2017 (RCC Act), by adopting rules designed to ensure the integrity of our nation's telephone network and prevent unjust or unreasonable discrimination among areas of the United States in the delivery of telephone service. In particular, the Third RCC Order adopted rules to establish a registry for intermediate providers entities that transmit, but do not originate or terminate, voice calls. The Order requires intermediate providers to register with the Commission before offering to transmit covered voice communications, and requires covered providers entities that select the initial long-distance route for a large number of lines to use only registered intermediate providers to transmit covered voice communications.

The Fourth RCC Order completed the Commission's implementation of the RCC Act by adopting service quality standards for intermediate providers, as well as an exception to those standards for intermediate providers that qualify for the covered provider safe harbor in our existing rules. The Order also set forth procedures to enforce our intermediate provider requirements. Finally, the Fourth RCC Order adopted provisions to sunset the rural call

completion data recording and retention requirements adopted in the First RCC Order one year after the effective date of the new intermediate provider service quality standards.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/12/13	78 FR 21891
Public Notice .....	05/07/13	78 FR 26572
NPRM Comment Period End.	05/28/13	
R&O and FNPRM PRA 60 Day Notice.	12/17/13	78 FR 76218
	12/30/13	78 FR 79448
FNPRM Comment Period End.	02/18/14	
PRA Comments Due.	03/11/14	
Public Notice .....	05/06/14	79 FR 25682
Order on Reconsideration.	12/10/14	79 FR 73227
Erratum .....	01/08/15	80 FR 1007
Public Notice .....	03/04/15	80 FR 11593
2nd FNPRM .....	07/27/17	82 FR 34911
2nd FNPRM Comment Period End.	08/28/17	
Reply Comment Period End.	09/25/17	
2nd Order .....	05/10/18	83 FR 21723
3rd FNPRM .....	05/11/18	83 FR 21983
3rd FNPRM Comment Period End.	06/04/18	
3rd FNPRM Reply Comment Period End.	06/19/18	
3rd Order .....	08/13/18	83 FR 47296
4th Order .....	03/15/19	84 FR 25692
PRA 60 Day Notice.	05/22/18	83 FR 23681
PRA 60 Day Notice.	09/18/18	83 FR 47153
Public Notice .....	10/24/18	83 FR 53588
Public Notice .....	04/15/19	84 FR 15124
PRA 60 Day Notice.	05/17/21	86 FR 26722
PRA Comment Period End.	07/16/21	
PRA 60 Day Notice.	08/24/21	86 FR 47307
PRA Comment Period End.	10/25/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Connor Ferraro, Attorney Advisor, Competition Policy Division, WCB, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1322, *Email:* connor.ferraro@fcc.gov.

*RIN:* 3060-AJ89

**344. Rates for Inmate Calling Services; WC Docket No. 12-375 [3060-AK08]**

*Legal Authority:* 47 U.S.C. 151 and 152; 47 U.S.C. 154(i) and (j); 47 U.S.C.



201(b); 47 U.S.C. 218; 47 U.S.C. 220; 47 U.S.C. 276; 47 U.S.C. 403; 47 CFR 64

*Abstract:* In the Second Report and Order, the Federal Communications Commission adopted rule changes to ensure that rates for both interstate and intrastate inmate calling services (ICS) are fair, just, and reasonable limits on ancillary service charges imposed by ICS providers. In the Second Report and Order, the Commission set caps on all interstate and intrastate calling rates for ICS, established a tiered rate structure based on the size and type of facility being served, limited the types of ancillary services that ICS providers may charge for and capped the charges for permitted fees, banned flat-rate calling, facilitated access to ICS by people with disabilities by requiring providers to offer free or steeply discounted rates for calls using TTY, and imposed reporting and certification requirements to facilitate continued oversight of the ICS market. In the Third Further Notice portion of the item, the Commission sought comment on ways to promote competition for ICS, video visitation, and rates for international calls, and considered an array of solutions to further address areas of concern in the ICS industry. In an Order on Reconsideration, the Commission amended its rate caps and the definition of “mandatory tax or mandatory fee.”

On June 13, 2017, the D.C. Circuit vacated the rate caps adopted in the Second Report and Order, as well as reporting requirements related to video visitation. The court held that the Commission lacked jurisdiction over intrastate ICS calls and that the rate caps the Commission adopted for interstate calls were arbitrary and capricious. The court also remanded the Commission’s caps on ancillary fees. On September 26, 2017, the court denied a petition for rehearing en banc. On December 21, 2017, the court issued two separate orders: one vacating the 2016 Order on Reconsideration insofar as it purports to set rate caps on inmate calling services, and one dismissing as moot challenges to the Commission’s First Report and Order on ICS.

On February 4, 2020, the Commission’s Wireline Competition Bureau released a Public Notice seeking to refresh the record on ancillary service charges imposed in connection with inmate calling services.

On August 6, 2020, the Commission adopted a Report and Order on Remand and a Fourth Further Notice of Proposed Rulemaking responding to remands by the U.S. Court of Appeals for the District of Columbia Circuit and proposing to comprehensively reform rates and charges for the inmate calling services

within the Commission’s jurisdiction. The Report and Order on Remand found that the Commission’s five permitted ancillary service charges (1) automated payment fees; (2) fees for single-call and related services; (3) live agent fees; (4) paper bill/statement fees; and (5) third-party financial transaction fees generally, cannot be practically segregated between interstate and intrastate inmate telephone calls, except in a limited number of cases. Accordingly, the Commission prohibited inmate calling services providers from imposing ancillary service fees higher than the Commission’s caps, or imposing fees for additional ancillary services unless imposed in connection with purely intrastate inmate telephone service calls. The Order also reinstated a rule prohibiting providers from marking up third-party fees for single-call services; reinstated rule language that prohibits providers from marking up mandatory taxes or fees that they pass on to inmate telephone service consumers; and amended certain of the inmate calling services rules consistent with the D.C. Circuit’s mandates to reflect that the Commission’s rate and fee caps on inmate calling service apply only to interstate and international inmate calling. The Fourth FNPRM proposes to substantially reduce the interstate rate cap for inmate telephone calls from the current interim rate caps of \$0.21 per minute for debit or prepaid calls and \$0.25 per minute for collect calls for all types of correctional facilities, to permanent rate caps of \$0.14 per minute for all interstate calls from prisons and \$0.16 for all interstate calls from jails. The Fourth FNPRM also proposes to adopt rate caps for international inmate calling services calls for the first time based on the proposed interstate rate caps, plus the amount that the provider must pay its underlying international service provider for an international call. It also proposes a waiver process for providers that believe the Commission’s rate caps would not allow them to recover their costs of serving a particular facility or contract. Finally, it seeks comment on a further mandatory data collection to continue efforts to reform these rates and fees.

On November 23, 2020, Global Tel\*Link Corporation filed a petition for reconsideration of the August 6, 2020 Order on Remand. On December 3, 2020, the Commission established the opposition and reply comment dates for the petition.

On May 24, 2021 the Commission released the Third Report and Order, Order on Reconsideration and Fifth Further Notice of Proposed Rulemaking.

In the Third Report and Order, the Commission: (1) substantially reduced the interim rate caps for interstate inmate calling services from prisons and larger jails (those with 1,000 or more incarcerated people) from \$0.21 per minute for debit and prepaid calls and \$0.25 per minute for collect calls to new uniform interim interstate caps of \$0.12 per minute for prisons and \$0.14 per minute for larger jails; (2) maintained the current interim interstate rate cap of \$0.21 for jails with less than 1,000 incarcerated people because of insufficient record evidence to determine providers’ costs of serving those facilities at this time; (3) eliminated separate treatment of collect calls, resulting in a uniform interim interstate rate cap for all types of calls at each facility, as proposed; (4) reformed the treatment of site commission payments by specifying that providers may pass through to consumers (without any markup) site commission payments that are mandated by federal, state, or local law and that providers may pass through to consumers no more than \$ 0.02 per minute site commission payments resulting from contractual obligations negotiated between providers and correctional officials; (5) capped, for the first time, international calling rates at all facilities at the applicable facility’s total interstate rate cap, plus the amount the inmate calling services provider pays to its underlying wholesale carriers for completing international calls; (6) reformed the ancillary service charge caps for third-party financial transaction fees, including those related to calls that are billed on a per-call basis; and (7) adopted a new mandatory data collection to obtain more uniform cost data based on consistent, prescribed allocation methodologies to determine just and reasonable, permanent, interstate and international cost-based rates for facilities of all sizes.

In the Order on Reconsideration, the Commission denied GTL’s petition seeking reconsideration of a single sentence from the 2020 Remand Order, in which the Commission reminded providers that the jurisdictional nature of a call, that is whether it is interstate or intrastate, depends on the physical location of the endpoints of the call and not on whether the area code or NXX prefix of the telephone number associated with the account are associated with a particular state. The Commission determined that the end-to-end analysis has been, and remains, the generally applicable test for all telecommunications carriers in determining the jurisdiction of their

calls and the Commission continues to use the traditional end-to-end jurisdictional analysis in setting rates for calls placed by inmate calling services consumers.

In the Fifth Further Notice, the Commission proposed to amend the Commission's rules to require calling service providers to provide access to all forms of Telecommunications Relay Services, including internet-based services, to facilitate greater accessibility for incarcerated people with hearing and speech disabilities. The Commission also sought comment on: (1) the methodology the Commission should use to set permanent per-minute rate caps for interstate and international inmate calling services; (2) site commission costs for facilities of all sizes and site commission reform generally; (3) the costs of providing services to jails with average daily populations of fewer than 1,000 incarcerated people; (4) whether and how the Commission should reform the ancillary service charge caps and how the Commission can curtail potentially abusive practices related to these charges; (5) whether to institute a recurring periodic data collection; and (6) whether some providers have market power in the bidding process, thereby impacting the competitiveness of the bidding process.

On September 22, 2021, WCB and OEA (collectively, WCB/OEA) issued a Public Notice seeking comment on the contours and specific requirements of the Third Mandatory Data Collection, including proposed instructions and a proposed template for that collection. In issuing this Public Notice, WCB/OEA were acting pursuant to the Commission's directive, in the *2021 ICS Order*, that the new data collection obtain data on providers' operations, costs, demand, and revenues, among other information. As the Commission explained in that order, the collected information will allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps.

On December 15, 2021, WCB/OEA issued a Public Notice seeking comment on revised requirements for ICS Annual Reports, including proposed instructions, templates, and a provider certification. Specifically, the Public Notice proposed changes in the reporting requirements to align them with ICS rule changes adopted in the *2021 ICS Order*.

On January 18, 2022, WCB adopted an Order implementing the Third Mandatory Data Collection and adopted

accompanying instructions, reporting templates, and a certification form. The collected information will allow the Commission to set permanent interstate and international inmate calling services rate caps and to evaluate and, if warranted, revise the current ancillary service charge caps. On February 9, 2022, WCB released a public notice announcing that the providers' mandatory data collection responses will be due no later than June 20, 2022.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/22/13	78 FR 4369
FNPRM .....	11/13/13	78 FR 68005
R&O .....	11/13/13	78 FR 67956
FNPRM Comment Period End.	12/20/13	
2nd FNPRM .....	11/21/14	79 FR 69682
2nd FNPRM Comment Period End.	01/15/15	
2nd FNPRM Reply Comment Period End.	01/20/15	
3rd FNPRM .....	12/18/15	80 FR 79020
2nd R&O .....	12/18/15	80 FR 79136
3rd FNPRM Comment Period End.	01/19/16	
3rd FNPRM Reply Comment Period End.	02/08/16	
Order on Reconsideration.	09/12/16	81 FR 62818
Announcement of OMB Approval.	03/01/17	82 FR 12182
Correction to Announcement of OMB Approval.	03/08/17	82 FR 12922
Announcement of OMB Approval.	02/06/20	85 FR 6947
Public Notice .....	02/19/20	85 FR 9444
Public Notice Comment Period End.	03/20/20	
Public Notice Reply Comment Period End.	04/06/20	
Letter .....	07/15/20	
R&O on Remand & 4th FNPRM.	08/06/20	85 FR 67450; 85 FR 67480; 85 FR 73233
Order .....	09/01/20	
Public Notice .....	09/24/20	85 FR 66512
Public Notice .....	10/23/20	
Letter .....	11/13/20	
Public Notice .....	12/03/20	85 FR 83000
Order Extending Reply Comment Deadline.	12/17/20	
Public Notice .....	01/08/21	
Comment Period End on 12/3/2020, Public Notice End.	01/11/21	
Comment Period End on 12/3/2020, Public Notice End.	01/21/21	

Action	Date	FR Cite
Public Notice .....	03/03/21	
Inactive per Maura McGowan.	03/31/21	
5th FNPRM .....	07/28/21	86 FR 40416
3rd R&O .....	07/28/21	86 FR 40682
3rd R&O .....	07/28/21	86 FR 40340
Order .....	08/10/21	86 FR 48952
Public Notice (MDC).	09/22/21	86 FR 54897
5th NPRM Comment Period End.	09/27/21	
Order Extending Reply Comment Deadline.	10/15/21	86 FR 60438
5th NPRM Reply Comment Period End.	10/27/21	
Comment Period End on 09/22/2021, Public Notice End.	11/04/21	
Reply Comment Period on 09/22/2021, Public Notice End.	11/19/21	
Public Notice on Annual Reports.	12/15/21	
5th NPRM Reply Comment Period End.	12/17/21	
Comment Period End on 12/15/2021, Public Notice End.	01/12/22	
Order Adopting MDC.	01/18/22	
Reply Period on 12/15/2021, Public Notice End.	01/27/22	
Public Notice .....	02/09/22	
Public Notice .....	02/14/22	
Public Notice .....	03/02/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis*

Required: Yes.

