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Contents

Federal Register

Vol. 87, No. 166

Monday, August 29, 2022

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
25.....52661
39.....52663
71 (9 documents) 52665, 52667, 52668, 52669, 52671, 52672, 52673, 52674, 52676
399.....52677
Proposed Rules:
39.....52705
71 (2 documents) 52707, 52710

21 CFR
573.....52681
Proposed Rules:
1308.....52712

33 CFR
165 (3 documents) 52682, 52684, 52686

40 CFR
52 (2 documents) 52688, 52690
63.....52692

42 CFR
512.....52698
Proposed Rules:
493.....52712

49 CFR
Proposed Rules:
191.....52713
192.....52713
195.....52713

50 CFR
665.....52704

Rules and Regulations

Federal Register
Vol. 87, No. 166
Monday, August 29, 2022

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2020–0476; Special Conditions No. 25–780A–SC]

Special Conditions: TC Inter-Informatics A.S., Airbus Model A330–243 Airplane; Single-Occupant, Oblique (Side-Facing) Seats With Inflatable Lap Belts

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

ACTION: Final special conditions; amendment.

SUMMARY: These amended special conditions are issued for the Airbus Model A330–243 series airplane, as modified by TC Inter-Informatics A.S. (TC Inter-Informatics). 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 single-occupant, oblique, B/E Aerospace Super Diamond seats, equipped with inflatable lap belts. 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 TC Inter-Informatics on August 29, 2022.

FOR FURTHER INFORMATION CONTACT: Alan Sinclair, Human-Machine Interface Section, AIR–626, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3215; email *alan.sinclair@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 21, 2017, TC Inter-Informatics applied for a supplemental type certificate to install B/E Aerospace Super Diamond specific Model 1031301 seats, equipped with inflatable restraint systems, at oblique angles of 27.25 and 30 degrees to the longitudinal centerline on Airbus Model A330–243 airplanes. The Airbus Model A330–243 airplane, which is a derivative of the Airbus Model A330 airplane currently approved under Type Certificate No. A46NM, is a twin-engine, transport-category airplane with a maximum takeoff weight of 507,063 pounds and seating for 375 passengers.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR), § 21.101, TC Inter-Informatics must show that the Airbus Model A330–243 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A46NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

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 Airbus Model A330–243 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 applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate 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 Airbus Model A330–243 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 § 21.101.

Novel or Unusual Design Features

The Airbus Model A330–243 airplane, as modified by TC Inter-Informatics, will incorporate the following novel or unusual design feature:

Single-occupant, oblique seats equipped with inflatable lapbelts.

Discussion

Amendment 25–15 to part 25, dated October 24, 1967, introduced the subject of side-facing seats, and a requirement that each occupant in a side-facing seat must be protected from head injury by a safety belt and a cushioned rest that will support the arms, shoulders, head, and spine.

Subsequently, amendment 25–20, dated April 23, 1969, clarified the definition of side-facing seats to require that each occupant of a seat, positioned at more than an 18-degree angle to the vertical plane of the airplane longitudinal centerline, must be protected from head injury by a safety belt and an energy-absorbing rest that will support the arms, shoulders, head, and spine; or by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. The FAA concluded that an 18-degree angle would provide an adequate level of safety based on tests that were performed at that time, and thus adopted that standard.

Part 25 was amended June 16, 1988, by amendment 25–64, to revise the emergency-landing conditions that must be considered in the design of the airplane. Amendment 25–64 revised the static-load conditions in 14 CFR 25.561, and added the new § 25.562 that requires dynamic testing for all seats approved for occupancy during takeoff and landing. The intent of amendment 25–64 is to provide an improved level of safety for occupants on transport-category airplanes. Because most seating is forward-facing on transport-category airplanes, the pass/fail criteria developed in amendment 25–64 focused primarily on these seats. As a result, the FAA issued Policy Statement ANM–03–115–30, ''Side-facing Seats on Transport Category Airplanes,'' and Policy Memorandum PS–ANM100–2000–00123, ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' to provide the

additional guidance necessary to demonstrate the level of safety required by the regulations for side-facing seats.

To reflect current research findings, the FAA issued Policy Statement PS–ANM–25–03–R1, ''Technical Criteria for Approving Side-Facing Seats,'' on November 5, 2012, which updates injury criteria for fully side-facing seats. This policy statement was issued to define revised injury criteria associated with neck and leg injuries.

The proposed Airbus Model A330–243 airplane, with an oblique seating configuration by TC Inter-Informatics, is novel such that the Airbus Model A330–243 airplane certification basis does not adequately address protection of the occupant's neck and spine for seat configurations that are positioned at an angle greater than 18 degrees from the airplane centerline. Therefore, the TC Inter-Informatics proposed configuration requires new special conditions.

These special conditions will provide head-injury criteria, neck-injury criteria, spine-injury criteria, and body-to-wall contact criteria. They 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.

Discussion of Comments

The FAA issued Final Special Conditions, Request for Comment, Special Conditions No. 25–780–SC for the Airbus Model A330–243 airplane, as modified by TC Inter-Informatics, which was published in the **Federal Register** on February 2, 2021 (86 FR 7799). The FAA received responses from two commenters.

One commenter recommended changing Condition no. 5 to require longitudinal tests to be conducted with the Hybrid III anthropomorphic test dummy (ATD), versus tests ''as necessary,'' stating that, as written, the wording implies that the tests are optional. The FAA concurs with the comment and has changed ''as necessary'' to ''as required.''

The Boeing Company submitted eight comments, each requesting clarification in keeping with corresponding text from FAA Policy PS–AIR–25–27, ''Technical Criteria for Approving Oblique Seats,'' dated July 11, 2018. The certification project to which these Special Conditions apply is a validation of a supplemental type certificate issued by the European Aviation Safety Agency (EASA) prior to the issuance of FAA Policy PS–AIR–25–27. The certification basis for the project is based on the date of application for the EASA design approval in accordance with the Technical Implementation Procedures for Airworthiness and Environmental Certification between the FAA and the EASA.

The FAA agrees to incorporate six comments affecting Condition nos. 1, 2, 3, 3.a, 3.b, and 3.d., and has made the changes. These six comments better align the wording of these Conditions with FAA Policy PS–AIR–25–27, but do not alter the criteria or intent of the Conditions, thus do not affect the certification basis of this supplemental type certificate.

Boeing recommended changing the Condition no. 4.a, Lumbar Spine, to include, ''The lumbar spine tension (F_z) cannot exceed 1,200 lbs.'' Boeing also recommended adding conditions for pelvis criteria and femur criteria.

The FAA does not concur because these criteria were established by FAA Policy PS–AIR–25–27, and, as mentioned previously, the certification basis for the project is based on the date of application for the EASA design approval pursuant to the Technical Implementation Procedures for Airworthiness and Environmental Certification between the FAA and the EASA, which is before that policy was established.

These special conditions are being amended as discussed above. All other special conditions are adopted as issued.

Applicability

These special conditions are applicable to Airbus Model A330–243 airplanes with B/E Aerospace Super Diamond business class seats installed, per TC Inter-Informatics project-specific certification plan JD–45AC01–1. Should TC Inter-Informatics apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46NM to incorporate 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, and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

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 Airbus Model A330–243 airplanes, as modified by TC Inter-Informatics.

Single-Occupant, Oblique (Side-Facing) Seats Special Conditions

1. Existing Criteria

All injury protection criteria of § 25.562(c)(1) through (6) apply to the occupant of an oblique (side-facing) seat. Head-injury criterion (HIC) assessments are only required for head contact with the seat and adjacent structures. If the ATD has no apparent contact with a seat or structure, but does have contact with an airbag, a HIC unlimited score in excess of 1000 is acceptable, provided that the HIC15 score for that contact is less than 700.

2. Body-to-Wall/Furnishing Contact Criteria

If an oblique seat is installed aft of structure (*e.g.,* an interior wall or furnishing) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then additional analysis or tests may be required to demonstrate that the injury criteria are met for the area which an occupant could contact. For example, if different yaw angles could result in different airbag performance, then additional analysis or separate tests may be necessary to evaluate performance.

3. Neck-Injury Criteria

The seating system must protect the occupant from experiencing serious neck injury. The assessment of neck injury must be conducted with the airbag activated, unless there is reason to also consider that the neck-injury potential would be higher below the inflatable restraint threshold. If so, additional tests may be required.

a. The N_{ij} (calculated in accordance with 49 CFR 571.208) must be below 1.0, where $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$, and N_{ij} intercepts limited to:

i. F_{zc} = 1530 lb. for tension
ii. F_{zc} = 1385 lb. for compression
iii. M_{yc} = 229 lb-ft in flexion
iv. M_{yc} = 100 lb-ft in extension

b. In addition, peak upper-neck F_z must be below 937 lb. in tension and 899 lb. in compression.

c. Rotation of the head about its vertical axis relative to the torso is limited to 105 degrees in either direction from forward-facing.

d. The neck must not impact any surface.

4. Spine and Torso Injury Criteria

a. The shoulders must remain aligned with the hips throughout the impact sequence, or support for the upper torso must be provided to prevent forward or lateral flailing beyond 45 degrees from the vertical during significant spinal loading.

b. Significant concentrated loading on the occupant's spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable.

c. Occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

5. Longitudinal Tests

These must be performed, as required, with the Hybrid III ATD, as described in SAE 1999–01–1609, ''A Lumbar Spine Modification to the Hybrid III ATD for Aircraft Seat Tests.'' The tests must be conducted with an undeformed floor, most critical yaw cases for injury, and with all lateral structural supports (armrests and walls) installed. For the pass/fail injury assessments, see the criteria listed in special conditions 1 through 4, above.

Note: TC Inter-Informatics A.S. must demonstrate that the installation of seats via plinths or pallets meets all applicable requirements. Compliance with the guidance contained in FAA Policy Memorandum PS–ANM–100–2000–00123, dated February 2, 2000, titled ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' is acceptable to the FAA.

Inflatable Lapbelt Conditions

If inflatable lapbelts are installed on single-place side-facing seats, the inflatable lapbelts must meet the requirements of Special Conditions No. 25–395–SC.

Issued in Kansas City, Missouri, on August 24, 2022.

Patrick R. Mullen,

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

[FR Doc. 2022–18568 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0958; Project Identifier 2019–CE–010–AD; Amendment 39–22133; AD 2022–16–04]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting an airworthiness directive (AD) that published in the **Federal Register**. That AD applies to all Gulfstream Aerospace Corporation (Gulfstream) Model GV and GV–SP airplanes. As published, a revision level and a table number in certain document citations in the Credit for Previous Actions section of the regulatory text are incorrect. This document corrects those errors. In all other respects, the original document remains the same.

DATES: This correction is effective September 7, 2022. The effective date of AD 2022–16–04 remains September 7, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of September 7, 2022 (87 FR 47337, August 3, 2022).