*Agency Contact:* William A. Kehoe III, Senior Counsel, Policy & Program Planning Division, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7122, *Email:* [william.kehoe@fcc.gov](mailto:william.kehoe@fcc.gov).

Erik Raven-Hansen, Assistant Division Chief, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1532, *Email:* [erik.raven-hansen@fcc.gov](mailto:erik.raven-hansen@fcc.gov).  
RIN: 3060-AK08

**345. Comprehensive Review of the Part 32 Uniform System of Accounts (WC Docket No. 14-130) [3060-AK20]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 219 and 220

*Abstract:* The Commission initiates a rulemaking proceeding to review the Uniform System of Accounts (USOA) to consider ways to minimize the compliance burdens on incumbent local exchange carriers while ensuring that the Agency retains access to the information it needs to fulfill its regulatory duties. In light of the Commission's actions in areas of price cap regulation, universal service reform, and intercarrier compensation reform, the Commission stated that it is likely appropriate to streamline the existing rules even though those reforms may not have eliminated the need for accounting data for some purposes. The Commission's analysis and proposals are divided into three parts. First, the Commission proposes to streamline the USOA accounting rules while preserving their existing structure. Second, the Commission seeks more focused comment on the accounting requirements needed for price cap carriers to address our statutory and regulatory obligations. Third, the Commission seeks comment on several related issues, including state requirements, rate effects, implementation, continuing property records, and legal authority.

On February 23, 2017, the Commission adopted a Report and Order that revised the part 32 USOA to substantially reduce accounting burdens for both price cap and rate-of-return carriers. First, the Order streamlines the USOA for all carriers. In addition, the USOA will be aligned more closely with generally accepted accounting principles, or GAAP. Second, the Order allows price cap carriers to use GAAP for all regulatory accounting purposes as long as they comply with targeted accounting rules, which are designed to mitigate any impact on pole attachment rates. Alternatively, price cap carriers can elect to use GAAP accounting for all purposes other than those associated with pole attachment rates and continue to use the part 32 accounts for pole attachment rates for up to 12 years. Third, the Order addresses several miscellaneous issues, including referral to the Federal-State Joint Board on Separations the issue of examining jurisdictional separations rules in light of the reforms adopted to part 32.

*Timetable:*

Action	Date	FR Cite
NPRM .....	09/15/14	79 FR 54942
NPRM Comment Period End.	11/14/14	
NPRM Reply Comment Period End.	12/15/14	

Action	Date	FR Cite
R&O .....	04/04/17	82 FR 20833
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* William A. Kehoe III, Senior Counsel, Policy & Program Planning Division, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7122, *Email:* william.kehoe@fcc.gov. *RIN:* 3060-AK20

**346. Restoring Internet Freedom (WC Docket No. 17-108); Protecting and Promoting the Open Internet (GN Docket No. 14-28) [3060-AK21]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i) and (j); 47 U.S.C. 201(b)  
*Abstract:* In December 2017, the Commission adopted the Restoring internet Freedom Declaratory Ruling, Report and Order, and Order (Restoring internet Freedom Order), which reclassified broadband internet access service as an information service; reinstates the determination that mobile broadband internet access service is not a commercial mobile service and as a private mobile service; finds that transparency, internet Service Providers (ISPs) economic incentives, and antitrust and consumer protection laws will protect the openness of the internet, and that title II regulation is unnecessary to do so; and adopts a transparency rule similar to that in the 2010 Open internet Order, requiring disclosure of network management practices, performance characteristics, and commercial terms of service. Additionally, the transparency rule requires ISPs to disclose any blocking, throttling, paid prioritization, or affiliate prioritization, and eliminates the internet conduct standard and the bright-line conduct rules set forth in the 2015 Open internet Order.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/01/14	79 FR 37448
NPRM Comment Period End.	07/18/14	
NPRM Reply Comment Period End.	09/15/14	
R&O on Remand, Declaratory Ruling, and Order.	04/13/15	80 FR 19737
NPRM .....	06/02/17	82 FR 25568
NPRM Comment Period End.	07/03/17	
Declaratory Ruling, R&O, and Order.	02/22/18	83 FR 7852

Action	Date	FR Cite
Order on Remand Next Action Undetermined.	01/07/21	86 FR 994

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Melissa Kirkel, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7958, *Fax:* 202 418-1413, *Email:* melissa.kirkel@fcc.gov. *RIN:* 3060-AK21

**347. Technology Transitions; GN Docket No 13-5, WC Docket No. 05-25; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; WC Docket No. 17-84 [3060-AK32]**

*Legal Authority:* 47 U.S.C. 214; 47 U.S.C. 251  
*Abstract:* On April 20, 2017, the Commission adopted a Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (Wireline Infrastructure NPRM, NOI, and RFC) seeking input on a number of actions designed to accelerate: (1) the deployment of next-generation networks and services by removing barriers to infrastructure investment at the Federal, State, and local level; (2) the transition from legacy copper networks and services to next-generation fiber-based networks and services; and (3) the reduction of Commission regulations that raise costs and slow, rather than facilitate, broadband deployment.

On November 16, 2017, the Commission adopted a Report and Order (R&O), Declaratory Ruling, and Further Notice of Proposed Rulemaking (Wireline Infrastructure Order) that takes a number of actions and seeks comment on further actions designed to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment.

The Wireline Infrastructure Order took a number of actions. First, the Report and Order revised the pole attachment rules to reduce costs for attachers, reforms the pole access complaint procedures to settle access disputes more swiftly, and increases access to infrastructure for certain types of broadband providers. Second, the Report and Order revised the section 214(a) discontinuance rules and the network change notification rules, including those applicable to copper retirements, to expedite the process for carriers seeking to replace legacy network infrastructure and legacy

services with advanced broadband networks and innovative new services. Third, the Report and Order reversed a 2015 ruling that discontinuance authority is required for solely wholesale services to carrier-customers. Fourth, the Declaratory Ruling abandoned the 2014 “functional test” interpretation of when section 214 discontinuance applications are required, bringing added clarity to the section 214(a) discontinuance process for carriers and consumers alike. Finally, the Further Notice of Proposed Rulemaking sought comment on additional potential pole attachment reforms, reforms to the network change disclosure and section 214(a) discontinuance processes, and ways to facilitate rebuilding networks impacted by natural disasters. Various parties filed a Petition for Review of the Wireline Infrastructure Order in the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit denied the Petition on January 23, 2020 on the grounds that the parties lacked standing.

On June 7, 2018, the Commission adopted a Second Report and Order (Wireline Infrastructure Second Report and Order) taking further actions designed to expedite the transition from legacy networks and services to next generation networks and advanced services that benefit the American public and to promote broadband deployment by further streamlining the section 214(a) discontinuance rules, network change disclosure processes, and part 68 customer notification process.

The Wireline Infrastructure NPRM, NOI, and RFC sought comment on additional issues not addressed in the November Wireline Infrastructure Order or the June Wireline Infrastructure Second Report and Order. It sought comment on changes to the Commission’s pole attachment rules to: (1) streamline the timeframe for gaining access to utility poles; (2) reduce charges paid by attachers for work done to make a pole ready for new attachments; and (3) establish a formula for computing the maximum pole attachment rate that may be imposed on an incumbent LEC.

The Wireline Infrastructure NPRM, NOI, and RFC also sought comment on whether the Commission should enact rules, consistent with its authority under section 253 of the Act, to promote the deployment of broadband infrastructure by preempting State and local laws that inhibit broadband deployment. It also sought comment on whether there are State laws governing the maintenance or retirement of copper facilities that serve as a barrier to

deploying next-generation technologies and services that the Commission might seek to preempt.

Previously, in November 2014, the Commission adopted a Notice of Proposed Rulemaking and Declaratory Ruling that: (1) proposed new backup power rules; (2) proposed new or revised rules for copper retirements and service discontinuances; and (3) adopted a functional test in determining what constitutes a service for purposes of section 214(a) discontinuance review. In August 2015, the Commission adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking that: (i) lengthened and revised the copper retirement process; (ii) determined that a carrier must obtain Commission approval before discontinuing a service used as a wholesale input if the carrier’s actions will discontinue service to a carrier-customer’s retail end users; (iii) adopted an interim rule requiring incumbent LECs that seek to discontinue certain TDM-based wholesale services to commit to certain rates, terms, and conditions; (iv) proposed further revisions to the copper retirement discontinuance process; and (v) upheld the November 2014 Declaratory Ruling. In July 2016, the Commission adopted a Second Report and Order, Declaratory Ruling, and Order on Reconsideration that: (i) adopted a new test for obtaining streamlined treatment when carriers seek Commission authorization to discontinue legacy services in favor of services based on newer technologies; (ii) set forth consumer education requirements for carriers seeking to discontinue legacy services in favor of services based on newer technologies; (iii) allowed notice to customers of discontinuance applications by email; (iv) required carriers to provide notice of discontinuance applications to Tribal entities; (v) made a technical rule change to create a new title for copper retirement notices and certifications; and (vi) harmonized the timeline for competitive LEC discontinuances caused by incumbent LEC network changes.

On August 2, 2018, the Commission adopted a Third Report and Order and Declaratory Ruling (Wireline Infrastructure Third Report and Order) establishing a new framework for the vast majority of pole attachments governed by Federal law by instituting a one-touch make-ready regime, in which a new attacher may elect to perform all simple work to prepare a pole for new wireline attachments in the communications space. This new framework includes safeguards to

promote coordination among parties and ensures that new attachers perform work safely and reliably. The Commission retained its multi-party pole attachment process for attachments that are complex or above the communications space of a pole, but made significant modifications to speed deployment, promote accurate billing, expand the use of self-help for new attachers when attachment deadlines are missed, and reduce the likelihood of coordination failures that lead to unwarranted delays. The Commission also improved its pole attachment rules by codifying and redefining Commission precedent that requires utilities to allow attachers to overlash existing wires, thus maximizing the usable space on the pole; eliminating outdated disparities between the pole attachment rates that incumbent carriers must pay compared to other similarly-situated cable and telecommunications attachers; and clarifying that the Commission will preempt, on an expedited case-by-case basis, State and local laws that inhibit the rebuilding or restoration of broadband infrastructure after a disaster. The Commission also adopted a Declaratory Ruling that interpreted section 253(a) of the Communications Act to prohibit State and local express and *de facto* moratoria on the deployment of telecommunications services or facilities and directed the Wireline Competition and Wireless Telecommunications Bureaus to act promptly on petitions challenging specific alleged moratoria. Numerous parties filed appeals of the Wireline Infrastructure Third Report and Order, and the appeals were consolidated in the U.S. Court of Appeals of the Ninth Circuit. On August 12, 2020, the Ninth Circuit issued an opinion upholding the Wireline Infrastructure Third Report and Order in all respects.

On August 8, 2018, Public Knowledge filed a Petition for Reconsideration of the Second Report and Order and Motion to Hold in Abeyance. On October 20, 2020, the Wireline Competition Bureau (Bureau) adopted a Declaratory Ruling, Order on Reconsideration, and Order. In the Declaratory Ruling, the Bureau clarified that any carrier seeking to discontinue legacy voice service to a community or part of a community that is the last retail provider of such legacy TDM service to that community or part of the community is subject to the Commission’s technology transition discontinuance rules, including the requirements to receive streamlined treatment of its discontinuance

application. In the Order on Reconsideration, the Bureau denied the Public Knowledge Petition for Reconsideration because all of Public Knowledge’s arguments were fully considered, and rejected, by the Commission in the underlying proceeding. It also dismissed as moot the accompanying motion to have the Commission hold that *Order* in abeyance pending the outcome of the appeal that the Ninth Circuit ultimately denied.

In September 2019, CTIA filed a Petition for Declaratory Ruling seeking clarification of certain issues raised in the 2018 Third Report and Order. On July 29, 2020, the Wireline Competition Bureau issued a Declaratory Ruling clarifying that (1) the imposition of a blanket ban” by a utility on attachments to any portion of a utility pole is inconsistent with the federal requirement that a denial of access . . . be specific” to a particular request; and (2) while utilities and attachers have the flexibility to negotiate terms in their pole attachment agreements that differ from the requirements in the Commission’s rules, a utility cannot use its significant negotiating leverage to require an attacher to give up rights to which the attacher is entitled under the rules without the attacher obtaining a corresponding benefit.