ADDRESSES:

AD Docket: You may examine the AD docket at regulations.gov by searching for and locating Docket No. FAA–2021–0958; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; fax: (912) 965–3520; email: *pubs@gulfstream.com;* website: *gulfstream.com/en/customer-support/.*
- You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* by searching for and locating Docket No. FAA–2021–0958.

FOR FURTHER INFORMATION CONTACT: Ronald Wissing, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5552; email: *9-ASO-ATLACO-ADs@faa.gov*.

SUPPLEMENTARY INFORMATION: AD 2022–16–04, Amendment 39–22133 (87 FR 47337, August 3, 2022) (AD 2022–16–04), requires inspecting the horizontal stabilizer lower skin and associated bonded doublers and bonded stringers, repairing any area with corrosion beyond allowable damage limits, and incorporating revisions to the airworthiness limitations section (ALS) in the existing aircraft maintenance manual (AMM) or progressive maintenance program for all Gulfstream Model GV and GV–SP airplanes.

Need for the Correction

As published, the regulatory text of AD 2022–16–04 includes the following errors:

- The revision level of the Gulfstream V Aircraft Maintenance Manual specified in paragraph (j)(1) of the regulatory text is incorrectly identified as ''Revision 53.'' The correct revision for February 28, 2020, is ''Revision 51''; and
- The number specified for the Horizontal Stabilizer Inspection Table in the document citation in paragraph (j)(2) of the regulatory text is incorrectly referenced as ''Table 11.'' The correct reference is ''Table 12.''

Related Service Information Under 1 CFR Part 51

The FAA reviewed Gulfstream G500–5000 Customer Bulletin No. 190, Revision B; Gulfstream G550 Customer Bulletin No. 190, Revision B; and Gulfstream GV Customer Bulletin No. 228, Revision B; all dated October 31, 2019. For the applicable marketing designation specified on each document, the customer bulletins specify procedures for inspecting the horizontal stabilizer lower bonded skin.

The FAA also reviewed Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Aircraft Maintenance Manual, Revision 55, dated March 15, 2022; Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/

Maintenance Checks, of the Gulfstream G500–5000 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022; and Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022. For the applicable marketing designation specified on each document, the service information contains inspection intervals for nondestructive testing of the lower horizontal stabilizer skins and provides the specific reference for the inspection procedures.

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

Correction of Publication

This document corrects two typographical errors and correctly adds the AD as an amendment to 14 CFR 39.13. Although no other part of the preamble or regulatory information has been corrected, the FAA is republishing the entire rule in the **Federal Register**.

The effective date of this AD remains September 7, 2022.

Since this action only corrects a revision level and table number in document citations in the regulatory text, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subjects in 14 CFR Part 39

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

Adoption of the Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

■ 2. The FAA corrects § 39.13 by correcting the airworthiness directive published at 87 FR 47337 (August 3, 2022) to read:

2022–16–04 Gulfstream Aerospace Corporation: Amendment 39–22133; Docket No. FAA–2021–0958; Project Identifier 2019–CE–010–AD.

(a) Effective Date

This airworthiness directive (AD) is effective September 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GV and GV–SP airplanes, all serial numbers, certificated in any category.

Note 1 to paragraph (c): Model GV–SP airplanes are also referred to by the marketing designations G500, G550, and G500–5000.

(d) Subject

Joint Aircraft System Component (JASC) Code 5510, Horizontal Stabilizer Structure.

(e) Unsafe Condition

This AD results from corrosion of the horizontal stabilizer lower bonded skin assemblies. The FAA is issuing this AD to detect and correct bond line corrosion, which if not addressed, could result in compromise of the structural integrity of the horizontal stabilizer and lead to loss of control of the airplane.

(f) Compliance

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

(g) Incorporation of Airworthiness Limitations (ALS) Revisions

Within 30 days after the effective date of this AD, incorporate into your existing maintenance or inspection program the ALS revision specified in paragraph (g)(1), (2), or (3) of this AD for your applicable airplane designation.

(1) For Model GV airplanes: Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Aircraft Maintenance Manual, Revision 55, dated March 15, 2022.

(2) For Model GV–SP (G500 and G500–5000) airplanes: Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500–5000 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022.

(3) For Model GV–SP (G550) airplanes: Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022.

(h) Applicable Customer Bulletins

The customer bulletins specified in paragraphs (h)(1) through (3) of this AD contain procedures for compliance with the actions required by paragraph (i) of this AD for your applicable airplane designation:

(1) Gulfstream GV Customer Bulletin No. 228, Revision B, dated October 31, 2019;

(2) Gulfstream G500–5000 Customer Bulletin No. 190, Revision B, dated October 31, 2019; or

(3) Gulfstream G550 Customer Bulletin No. 190, Revision B, dated October 31, 2019.

(i) Inspection

For Model GV airplanes, all serial numbers, and Model GV–SP airplanes, serial numbers 5001 through 5158: Within 12 months after the effective date of this AD, perform the horizontal stabilizer lower skin resonance C-Scan inspection (Part II inspection) for bond line corrosion and apply corrosion inhibiting compound (CIC) by following steps 6.2.a. through 6.2.e. and 6.3.a. of appendix A of the applicable customer bulletin listed in paragraph (h) of this AD.

Note 2 to the introductory text of paragraph (i): Operators may align the inspections listed in the applicable ALS revision in paragraph (g) of this AD with the Part II inspection.

(1) Within 48 months after applying CIC, repair all bond line corrosion.

(2) If there is bond line corrosion that exceeds the allowable damage limits in Table 2 of appendix A of the applicable customer bulletin listed in paragraph (h) of this AD, or other allowable damage limits established by an appropriately authorized Gulfstream Organization Designation Authorization (ODA) unit member, repair all bond line corrosion before further flight using a repair approved by the FAA or an appropriately authorized Gulfstream ODA unit member.

(i) For a repair method to be approved by the FAA, the FAA's approval of the repair must specifically refer to this AD.

(ii) For a repair method to be approved by a Gulfstream ODA unit member, the unit member must be authorized in writing by the Manager of the Atlanta ACO Branch to approve repairs for this AD, and the unit member's approval of the repair must specifically refer to this AD.

(j) Credit for Previous Actions

You may take credit for the ALS revision required by paragraph (g) of this AD if you revised the ALS before the effective date of this AD using the service information specified in paragraph (j)(1), (2), or (3) of this AD, as applicable to your airplane designation.

(1) For Model GV airplanes: Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Aircraft Maintenance Manual, Revision 51, dated February 28, 2020.

(2) For Model GV–SP (G500 and G500–5000) airplanes: Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500–5000 Aircraft Maintenance Manual, Revision 34, dated March 15, 2021.

(3) For Model GV–SP (G550) airplanes: Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Aircraft Maintenance Manual, Revision 34, dated March 15, 2021.

(k) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by a Gulfstream Engineering Authorized Representative (EAR) of the Gulfstream ODA that has been authorized by the Manager, Atlanta ACO Branch, to make those findings. To be approved, the repair, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as Required for Compliance (RC), the following provisions apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, that are required by paragraph (i) of this AD must be done to comply with this AD. An AMOC is required for any deviations to RC steps required by paragraph (i) of this AD, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

(1) For more information about this AD, contact Ronald Wissing, Aviation Safety Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5552; email: *9-ASO-ATLACO-ADs@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(4) and (5) of this AD.

(m) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on September 7, 2022 (87 FR 47337, August 3, 2022).

(i) Gulfstream G500–5000 Customer Bulletin No. 190, Revision B, dated October 31, 2019.

(ii) Gulfstream G550 Customer Bulletin No. 190, Revision B, dated October 31, 2019.

(iii) Gulfstream GV Customer Bulletin No. 228, Revision B, dated October 31, 2019.

(iv) Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G500–5000 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022.

(v) Section F and Table 11: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream G550 Aircraft Maintenance Manual, Revision 36, dated March 15, 2022.

(vi) Section F and Table 12: Horizontal Stabilizer Inspection Table in Section 05–10–10, Airworthiness Limitations, of Chapter 05, Time Limits/Maintenance Checks, of the Gulfstream V Aircraft Maintenance Manual, Revision 55, dated March 15, 2022.

(4) For service information identified in this AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; fax: (912) 965–3520; email: *pubs@gulfstream.com;* website: *gulfstream.com/en/customer-support/.*

(5) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on August 24, 2022.

Gaetano A. Sciortino,

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

[FR Doc. 2022–18538 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1194; Airspace Docket No. 19–AAL–39]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–370; Kenai, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–370 in the vicinity of Kenai, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–1194 in the **Federal Register** (87 FR 2370; January 14, 2022), establishing RNAV route T–370 in the vicinity of Kenai, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by establishing RNAV route T–370 in the vicinity of Kenai, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The new route is described below.

T–370: T–370 is a new RNAV route established between the new WIXER, AK, waypoint (WP), located over the Port Heiden Airport, AK, and the Kenai, AK (ENA), VHF Omnidirection Range/Distance Measuring Equipment (VOR/DME) navigational aid.

The full route description of the new route is listed in the amendment to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T–370 in the vicinity of Kenai, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011. United States Area Navigation Routes.

* * * * *

T–370 WIXER, AK to Kenai, AK (ENA) [New]

WIXER, AK	WP	(Lat. 56°54′29.00″ N, long. 158°36′10.00″ W)
ITAWU, AK	WP	(Lat. 57°02′41.91″ N, long. 159°02′16.39″ W)
Dillingham, AK (DLG)	VOR/DME	(Lat. 58°59′39.24″ N, long. 158°33′07.99″ W)
DUMZU, AK	WP	(Lat. 59°44′53.05″ N, long. 154°54′46.79″ W)
Kenai, AK (ENA)	VOR/DME	(Lat. 60°36′52.93″ N, long. 151°11′42.87″ W)

* * * * *

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18430 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1156; Airspace Docket No. 19–AAL–28]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–364; Kotzebue, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–364 in the vicinity of Kotzebue, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–1156 in the **Federal Register** (86 FR 74000; December 29, 2021), establishing RNAV route T–364 the vicinity of Kotzebue, AK in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by establishing RNAV route T–364 in the vicinity of Kotzebue, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The new route is described below.

T–364: T–364 is a new RNAV route established between the COGNU, AK, waypoint (WP) and the Kotzebue, AK (OTZ), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) navigational aid.

The full route description of the new route is listed in the amendment to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T–364 in the vicinity of Kotzebue, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically

excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–364 COGNU, AK to Kotzebue, AK (OTZ) [New]		
COGNU, AK	WP	(Lat. 65°48′29.23″ N, long. 167°50′06.18″ W)
HIPIV, AK	WP	(Lat. 66°15′29.11″ N, long. 166°03′23.59″ W)
Kotzebue, AK (OTZ)	VOR/DME	(Lat. 66°53′08.46″ N, long. 162°32′23.77″ W)

* * * * *

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18428 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1163; Airspace Docket No. 19–AAL–38]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–369; Bethel, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–369 in the vicinity of Bethel, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–1163 in the **Federal Register** (87 FR 2088; January 13, 2022), establishing RNAV route T–369 in the vicinity of Bethel, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by establishing RNAV route T–369 in the vicinity of Bethel, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The new route is described below.