On July 20, 2020, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed on July 16, 2020 by NCTA The internet & Television Association. NCTA asked the Commission to declare that: (1) pole owners must share in the cost of pole replacements in unserved areas pursuant to section 224 of the Communications Act, section 1.1408(b) of the Commission’s rules, and Commission precedent; (2) pole attachment complaints arising in unserved areas should be prioritized through placement on the Accelerated Docket under section 1.736 of the Commission’s rules; and (3) section 1.1407(b) of the Commission’s rules authorizes the Commission to order any pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so. Comments on the NCTA Petition were due by September 2, 2020, and reply comments by September 17, 2020.

On July 23, 2021, the Wireline Competition Bureau issued a Public Notice seeking comment on a Petition for Declaratory Ruling filed by the Edison Electric Institute asking the Commission to declare that: (1) when the Commission determines that a pole

attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission’s rules, the applicable statute of limitations” is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not appropriate” for any period preceding good-faith notice of a dispute. Deadlines for filing comments and reply comments were set for August 23, 2021, and September 10, 2021, respectively.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/06/15	80 FR 450
NPRM Comment Period End.	02/05/15	
NPRM Reply Comment Period End.	03/09/15	
FNPRM .....	09/25/15	80 FR 57768
R&O .....	09/25/15	80 FR 57768
FNPRM Comment Period End.	10/26/15	
FNPRM Reply Comment Period End.	11/24/15	
2nd R&O .....	09/12/16	81 FR 62632
NPRM .....	05/16/17	82 FR 224533
NPRM Comment Period End.	06/15/17	
NPRM Reply Comment Period End.	07/17/17	
R&O .....	12/28/17	82 FR 61520
FNPRM Comment Period End.	01/17/18	
FNPRM Reply Comment Period End.	02/16/18	
2nd R&O .....	07/09/18	83 FR 31659
3rd R&O .....	09/14/18	83 FR 46812
NCTA Public Notice.	07/20/20	
CTIA Declaratory Ruling.	07/29/20	
Order on Reconsideration.	02/02/21	86 FR 8872
EI Public Notice	07/23/21	
EI Public Notice Comment Period End.	08/23/21	
EI Public Notice Reply Comment Period End.	09/10/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michele Berlove, Special Counsel, Competition Policy Div., WCB, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1477, *Email:* [michele.berlove@fcc.gov](mailto:michele.berlove@fcc.gov). *RIN:* 3060–AK32

**348. Numbering Policies for Modern Communications, WC Docket No. 13–97 [3060–AK36]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 153 to 154; 47 U.S.C. 201 to 205; 47 U.S.C. 251; 47 U.S.C. 303(r)

*Abstract:* This Order establishes a process to authorize interconnected VoIP providers to obtain North American Numbering Plan (NANP) telephone numbers directly from the numbering administrators, rather than through intermediaries. Section 52.15(g)(2)(i) of the Commission’s rules limits access to telephone numbers to entities that demonstrate they are authorized to provide service in the area for which the numbers are being requested. The Commission has interpreted this rule as requiring evidence of either a State certificate of public convenience and necessity (CPCN) or a Commission license. Neither authorization is typically available in practice to interconnected VoIP providers. Thus, as a practical matter, generally only telecommunications carriers are able to provide the proof of authorization required under our rules, and thus able to obtain numbers directly from the numbering administrators. This Order establishes an authorization process to enable interconnected VoIP providers that choose direct access to request numbers directly from the numbering administrators. Next, the Order sets forth several conditions designed to minimize number exhaust and preserve the integrity of the numbering system.

The Order requires interconnected VoIP providers obtaining numbers to comply with the same requirements applicable to carriers seeking to obtain numbers. These requirements include any State requirements pursuant to numbering authority delegated to the States by the Commission, as well as industry guidelines and practices, among others. The Order also requires interconnected VoIP providers to comply with facilities readiness requirements adapted to this context, and with numbering utilization and optimization requirements. As conditions to requesting and obtaining numbers directly from the numbering administrators, interconnected VoIP providers are also required to: (1) provide the relevant State commissions with regulatory and numbering contacts when requesting numbers in those states; (2) request numbers from the numbering administrators under their own unique OCN; (3) file any requests for numbers with the relevant State commissions at least 30 days prior to requesting numbers from the numbering

administrators; and (4) provide customers with the opportunity to access all abbreviated dialing codes (N11 numbers) in use in a geographic area.

The Order also modifies Commission’s rules in order to permit VoIP Positioning Center (VPC) providers to obtain pseudo-Automatic Number Identification (p-ANI) codes directly from the numbering administrators for purposes of providing E911 services.

Based on experiences and review of the direct access authorization process established by the 2015 Order, the Commission adopted a FNPRM which proposes clarifications and revisions to the Commission’s rules to better ensure that interconnected VoIP providers that obtain direct access authorization to not facilitate illegal robocalls, spoofing, or fraud, pose national security risks, or evade or abuse intercarrier compensation requirements. The FNPRM proposes to require additional certifications as part of the direct access authorization applications process, that would include certification of compliance with anti-robocalling obligations. The FNPRM also proposes to clarify that applicants disclose foreign ownership information on their direct access application. It would also propose to generally refer those applications with 10% or greater foreign ownership to the Executive Branch agencies for their review, consistent with the Commission’s referral of other types of applications. The FNPRM also proposes to clarify that holders of a direct access authorization must update the Commission and applicable states within 30 days of changes to ownership information submitted to the Commission. The FNPRM further proposes to clarify that Commission staff retain the authority to determine when to accept filings as complete and proposes to direct Commission staff to reject an application if an applicant has engaged in behavior contrary to the public interest or has been found to originate or transmit illegal robocalls. Finally, the FNPRM seeks comment on whether to expand the direct access authorization to one-way VoIP providers or other entities that use numbering resources.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/19/13	78 FR 36725
NPRM Comment Period End.	07/19/13	
R&O .....	10/29/15	80 FR 66454
FNPRM (Release Date).	08/06/21	86 FR 51081

Action	Date	FR Cite
FNPRM (Comment Period End). Next Action Undetermined.	10/14/21	86 FR 51081

*Regulatory Flexibility Analysis Required: Yes*  
*Agency Contact:* Michelle Sclater, Attorney, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–0388, *Email:* michelle.sclater@fcc.gov.  
*RIN:* 3060–AK36

**349. Implementation of the Universal Service Portions of the 1996 Telecommunications Act [3060–AK57]**

*Legal Authority:* 47 U.S.C. 151 *et seq.*  
*Abstract:* The Telecommunications Act of 1996 expanded the traditional goal of universal service to include increased access to both telecommunications and advanced services such as high-speed internet for all consumers at just, reasonable and affordable rates. The Act established principles for universal service that specifically focused on increasing access to evolving services for consumers living in rural and insular areas, and for consumers with low-incomes. Additional principles called for increased access to high-speed internet in the nation’s schools, libraries, and rural healthcare facilities. The FCC established four programs within the Universal Service Fund to implement the statute: Connect America Fund (formally known as High-Cost Support) for rural areas; Lifeline (for low-income consumers), including initiatives to expand phone service for Native Americans; Schools and Libraries (E-rate); and Rural Healthcare.

The Universal Service Fund is paid for by contributions from telecommunications carriers, including wireline and wireless companies, and interconnected Voice over internet Protocol (VoIP) providers, including cable companies that provide voice service, based on an assessment on their interstate and international end-user revenues. The Universal Service Administrative Company, or USAC, administers the four programs and collects monies for the Universal Service Fund under the direction of the FCC.

On October 1, 2021, the Commission proposed to update the definition of library in the Commission’s rules to provide clarity regarding the eligibility of Tribal libraries and promote

increased participation of underrepresented Tribal libraries in the E-Rate Program.

On October 27, 2021, the Commission announced third set of Pilot projects that have been selected for the Connected Care Pilot Program. The program will support connected care services across the country, focusing on low-income and veteran patients.

On December 2, 2021, the Commission granted the State E-rate Coordinators’ Alliance’s (SECA) petition for an expedited waiver of the Emergency Connectivity Fund (ECF) Program’s invoice filing deadline and clarified the service delivery date.

On December 16, 2021, the Commission sought comment on a proposal to implement a bidding portal for the E-Rate program.

*Timetable:*

Action	Date	FR Cite
R&O and FNPRM	01/13/17	82 FR 4275
NPRM Comment Period End.	02/13/17	
NPRM Reply Comment Period End.	02/27/17	
R&O and Order on Recon.	03/21/17	82 FR 14466
Order on Recon ..	05/19/17	82 FR 22901
Order on Recon ..	06/08/17	82 FR 26653
Memorandum, Opinion & Order.	06/21/17	82 FR 228224
NPRM .....	07/30/19	84 FR 36865
NPRM .....	08/21/19	84 FR 43543
R&O and Order on Recon.	11/07/19	84 FR 59937
Order on Recon ..	12/09/19	84 FR 67220
R&O .....	12/20/19	84 FR 70026
R&O .....	12/27/19	84 FR 71308
R&O .....	01/17/20	85 FR 3044
Report & Order ...	03/10/20	85 FR 13773
Report & Order ...	05/11/20	85 FR 19892
Declaratory Ruling/2nd FNPRM.	08/04/20	85 FR 48134
Public Notice .....	03/22/21	86 FR 15172
Report & Order on Recon.	04/09/21	86 FR 18459
R&O .....	05/28/21	86 FR 29136
2nd R&O .....	07/14/21	86 FR 37061
Public Notice .....	08/02/21	86 FR 41408
NPRM .....	10/14/21	86 FR 57097
Order .....	12/14/21	86 FR 70983
NPRM .....	01/27/22	87 FR 4182
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nakesha Woodward, Program Analyst, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1502, *Email:* kesha.woodward@fcc.gov.

*RIN:* 3060–AK57

**350. Toll Free Assignment Modernization and Toll Free Service Access Codes: WC Docket No. 17–192, CC Docket No. 95–155 [3060–AK91]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 201(b); 47 U.S.C. 251(e)(1)

*Abstract:* In this Report and Order (Order), the Federal Communications Commission (FCC) initiates an auction to distribute certain toll free numbers. The numbers to be auctioned will be in the new 833 toll free code for which there have been multiple, competing requests.

By using an auction, the FCC will ensure that sought-after numbers are awarded to the parties that value them most. In addition, the FCC will reserve certain 833 numbers for distribution to government and non-profit entities that request them for public health and safety purposes. The FCC will study the results of the auction to determine how to best use the mechanism to distribute toll-free numbers equitably and efficiently in the future as well. Revenues from the auction will be used to defray the cost of toll-free numbering administration, reducing the cost of numbering for all users. The Order establishing the toll-free number auction will also authorize and accommodate the use of a secondary market for numbers awarded at auction to further distribute these numbers to the entities that value them most. The Order also adopted several definitional and technical updates to improve clarity and flexibility in toll-free number assignment.

The Commission sought comment and then adopted auctions procedures and deadlines on August 2, 2019. Bidding for the auction occurred on December 17, 2019, and Somos issued an announcement of the winning bidders on December 20, 2019. On December 16, 2019, to facilitate the preparation of its study of the auction, the Bureau charged the North American Numbering Council, via its Toll Free Access Modernization Working Group, to issue a report evaluating various aspects of the 833 Auction, and recommending improvements for any future toll free number auctions.

On January 16, 2020, Somos released all of the 833 Auction data for public review. On March 13, 2020, the Bureau invited public comment on the 833 Auction in preparation for issuing a report on the lessons learned from the Auction. Comments were due on April 13, 2020. On July 14, 2020, the North American Numbering Council approved the Toll Free Assignment Modernization Working Group’s report, Perspectives on

the December 2019 Auction of Numbers in the 833 Numbering Plan Area.

On January 15, 2021, the Bureau released a report that examined various aspects of this toll free number assignment experiment, including lessons learned, examination of auction outcomes, and recommendations for future toll free number assignment. The Bureau concluded that the 833 Auction was a successful experiment that provided invaluable experience and data that can facilitate further Commission efforts to continue to modernize toll free number allocation in the future.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/13/17	82 FR 47669
NPRM Comment Period End.	11/13/17	
Final Rule .....	10/23/18	83 FR 53377
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Matthew Collins, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–7141, *Email:* matthew.collins@fcc.gov. *RIN:* 3060–AK91

**351. Establishing the Digital Opportunity Data Collection; WC Docket Nos. 19–195 and 11–10 [3060–AK93]**

*Legal Authority:* 47 U.S.C. 35 to 39; 47 U.S.C. 154; 47 U.S.C. 211; 47 U.S.C. 219; 47 U.S.C. 220; 47 U.S.C. 402(b)(2)(B); Pub. L. 104–104; 47 U.S.C. 151–154; 47 U.S.C. 157; 47 U.S.C. 201; 47 U.S.C. 254; 47 U.S.C. 301; 47 U.S.C. 303; 47 U.S.C. 309; 47 U.S.C. 319; 47 U.S.C. 332; 47 U.S.C. 641 to 646; Pub. L 116–130; . . .

*Abstract:* In the Report and Order, the Federal Communications Commission (FCC), moving to better identify gaps in broadband coverage across the nation, initiated a new process for collecting fixed broadband data to better pinpoint where broadband service is lacking. The Report and Order concluded that there is a compelling and immediate need to develop more granular broadband deployment data to meet this goal and, accordingly, created the new Digital Opportunity Data Collection.

The Digital Opportunity Data Collection will collect geospatial broadband coverage maps from fixed broadband internet service providers of areas where they make fixed service available. This geospatial data will facilitate development of granular, high-quality fixed broadband deployment

maps, which should improve the FCC’s ability to target support for broadband expansion through the agency’s Universal Service Fund programs. The Report and Order also adopts a process to collect public input on the accuracy of service providers’ broadband maps, facilitated by a crowd-sourcing portal that will gather input from consumers as well as from state, local, and Tribal governments.

The Second Further NPRM sought comment on additional technical standards for fixed broadband providers that could ensure greater precision for the Digital Opportunity Data Collection deployment reporting and on ways the Commission could incorporate crowdsourced and location-specific fixed broadband deployment data into this new data collection. The Second Further NPRM also sought comment on incorporating the collection of accurate, reliable mobile wireless voice and broadband coverage data into the Digital Opportunity Data Collection. In addition, the Second Further NPRM sought comment on sunseting the Form 477 broadband deployment collection following the creation of the Digital Opportunity Data Collection.

The Second Report and Order established requirements for: (1) collecting fixed broadband availability and quality of service data; (2) collecting mobile broadband deployment data, including the submission of standardized propagation maps, propagation model details, and infrastructure information; (3) establishing a common dataset of all locations in the United States where fixed broadband service can be installed; (4) verifying the accuracy of broadband availability data; (5) collecting crowdsourced data; (6) enforcing the requirements of the Broadband DATA Act; (7) creating coverage maps from the data submitted; and (8) ensuring the privacy, confidentiality, and security of information submitted by broadband providers.

The Third Further NPRM sought comment on a range of additional measures to implement the requirements of the Broadband DATA Act, including additional processes for verifying broadband availability data submitted by providers, the development of a challenge process, and FCC Form 477 reforms.

The Third Report and Order specified which fixed and mobile broadband internet access service providers are required to report broadband availability data and expanded the reporting and certification requirements for certain fixed and mobile broadband



filers in order to ensure that Commission staff have the necessary tools to assess the quality and accuracy of its broadband coverage maps. The Third Report and Order also adopted standards for collecting verified broadband data from State, local, and Tribal entities and certain third parties and adopted processes for submitting challenges to fixed and mobile coverage map data and data in the location Fabric, along with processes for providers to respond to such challenges. In addition, the Third Report and Order established standards for identifying locations that will be included in the broadband serviceable locations Fabric and for enforcement of the requirements associated with the Digital Opportunity Data Collection.

On July 16, 2021, the Wireless Telecommunications Bureau, Office of Economics and Analytics, and Office of Engineering and Technology released a Public Notice seeking comment on the technical requirements for the mobile challenge, verification, and crowdsourcing processes required under the Broadband DATA Act for the new Broadband Data Collection (formerly known as the Digital Opportunity Data Collection). Deadlines for filing comments and reply comments have been set for September 10, 2021, and September 27, 2021, respectively.

On February 22, 2022, the Task Force and OEA released a Public Notice announcing the filing deadline for the inaugural Broadband Data Collection, as required by the Commission in the July 2020 Second Report and Order.

On March 4, 2022, the Task Force and OEA published data specifications related to the biannual submission of subscription, availability, and supporting data for the Broadband Data Collection (BDC). The specifications set forth how data files required for the BDC must be formatted for submission in the BDC system, which fields the files should contain, and the data type of each field.

On March 9, 2022, the Task Force, OEA, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology released the *BDC Mobile Technical Requirements Order*, which adopts technical requirements to implement the BDC mobile challenge, verification, and crowdsourcing processes. Specifically, the *Order* (1) adopts detailed processes for mobile providers to respond to challenges, for the Commission to initiate a verification request to a service provider, and for providers to respond to verification requests to confirm broadband coverage in areas they claim have service; (2) sets forth the parameters and metrics that

must be collected both for on-the-ground test data to support challenge submissions, rebuttals to cognizable challenges, and responses to verification requests, and for infrastructure information to support challenge rebuttals and responses to verification requests; and (3) describes the methodology staff will use in determining when a critical mass of crowdsourced filings suggests that a provider has submitted inaccurate or incomplete data. The Task Force, OEA, and WTB also published two data specifications that provide additional detail about the technical elements of the data to be collected as part of the mobile challenge, verification, and crowdsource processes. The *Data Specifications for Mobile Speed Test Data* provides information on the on-the-ground speed test data that must be collected and reported by approved third-party mobile speed test apps that consumers will use to run crowdsource or challenge speed tests and submit those test results to the Commission's BDC system; other entities participating in the BDC mobile challenge process or collecting crowdsource data; and service providers responding to mobile challenges or verification inquiries. The *Data Specifications for Provider Infrastructure Data in the Mobile Challenge and Mobile Verification Process* specifies the data files that mobile service providers must submit when they choose to respond to a mobile challenge or verification inquiry with infrastructure data.

*Timetable:*

Action	Date	FR Cite
NPRM .....	08/03/17	82 FR 40118
NPRM Comment Period End.	09/25/17	
Report & Order ...	08/01/19	84 FR 43705
Second Further Notice of Proposed Rule-making.	08/01/19	84 FR 43764
Second Further NPRM Comment Period End.	10/07/19	
2nd R&O .....	07/16/20	85 FR 50886
3rd FNPRM .....	07/16/20	85 FR 50911
3rd FNPRM Comment Period End.	09/08/20	
3rd R&O .....	01/13/21	
Public Notice .....	07/16/21	86 FR 40398
Public Notice Comment Period End.	09/27/21	
Order .....	03/09/22	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Ray, Attorney, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-0357, *Email:* michael.ray@fcc.gov.

*RIN:* 3060-AK93

**352. Call Authentication Trust Anchor [3060-AL00]**

*Legal Authority:* 47 U.S.C. 201; 47 U.S.C. 251; 47 U.S.C. 227; 47 U.S.C. 227b; 47 U.S.C. 503

*Abstract:* On June 6, 2019, the Commission adopted a Declaratory Ruling and Third Further Notice of Proposed Rulemaking (CG Docket No. 17-59, WC Docket No. 17-97) that proposed and sought comment on mandating implementation of STIR/SHAKEN in the event that major voice service providers did not voluntarily implement the framework by the end of 2019.

On December 30, 2019, Congress enacted the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. Along with numerous other provisions directed at addressing robocalls, the TRACED Act directs the Commission to require all voice service providers to implement STIR/SHAKEN in the internet Protocol (IP) portions of their networks, and to implement an effective caller ID authentication framework in the non-IP portions of their networks. The TRACED Act further creates processes by which voice service providers may be exempt from this mandate if the Commission determines they have achieved certain implementation benchmarks, and by which voice service providers may be granted a delay in compliance based on a finding of undue hardship because of burdens or barriers to implementation or based on a delay in development of a caller ID authentication protocol for calls delivered over non-IP networks.

On March 31, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (WC Docket Nos. 17-97, 20-67). The Report and Order mandated that all originating and terminating voice service providers implement the STIR/SHAKEN caller ID authentication framework in the IP portions of their networks by June 30, 2021. In the Further Notice the Commission sought comment on proposals to further promote caller ID authentication and implement the TRACED Act.

On September 29, 2020, the Commission adopted a Second Report and Order (WC Docket No. 17-97). The



Second Report and Order implemented rules (1) granting extensions for compliance with the STIR/SHAKEN implementation mandate for small voice service providers, voice service providers that cannot obtain a SPC token from the Governance Authority, services scheduled for section 214 discontinuance, for those portions of a voice service provider's network that rely on non-IP technology, and establishing a process for individual voice service providers to seek provider specific extensions; (2) requiring voice service providers using non-IP technology either to upgrade their networks to IP to enable STIR/SHAKEN implementation, or work to develop non-IP caller ID authentication technology and implement a robocall mitigation program in the interim; (3) establishing a process where by a voice service provider may be exempt from the STIR/SHAKEN implementation mandate if the provider has achieved certain implementation benchmarks; (4) prohibiting voice service providers from imposing line item charges on consumer and small business subscribers for caller ID authentication; and (5) requiring intermediate providers to implement STIR/SHAKEN. On May 20, 2021, the Commission released a Third Further Notice of Proposed Rulemaking proposing to shorten the small provider extension from two years to one for a subset of small voice service providers that are at a heightened risk of originating an especially large amount of robocall traffic.

On January 13, 2021, the Commission adopted a Second Further Notice of Proposed Rulemaking proposing and seeking comment on a limited role for the Commission to oversee certificate revocation decisions by the private STIR/SHAKEN Governance Authority that would have the effect of placing providers in noncompliance with the Commission's rules. On August 5, 2021, the Commission adopted a Third Report and Order which adopted rules creating this oversight role.

On September 30, 2021, the Commission adopted a Fourth Further Notice of Proposed Rulemaking proposing to require gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers, seeking comment on revisions to the information that filers must submit to the Robocall Mitigation Database, and clarifying the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points and other emergency services providers.

On December 9, 2021, the Commission adopted a Fourth Report and Order adopting rules requiring non-facilities based small voice providers implement SITR/SHAKEN by June 30, 2022, and requiring small voice providers of any kind suspected of originating illegal robocalls to implement STIR/SHAKEN on an accelerated timeline.

*Timetable:*

Action	Date	FR Cite
NOI .....	07/14/17	
DR and 3rd FNPRM.	06/06/19	84 FR 29478
NPRM .....	06/24/19	84 FR 29478
NPRM Comment Period End.	08/23/19	
3rd FNPRM Comment Period End.	08/23/19	
R&O and FNPRM FNPRM Comment Period End.	03/31/20	85 FR 22029
2nd R&O .....	09/29/20	85 FR 73360
2nd FNPRM .....	01/13/21	86 FR 9894
2nd FNPRM Comment Period.	03/19/21	
3rd FNPRM .....	05/20/21	86 FR 30571
3rd R&O .....	08/05/21	86 FR 48511
3rd FNPRM Comment Period End.	08/19/21	
4th FNPRM .....	10/01/21	86 FR 59084
4th FNPRM Comment Period End.	11/26/21	
4th R&O .....	12/09/21	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Alexander McMennamin Hobbs, Attorney-Advisor, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7433, *Email:* alexander.hobbs@fcc.gov. *RIN:* 3060-AL00

**353. Implementation of the National Suicide Improvement Act of 2018 [3060-AL01]**

*Legal Authority:* 47 U.S.C. 201; 47 U.S.C. 251

*Abstract:* On August 14, 2018, Congress passed the National Suicide Hotline Improvement Act (Act). Public Law 115-233, 132 Stat. 2424 (2018). The purpose of the Act was to study and report on the feasibility of designating a 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system by considering each of the current N11 designations. The Act directed the Commission to: (1) conduct a study that examines the feasibility of designating a

simple, easy-to-remember, 3-digit dialing code to be used for a national suicide prevention and mental health crisis hotline system; and (2) analyze how well the current National Suicide Prevention Lifeline is working to address the needs of veterans. The Act also directed the Commission to coordinate with the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA), the Secretary of Veterans Affairs, and the North American Numbering Council (NANC) in conducting the study, and to produce a report on the study by August 14, 2019.

On August 14, 2019, the Wireline Competition Bureau and Office of Economics and Analytics submitted its report to Congress recommending that: (1) a 3-digit dialing code be used for a national suicide prevention and mental health crisis hotline system; and (2) the Commission should initiate a rulemaking proceeding to consider designating 988 as the 3-digit code.

On December 12, 2019, the Commission released a notice of proposed rulemaking (NPRM) proposing to designate 988 as a new, nationwide, 3-digit dialing code for a suicide prevention and mental health crisis hotline. WC Docket No. 18-336. The NPRM proposes that calls made to 988 be directed to the existing National Suicide Prevention Lifeline, which is made up of an expansive network of over 170 crisis centers located across the United States, and to the Veterans Crisis Line. The NPRM also proposes to require all telecommunications carriers and interconnected VoIP service providers to make, within 18 months, any changes necessary to ensure that users can dial 988 to reach the National Suicide Prevention Lifeline and Veterans Crisis Line.

On July 16, 2020, the Commission adopted an Order designating 988 as the 3-digit number to reach the Lifeline and Veterans Crisis Line (800-273-TALK or 800-273-8255) and requiring all telecommunications carriers, interconnected voice over internet Protocol (VoIP) providers, and one-way VoIP providers to make any network changes necessary to ensure that users can dial 988 to reach the Lifeline by July 16, 2022.

On October 16, 2020, the Communications Equality Advocates filed a petition for partial reconsideration of the FCC's July 16, 2020 Report and Order. In their petition, Communications Equality Advocates requested that the FCC revise the Order to mandate text-to-988 and direct video calling (DVC) requirements and to have

such requirements be implemented on the same timeline as voice calls to 988, by July 16, 2022.