T–369: T–369 is a new RNAV route established between the Bethel, AK (BET), VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Nome, AK (OME), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) navigational aids.

The full route description of the new route is listed in the amendment to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T–369 in the vicinity of Bethel, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–369 Bethel, AK (BET) to Nome, AK (OME) [New]

Bethel, AK (BET)	VORTAC	(Lat. 60°47′05.41″ N, long. 161°49′27.59″ W)
JOPES, AK	WP	(Lat. 62°03′33.30″ N, long. 163°17′07.68″ W)
Nome, AK (OME)	VOR/DME	(Lat. 64°29′06.39″ N, long. 165°15′11.43″ W)

* * * * *

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18429 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0857; Airspace Docket No. 19–AAL–51]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–382; Hooper Bay, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–382 in the vicinity of Hooper Bay, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

dependency on ground based navigation.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–0857 in the **Federal Register** (86 FR 58817; October 25, 2021), establishing RNAV route T–382 in the vicinity of Hooper Bay, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. One comment that was not germane to the proposed action was received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Differences From the NPRM

In the NPRM, the FAA discovered a typographical error in two separate locations identifying the proposed RNAV T–route as ''T–381'' instead of the intended RNAV T–route ''T–382''. The errors are in ''The Proposal'' section describing the proposed route and in the route description title of the proposed amendment to part 71. The correct RNAV T–route identifier is ''T–382''.

Additionally, subsequent to the NPRM, the FAA determined it was necessary to relocate the JOPES, AK, waypoint (WP) to address instrument flight procedure concerns related to two points (*i.e.,* FIX, navigational aid, waypoints) being located too close to one another. As a result, the latitude/longitude geographic coordinates for the JOPES WP are changed from ''lat. 62°03′33.80″ N, long. 163°16′54.82″ W'' to ''lat. 62°03′33.30″ N, long. 163°17′07.68″ W''. This change is a minor adjustment to the route point and moves the WP by approximately 600 feet from its proposed location.

This action incorporates the changes noted above.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by establishing RNAV route T–382 in the vicinity of Hooper Bay, AK, in support of a large and comprehensive T–route modernization project for the state of Alaska. The route is described below.

T–382: T–382 is established between the Hooper Bay, AK (HPB), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the McGrath, AK (MCG), VHF Omnidirectional Range/Tactical Air Navigational (VORTAC) navigational aids. T–382 offers alternate routing with a lower Minimum Enroute Altitude (MEA) over more favorable terrain to the existing Colored Federal airway G–15 and Alaskan VHF Omnidirectional Radar (VOR) Federal airways V–496 and V–510 between the Hooper Bay VOR/DME and McGrath VORTAC.

The full route description of the new RNAV route is listed in the Amendment to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T–382 in the vicinity of Hooper Bay, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011. United States Area Navigation Routes.

* * * * *

T–382 Hooper Bay, AK (HPB) to McGrath, AK (MCG) [New]

Hooper Bay, AK (HPB)	VOR/DME	(Lat. 61°30′51.65″ N, long. 166°08′04.13″ W)
JOPES, AK	WP	(Lat. 62°03′33.30″ N, long. 163°17′07.68″ W)
FELSA, AK	WP	(Lat. 62°26′52.62″ N, long. 161°35′12.99″ W)
WEREL, AK	WP	(Lat. 62°38′29.25″ N, long. 160°11′07.20″ W)
OTTAC, AK	WP	(Lat. 63°02′12.19″ N, long. 158°08′46.85″ W)
CHEFF, AK	WP	(Lat. 63°04′15.06″ N, long. 157°20′39.55″ W)
McGrath, AK (MCG)	VORTAC	(Lat. 62°57′03.72″ N, long. 155°36′40.97″ W)

* * * * *

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18491 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0856; Airspace Docket No. 19–AAL–50]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–381; Big Lake, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published by the FAA in the **Federal Register** on July 14, 2022, that establishes United States Area Navigation (RNAV) route T–381 in the vicinity of Big Lake, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The final rule identified the GLOWS, AK, route point as a waypoint (WP), in error. This action makes an editorial correction to the reference of the GLOWS, AK, WP to change it to be reflected as a Fix and match the FAA's aeronautical database information.

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

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

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (87 FR 42070; July 14, 2022), establishing T–381 in support of a large and comprehensive T-route modernization project for the state of Alaska. Subsequent to publication, the FAA determined that the GLOWS, AK, route point was inadvertently identified as a WP, in error. This rule corrects that error by changing the reference of the GLOWS, AK, WP to the GLOWS, AK, Fix. This is an editorial change only to match the FAA's aeronautical database information and does not alter the alignment of the affected T–381 route.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV T-route listed in this document will be published subsequently in FAA Order JO 7400.11.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, reference to the GLOWS, AK, WP that is reflected in Docket No. FAA–2021–0856, as published in the **Federal Register** of July 14, 2022 (87 FR 42070), FR Doc. 2022–15064, is corrected as follows:

In FR Doc. 2022–15064, appearing on page 42071, in the third column, at line 62, correct

''GLOWS, AK	WP	(Lat. 64°26′15.88″ N, long. 148°15′17.88″ W)''

to read

''GLOWS, AK	FIX	(Lat. 64°26′15.88″ N, long. 148°15′17.88″ W).''

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18431 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1080; Airspace Docket No. 21–AGL–33]

RIN 2120–AA66

Establishment of Class E Airspace; Dayton, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Dayton, OH. The FAA is taking this action due to new public instrument procedures being established at Moraine Air Park, Dayton, OH.

DATES: Effective 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the surface at Moraine Air Park, Dayton, OH, to support instrument flight rule operations at this airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 70060; December 9, 2021) for Docket No. FAA–2021–1080 to establish Class E airspace at Dayton, OH. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface to within a 6.3-mile radius of Moraine Air Park, Dayton, OH.

This action is due to the establishment of new public instrument procedures at Moraine Air Park.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. 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. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

71.1 [Amended]

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

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL OH E5 Dayton, OH [Establish]

Moraine Air Park, OH

(Lat. 39°40′56″ N, long. 84°14′24″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Moraine Air Park.

Issued in Fort Worth, Texas, on August 23, 2022.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–18447 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1100; Airspace Docket No. 19–AAL–65]

RIN 2120–AA66

Amendment of United States Area Navigation (RNAV) Route T–235; Atqasuk, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T–235 in the vicinity of Atqasuk, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2021–1100 in the **Federal Register** (86 FR 70774; December 13, 2021), amending RNAV route T–235 in the vicinity of Atqasuk, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by amending RNAV route T–235 in the vicinity of Atqasuk, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The route amendment is described below.

T–235: T–235 extends between the Atqasuk, AK (ATK), Nondirectional Radio Beacon (NDB) and the Nuiqsut, AK (UQS), NDB. The route is amended by replacing the Atqasuk NDB with the ZISDU, AK, waypoint (WP); replacing the Nuiqsut NDB with the JATIL, AK, WP; extending the route westward from the ZISDU, AK, WP to the FILEV, AK, WP in the vicinity of Wainwright, AK; and extending the route eastward from the JATIL, AK, WP to the Deadhorse, AK (SCC), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) navigational aid. The full route description of the amended route is listed in ''The Amendment'' section, below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of amending RNAV route T–235 in the vicinity of Atqasuk, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing

minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–235 FILEV, AK to Deadhorse, AK (SCC) [Amended]

FILEV, AK	WP	(Lat. 70°38′16.81″ N, long. 159°59′41.10″ W)
ZISDU, AK	WP	(Lat. 70°28′08.35″ N, long. 157°25′20.99″ W)
JATIL, AK	WP	(Lat. 70°12′46.02″ N, long. 151°00′19.83″ W)
ZADRO, AK	WP	(Lat. 70°13′09.77″ N, long. 150°12′03.78″ W)
Deadhorse, AK (SCC)	VOR/DME	(Lat. 70°11′57.11″ N, long. 148°24′58.17″ W)

* * * * *

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18427 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0860; Airspace Docket No. 19–AAL–54]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Route T–385; Kodiak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes United States Area Navigation (RNAV) route T–385 in the vicinity of Kodiak, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2021–0860 in the **Federal Register** (86 FR 58816; October 25, 2021), establishing RNAV route T–385 in the vicinity of Kodiak, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Differences From the NPRM

Subsequent to the NPRM, the FAA determined it was necessary to relocate the ZEKTI, AK, waypoint (WP) and rename it from ''ZEKTI'' to ''DUMZU'' to address instrument flight procedure concerns related to two points (*i.e.* Fix, navigational aid, waypoints) being located too close to one another and to comply with FAA Fix-name reservation guidance. As a result, the latitude/longitude geographic coordinates for the DUMZU, AK, WP are changed from ''lat. 59°44′53.02″ N, long. 154°54′34.73″ W'' to ''lat. 59°44′53.05″ N, long. 154°54′46.79″ W''. This change is a minor adjustment to the route structure and moves the WP approximately 600 feet from its proposed location.

This action incorporates the geographic coordinates and WP name changes noted above.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This actions amends 14 CFR part 71 by establishing RNAV route T–385 in the vicinity of Kodiak, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The route is described below.

T–385: T–385 is established between the Kodiak, AK (ODK), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the DUMZU, AK, WP located adjacent to the Iliamna, AK (ILI), Nondirectional Radio Beacon (NDB). T–385 provides alternate routing for Colored Federal airway B–12 and lower Global Navigation Satellite System (GNSS) Minimum Enroute Altitudes (MEAs) while ensuring continuous two-way VHF communications for the entirety of the route.

The full route description of the new RNAV route is listed in the amendment to part 71 set forth below.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of establishing RNAV route T–385 in the vicinity of Kodiak, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–385 Kodiak, AK (ODK) to DUMZU, AK [New]

Kodiak, AK (ODK)	VOR/DME	(Lat. 57°46′30.13″ N, long. 152°20′23.42″ W)
WUMVI, AK	WP	(Lat. 59°01′11.75″ N, long. 153°07′28.42″ W)
GAMIC, AK	WP	(Lat. 59°22′48.60″ N, long. 154°28′36.95″ W)
DUMZU, AK	WP	(Lat. 59°44′53.05″ N, long. 154°54′46.79″ W)

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18490 Filed 8–26–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–0026; Airspace Docket No. 21–AAL–68]

RIN 2120–AA66

Amendment of United States Area Navigation (RNAV) Route T–232; Fairbanks, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) route T–232 in the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska.

DATES: Effective date 0901 UTC, November 3, 2022. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2022–0026 in the **Federal Register** (87 FR 2569; January 18, 2022), amending RNAV route T–232 the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The RNAV route listed in this document will be published subsequently in FAA Order JO 7400.11.

Differences From the NPRM

In the proposal section in the NPRM, the RIVOR, AK, route point was incorrectly listed as a waypoint (WP) instead of correctly identifying it as a Fix; however, the RIVOR, AK, route point was correctly listed in the T–232 description as a Fix. This action keeps the RIVOR, AK, route point as a Fix.

Additionally, in the proposal section and the T–232 description in the proposed amendment section of the NPRM, the OCOCU, AK, route point was incorrectly listed as a WP. This action corrects that error and lists the OCOCU, AK, route point as a Fix. This correction is editorial only and does not change the alignment of T–232.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This action amends 14 CFR part 71 by amending RNAV route T–232 in the vicinity of Fairbanks, AK, in support of a large and comprehensive T-route modernization project for the state of Alaska. The route amendment is described below.

T–232: T–232 extends between the Barrow, AK (BRW), VHF Omni-Directional Range/Distance Measuring Equipment (VOR/DME) and the Northway, AK (ORT), VHF Omni-Directional Range/Tactical Air Navigation (VORTAC) navigational aids. The route is amended between the Fairbanks, AK (FAI), VORTAC and the Big Delta, AK (BIG), VORTAC by adding the RIVOR, AK, Fix and the CUTUB, AK, WP to facilitate a lower Minimum Enroute Altitude on the route and ensure lateral separation from active special use airspace. This action also corrects the legal description by including the turn points at the OCOCU, AK, Fix and the IMARE, AK, WP and by removing the BRONX, AK, Fix since it does not reflect a turn point.

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

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of amending RNAV route T–232 in the vicinity of Fairbanks, AK, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–

6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–232 Barrow, AK (BRW) to Northway, AK (ORT) [Amended]

Barrow, AK (BRW)	VOR/DME	(Lat. 71°16′24.33″ N, long. 156°47′17.22″ W)
OCOCU, AK	FIX	(Lat. 67°05′08.90″ N, long. 151°45′00.43″ W)
Bettles, AK (BTT)	VOR/DME	(Lat. 66°54′18.03″ N, long. 151°32′09.18″ W)
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48′00.25″ N, long. 148°00′43.11″ W)
IMARE, AK	WP	(Lat. 64°33′29.60″ N, long. 147°17′20.31″ W)
CUTUB, AK	WP	(Lat. 64°17′49.15″ N, long. 146°37′11.65″ W)
RIVOR, AK	FIX	(Lat. 64°09′46.97″ N, long. 146°09′22.50″ W)
Big Delta, AK (BIG)	VORTAC	(Lat. 64°00′16.06″ N, long. 145°43′02.09″ W)
Northway, AK (ORT)	VORTAC	(Lat. 62°56′49.92″ N, long. 141°54′45.39″ W)

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Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 399

[Docket No. DOT–OST–2019–0182]

RIN 2105–ZA18

Guidance Regarding Interpretation of Unfair and Deceptive Practices

AGENCY: Office of the Secretary (OST), U.S. Department of Transportation (DOT).

ACTION: Guidance regarding interpretation of unfair and deceptive practices.

SUMMARY: The U.S. Department of Transportation (DOT or the Department) is issuing a guidance document to inform the public and regulated entities about DOT's interpretation of the terms unfair, deceptive, and practices as it relates to its statutory authority to prohibit unfair or deceptive practices. The Department is taking this action to better define the terms unfair and deceptive in response to an Executive order issued by President Biden on July 9, 2021, on promoting competition in the American economy.

DATES: This final guidance document is effective August 29, 2022.

ADDRESSES: This guidance will appear on the Department's aviation consumer protection website at *https://www.transportation.gov/airconsumer/guidance-aviation-rules-and-statutes.* The Department's final rule regarding unfair and deceptive practices and related documents are available on the docket at *https://www.regulations.gov*; follow the online instructions for accessing DOT–OST–2019–0182.

FOR FURTHER INFORMATION CONTACT: Robert Gorman, Kimberly Graber, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, 202–366–9342, 202–366–7152 (fax); *robert.gorman@dot.gov*; *kimberly.graber@dot.gov*; or *blane.workie@dot.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Department's authority to regulate unfair and deceptive practices in air transportation or the sale of air transportation is found at 49 U.S.C. 41712 (''section 41712'').[1] Section 41712(a) gives the Department the authority to investigate and decide whether an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice in air transportation or the sale of air transportation. In addition to this general provision, Congress has also defined two specific practices as being unfair or deceptive.[2]

[1] In addition to section 41712, the Department's authority to regulate unfair and deceptive practices is based in the Department's rulemaking authority under 49 U.S.C. 40113, which states that the Department may take action that it considers necessary to carry out this part, including prescribing regulations.

[2] *See* 49 U.S.C. 41712(b) (failing to notify the purchaser of such an electronic ticket of its

Continued

The Department also has general authority to issue regulations necessary to carry out section 41712. Many of the Department's existing aviation consumer protection rules were issued under the authority of section 41712, including but not limited to the tarmac delay rule,[3] the full-fare advertising rule,[4] the prohibition on post-purchase price increases,[5] and the rules on oversales and denied boarding compensation.[6]

Section 41712 does not define ''unfair,'' ''deceptive,'' or ''practice.'' On December 7, 2020, the Department issued a final rule titled ''Defining Unfair or Deceptive Practices'' (''UDP Final Rule'').[7] In this rule, the Department noted that section 41712 was modeled on section 5 of the Federal Trade Commission (FTC) Act.[8] The Department explained that while section 5 vests FTC with broad authority to prohibit unfair or deceptive practices in most industries, Congress granted the Department the exclusive authority to prohibit unfair or deceptive practices of air carriers and foreign air carriers. The Department noted that DOT and FTC share the authority to prohibit unfair or deceptive practices by ticket agents in the *sale* of air transportation.

Accordingly, DOT determined that it was appropriate to define the terms ''unfair'' and ''deceptive'' in ways that reflect both FTC precedent and DOT's own long-standing interpretation of those terms. Specifically, DOT defined a practice as being *unfair* to consumers if ''it causes or is likely to cause substantial injury, which is not reasonably avoidable, and the harm is not outweighed by benefits to consumers or competition.'' [9] DOT defined a practice as being *deceptive* to consumers ''if it is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a material matter. A matter is material if it is likely to have affected the consumer's conduct or decision with respect to a product or service.'' [10] Like FTC, the Department stated that proof of intent is not necessary to establish either unfairness or deception.[11] The Department found it unnecessary to define ''practice.'' [12]

Among its major provisions, the UDP Final Rule requires DOT to employ its definitions of ''unfair'' and ''deceptive'' when issuing future rulemakings or taking future enforcement action.[13] The rule provided, however, that if Congress directs DOT by statute to issue regulations specifically declaring a practice to be unfair or deceptive, then DOT may do so without reference to the general definitions.[14] The rule also clarified that if a specific regulation already applies to the conduct at issue, then the Department may rely on the terms of that regulation.[15]

On July 9, 2021, the President issued Executive Order 14036, ''Promoting Competition in the American Economy.'' [16] That Order directed the Department to take a number of actions to protect aviation consumers, including that the Department start development of proposed amendments to its definitions of the terms ''unfair'' and ''deceptive'' in section 41712. Pursuant to the Executive Order, DOT stated that it would fulfill the requirements of the Executive Order by issuing an interpretive rule (*i.e.,* this guidance document) that would clearly apprise the public of the Department's interpretation of the definitions of the terms ''unfair'' and ''deceptive.'' [17]

Guidance Regarding Interpretation of Unfair and Deceptive Practices

The purpose of this guidance document is to provide the public and regulated entities with greater transparency with respect to DOT's Office of Aviation Consumer Protection (OACP)'s interpretation of the terms that are found in section 41712 and defined in the Department's regulations at 14 CFR 399.79. This guidance document does not have the force and effect of law, is not legally binding in its own right, and will not be relied on by the Department as a separate basis for enforcement or other administrative penalty beyond the underlying authorities in statute and regulation.

Elements of Unfairness

In the Department's final rule titled ''Defining Unfair or Deceptive Practices'' (''UDP Final Rule''), DOT defined a practice as ''unfair'' if it ''causes or is likely to cause substantial injury, which is not reasonably avoidable, and the harm is not outweighed by benefits to consumers or competition.'' [18] We will address each element in turn.

1. ''Causes or Is Likely To Cause''

In keeping with FTC precedent, DOT is of the view that a practice may ''cause'' harm even if it is not the *only* cause of the harm, and even if it is not the most proximate cause of the harm.[19] Moreover, the Department is not required to wait for substantial injury to take place before taking action against an unfair practice. The Department may take action against practices which are ''likely to cause'' substantial injury as well.[20] When making such determinations, DOT examines not only the probability of the harm occurring, but also the magnitude of the injury if it does occur. As FTC has observed, ''a practice may be unfair if the magnitude of the potential injury is large, even if the likelihood of the injury occurring is low.'' [21]

2. ''Substantial'' Injury

The UDP Final Rule uses the terms ''harm'' and ''injury'' interchangeably.[22] The Department did not define ''substantial injury'' in the UDP Final Rule, other than observing that the term ''would necessarily exclude trivial or speculative'' harm.[23]

Substantial injury would be determined by the totality of the circumstances. As FTC has written, ''it is well established that substantial injury may be demonstrated by a showing of a small amount of harm to a large number of people, as well as a large amount of harm to a small number of people.'' [24] Substantial harm is typically of an economic nature. For example, the Department has found that delay in providing refunds to consumers constitutes substantial harm to consumers who did not receive the service they paid for and did not have

expiration date, if any, is unfair or deceptive within the meaning of section 41712(a)); 49 U.S.C. 41712(c) (failing to disclose the name of the air carrier providing the air transportation, as required by statute, is unfair or deceptive within the meaning of section 41712(a)).

[3] 14 CFR 259.4.

[4] 14 CFR 399.84(a).

[5] 14 CFR 399.88(a).

[6] 14 CFR part 250.

[7] 85 FR 78707 (December 7, 2020); available at *https://www.federalregister.gov/documents/2020/12/07/2020-26416/defining-unfair-or-deceptive-practices.*

[8] 15 U.S.C. 45.

[9] 14 CFR 399.79(b)(1).

[10] 14 CFR 399.79(b)(2).

[11] 14 CFR 399.79(c).

[12] 85 FR 78710.

[13] 14 CFR 399.75(a)(rulemaking); 399.75(b)(enforcement).

[14] 14 CFR 399.75(a).

[15] 14 CFR 399.79(d).

[16] *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/.*

[17] ''Procedures in Regulating Unfair or Deceptive Practices,'' 87 FR 5655 (Feb. 2, 2022).

[18] 14 CFR 399.79(b).

[19] Opinion of the Commission, *In the Matter of LabMD, Inc.* (July 19, 2016) at 10, available at *https://www.ftc.gov/system/files/documents/cases/160729labmd-opinion.pdf* (''*LabMD*'').

[20] FTC has similar authority to declare a practice unfair if it is *likely* to cause substantial injury. *See* 15 U.S.C. 45(n).

[21] *LabMD* at 10.

[22] 14 CFR 399.79(b).

[23] 85 FR 78710 n. 25.