On October 17, 2020, Congress enacted the National Suicide Hotline Designation Act of 2020 (2020 Act), Public Law 116–172, 134 Stat. 832 (2020). The 2020 Act, among other things, designates 988 as the universal telephone number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline,” with designation occurring one year after enactment.

On November 9, 2020, pursuant to 2020 Act’s requirements that the Commission submit a report on the feasibility and cost of attaching an automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues.

On April 22, 2021 the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number.

On November 19, 2020, pursuant to 2020 Act’s requirements that the Commission submit a report on the feasibility and cost of attaching an automatic dispatchable location with 988 calls, the Commission issued a Public Notice that sought comment on these issues. A Report to Congress regarding geolocation was released on April 15, 2021.

On April 22, 2021 the Commission adopted a Further Notice of Proposed Rulemaking (FNPRM) that proposes to require text service providers support text messages to 988 by routing texts to the toll free number. On November 19, 2021, the Commission adopted an Order requiring the industry to enable texting to 988 by the same deadline as for voice calls, July 16, 2022.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/15/20	85 FR 2359
NPRM Comment Period End.	03/16/20	
Report & Order ...	07/16/20	85 FR 79014
PFR .....	10/16/20	
Oppositions Due	12/02/20	
Public Notice .....	12/08/20	
Replies Due .....	12/14/20	
Public Notice Comment Period End.	01/11/21	86 FR 31404
FNPRM .....	06/11/21	
FNPRM Comment Period End.	08/10/21	
Report & Order ...	11/19/21	

Action	Date	FR Cite
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michelle Sclater, Attorney, Wireline Competition Bureau, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–0388, *Email:* michelle.sclater@fcc.gov. *RIN:* 3060–AL01

**354. Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services [3060–AL02]**

*Legal Authority:* 47 U.S.C. 10; 47 U.S.C. 251

*Abstract:* On November 22, 2019, the Commission adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on proposals to update the unbundling and avoided-cost resale obligations stemming from the 1996 Act and applicable only to incumbent LECs. Many of these obligations appear to no longer be necessary in many geographic areas due to vigorous competition for mass market broadband services in urban areas and numerous intermodal voice capabilities and services. But recognizing that rural areas pose special challenges for broadband deployment, the NPRM did not propose any change to unbundling requirements for broadband-capable loops in rural areas. The NPRM sought to promote the Commission’s efforts to reduce unnecessary and outdated regulatory burdens that appear to discourage the deployment of next-generation networks, delay the IP transition, unnecessarily burden incumbent LECs with no similar obligations placed on their competitors, and no longer benefit consumers or serve the purpose for which they were intended.

On October 27, 2020, the Commission adopted a Report and Order (1) eliminating unbundling requirements, subject to a reasonable transition period, for enterprise-grade DS1 and DS3 loops where there is evidence of actual and potential competition, for broadband-capable DS0 loops and associated subloops in the most densely populated areas, and for voice-grade narrowband loops nationwide, but preserving unbundling requirements for DS0 loops in less densely populated areas and DS1 and DS3 loops in areas without sufficient evidence of competition; (2) eliminating unbundling requirements for network interface devices and multiunit premises subloops; (3)

eliminating unbundled dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks, but providing an eight-year transition period for existing circuits so as to avoid stranding investment and last-mile deployment by competitive LECs that may harm consumers; (4) eliminating unbundling requirements for operations support systems, except where carriers are continuing to manage UNEs and for purposes of local interconnection and local number portability; and (5) eliminating remaining avoided-cost resale requirements. The Report and Order ended unbundling and resale requirements where they stifle technology transitions and broadband deployment, but preserved unbundling requirements where they are still necessary to realize the 1996 Act’s goal of robust intermodal competition benefiting all Americans.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/06/20	85 FR 472
NPRM Comment Period End.	03/06/20	
Report & Order ...	01/08/21	86 FR 1636
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michele Berlove, Special Counsel, Competition Policy Div., WCB, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418–1477, *Email:* michele.berlove@fcc.gov. *RIN:* 3060–AL02

**355. Eliminating Ex Ante Pricing Regulation and Tariffing of Telephone Access Charges (WC Docket 20–71) [3060–AL03]**

*Legal Authority:* 47 U.S.C. 151; 47 U.S.C. 154(i); 47 U.S.C. 160; 47 U.S.C. 201 to 203; 47 U.S.C. 214; 47 U.S.C. 225; 47 U.S.C. 251; 47 U.S.C. 254; 47 U.S.C. 303(r); 47 U.S.C. 616

*Abstract:* The NPRM proposes to deregulate and detariff Telephone Access Charges, which represent the last handful of interstate end-user charges that remain subject to regulation. The Notice also proposes to prohibit all carriers from separately listing these charges on customers’ bills. given that some Telephone Access Charges are used to calculate contributions to the Federal Universal Service Fund and other federal programs as well as high cost support this Notice also proposes and seeks comment on ways to ensure stability in funding these programs.

*Timetable:*

Action	Date	FR Cite
NPRM .....	04/01/20	85 FR 30899
NPRM Comment Period End.	07/06/20	
NPRM Reply Comment Period End.	08/04/20	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Gil Strobel, Deputy Pricing Policy Division Chief, WCB, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, *Phone:* 202 418-7084.  
*RIN:* 3060-AL03

**356. • Establishing a 5G Fund for Rural America; GN Docket No. 20-32 [3060-AL15]**

*Legal Authority:* 47 U.S.C. 154(i); 47 U.S.C. 214; 47 U.S.C. 254; 47 U.S.C. 303(r); 47 U.S.C. 403

*Abstract:* The 5G Fund for Rural America will distribute up to \$9 billion in universal service support through competitive bidding in two phases to bring mobile voice and 5G broadband service to rural areas of the country. 5G public interest obligations and performance requirements imposed on carriers continuing to receive legacy mobile high-cost support will help ensure that the areas they serve enjoy the benefits that 5G promises.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/26/20	85 FR 31616

Action	Date	FR Cite
Final Action .....	11/25/20	85 FR 75770x
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Kirk Burgee, Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-1599, *Email:* [kirk.burgee@fcc.gov](mailto:kirk.burgee@fcc.gov).  
*RIN:* 3060-AL15

**357. • Improving Competitive Broadband Access to Multiple Tenant Environments [3060-AL35]**

*Legal Authority:* 47 U.S.C. 151-54, 201(b), 303(r), 521(4), 521(6), 544(i), and 548

*Abstract:* In June 2017, the Commission issued a Notice of Inquiry seeking comment on the state of broadband competition in multiple tenant environments (MTEs) and whether additional Commission action in this area is warranted to eliminate or reduce barriers faced by broadband providers that seek to serve MTE occupants. In July 2019, the Commission issued a Notice of Proposed Rulemaking seeking further targeted comment on a variety of issues that may affect the provisioning of broadband to MTEs, including exclusive marketing and wiring arrangements, revenue sharing agreements, state and local regulations, and the Commission's legal authority to address broadband, telecommunications, and video deployment and competition in MTEs. In February 2022, the Commission

adopted a Report and Order and Declaratory Ruling that (1) adopted new rules prohibiting providers from entering into certain types of revenue sharing agreements that are used to evade our existing rules; (2) adopted new rules requiring providers to disclose the existence of exclusive marketing arrangements in simple, easy-to-understand language; and (3) clarified that existing Commission rules regarding cable inside wiring prohibit so-called sale-and-leaseback arrangements which effectively deny access to alternative providers. In taking these actions, the Commission is promoting tenant choice and competition in the provision of communications services to the benefit of those who live and work in MTEs.

*Timetable:*

Action	Date	FR Cite
Notice of Inquiry ..	06/22/17	
Notice of Inquiry Comment Period End.	08/22/17	
NPRM .....	07/31/19	84 FR 37219
NPRM Comment Period End.	09/30/19	
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Matthew Collins, Attorney Advisor, Federal Communications Commission, Wireline Competition Bureau, 45 L Street NE, Washington, DC 20554, *Phone:* 202 418-7141, *Email:* [matthew.collins@fcc.gov](mailto:matthew.collins@fcc.gov).  
*RIN:* 3060-AL35

[FR Doc. 2022-14618 Filed 8-5-22; 8:45 am]

**BILLING CODE 6712-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXIV

Federal Reserve System

---

Semiannual Regulatory Agenda

**FEDERAL RESERVE SYSTEM**

**12 CFR Ch. II**

**Semiannual Regulatory Flexibility Agenda**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Board is issuing this agenda under the Regulatory Flexibility Act and the Board’s Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period May 1, 2022, through October 31, 2022. The next agenda will be published in fall 2022.

**DATES:** Comments about the form or content of the agenda may be submitted any time during the next 6 months.

**ADDRESSES:** Comments should be addressed to Ann E. Misback, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**FOR FURTHER INFORMATION CONTACT:** A staff contact for each item is indicated with the regulatory description below.

**SUPPLEMENTARY INFORMATION:** The Board is publishing its spring 2022 agenda as part of the Spring 2022 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget under Executive Order 12866. The agenda also identifies rules the Board has selected for review under section 610(c) of the Regulatory Flexibility Act, and public comment is invited on those entries. The complete Unified Agenda will be available to the public at the following website: [www.reginfo.gov](http://www.reginfo.gov). Participation

by the Board in the Unified Agenda is on a voluntary basis.

The Board’s agenda is divided into four sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next 6 months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. The third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further. And a fourth section, Long-Term Actions, reports on matters where the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda. A dot (•) preceding an entry indicates a new matter that was not a part of the Board’s previous agenda.

**Ann Misback,**  
*Secretary of the Board.*

**FEDERAL RESERVE SYSTEM—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
358 .....	Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R-1429).	7100-AD80

**FEDERAL RESERVE SYSTEM—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
359 .....	Source of Strength ( <b>Section 610 Review</b> ) .....	7100-AE73

**FEDERAL RESERVE SYSTEM (FRS)**

Final Rule Stage

**358. Regulation LL—Savings and Loan Holding Companies and Regulation MM—Mutual Holding Companies (Docket No: R-1429) [7100-AD80]**

*Legal Authority:* 5 U.S.C. 552; 5 U.S.C. 559; 5 U.S.C. 1813; 5 U.S.C. 1817; 5 U.S.C. 1828

*Abstract:* The Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act) transferred responsibility for supervision of Savings and Loan Holding Companies (SLHCs) and their non-depository subsidiaries from the Office of Thrift Supervision (OTS) to the Board of Governors of the Federal Reserve System (the Board), on July 21, 2011. The Act also transferred supervisory functions related to Federal savings associations and State savings associations to the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), respectively. The Board on August 12, 2011, approved an interim final rule for SLHCs, including

a request for public comment. The interim final rule transferred from the OTS to the Board the regulations necessary for the Board to supervise SLHCs, with certain technical and substantive modifications. The interim final rule has three components: (1) New Regulation LL (part 238), which sets forth regulations generally governing SLHCs; (2) new Regulation MM (part 239), which sets forth regulations governing SLHCs in mutual form; and (3) technical amendments to existing Board regulations necessary to accommodate the transfer of supervisory authority for SLHCs from the OTS to the Board. The structure of interim final Regulation LL closely follows that of the Board’s Regulation Y, which governs bank holding companies, in order to provide an overall structure to rules that were previously found in disparate locations. In many instances, interim final Regulation LL incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation LL

also reflects statutory changes made by the Dodd-Frank Act with respect to SLHCs, and incorporates Board precedent and practices with respect to applications processing procedures and control issues, among other matters. Interim final Regulation MM organized existing OTS regulations governing SLHCs in mutual form (MHCs) and their subsidiary holding companies into a single part of the Board’s regulations. In many instances, interim final Regulation MM incorporated OTS regulations with only technical modifications to account for the shift in supervisory responsibility from the OTS to the Board. Interim final Regulation MM also reflects statutory changes made by the Dodd-Frank Act with respect to MHCs. The interim final rule also made technical amendments to Board rules to facilitate supervision of SLHCs, including to rules implementing Community Reinvestment Act requirements and to Board procedural and administrative rules. In addition, the Board made technical amendments to implement section 312(b)(2)(A) of the

Act, which transfers to the Board all rulemaking authority under section 11 of the Home Owner's Loan Act relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders. These amendments include revisions to parts 215 (Insider Transactions) and part 223 (Transactions with Affiliates) of Board regulations.

*Timetable:*

Action	Date	FR Cite
Board Requested Comment.	09/13/11	76 FR 56508
Board Expects Further Action.	12/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Keisha Patrick, Sr. Special Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452-3559.

*RIN:* 7100-AD80

**FEDERAL RESERVE SYSTEM (FRS)**

Long-Term Actions

**359. Source of Strength (Section 610 Review) [7100-AE73]**

*Legal Authority:* 12 U.S.C. 1831(o)  
*Abstract:* The Board of Governors of the Federal Reserve System (Board), the Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation (FDIC) plan to issue a proposed rule to implement section 616(d) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Section 616(d) requires that bank holding companies, savings and loan holding companies, and other companies that directly or indirectly control an insured depository institution serve as a source of strength for the insured depository institution.

*Timetable:*

Action	Date	FR Cite
Next Action Undetermined.	To Be Determined	

*Regulatory Flexibility Analysis Required:* Undetermined.