[24] *LabMD* at 9.

access to their money for a significant time.[25] However, it is well established that harm need not be financial in order to be substantial. For example, the Department found that delaying passengers on the tarmac for a substantial length of time without the opportunity to deplane or without adequate food, water, lavatory facilities, and medical attention imposes substantial harm.[26] Substantial harm may also be found in intangible injury, such as to an individual's privacy or reputation.[27] Extended delays in obtaining relief, and the time and expense of pursuing a claim, can also constitute substantial harm.[28]

3. Not Reasonably Avoidable

For a practice to be unfair, the harm must not have been reasonably avoidable by the consumer.[29] For example, a lengthy tarmac delay imposes unavoidable harm because the passenger lacks the opportunity to deplane. It has also been the longstanding view of OACP that it would be an unfair practice for a carrier to fail to provide a refund, on request, for flights to or from the United States that were canceled or significantly changed by the carrier, in part because the harm was not reasonably avoidable by the traveler. We came to this conclusion even if the passenger purchased a ''non-refundable'' ticket. We concluded that a consumer acting reasonably would believe that he or she was entitled to a refund under U.S. law if the carrier cancelled or significantly changed the flight, regardless of the reason for the cancellation or significant change. We further concluded that a reasonable consumer would not believe that it is necessary to purchase a more expensive refundable ticket in order to be able to recoup the ticket price when the *airline* fails to provide the service paid for through no action or fault of the consumer, because reasonable consumers understand that ''refundable'' tickets are valuable because they ensure a refund if the *passenger* cancels the flight.[30] The Department has issued a notice of proposed rulemaking that would propose to codify OACP's interpretation that section 41712 requires airlines to provide prompt refunds when a carrier cancels or makes a significant change and the passenger does not take an alternative flight offered by the airline, including when the original ticket purchased is non-refundable.[31]

The Department looks at this element from the perspective of an ordinary consumer acting reasonably under the totality of the circumstances. For example, we have found that a passenger who triggered an airline's fraud-detection system and lost frequent flyer miles could have reasonably avoided that harm by not repeatedly entering fictitious information into the airline's reservation system.[32]

4. Harm Not Outweighed by Benefits to Consumers or Competition

Finally, the harm must not be outweighed by benefits to consumers or to competition. Like FTC, the Department recognizes that some practices may be harmful to consumers in some respects, but beneficial to consumers in other respects. For example, offsetting benefits may include lower prices or a wider availability of products and services resulting from competition. The Department seeks to regulate practices that are harmful to consumers in their net effects.[33] Importantly, the Department does not compare the harm to the consumer against the benefits that the *airline or ticket agent* may obtain from the practice.[34] The Department's determination to regulate an unfair and deceptive practice would also be informed by a regulatory impact analysis.

5. Public Policy Considerations

As we noted in the UDP Final Rule, DOT has a broad statutory responsibility to consider a wide variety of public policies enumerated by Congress.[35] In fact, Congress has directed the Department in carrying out its aviation economic programs such as regulations under section 41712 to consider certain enumerated factors as being in the public interest. These factors include ''the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices'' and ''preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation.'' [36] DOT considers public policy as established by both the Executive branch (*e.g.,* regulation, Executive Order [37]) and the Legislative branch (*e.g.,* statute, sense of Congress) of the Federal Government as appropriate, when determining whether a practice is unfair.

As a public policy matter, the Department has found that discriminatory conduct in and of itself constitutes an unfair practice. In this regard, orders of the Department and its predecessor Civil Aeronautics Board (CAB) support the position that violations of statutes that prohibit discrimination constitute unfair and deceptive practices. For example, the CAB determined that unlawful disparate treatment of consumers by a carrier in its ticket-by-mail procedures based on the consumer's ZIP code, which had the effect of discriminating against African-Americans in New York City, is an

[25] *See* Order and Settlement Agreement, Nov. 23, 2021 (available at *https://www.transportation.gov/sites/dot.gov/files/2021-11/Air%20Canada%20-%20Order%20And%20Settlement%20Agreement.pdf*) (''Air Canada Order'') at 5.

[26] *See* ''Enhancing Airline Passenger Protections,'' 74 FR 68983 (Dec. 30, 2009); available at *https://www.federalregister.gov/documents/2009/12/30/E9-30615/enhancing-airline-passenger-protections* (also noting that the rule was also premised on an airline's statutory duty to provide ''safe and adequate'' interstate air transportation).

[27] Mishandling the private information of consumers may be considered an unfair or deceptive practice within the meaning of section 41712. *See https://www.transportation.gov/individuals/aviation-consumer-protection/privacy; see also LabMD* at 19 (''the privacy harm resulting from the unauthorized disclosure of sensitive health or medical information is *in and of itself* a substantial injury under section 5(n),'' even without further evidence that the information was used to cause further harm); *Spokeo, Inc.* v. *Robbins,* 578 U.S. 330 (2016) ''intangible injuries may nevertheless be concrete'' for purposes of satisfying the case or controversy requirement of standing in Article III courts).

[28] Air Canada Order at 5; *see also* DOT Order 2009–9–8 (2009) at 5.

[29] *See* FTC Policy Statement on Unfairness, available at *https://www.ftc.gov/public-statements/1980/12/ftc-policy-statement-unfairness* (FTC generally does not intend to second-guess the wisdom of consumer decisions, but it does intend to halt seller behavior that ''unreasonably creates or takes advantage of an obstacle to the free exercise of consumer decisionmaking.'')

[30] Air Canada Order at 5.

[31] 87 FR 51550 (August 22, 2022), available at *https://www.federalregister.gov/documents/2022/08/22/2022-16853/airline-ticket-refunds-and-consumer-protections.*

[32] DOT Order 2016–12–11, at 3.

[33] Air Canada Order at 5; *see also* the Department's oversales rule, 14 CFR part 250, which also reflects this balance. The rule is carefully crafted to allow airlines to oversell flights in order to fill seats that would have otherwise gone empty due to ''no-shows.'' In exchange for this ability to overbook flights (which would otherwise be unfair or deceptive), the Department requires airlines to compensate and provide protections to passengers who were involuntarily denied boarding in accordance with the rule. *See* DOT Order 2020–6–5.

[34] *See* Air Canada Order at 6 (finding that the practice of retaining passenger funds for canceled flights beyond the time frames allowed by law conveyed no benefit to consumers, even if the practice may have benefited the airline).

[35] 85 FR 78710.

[36] 49 U.S.C. 40101(a).

[37] E.g., Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability, *https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/08/executive-order-on-catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability/;* Biden Administration Advances the Future of Sustainable Fuels in American Aviation, *https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/09/fact-sheet-biden-administration-advances-the-future-of-sustainable-fuels-in-american-aviation/.*

unfair practice.[38] The Department has also consistently found that violation of the Air Carrier Access Act, which prohibits U.S. and foreign air carriers from discriminating against passengers with disabilities, is an unfair practice.[39] Similarly, the Department has found that discrimination against individuals based on their race, color, national origin, religion, ancestry or sex is an unfair practice.[40]

Elements of Deception

In the UDP Final Rule, DOT defined a practice as ''deceptive'' if it ''is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a material matter. A matter is material if it is likely to have affected the consumer's conduct or decision with respect to a product or service.'' [41] We will address these elements in turn.

1. Likely To Mislead a Consumer

First, the practice must be likely to mislead the consumer. As FTC has explained, express misrepresentations, implied representations, and omissions are all potentially actionable.[42] A failure to provide services as promised (whether by contract or otherwise) can also be deceptive.[43]

The Department's full-fare advertising rule is based on its authority to prohibit deceptive practices.[44] Put simply, this rule requires advertised prices for air transportation to be the entire price to be paid by the customer to the carrier, or agent, for such air transportation. The Department based its rule on evidence that consumers believed that they were going to pay a particular advertised price for air transportation, only to find that the price was substantially higher due to additional taxes and fees.[45] The rule also requires any charges that are listed as components of the entire price (*e.g.,* taxes) not to be false or misleading.

We have also found that advertising a fare that is no longer available, or failing to have a reasonable number of seats available at the advertised fare, is deceptive.[46] The Department has also found that an airline's failure to comply with its publicly posted Customer Service Plan is deceptive, because the carrier failed to abide by its commitment to provide services as promised.[47]

2. Acting Reasonably Under the Circumstances

Like FTC, the Department views deception from the perspective of an ordinary consumer acting reasonably in the circumstances.[48] FTC has noted that entities are not responsible for the unreasonable interpretations of a handful of individuals, or for broad statements of feeling or opinion.[49] Likewise, in the preamble to the UDP Final Rule, we noted that willful, intentional, or reckless consumer behavior that leads to self-imposed harm would likely not be covered.[50]

However, if a representation may be interpreted in two different but reasonable ways, one of which is false, the entity may be liable for the misleading interpretation. Like FTC, the Department will look to all of the factors surrounding the statement to determine reasonableness, including how clear, conspicuous, and significant the representation is, the familiarity of the public with the product, and the availability of alternate sources for the information.[51]

3. Material Matter

The Department has adopted FTC's standard that the deception must regard a ''material'' matter, which is a matter that is likely to have affected the consumer's conduct or decision with regard to a product or service. In such a case, ''consumer injury is likely, because consumers are likely to have chosen differently but for the deception.'' [52]

For example, the Department has found that the practice of mischaracterizing a carrier-imposed fee as a ''tax'' is deceptive.[53] We concluded that a reasonable consumer may choose to pay a ''tax'' under the reasonable belief that a tax is unavoidable, but that same consumer may choose to shop elsewhere in order to avoid a carrier-imposed fee. We have also found that an airline acted deceptively when it promised a universally available discount for prepaid baggage fees, when that discount was not available if the customer purchased the ticket through a third-party website.[54] In contrast, we have found that errors that appear only in post-purchase receipts are misleading, but not deceptive for purposes of section 41712, because there was no evidence in that case that an error in a *post*-purchase receipt influenced the consumer's *pre*-purchase decision.[55]

It is important to note that the ''product or service'' is not limited to the initial purchase, however. For example, we have found that an airline acted deceptively when it responded to consumer complaints about denied boarding compensation by stating that it complied with ''DOT and FAA regulations,'' when no such regulations existed. We found that such misrepresentations could have dissuaded consumers from pursuing valid complaints with the Department.[56] We have also found that misrepresentations relating to cancellation fees were deceptive within the meaning of section 41712.[57]

Practice

FTC has the statutory authority to prohibit unfair or deceptive ''*acts or* practices'' in or affecting commerce.[58]

[38] Miscellaneous Economic Orders, 78 C.A.B. 860 (1978): Docket 33219, Enforcement re Ticket-by-Mail, order 78–8–101, available via HeinOnline.

[39] *See, e.g.,* DOT Order 2018–11–8.

[40] *See, e.g.,* DOT Order 2012–5–2.

[41] 14 CFR 399.79(b)(2).

[42] FTC *1983 Policy Statement on Deception,* available at *https://www.ftc.gov/public-statements/1983/10/ftc-policy-statement-deception.*

[43] *Id.; see also* DOT Order 2013–3–12 (airline acted deceptively when it stated on its website that certain conditions of carriage, including EU-mandated compensation for cancelled flights, would apply to international travel to and from the U.S., but then refused to abide by those conditions).