*Agency Contact:* Melissa Clark, Lead Financial Institution Policy Analyst, Federal Reserve System, Division of Supervision and Regulation, Washington, DC 20551, *Phone:* 202 452-2277.

Jay Schwarz, Assistant General Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452-2970.

Claudia Von Pervieux, Senior Counsel, Federal Reserve System, Legal Division, Washington, DC 20551, *Phone:* 202 452-2552.

*RIN:* 7100-AE73

[FR Doc. 2022-15652 Filed 8-5-22; 8:45 am]

**BILLING CODE 6210-01-P**





# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXV

National Labor Relations Board

---

Semiannual Regulatory Agenda



**NATIONAL LABOR RELATIONS BOARD**

**29 CFR Parts 101 to 103**

**Unified Agenda of Federal Regulatory and Deregulatory Actions**

**AGENCY:** National Labor Relations Board.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The following agenda of the National Labor Relations Board is published in accordance with Executive Order 12866, “Regulatory Planning and Review,” and the Regulatory Flexibility

Act (RFA), 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act.

The complete Unified Agenda is available online at [www.reginfo.gov](http://www.reginfo.gov). Publication in the **Federal Register** is mandated only for regulatory flexibility agendas required under the RFA. Because the RFA does not require regulatory flexibility agendas for the regulations proposed and issued by the Board, the Board’s agenda appears only on the internet at [www.reginfo.gov](http://www.reginfo.gov).

The Board’s agenda refers to [www.regulations.gov](http://www.regulations.gov), the Government website at which members of the public

can find, review, and comment on Federal rulemakings that are published in the **Federal Register** and open for comment.

**FOR FURTHER INFORMATION CONTACT:** For further information concerning the regulatory actions listed in the agenda, contact Farah Z. Qureshi, Deputy Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570; telephone 202–273–1949, TTY/TDD 1–800–315–6572; email [Farah.Qureshi@nlrb.gov](mailto:Farah.Qureshi@nlrb.gov).

**Farah Z. Qureshi,**  
*Deputy Executive Secretary.*

NATIONAL LABOR RELATIONS BOARD—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
360 .....	Joint Employer .....	3142-AA21

**NATIONAL LABOR RELATIONS BOARD (NLRB)**

Proposed Rule Stage

**360. Joint Employer [3142-AA21]**

*Legal Authority:* 29 U.S.C. 156  
*Abstract:* The National Labor Relations Board will engage in rulemaking on the standard for determining whether two employers, as defined in section 2(2) of the National

Labor Relations Act (Act), are a joint employer under the Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Farah Qureshi, National Labor Relations Board, 1015

Half Street SE, Washington, DC 20570, *Phone:* 202 273–1949, *Email:* [farah.qureshi@nlrb.gov](mailto:farah.qureshi@nlrb.gov).

Roxanne Rothschild, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570, *Phone:* 202 273–2917, *Email:* [roxanne.rothschild@nlrb.gov](mailto:roxanne.rothschild@nlrb.gov).

*RIN:* 3142-AA21

[FR Doc. 2022–14619 Filed 8–5–22; 8:45 am]

**BILLING CODE 7545-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXVI

Nuclear Regulatory Commission

---

Semiannual Regulatory Agenda

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Chapter I

[NRC–2022–0091]

### Unified Agenda of Federal Regulatory and Deregulatory Actions

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** We are publishing our semiannual regulatory agenda (the Agenda) in accordance with Public Law 96–354, “The Regulatory Flexibility Act,” and Executive Order 12866, “Regulatory Planning and Review.” The NRC’s Agenda is a compilation of all rulemaking activities on which we have recently completed action or have proposed or are considering action. We have completed 13 rulemaking activities since our complete Agenda was issued online at the Office of Management and Budget’s website at <https://www.reginfo.gov> on December 10, 2021. This issuance of our Agenda contains 28 active and 21 long-term rulemaking activities: 3 are Economically Significant; 14 represent Other Significant agency priorities; 30 are Substantive, Nonsignificant rulemaking activities; and 2 are Administrative rulemaking activities. In addition, 5 rulemaking activities impact small entities. We are requesting comment on the rulemaking activities as identified in this Agenda. The NRC’s last Agenda was issued for public comment on January 31, 2022.

**DATES:** Submit comments on rulemaking activities as identified in this Agenda by September 7, 2022.

**ADDRESSES:** Submit comments on any rulemaking activity in the Agenda by the date and methods specified in the **Federal Register** notice for the rulemaking activity. Comments received on rulemaking activities for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before the closure date specified in the **Federal Register** notice. You may submit comments on this Agenda through the Federal rulemaking website by going to <https://www.regulations.gov> and searching for Docket ID NRC–2022–0091. Address questions about NRC dockets to Dawn Forder, telephone: 301–415–3407; email: [Dawn.Forder@nrc.gov](mailto:Dawn.Forder@nrc.gov).

For additional direction on obtaining information and submitting comments, see “Obtaining Information and

Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Cindy K. Bladey, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–3280; email: [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov). Persons outside the Washington, DC, metropolitan area may call, toll-free: 1–800–368–5642. For further information on the substantive content of any rulemaking activity listed in the Agenda, contact the individual listed under the heading “Agency Contact” for that rulemaking activity.

**SUPPLEMENTARY INFORMATION:**

**Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC–2022–0091 when contacting the NRC about the availability of information for this document. You may obtain publicly available information related to this document by any of the following methods:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2022–0091.

- *NRC’s PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC’s Public Document Room, 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. (ET), Monday through Friday, except Federal holidays.

- *Reginfo.gov:*

- For completed rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaHistory?showStage=completed>, select “Fall 2021 The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” from drop down menu, and select “Nuclear Regulatory Commission” from drop down menu.

- For active rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain> and select “Nuclear Regulatory Commission” from drop down menu.

- For long-term rulemaking activities go to <https://www.reginfo.gov/public/do/eAgendaMain>, select link for “Current Long Term Actions,” and select “Nuclear Regulatory Commission” from drop down menu.

*B. Submitting Comments*

Please include Docket ID NRC–2022–0091 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into the NRC’s Agencywide Documents Access and Management System (ADAMS). The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

**Introduction**

The Agenda is a compilation of all rulemaking activities on which an agency has recently completed action or has proposed or is considering action. The Agenda reports rulemaking activities in three major categories: completed, active, and long-term. Completed rulemaking activities are those that were completed since publication of an agency’s last Agenda; active rulemaking activities are those for which an agency currently plans to have an Advance Notice of Proposed Rulemaking, a Proposed Rule, or a Final Rule issued within the next 12 months; and long-term rulemaking activities are rulemaking activities under development but for which an agency does not expect to have a regulatory action within the 12 months after publication of the current edition of the Unified Agenda.

The NRC assigns a “Regulation Identifier Number” (RIN) to a rulemaking activity when the Commission initiates a rulemaking and approves a rulemaking plan, or when the NRC staff begins work on a Commission-delegated rulemaking that does not require a rulemaking plan. The Office of Management and Budget uses this number to track all relevant documents throughout the entire “lifecycle” of a particular rulemaking activity. The NRC reports all rulemaking activities in the Agenda that have been assigned a RIN and meet the definition

for a completed, an active, or a long-term rulemaking activity.

The information contained in this Agenda is updated to reflect any action that has occurred on a rulemaking activity since publication of our last Agenda on January 31, 2022. Specifically, the information in this Agenda has been updated through June 1, 2022. The NRC provides additional information on planned rulemaking and petition for rulemaking activities, including priority and schedule, in NRC’s Rulemaking Tracking System on our website at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruleindex.html>.

The date for the next scheduled action under the heading “Timetable” is the date the next regulatory action for the rulemaking activity is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff.

The Agenda is intended to provide the public early notice and opportunity to participate in our rulemaking process. However, we may consider or act on any rulemaking activity even though it is not included in the Agenda.

**Section 610 Periodic Reviews Under the Regulatory Flexibility Act**

Section 610 of the Regulatory Flexibility Act (RFA) requires agencies to conduct a review within 10 years of issuance of those regulations that have or will have a *significant* economic impact on a *substantial* number of small entities. We undertake these reviews to decide whether the rules should be unchanged, amended, or withdrawn. At this time, we do not have any rules that have a *significant* economic impact on a *substantial* number of small entities; therefore, we have not included any RFA Section 610 periodic reviews in this edition of the Agenda. A complete listing of our regulations that impact

small entities and related Small Entity Compliance Guides are available from the NRC’s website at <https://www.nrc.gov/about-nrc/regulatory/rulemaking/flexibility-act/small-entities.html>.

**Public Comments Received on the NRC Unified Agenda**

The comment period on the NRC’s last Agenda (published on January 31, 2022 (<https://www.govinfo.gov/content/pkg/FR-2022-01-31/pdf/2021-27962.pdf>)) closed on March 2, 2022. The NRC received one public comment on its Fall 2021 Agenda.

Dated at Rockville, Maryland, June 27, 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.*

**NUCLEAR REGULATORY COMMISSION—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
361 .....	Revision to the NRC’s Acquisition Regulation (NRCAR) [NRC–2014–0033] .....	3150–AJ36
362 .....	Items Containing Byproduct Material Incidental to Production [NRC–2015–0017] .....	3150–AJ54
363 .....	Revision of Fee Schedules: Fee Recovery for FY 2023 [NRC–2021–0024] .....	3150–AK58

**NUCLEAR REGULATORY COMMISSION—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
364 .....	Revision of Fee Schedules: Fee Recovery for FY 2022 [NRC–2020–0031] .....	3150–AK44

**NUCLEAR REGULATORY COMMISSION—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
365 .....	Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC–2022–0046] .....	3150–AK74

**NUCLEAR REGULATORY COMMISSION (NRC)**

Proposed Rule Stage

**361. Revision to the NRC’S Acquisition Regulation (NRCAR) [NRC–2014–0033] [3150–AJ36]**

*Legal Authority:* 42 U.S.C. 2201; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s acquisition regulation that governs the procurement of goods and services for the agency. The purpose of this rulemaking is to update the NRC’s acquisitions regulations (NRCAR) to conform with external regulations, incorporate NRC organizational changes, and remove outdated or obsolete information. The

revisions would affect both internal and external stakeholders (contractors) and are needed to support current NRC contracting policies and ensure openness, transparency, and effectiveness in agency acquisitions.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/22	
Final Rule .....	06/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* Jill Daly, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20055–0001, *Phone:* 301 415–8079, *Email:* [jill.daly@nrc.gov](mailto:jill.daly@nrc.gov).

*RIN:* 3150–AJ36

**362. Items Containing Byproduct Material Incidental to Production [NRC–2015–0017] [3150–AJ54]**

*Legal Authority:* 42 U.S.C. 2201; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC’s regulations regarding requirements for track-etched membranes that have been irradiated with mixed fission products during the production process. The rule also would accommodate the licensing and distribution of other irradiated products (e.g., gemstones) without the need for a specific exemption for each distributor. This rulemaking would affect the licensees and applicants for items

containing byproduct material incidental to production. The rulemaking addresses a petition for rulemaking (PRM-30-65).

*Timetable:*

Action	Date	FR Cite
Regulatory Basis	02/02/21	86 FR 7819
Regulatory Basis Comment Period End.	04/05/21	
NPRM .....	06/00/22	
Final Rule .....	03/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Caylee Kenny, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001, *Phone:* 301 415-7150, *Email:* [caylee.kenny@nrc.gov](mailto:caylee.kenny@nrc.gov), *RIN:* 3150-AJ54

**363. Revision of Fee Schedules: Fee Recovery for FY 2023 [NRC-2021-0024] [3150-AK58]**

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC's annual budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/00/23	
Final Rule .....	05/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-7341, *Email:* [anthony.rossi@nrc.gov](mailto:anthony.rossi@nrc.gov), *RIN:* 3150-AK58

**NUCLEAR REGULATORY COMMISSION (NRC)**

Final Rule Stage

**364. Revision of Fee Schedules: Fee Recovery for FY 2022 [NRC-2020-0031] [3150-AK44]**

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover approximately 100 percent of the NRC's FY 2022 budget authority, less excluded activities to implement NEIMA. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	02/23/22	87 FR 10081
NPRM Comment Period End.	03/25/22	
Final Rule .....	06/00/22	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:*

301 415-7341, *Email:* [anthony.rossi@nrc.gov](mailto:anthony.rossi@nrc.gov).

*RIN:* 3150-AK44

**NUCLEAR REGULATORY COMMISSION (NRC)**

Long-Term Actions

**365. • Revision of Fee Schedules: Fee Recovery for Fiscal Year 2024 [NRC-2022-0046] [3150-AK74]**

*Legal Authority:* 31 U.S.C. 483; 42 U.S.C. 2201; 42 U.S.C. 2214; 42 U.S.C. 5841

*Abstract:* This rulemaking would amend the NRC's regulations for fee schedules. The NRC conducts this rulemaking annually to recover, to the maximum extent practicable, approximately 100 percent of the NRC's budget authority, less the budget authority for excluded activities to implement the Nuclear Energy Innovation and Modernization Act. This rulemaking would affect the fee schedules for licensing, inspection, and annual fees charged to the NRC's applicants and licensees.