[44] 14 CFR 399.84(a).

[45] *https://www.federalregister.gov/documents/2011/04/25/2011-9736/enhancing-airline-passenger-protections.*

[46] DOT Order 2022–2–6. While this practice is deceptive even in the absence of a specific regulation, we have also found that this practice violates the full-fare advertising rule, 14 CFR 399.84(a).

[47] DOT Order 2018–5–27; DOT Order 2016–8–33.

[48] On occasion, the Department receives complaints from sophisticated consumers who were not personally deceived by a practice because they are unusually knowledgeable. We have rejected airlines' claims that such complaints must be dismissed because the individual complainants themselves were not deceived. We reasoned that we must view the practice from the perspective of the ordinary consumer who may be unaware of the deception and are therefore less likely to file complaints. *See, e.g.,* DOT Order 2016–12–12.

[49] *See* DOT Order 92–5–60 (1992) (finding that the terms of an airline's frequent flyer programs were not deceptive simply because consumers may have assumed that airlines could not make such changes to the program, or were surprised that miles could not be sold, when the terms of the plan themselves were clear); DOT Order 2012–12–11 (airline did not commit a deceptive practice by failing to warn a passenger that his actions would trigger its fraud-detection system when the passenger acted unreasonably in accessing the airline's reservation system).

[50] We have issued specific guidance regarding cases where passengers intentionally purchase fares that they know or should have reason to know are mistaken. See *https://www.transportation.gov/airconsumer/mistaken-fare-policy-statement-050815.* Mistaken fares are also governed by the rule relating to post-purchase price increases, 14 CFR 399.88.

[51] FTC Policy Statement on Deception, section 3.

[52] FTC Policy Statement on Deception, section 4.

[53] DOT Order 2018–5–32.

[54] DOT Order 2013–7–11.

[55] DOT Order 2018–5–32.

[56] DOT Order 2009–9–8.

[57] DOT Order 2022–2–6.

[58] 15 U.S.C. 45(a)(1). The FTC Act prohibits FTC from exercising jurisdiction over ''air carriers and foreign air carriers subject to part A of subtitle VII of title 49.'' 15 U.S.C. 45(a)(2). That authority lies exclusively with the Department. As noted above, FTC and DOT both have authority over the unfair

Section 41712, however, refers only to ''practices.'' [59] In the UDP Final Rule, we explained that our aviation consumer protection regulations are always directed to practices of an airline or ticket agent, rather than isolated acts of individual employees. We also explained that our enforcement efforts include a determination that the conduct in question reflects a practice or policy affecting multiple consumers, rather than an isolated incident.[60] We concluded that ''in general, the Department is of the view that proof of a practice in the aviation consumer protection context requires more than a single isolated incident. On the other hand, even a single incident may be indicative of a practice if it reflects company policy, practice, training, or lack of training.'' [61]

Effective Date

This guidance is effective August 29, 2022.

Issued on or about this 15th day of August, 2022, in Washington, DC.

John E. Putnam,

General Counsel, U.S. Department of Transportation.

[FR Doc. 2022–18170 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2021–F–0564]

Food Additives Permitted in Feed and Drinking Water of Animals; Fumonisin Esterase

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is amending the regulations for food additives permitted in feed and drinking water of animals to provide for the safe use of fumonisin esterase to degrade fumonisins present in poultry feed. This action is in response to a food additive petition filed by Biomin Holding GmbH.

DATES: This rule is effective August 29, 2022. See section V of this document for further information on the filing of objections. Either electronic or written objections and requests for a hearing on the final rule must be submitted by September 28, 2022.

ADDRESSES: You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of September 28, 2022. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic objections in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting objections. Objections submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your objection will be made public, you are solely responsible for ensuring that your objection does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your objection, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an objection with confidential information that you do not wish to be made available to the public, submit the objection as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper objections submitted to the Dockets Management Staff, FDA will post your objection, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2021–F–0564 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Fumonisin Esterase.'' Received objections, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit an objection with confidential information that you do not wish to be made publicly available, submit your objections only as a written/paper submission. You should submit two copies in total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of objections. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your objections and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper objections received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Wasima Wahid, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl.

and deceptive practices of ticket agents selling air transportation.

[59] 49 U.S.C. 41712(a) (''the Secretary may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation.'')

[60] *See, e.g.,* DOT Order 2018–2–7 (finding that an airline's failure to respond timely to a single complaint did not warrant enforcement action in the absence of evidence of a pattern or practice).

[61] 85 FR 78711.

(HFV–221), Rockville, MD 20855, 240–402–5857, *wasima.wahid@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a document published in the **Federal Register** of July 7, 2021 (86 FR 35806), FDA announced that we had filed a food additive petition (animal use) (FAP 2314) submitted by Biomin Holding GmbH, Biomin Research Center, Technopark 1, 3430 Tulin, Austria. The petition proposed that the regulations for food additives permitted in feed and drinking water of animals be amended to provide for the safe use of fumonisin esterase to degrade fumonisins present in poultry feed.

II. Conclusion

FDA concludes that the data establish the safety and utility of fumonisin esterase to degrade fumonisins in poultry feed, and that the food additive regulations should be amended as set forth in this document.

III. Public Disclosure

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and documents we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 571.1(h), we will delete from the documents any materials that are not available for public disclosure.

IV. Analysis of Environmental Impact

We have determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Objections and Hearing Requests

Any person who will be adversely affected by this regulation may file with the Dockets Management Staff (see **ADDRESSES**) either electronic or written objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection.

Any objections received in response to the regulation may be seen in the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *https://www.regulations.gov.*

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

■ 2. In § 573.485, revise the introductory text and paragraph (c) to read as follows:

§ 573.485 Fumonisin esterase.

The food additive fumonisin esterase may be safely used to degrade fumonisins in swine and poultry feed in accordance with the following prescribed conditions:

* * * * *

(c) The additive is incorporated at a minimum of 15 units of fumonisin esterase activity per kilogram of complete feed:

(1) Complete swine feeds cannot contain more than 10 parts per million of total fumonisins.

(2) Complete feed for poultry being raised for slaughter cannot contain more than 50 parts per million of total fumonisins.

(3) Complete feed for breeding poultry and hens laying eggs for human consumption cannot contain more than 15 parts per million of total fumonisins.

* * * * *

Dated: August 24, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18539 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0647]

RIN 1625–AA00

Safety Zone; Pacific Airshow, Huntington Beach, California

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The U.S. Coast Guard is establishing a safety zone offshore of Huntington Beach, CA, in support of the Pacific Airshow. This action is necessary to provide for the safety of life on these navigable waters in the area of the air and water demonstrations and to protect the high concentration of people attending the event. This regulation prohibits vessels from entering into, transiting through, or remaining within the designated area unless specifically authorized by the Captain of the Port, Sector Los Angeles—Long Beach (COTP), or a designated representative.

DATES: This rule is effective from 7 a.m. on September 29, 2022, through 5 p.m. on October 2, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0647 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email LCDR Maria Wiener, U.S. Coast Guard Sector Los Angeles—Long Beach; telephone (310) 521–3860, email *D11-SMB-SectorLALB-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to

comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until August 9, 2022. There was insufficient time to undergo the full rulemaking process, including providing a reasonable comment period and considering those comments, because the Coast Guard must establish this temporary safety zone by September 29, 2022.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The COTP has determined that potential hazards associated with this event. The sponsor will be conducting an air show in vicinity of the Huntington Beach Pier, for a period of four days. This air show will consist of numerous military and civilian aircraft performing aerobatic maneuvers at high speed within the lateral limits of an aerobatic box that would extend from the surface of the water to 15,000 feet above mean sea level (MSL). The event at Huntington Beach generates over 800 spectator craft in attendance each year. The COTP has determined that potential hazards associated with navigation safety may arise due to multiple low flying aircraft flight paths and stunt performances over the waters off Huntington Beach. This safety zone is to ensure the safety of, and reduce the risk to, the public, and mariners in the vicinity of the aerobatic performance.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. on September 29, 2022, through 5 p.m. on October 2, 2022. Based on the safety risks described above, the Coast Guard establishes a safety zone in the vicinity of the Huntington Beach Pier during the Great Pacific Airshow event. The safety zone will encompass all navigable waters from the surface to the sea floor in an area bound by the following coordinates: 33° 38.400′ N; 117° 58.834′ W, 33°37.992′ N; 117°59.204′ W, 33°39.625′ N; 118°1.806′ W, 33° 40.032′ N; 118° 1.437′ W. All coordinates displayed are referenced by North American Datum of 1983, World Geodetic System, 1984.

During the enforcement period, vessels are prohibited from entering into, transiting through, or remaining within the designated area unless authorized by the COTP or his designated representative. The general boating public will be notified prior to the enforcement of the temporary safety zone via Broadcast Notice to Mariners. No vessel or person is permitted to operate in the safety zone without obtaining permission from COTP or the COTP's designated representative. A 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 COTP in the enforcement of the security zone. To seek permission to enter, hail Coast Guard Sector Los Angeles—Long Beach on VHF–FM Channel 16 or (310) 521–3801. Upon being hailed by a Coast Guard vessel or designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. The size of the zone is the minimum necessary to provide adequate protection for the waterways users, adjoining areas, and the public. The zone will be in place during the scheduled times of 7 a.m. to 5 p.m. Commercial vessel traffic will not be affected by the establishment of the safety zone due to its overall proximity to the shore.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone encompassing an area in vicinity of Huntington Beach and the Huntington Beach Pier. It is categorically excluded from further review under paragraph L60(a), in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures. An environmental analysis and checklist supporting this determination and Record of Environmental Consideration (REC) are available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–111 to read as follows:

§ 165.T11–111 Safety Zone; Pacific Airshow Huntington Beach, California.

(a) *Location.* The following area is a safety zone: All navigable waters from the surface to the sea floor consisting of a line connecting the following coordinates: 33° 38.400′ N; 117° 58.834′ W, 33°37.992′ N; 117°59.204′ W, 33°39.625′ N; 118°1.806′ W, 33° 40.032′ N; 118° 1.437′ W. All coordinates displayed are referenced by North American Datum of 1983, World Geodetic System, 1984.

(b) *Definitions.* For the purposes of this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Los Angeles—Long Beach (COTP) in the enforcement of the security zone.

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

(2) To seek permission to enter, hail Coast Guard Sector Los Angeles—Long Beach on VHF–FM Channel 16 or call at (310) 521–3801. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Upon being hailed by the COTP's designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(d) *Enforcement period.* The temporary safety zone will be enforced from 7 a.m. to 5 p.m. each day from September 29, 2022, to October 2, 2022.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the enforcement date and times for this safety zone via Local Notices to Mariners.

Dated: August 23, 2022.

R.D. Manning,

Captain, U.S. Coast Guard, Captain of the Port, Sector Los Angeles—Long Beach.

[FR Doc. 2022–18512 Filed 8–26–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0648]

RIN 1625–AA00

Safety Zone; Ocean Cup, Catalina Island, CA

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone near Ship Rock, Catalina Island, in support of the Ocean Cup Pacific Rum Run. This action is necessary to protect the area near Ship Rock, Catalina Island, public vessels, and the high-speed vessels participating in the event. This regulation would prohibit vessels from entering into, transiting through, or remaining within the designated area during the enforcement period unless specifically authorized by the Captain of the Port, Los Angeles—Long Beach, or his designated representative.

DATES: This rule is effective from 7 a.m. to 10 a.m. on September 30, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0648 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Maria Wiener, U.S. Coast Guard Sector Los Angeles—Long Beach; telephone (310) 521–3860, email *D11-SMB-SectorLALB-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
LLNR Light List Number
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under Section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard did not receive final details for this event until August 12, 2022. There was insufficient time to undergo the full rulemaking process, including providing a reasonable comment period and considering those comments, because the Coast Guard must establish this temporary safety zone by September 30, 2022.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port (COTP), Los Angeles—Long Beach has determined that potential hazards associated with event safety may arise due to the expected high concentration of vessels in the general area along with the high-speed race vessels. The purpose of this rule is to ensure the safety of, and reduce the risk to, the public, and mariners around Catalina Island before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. to 10 a.m. on September 30, 2022. The safety zone will encompass all navigable waters from the surface to the sea floor consisting of a line connecting the following coordinates: 33°27′38″ N, 118°30′09″ W; 33°27′51″ N, 118°29′53″ W; 33°27′34″ N, 118°28′54″ 33°27′12″ N, 118°29′17″ W. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled race. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

During the enforcement period, vessels are prohibited from entering into, transiting through, or remaining within the designated area unless authorized by the COTP or his designated representative. The general boating public will be notified prior to the enforcement of the temporary safety zone via Broadcast Notice to Mariners. No vessel or person is permitted to operate in the safety zone without obtaining permission from COTP or the COTP's designated representative. A 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 COTP in the enforcement of the security zone. To seek permission to enter, hail Coast Guard Sector Los Angeles—Long Beach on VHF–FM Channel 16 or (310) 521–3801. Upon being hailed by a Coast Guard vessel or designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, and duration of the safety zone. Commercial vessel traffic will be able to safely transit through this safety zone, with coordination by the Captain of the Port or their designated representative. The Coast Guard and Vessel Traffic Service/Marine Exchange will coordinate and mitigate all inbound and outbound commercial traffic movements through the race course. Recreational traffic will be able to transit around this safety zone, which is near the Two Harbors, Catalina entrance.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in Section V.A above, this rule will not have a significant economic impact on any vessel owner or operator. Under Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the

various levels of government. We have analyzed this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone encompassing an area near Ship Rock, Catalina Island, for the Ocean Cup Pacific Rum Run. It is categorically excluded from further review under paragraph 60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–112 to read as follows:

§ 165.T11–112 Safety Zone; Ocean Cup, Catalina, California.

(a) *Location.* The following area is a safety zone: All navigable waters from the surface to the sea floor consisting of a line connecting the following coordinates: 33°27′38″ N, 118°30′09″ W; 33°27′51″ N, 118°29′53″ W; 33°27′34″ N, 118°28′54″; 33°27′12″ N, 118°29′17″ W. All coordinates displayed are referenced by North American Datum of 1983, World Geodetic System, 1984.

(b) *Definitions.* For the purposes of 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 Los Angeles—Long Beach (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) During the enforcement period, vessels and persons are prohibited from entering into, transiting through, or remaining within the safety zone described in paragraph (a) of this section unless authorized by the Captain of the Port or his designated representative.

(2) To seek permission to enter, hail Coast Guard Sector Los Angeles—Long Beach on VHF–FM Channel 16 or call at (310) 521–3801. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Notification.* Coast Guard Sector Los Angeles—Long Beach will use all appropriate means to notify the public in advance of an event of the enforcement of this safety zone to include publishing a Notice of Enforcement in the **Federal Register** and through the Local Notice to Mariners and Broadcast Notice to Mariners.

(e) *Enforcement period.* This safety zone will be enforced from 7 a.m. to 10 a.m. on September 30, 2022.

Dated: August 23, 2022.

R.D. Manning,

Captain, U.S. Coast Guard, Captain of the Port, Sector Los Angeles—Long Beach.

[FR Doc. 2022–18513 Filed 8–26–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0651]

RIN 1625–AA00

Safety Zone; Houston Ship Channel, Houston, TX

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 1,000 foot radius of the deadship tow of the Battleship Texas while it transits from its current location at San Jacinto Park on the Houston Ship Channel to its drydock location on the Galveston Channel. The safety zone is needed to ensure the safety of other waterway users. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Houston-Galveston. Tug and barge traffic will be authorized to transit through the safety zone in the barge lanes, with no meeting or overtaking of other tug and barge traffic, with Vessel Traffic Service approval.

DATES: This rule is effective from 6 a.m. through 9 p.m. on August 31, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0651 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Christopher Morgan, Sector Houston-Galveston Waterways Management Division, U.S. Coast Guard; telephone 281–464–4780, email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard must establish this safety zone by August 31, 2022, and lacks sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential safety hazards associated with towing a World War I era vessel down the Houston Ship Channel and Galveston Channel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Houston-Galveston (COTP) has determined that potential hazards associated with the deadship tow of the Battleship Texas on August 31, 2022 in the Houston Ship Channel and Galveston Channel, will be a safety concern for anyone within the area of the transit. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within these areas during the deadship tow.

IV. Discussion of the Rule

This rule establishes a safety zone from 6 a.m. until 9 p.m. on August 31, 2022. The safety zone will cover a 1,000 foot radius of the Battle Ship Texas deadship tow while it transits the Houston Ship Channel and Galveston Channel. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the deadship tow occurs. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. Tug and barge traffic will be authorized to transit through the safety zone in the barge lanes, with no meeting or overtaking of other tug and barge traffic, with Vessel Traffic Service approval.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the duration and size of the safety zone. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule will allow tug and barge traffic to seek permission to enter the zone while the tow is underway.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In

particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone encompassing a 1,000 foot radius of the Battleship Texas while it is under tow within the Houston Ship Channel and Galveston Channel. It is categorically excluded from further review under paragraph L60a of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbours, Marine safety, Navigation, Reporting and recordkeeping requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0651 to read as follows:

§ 165.T08–0651 Safety Zone; Houston Ship Channel, Houston, TX.

(a) *Location.* The following area is a safety zone during specified conditions: All navigable waters within a 1,000 foot radius of the deadship tow of the Battleship Texas while the vessel transits the Houston Ship Channel and Galveston Channel.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by 281–464–4780, or email at *houstonwwm@uscg.mil.* Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) Tug and barge traffic will be authorized to transit through the safety zone in the barge lanes, with no meeting or overtaking of other tug and barge traffic, with Vessel Traffic Service approval.

(c) *Enforcement period.* The safety zone remains in effect from 6 a.m. until 9 p.m. on August 31, 2022, until the Battleship Texas is moored at the drydock facility on the Galveston Channel.

Dated: August 22, 2022.

J.E. Smith,

Captain, U.S. Coast Guard, Captain of the Port, Houston-Galveston.

[FR Doc. 2022–18578 Filed 8–26–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2021–0772; FRL–9889–02–R6]

Air Plan Approval; New Mexico; Interstate Transport Requirements for 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State Implementation Plan (SIP) revision submitted by the State of New Mexico, through the New Mexico Environment Department (NMED), for the purpose of addressing the Clean Air Act (CAA or ''Act'') ''good neighbor'' interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 1-hour Nitrogen Dioxide (NO_2) National Ambient Air Quality Standard (NAAQS). Specifically, the EPA is approving New Mexico's June 25, 2021, SIP revision that address prongs 1 and 2 to ensure that air emissions in the State do not significantly contribute to nonattainment or interfere with the maintenance of the 2010 1-hour NO_2 NAAQS in any other state. The EPA is approving this action pursuant to section 110 and part D of the CAA and the EPA's regulations.

DATES: This final rule is effective on September 28, 2022.

ADDRESSES: The EPA has established a docket for this action, Docket No. EPA–R06–OAR–2021–0772. All documents in the docket are listed on the *https://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Nevine Salem, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–7222, *salem.nevine@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

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

I. Background

The EPA published a proposed rule for the approval of New Mexico's, June 25, 2021, SIP submission to address the 2010 1-hour NO_2 NAAQS. The background for this action and rational for EPA's proposed action are explained in the notice of proposed rulemaking (NPRM) (87 FR 38362, June 28, 2022), and will not be restated here. No comment was received during the public comment period which ended on July 28, 2022.

II. Final Action

EPA is approving the New Mexico's June 25, 2021, SIP submission as satisfying the requirements of CAA

section 110(a)(2)(D)(i)(I) for the 2010 1-hour NO_2 NAAQS interstate transport prongs 1 and 2. New Mexico's SIP submission includes provisions that ensure emissions from New Mexico will not significantly contribute to nonattainment or interfere with the maintenance of the 2010 NO_2 NAAQS in any other state. The EPA is approving this action pursuant to section 110 of the CAA.

III. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' [1]

The EPA provided additional analysis of environmental justice associated with this action for the purpose of providing information to the public in our June 28, 2022 proposal (87 FR 38362). The EPA's analysis shown in the proposed action demonstrates that there are no areas in New Mexico or nationwide that show problems attaining or maintaining air quality with regard to 2010 NO_2 NAAQS. There is also no indication that NO_2 emissions from New Mexico would contribute to environmental and health impacts on any group, including minority and low-income population. In addition, the national average of NO_2 concentrations have decreased substantially over the years.[2]

We therefore believe that this rule will not have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a Start Printed Page 11875 copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and record keeping requirements, Volatile organic compounds.

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

Dated: August 23, 2022.

Earthea Nance,

Regional Administrator, Region 6.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

[1] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

[2] See *https://www.epa.gov/air-trends/nitrogen-dioxide-trends.*

Subpart GG—New Mexico

■ 2. In § 52.1620(e), the table titled ''EPA-Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' is amended by adding the entry ''Interstate Transport for the 2010 NO_2 NAAQS'' at the end of the table to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE NEW MEXICO SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Explanation
* *	* *	*	*	*
Interstate Transport for the 2010 NO_2 NAAQS ...	Statewide	6/25/2021	8/29/2022, [Insert **Federal Register** citation].	

[FR Doc. 2022–18532 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2016–0673; FRL–9878–02–R6]

Air Plan Approval; Albuquerque-Bernalillo County, New Mexico; Excess Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision from the New Mexico Environment Department (NMED) submitted on October 17, 2016, on behalf of the Albuquerque-Bernalillo County Air Quality Control Board (Air Board). The submittal is in response to the EPA's national SIP call on June 12, 2015, concerning excess emissions during periods of Startup, Shutdown, and Malfunction (SSM). EPA is approving the SIP submittal and finds that the SIP revision corrects the substantial inadequacies identified in the June 12, 2015, SIP call.