*Timetable:*

Action	Date	FR Cite
NPRM .....	06/00/23	

*Regulatory Flexibility Analysis*

*Required: Yes.*

*Agency Contact:* Anthony Rossi, Nuclear Regulatory Commission, Office of the Chief Financial Officer, Washington, DC 20555-0001, *Phone:* 301 415-7341, *Email:* [anthony.rossi@nrc.gov](mailto:anthony.rossi@nrc.gov), *RIN:* 3150-AK74

[FR Doc. 2022-14620 Filed 8-5-22; 8:45 am]

**BILLING CODE 7590-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXVII

Securities and Exchange Commission

---

Semiannual Regulatory Agenda

**SECURITIES AND EXCHANGE COMMISSION**

**17 CFR Ch. II**

[Release Nos. 33–11054; 34–94793; IA–6002; IC–34570; File No. S7–15–22]

**Regulatory Flexibility Agenda**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Securities and Exchange Commission is publishing the Chair’s agenda of rulemaking actions pursuant to the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 94 Stat. 1164) (Sept. 19, 1980). The items listed in the Regulatory Flexibility Agenda for Spring 2022 reflect only the priorities of the Chair of the U.S. Securities and Exchange Commission, and do not necessarily reflect the view and priorities of any individual Commissioner.

Information in the agenda was accurate on April 22, 2022, the date on which the Commission’s staff completed compilation of the data. To the extent possible, rulemaking actions by the Commission since that date have been reflected in the agenda. The Commission invites questions and public comment on the agenda and on the individual agenda entries.

The Commission is now printing in the **Federal Register**, along with our preamble, only those agenda entries for which we have indicated that preparation of an RFA analysis is required.

The Commission’s complete RFA agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov).

**DATES:** Comments should be received on or before September 7, 2022.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/other.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7–15–22 on the subject line.

*Paper Comments*

- Send paper comments to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. S7–15–22. 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 website (<https://www.sec.gov/rules/other.shtml>).

Comments are also 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 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Sarit Klein, Office of the General Counsel, 202–551–5037.

**SUPPLEMENTARY INFORMATION:** The RFA requires each Federal agency, twice each year, to publish in the **Federal Register** an agenda identifying rules that

the agency expects to consider in the next 12 months that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602(a)). The RFA specifically provides that publication of the agenda does not preclude an agency from considering or acting on any matter not included in the agenda and that an agency is not required to consider or act on any matter that is included in the agenda (5 U.S.C. 602(d)). The Commission may consider or act on any matter earlier or later than the estimated date provided on the agenda. While the agenda reflects the current intent to complete a number of rulemakings in the next year, the precise dates for each rulemaking at this point are uncertain. Actions that do not have an estimated date are placed in the long-term category; the Commission may nevertheless act on items in that category within the next 12 months. The agenda includes new entries, entries carried over from prior publications, and rulemaking actions that have been completed (or withdrawn) since publication of the last agenda.

The following abbreviations for the acts administered by the Commission are used in the agenda:

- “Securities Act”—Securities Act of 1933
- “Exchange Act”—Securities Exchange Act of 1934
- “Investment Company Act”—Investment Company Act of 1940
- “Investment Advisers Act”—Investment Advisers Act of 1940
- “Dodd Frank Act”—Dodd-Frank Wall Street Reform and Consumer Protection Act

The Commission invites public comment on the agenda and on the individual agenda entries.

By the Commission,  
**Vanessa A. Countryman,**  
*Secretary.*

**DIVISION OF CORPORATION FINANCE—PROPOSED RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
366 .....	Rule 144 Holding Period .....	3235–AM78

**DIVISION OF CORPORATION FINANCE—FINAL RULE STAGE**

Sequence No.	Title	Regulation Identifier No.
367 .....	Listing Standards for Recovery of Erroneously Awarded Compensation .....	3235–AK99
368 .....	Pay Versus Performance .....	3235–AL00
369 .....	Mandated Electronic Filings .....	3235–AM15

DIVISION OF CORPORATION FINANCE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
370 .....	Universal Proxy .....	3235-AL84
371 .....	Filing Fee Disclosure and Payment Methods Modernization .....	3235-AL96

DIVISION OF INVESTMENT MANAGEMENT—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
372 .....	Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting on Executive Compensation Votes by Institutional Investment Managers.	3235-AK67
373 .....	Tailored Shareholder Reports, Treatment of Annual Prospectus Updates for Existing Investors, and Improved Fee and Risk Disclosure for Mutual Funds and ETFs; Fee Information in Investment Company Ads.	3235-AM52
374 .....	Private Fund Advisers; Documentation of Registered Investment Adviser Compliance Reviews .....	3235-AN07
375 .....	Cybersecurity Risk Governance .....	3235-AN08

DIVISION OF INVESTMENT MANAGEMENT—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
376 .....	Amendments to the Custody Rules for Investment Companies .....	3235-AM66
377 .....	Amendments to Improve Fund Proxy System .....	3235-AM73

DIVISION OF TRADING AND MARKETS—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
378 .....	Removal of References to Credit Ratings From Regulation M .....	3235-AL14

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Corporation Finance*

Proposed Rule Stage

**366. Rule 144 Holding Period [3235-AM78]**

*Legal Authority:* 12 U.S.C. 5461 *et seq.*; 15 U.S.C. 77b; 15 U.S.C. 77b note; 15 U.S.C. 77c; 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77r; 15 U.S.C. 77s; 15 U.S.C. 77s(a); 15 U.S.C. 77z-2; 15 U.S.C. 77z-3; 15 U.S.C. 77sss; 15 U.S.C. 77sss(a); 15 U.S.C. 78a *et seq.*; 15 U.S.C. 78c; 15 U.S.C. 78c(b); 15 U.S.C. 78d; 15 U.S.C. 78j; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78o-7 note; 15 U.S.C. 78o(d); 15 U.S.C. 78t; 15 U.S.C. 78u-5; 15 U.S.C. 78w; 15 U.S.C. 78w(a); 15 U.S.C. 78ll; 15 U.S.C. 78ll(d); 15 U.S.C. 78mm; 15 U.S.C. 80a-2(a); 15 U.S.C. 80a-3; 15 U.S.C. 80a-6(c); 15 U.S.C. 80a-8; 15 U.S.C. 80a-9; 15 U.S.C. 80a-10; 15 U.S.C. 80a-13; 15 U.S.C. 80a-24; 15 U.S.C. 80a-26; 15 U.S.C. 80a-28; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 15 U.S.C. 7201 *et seq.*; 18 U.S.C. 1350; sec. 953(b) Pub. L. 111-203, 124 Stat. 1904; sec. 102(a)(3) Pub. L. 112-106, 126 Stat.

309 (2012); sec. 107 Pub. L. 112-106, 126 Stat. 313 (2012); sec. 201(a) Pub. L. 112-106, 126 Stat. 313 (2012); sec. 401 Pub. L. 112-106, 126 Stat. 313 (2012); sec. 72001 Pub. L. 114-94, 129 Stat. 1312 (2015), unless otherwise noted; . . .

*Abstract:* The Division is considering recommending that the Commission repropose amendments to Rule 144, a non-exclusive safe harbor that permits the public resale of restricted or control securities if the conditions of the rule are met.

*Timetable:*

Action	Date	FR Cite
NPRM .....	01/19/21	86 FR 5063
NPRM Comment Period End.	03/22/21	
Second NPRM ....	10/00/22	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* John Fieldsend, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3430, *Email:* [fieldsendj@sec.gov](mailto:fieldsendj@sec.gov).  
*RIN:* 3235-AM78

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Corporation Finance*

Final Rule Stage

**367. Listing Standards for Recovery of Erroneously Awarded Compensation [3235-AK99]**

*Legal Authority:* Pub. L. 111-203, sec. 954; 15 U.S.C. 78j-4

*Abstract:* The Division is considering recommending that the Commission adopt rules to implement section 954 of the Dodd Frank Act, which requires the Commission to adopt rules to direct national securities exchanges to prohibit the listing of securities of issuers that have not developed and implemented a policy providing for disclosure of the issuer's policy on incentive-based compensation and mandating the clawback of such compensation in certain circumstances.

*Timetable:*

Action	Date	FR Cite
NPRM .....	07/14/15	80 FR 41144
NPRM Comment Period End.	09/14/15	



Action	Date	FR Cite
NPRM Comment Period Re-opened.	10/21/21	86 FR 58232
NPRM Comment Period End.	11/22/21	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Anne M. Krauskopf, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3500, *Email:* [krauskopfa@sec.gov](mailto:krauskopfa@sec.gov), *RIN:* 3235-AK99

**368. Pay Versus Performance [3235-AL00]**

*Legal Authority:* Pub. L. 111-203, sec. 953(a); 15 U.S.C. 78c(b); 15 U.S.C. 78n; 15 U.S.C. 78w(a); 15 U.S.C. 78mm

*Abstract:* The Division is considering recommending that the Commission adopt rules to implement section 953(a) of the Dodd-Frank Act, which added section 14(i) to the Exchange Act to require issuers to disclose information that shows the relationship between executive compensation actually paid and the financial performance of the issuer.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/07/15	80 FR 26329
NPRM Comment Period End.	07/06/15	
NPRM Comment Period Re-opened.	02/02/22	87 FR 5751
NPRM Comment Period End.	03/04/22	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Steven G. Hearne, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3430, *Email:* [hearnes@sec.gov](mailto:hearnes@sec.gov), *RIN:* 3235-AL00

**369. Mandated Electronic Filings [3235-AM15]**

*Legal Authority:* 15 U.S.C. 77d; 15 U.S.C. 77f; 15 U.S.C. 77g; 15 U.S.C. 77h; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o(d); 15 U.S.C. 78p; 15 U.S.C. 78w(a); 15 U.S.C. 78ll

*Abstract:* The Division is considering recommending that the Commission adopt amendments to Regulation S-T that would update the mandated

electronic submissions requirements to include additional filings. These additional filings would include: Form 144, Form 11-K and Form 6-K.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/22/21	86 FR 66231
NPRM Comment Period End.	12/22/21	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Noel Sean Harrison, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3249, *Email:* [harrisons@sec.gov](mailto:harrisons@sec.gov), *RIN:* 3235-AM15

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Corporation Finance*

Completed Actions

**370. Universal Proxy [3235-AL84]**

*Legal Authority:* 15 U.S.C. 78n; 15 U.S.C. 78w(a)

*Abstract:* The Commission amended the Federal proxy rules to enhance the ability of shareholders to elect directors through the proxy process in a manner consistent with their ability to vote in person at a shareholder meeting.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/10/16	81 FR 79122
NPRM Comment Period End.	01/09/17	
NPRM Comment Period Re-opened.	05/06/21	86 FR 24364
NPRM Comment Period Re-opened.	06/07/21	
Final Action .....	12/01/21	86 FR 68330
Final Action Effective.	01/31/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Ted Yu, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551-3440, *Email:* [yut@sec.gov](mailto:yut@sec.gov), *RIN:* 3235-AL84

**371. Filing Fee Disclosure and Payment Methods Modernization [3235-AL96]**

*Legal Authority:* 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s(a); 15 U.S.C. 78c; 15 U.S.C. 78l; 15 U.S.C. 78m; 15 U.S.C. 78o(d); 15 U.S.C. 78s(a); 15

U.S.C. 78ll; 15 U.S.C. 80a-8; 15 U.S.C. 80a-24; 15 U.S.C. 80a-29; 15 U.S.C. 80a-37

*Abstract:* The Commission adopted amendments that would modernize filing fee disclosure and payment methods. The Commission amended most fee-bearing forms, schedules, statements and related rules to require each filing fee table and accompanying disclosure to include all required information for fee calculation in a structured format. The amendments will add options for fee payment via Automated Clearing House and debit and credit cards, and eliminate options for fee payment via paper checks and money orders. The Commission adopted other amendments to enhance the efficiency of the fee process.

*Timetable:*

Action	Date	FR Cite
NPRM .....	12/27/19	84 FR 71580
NPRM Comment Period End.	02/25/20	
Final Action .....	12/09/21	86 FR 70166
Final Action Effective (Except 17 CFR 202.3a, 230.111, 240.0-9, & 270.0-8—Effective 05/31/22).	01/31/22	

*Regulatory Flexibility Analysis Required: Yes.*  
*Agency Contact:* Mark W. Green, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-0301, *Phone:* 202 551-3809, *Email:* [greenm@sec.gov](mailto:greenm@sec.gov), *RIN:* 3235-AL96

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Investment Management*

Final Rule Stage

**372. Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting on Institutional Investment Managers [3235-AK67]**

*Legal Authority:* 15 U.S.C. 78m; 15 U.S.C. 78w(a); 15 U.S.C. 78mm; 15 U.S.C. 78x; 15 U.S.C. 80a-8; 15 U.S.C. 80a-29; 15 U.S.C. 80a-30; 15 U.S.C. 80a-37; 15 U.S.C. 80a-44; Pub. L. 111-203, sec. 951

*Abstract:* The Division is considering recommending that the Commission adopt rule amendments to implement section 951 of the Dodd-Frank Act and to enhance the information reported on

Form N–PX. The Commission previously proposed amendments to rules and Form N–PX that would require institutional investment managers subject to section 13(f) of the Exchange Act to report how they voted on any shareholder vote on executive compensation or golden parachutes pursuant to sections 14A(a) and (b) of the Exchange Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	10/28/10	75 FR 66622
NPRM Comment Period End.	11/18/10	
Second NPRM ....	10/15/21	86 FR 57478
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Nathan Schurr, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6394, *Email:* schuurna@sec.gov.

*RIN:* 3235–AK67

**373. Tailored Shareholder Reports, Treatment of Annual Prospectus Updates for Existing Investors, and Improved Fee and Risk Disclosure for Mutual Funds and ETFs; Fee Information in Investment Company Ads [3235–AM52]**

*Legal Authority:* 15 U.S.C. 77e; 15 U.S.C. 77g; 15 U.S.C. 77j; 15 U.S.C. 77s; 15 U.S.C. 78c(b); 15 U.S.C. 77f; 15 U.S.C. 78j; 15 U.S.C. 78m; 15 U.S.C. 78n; 15 U.S.C. 78o; 15 U.S.C. 78mm; 15 U.S.C. 80a–6; 15 U.S.C. 80a–8; 15 U.S.C. 80a–20; 15 U.S.C. 80a–24; 15 U.S.C. 80a–29; 15 U.S.C. 80a–37; 44 U.S.C. 3506; 44 U.S.C. 3507

*Abstract:* The Division is considering recommending that the Commission adopt a new streamlined shareholder report under the Investment Company Act of 1940. The Division is also considering recommending that the Commission adopt rule and form amendments to improve and modernize certain aspects of the current disclosure framework under the Investment Company Act.

*Timetable:*

Action	Date	FR Cite
NPRM .....	11/05/20	85 FR 70716
NPRM Comment Period End.	01/04/21	
Final Action .....	10/00/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Michael Kosoff, Division of Investment Management,

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6754, *Email:* kosoffm@sec.gov.

*RIN:* 3235–AM52

**374. Private Fund Advisers; Documentation of Registered Investment Adviser Compliance Reviews [3235–AN07]**

*Legal Authority:* 15 U.S.C. 80b–1 et seq.

*Abstract:* The Division is considering recommending that the Commission adopt rules under the Advisers Act to address lack of transparency, conflicts of interest, and certain other matters involving private fund advisers.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/24/22	87 FR 16886
NPRM Comment Period End.	04/25/22	
Final Action .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Melissa Harke, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6722, *Email:* harkem@sec.gov.

*RIN:* 3235–AN07

**375. Cybersecurity Risk Governance [3235–AN08]**

*Legal Authority:* 15 U.S.C. 80b–1 et seq.; 15 U.S.C. 80a–1 et seq.

*Abstract:* The Division is considering recommending that the Commission adopt rules to enhance fund and investment adviser disclosures and governance relating to cybersecurity risks.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/09/22	87 FR 13524
NPRM Comment Period End.	04/11/22	
Final Action .....	04/00/23	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Christopher Staley, Branch Chief, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–8475, *Email:* staleyc@sec.gov.

*RIN:* 3235–AN08

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Investment Management*

Completed Actions

**376. Amendments to the Custody Rules for Investment Companies [3235–AM66]**

*Legal Authority:* 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–17(f); 15 U.S.C. 80a–26; 15 U.S.C. 80a–28; 15 U.S.C. 80a–29; 15 U.S.C. 80a–30; 15 U.S.C. 80a–31; 15 U.S.C. 80a–36; 15 U.S.C. 80a–37; 15 U.S.C. 80a–37(a)

*Abstract:* The Division is considering recommending that the Commission propose amendments to rules concerning custody under the Investment Company Act of 1940. This item is being withdrawn.

*Timetable:*

Action	Date	FR Cite
Withdrawn .....	04/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Bradley Gude, Special Counsel, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–5590, *Email:* gudeb@sec.gov.

*RIN:* 3235–AM66

**377. Amendments To Improve Fund Proxy System [3235–AM73]**

*Legal Authority:* 15 U.S.C. 78m; 15 U.S.C. 78w; 15 U.S.C. 78mm; 15 U.S.C. 80a–2; 15 U.S.C. 80a–6; 15 U.S.C. 80a–20; 15 U.S.C. 80a–30; 15 U.S.C. 80a–37

*Abstract:* The Division is considering recommending that the Commission propose rule and form amendments to address the fund proxy system and the unique challenges that funds as issuers may experience in seeking shareholder approvals. This item is being withdrawn.

*Timetable:*

Action	Date	FR Cite
Withdrawn .....	04/25/22	

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Amanda Wagner, Branch Chief, Investment Company Regulation Office, Securities and Exchange Commission, Division of Investment Management, 100 F Street NE, Washington, DC 20549, *Phone:* 202 551–6762, *Email:* wagnera@sec.gov.

*RIN:* 3235–AM73

**SECURITIES AND EXCHANGE COMMISSION (SEC)**

*Division of Trading and Markets*

Final Rule Stage

**378. Removal of References to Credit Ratings From Regulation M [3235-AL14]**

*Legal Authority:* Pub. L. 111-203, sec. 939A

*Abstract:* Section 939A of the Dodd Frank Act requires the Commission to remove certain references to credit ratings from its regulations and to substitute such standards of creditworthiness as the Commission determines to be appropriate. The Division is considering recommending that the Commission adopt proposed amendments to eliminate the exceptions

for investment grade non-convertible debt, non-convertible preferred, and asset-backed securities (as rated by at least one Nationally Recognized Statistical Rating Organization) from Rules 101 and 102 of Regulation M and replace the exception in Rule 101 with alternative standards—one based on distance to default using a Structural Credit Risk Model for non-convertible debt and non-convertible preferred debt, and one based on SF-3 shelf registration for asset-backed securities.

*Timetable:*

Action	Date	FR Cite
NPRM .....	05/06/11	76 FR 26550
NPRM Comment Period End.	07/05/11	
Final Action .....	01/08/14	79 FR 1522

Action	Date	FR Cite
Final Action Effective.	07/07/14	
NPRM .....	03/30/22	87 FR 18312
NPRM Comment Period End.	05/23/22	
Final Action .....	04/00/23	

*Regulatory Flexibility Analysis Required:* Yes.

*Agency Contact:* John Guidroz, Division of Trading and Markets, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, Phone: 202 551-6439, Email: [guidrozj@sec.gov](mailto:guidrozj@sec.gov).

RIN: 3235-AL14

[FR Doc. 2022-15035 Filed 8-5-22; 8:45 am]

**BILLING CODE 8011-01-P**



# FEDERAL REGISTER

---

Vol. 87

Monday,

No. 151

August 8, 2022

---

Part XXVIII

Surface Transportation Board

---

Semiannual Regulatory Agenda

**SURFACE TRANSPORTATION BOARD**

**49 CFR Ch. X**

[STB Ex Parte No. 536 (Sub-No. 52)]

**Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.  
**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for spring 2022.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, sets forth several requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is

likely to have a significant economic impact on a substantial number of small entities.

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings soon. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months but does not necessarily reflect the views of

any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or requires an agency to consider or act on any matter listed in such agenda."

The Chairman is publishing the agency's Regulatory Flexibility Agenda for spring 2022 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

Dated: September 10, 2021.

By the Board, Martin J. Oberman.

**Jeffrey Herzig,**  
*Clearance Clerk.*

**SURFACE TRANSPORTATION BOARD—LONG-TERM ACTIONS**

Sequence No.	Title	Regulation Identifier No.
379 .....	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) .....	2140-AB29

**SURFACE TRANSPORTATION BOARD (STB)**

Long-Term Actions

**379. Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1) [2140-AB29]**

*Legal Authority:* 49 U.S.C. 10502; 49 U.S.C. 13301

*Abstract:* The Board proposed to revoke the class exemptions for the rail transportation of: (1) crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. On March 19, 2019, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members. By decision served September 30, 2020 (published October 5, 2020), the Board invited public comment on a

new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues. Board staff held technical conferences on the proposed approach on December 18, 2020, and January 15, 2021.

*Timetable:*

Action	Date	FR Cite
NPRM .....	03/28/16	81 FR 17125
NPRM Comment Period End.	07/26/16	
NPRM Reply Comment Period End.	08/26/16	
Request for Further Comment in Rulemaking Proceeding.	10/05/20	85 FR 62689
Comment Period End.	01/29/21	
Reply Comment Period End.	03/01/21	

Action	Date	FR Cite
Next Action Undetermined.		

*Regulatory Flexibility Analysis Required: Yes.*

*Agency Contact:* Amy Ziehm, Branch Chief, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:* 202 245-0391, *Email:* amy.ziehm@stb.gov.

Francis O'Connor, Deputy Director, Office of Economics, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, *Phone:* 202 245-0331, *Email:* francis.o'connor@stb.gov.

RIN: 2140-AB29

[FR Doc. 2022-15215 Filed 8-5-22; 8:45 am]

**BILLING CODE 4915-01-P**

# Reader Aids

Federal Register

Vol. 87, No. 151

Monday, August 8, 2022

## CUSTOMER SERVICE AND INFORMATION

### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

### Presidential Documents

Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

### Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: [www.govinfo.gov](http://www.govinfo.gov).

Federal Register information and research tools, including Public Inspection List and electronic text are located at: [www.federalregister.gov](http://www.federalregister.gov).

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, AUGUST

46883-47092	1
47093-47330	2
47331-47620	3
47621-47920	4
47921-48078	5
48079-48430	8

## CFR PARTS AFFECTED DURING AUGUST

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 3 CFR

#### Administrative Orders:

Notices:  
Notice of August 4,  
2022 .....48077

### 7 CFR

210 .....47331  
215 .....47331  
220 .....47331  
226 .....47331

#### Proposed Rules:

51 .....48091  
3555 .....47646

### 9 CFR

#### Proposed Rules:

201 .....48091

### 10 CFR

#### Proposed Rules:

30 .....47947  
70 .....47947  
626 .....47652

### 12 CFR

338 .....48079  
343 .....48079

### 13 CFR

115 .....48080  
120 .....46883

### 14 CFR

25 .....47332, 48084  
39 .....47093, 47334, 47337  
71 .....47097, 47098, 47342  
93 .....47921  
97 .....48086, 48087

#### Proposed Rules:

25 .....46892  
39 .....46903, 46906, 47141,  
47144  
71 .....47146, 47149, 47150  
121 .....46892  
1212 .....46908

### 16 CFR

#### Proposed Rules:

Ch. I .....47947

### 17 CFR

#### Proposed Rules:

Ch. I .....48092

### 18 CFR

#### Proposed Rules:

35 .....48118

### 21 CFR

573 .....47343

### 23 CFR

655 .....47921

### 26 CFR

1 .....47931

### 31 CFR

542 .....47932  
560 .....47932  
587 .....47344, 47347, 47348  
589 .....47621  
591 .....47932  
594 .....47932

### 32 CFR

199 .....46884

### 33 CFR

100 .....47348  
165 .....46887, 47350, 47352,  
47624, 47626, 47935, 47937,  
47938  
334 .....46888

#### Proposed Rules:

165 .....47381, 47659, 47661,  
47949, 48125

### 34 CFR

#### Proposed Rules:

Ch. II .....47152, 47159

### 36 CFR

2 .....47296

### 38 CFR

17 .....47099

#### Proposed Rules:

61 .....46909

### 39 CFR

#### Proposed Rules:

3050 .....48127

### 40 CFR

52 .....46890, 47101, 47354,  
47630, 47632  
180 .....47634  
372 .....47102  
721 .....47103  
723 .....47103

#### Proposed Rules:

52 .....46916, 47663, 47666  
180 .....47167  
372 .....48128

### 42 CFR

412 .....47038  
413 .....47502  
483 .....47502

#### Proposed Rules:

Ch. IV .....46918

438.....47824  
 440.....47824  
 460.....47824

**43 CFR**

49.....47296  
 8360.....47296

**Proposed Rules:**

8360.....47669

**44 CFR**

206.....47359

**45 CFR**

**Proposed Rules:**

80.....47824  
 84.....47824  
 86.....47824  
 91.....47824  
 92.....47824  
 147.....47824  
 155.....47824  
 156.....47824

**47 CFR**

64.....47103

**Proposed Rules:**

51.....47673  
 61.....47673  
 69.....47673

**48 CFR**

Ch. 28.....47116

**49 CFR**

1249.....47637

**Proposed Rules:**

40.....47951  
 385.....48141

**50 CFR**

27.....47296  
 300.....47939, 47944  
 648.....47644

**Proposed Rules:**

224.....46921  
 648.....47177, 47181

---

---

**LIST OF PUBLIC LAWS**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List August 5, 2022**

---

---

**Public Laws Electronic Notification Service (PENS)**

---

---

**PENS** is a free email notification service of newly enacted public laws. To subscribe, go to <https://>

[listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1](https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1)

**Note:** This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.