DATES: This rule is effective on September 28, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2016–0673. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Regional Haze and SO_2 Section, EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270, (214) 665–6691, *Shar.alan@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office may be closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

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

I. Background

The background for this action is discussed in detail in our June 13, 2022 (87 FR 35701) proposal. In that document, we proposed to approve the removal of Part 49 Excess Emissions from the Albuquerque-Bernalillo County provisions of the New Mexico SIP. We also proposed to determine that such SIP revision corrects the substantial inadequacies identified in the June 12, 2015 SIP call.

II. Response to Comments

The public comment period for our proposed approval and determination ended on July 13, 2022, and no adverse comments were received. We received one comment supporting the action and urged EPA to take action on a separate SIP submittal concerning 20.2.7 NMAC Excess Emissions of the New Mexico SIP.

We acknowledge the support for our proposal and note that while 20.2.7 NMAC (Part 7 Excess Emissions) of the New Mexico SIP was not the subject of our June 13, 2022 (87 FR 35701) proposal, the EPA intends to fulfill its obligations under the terms of a consent decree for taking action on the New Mexico SIP submittal concerning 20.2.7 NMAC.[1] As no concerns were raised in public comment, we are finalizing our action as proposed.

III. Final Action

The EPA is approving a revision to the Albuquerque-Bernalillo County provisions of the New Mexico SIP submitted on October 17, 2016, in response to the EPA's national SIP call of June 12, 2015, concerning excess emissions during periods of SSM. More specifically, we are approving the removal of Part 49 Excess Emissions from the Albuquerque-Bernalillo County provisions of the New Mexico SIP. We are approving these revisions in accordance with section 110 of the Act. EPA is also determining that the SIP revision corrects the inadequacies identified in the June 12, 2015 SIP call.

IV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to

[1] See Consent Decree resolving *Sierra Club et al.* v. *Regan* (Case No. 4:21–CV–6956–SBA, N.D. Calif.).

mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' [2]

EPA provided additional analysis of environmental justice associated with this action for the purpose of providing information to the public in our June 13, 2022 (87 FR 35701) proposal. As discussed in the proposed action, this action is intended to ensure that all communities and populations across Bernalillo County and downwind areas, including people of color and low-income and indigenous populations overburdened by pollution, receive the full human health and environmental protection provided by the CAA through the removal of affirmative defense provisions that have interfered with the enforcement structure of the CAA by raising inappropriate impediments to enforcement by states, the EPA, or citizens. We therefore determine that this rule will not have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is removing the incorporation by reference of the ''20.11.49 NMAC'' in 40 CFR 52.1620, as described in the Final Action above. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for removal from the SIP, have been removed from incorporation by reference by EPA into that plan, are no longer federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and incorporation by reference will be removed in the next update to the SIP compilation.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes (May 4, 2011), the EPA offered consultation (by letter dated June 6, 2022) on our proposed rulemaking to tribal governments that may be affected by this action. We received no requests for tribal consultation.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 23, 2022.

Earthea Nance,

Regional Administrator, Region 6.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

§ 52.1620 [Amended]

■ 2. Amend § 52.1620(c) in the second table titled ''EPA Approved Albuquerque/Bernalillo County, NM Regulations'' by removing the entry for ''Part 49 (20.11.49 NMAC)''.

[FR Doc. 2022–18534 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

[2] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–R06–OAR–2021–0661; FRL–9262–02–R6]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; delegation of authority.

SUMMARY: The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has submitted updated regulations for receiving delegation and approval of its program for the implementation and enforcement of certain National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated under the Clean Air Act (CAA), as provided for under the delegation mechanism previously approved by the Environmental Protection Agency (EPA). The EPA is approving DEQ's requested update of its NESHAP delegation. The delegation will only encompass sources subject to one or more Federal section 112 standards which are also subject to the requirements of the Title V operating permits program. The updated State regulations regard certain NESHAP, as they existed through July 31, 2020. The EPA is providing notice that it is taking final action to approve the delegation of certain NESHAP to DEQ.

DATES: This rule is effective on September 28, 2022.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2021–0661. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Barrett EPA Region 6 Office, ARPE, (214) 665–7227; email: *barrett.richard@epa.gov.*

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

Table of Contents

I. Background

The background for this action is discussed in detail in our November 11, 2021, proposal (86 FR 66990). In that document we proposed to approve a request from the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) to update its existing regulations for receiving delegation and approval of its program for the implementation and enforcement of certain National Emission Standards for Hazardous Air Pollutants (NESHAP) for part 70 sources, as provided for under previously approved delegation mechanisms. We received no public comments on the proposed rulemaking action, and the EPA will not be making any changes to our proposed rulemaking.

II. What does this action do?

EPA is providing notice that it is taking final action to approve DEQ's request updating the delegation of certain NESHAP. With this delegation, DEQ has the primary responsibility to implement and enforce the delegated standards. *See* sections VII and VIII, below, for a discussion of which standards are being delegated and which are not being delegated.

III. What is the authority for delegation?

Section 112(l) of the CAA and 40 CFR part 63, subpart E, authorize the EPA to delegate authority for the implementation and enforcement of NESHAP to a state or local agency that satisfies the statutory and regulatory requirements in subpart E. The NESHAP are codified at 40 CFR parts 61 and 63. This action regards the standards in 40 CFR part 63 only.

IV. What criteria must Arkansas's program meet to be approved?

Section 112(l)(5) of the CAA requires the EPA to disapprove any program submitted by a state for the delegation of NESHAP standards if the EPA determines that:

(A) the authorities contained in the program are not adequate to assure compliance by the sources within the state with respect to each applicable standard, regulation, or requirement established under section 112;

(B) adequate authority does not exist, or adequate resources are not available, to implement the program;

(C) the schedule for implementing the program and assuring compliance by affected sources is not sufficiently expeditious; or

(D) the program is otherwise not in compliance with the guidance issued by the EPA under section 112(l)(2) or is not likely to satisfy, in whole or in part, the objectives of the CAA.

In carrying out its responsibilities under section 112(l), the EPA promulgated regulations at 40 CFR part 63, subpart E, setting forth criteria for the approval of submitted programs. For example, in order to obtain approval of a program to implement and enforce Federal section 112 rules as promulgated without changes (straight delegation), a state must demonstrate that it meets the criteria of 40 CFR 63.91(d). The regulations in 40 CFR 63.91(d)(3) provide that interim or final Title V program approval will satisfy the criteria of 40 CFR 63.91(d).[1]

The NESHAP delegation for Arkansas, as it applies to Title V sources, was most recently approved on November 12, 2014 (79 FR 6707).

V. How did DEQ meet the NESHAP program approval criteria?

The EPA granted final interim approval for the Arkansas Operating Permit Program under part 70 in a rulemaking published September 8, 1995. 60 FR 46771. In the **Federal Register** proposed interim approval of the Arkansas Operating Permit Program, the EPA discussed the delegation of unchanged part 63 standards as they

[1] Some NESHAP standards do not require a source to obtain a title V permit (*e.g.,* certain area sources that are exempt from the requirement to obtain a title V permit). For these non-title V sources, the EPA believes that the State must assure the EPA that it can implement and enforce the NESHAP for such sources. *See* 65 FR 55810, 55813 (Sept. 14, 2000).

apply to part 70 sources and noted that Arkansas plans to use the mechanism of incorporation by reference to adopt unchanged part 63 standards into its regulations. *See* 59 FR 47828, 47830 (September 19, 1994). In an October 9, 2001, rulemaking, the EPA took final action to fully approve the Arkansas Operating Permit Program. 66 FR 51312. In accordance with 40 CFR 63.91(d), the up-front approval criteria for delegation of unchanged part 63 standards as requested by DEQ have been met. However, the EPA's October 9, 2001, **Federal Register** final approval failed to discuss the *mechanism* associated with delegation of the part 63 standards for sources subject to the part 70 permitting program. As discussed above, sources subject to the part 70 program are those sources that are operating pursuant to a part 70 permit issued by the state, local agency, or the EPA. Sources not subject to the part 70 program are those sources that are not required to obtain a part 70 permit from either the state, local agency, or the EPA (see 40 CFR 70.3); *e.g.,* exempted area sources. As stated above, the CAA section 112(l) requirements for approval of the Arkansas program for straight delegation were satisfied when the EPA granted approval of the Arkansas Operating Permit Program. The EPA's approval also met the up-front criteria set forth in 40 CFR 63.91(d).

Since DEQ implements and enforces unchanged part 63 standards (''straight delegation'') through its EPA-approved Title V Operating Permit Program, EPA addressed several issues to ensure the requirements for delegation under CAA section 112(l) and 40 CFR part 63, subpart E, were met. A Memorandum of Agreement (MOA), dated September 17, 2014, was executed by the State and the EPA, a copy of which has been included in the docket for this rulemaking. *See also* 65 FR 55813 (September 14, 2000) and 79 FR 67073 (November 12, 2014). DEQ implements and enforces part 63 standards applicable to Title V sources required to obtain a part 70 permit by including the applicable part 63 standards in Title V operating permits, in accordance with the procedures set forth in the MOA. The permit must be effective prior to the first substantial compliance date for all future new and revised part 63 standards, unless DEQ has notified the EPA in advance that it does not intend to accept delegation for implementation or enforcement, as discussed in the MOA referenced above. Adequate resources will be obtained through monies from the State's Title V program that can be used to fund acceptable Title V activities. Upon promulgation of a new or revised part 63 standard, DEQ will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirements and notifying these sources of the applicable requirements. Nothing in the Arkansas program for straight delegation is contrary to Federal guidance.

Under 40 CFR 63.91(d)(2), once a state has satisfied the up-front approval criteria, it needs only to reference the previous demonstration and reaffirm that it still meets the criteria for any subsequent submittals for delegation of the section 112 standards. As stated in its October 27, 2021, supplemental letter, DEQ has affirmed that it still meets the up-front approval criteria and referenced the previous demonstration.

VI. How are sources subject to certain listed standards going to be handled since DEQ did not accept delegation of these standards?

In its June 7, 2010, request for delegation of authority and approval of the mechanism used to implement and enforce the delegated part 63 standards, Arkansas noted that it was not requesting delegation of part 63 standards for area sources not required to obtain a Title V (part 70) permit. Arkansas also noted that it was not requesting delegation of the accidental release requirements under CAA section 112(r). Since DEQ is not accepting delegation of these standards, the EPA will be the primary enforcement authority for those standards. However, these undelegated part 63 standards remain requirements of the sources subject to these standards; therefore, DEQ must ensure that the applicable part 63 standards are included in the appropriate federally enforceable permit for subject sources, and sources subject to these standards must continue to comply with their requirements.

VII. What is being delegated?

By letter dated September 28, 2020, and supplemental letters dated June 29, 2021, and October 27, 2021, the EPA received requests from DEQ to update its existing NESHAP delegation. With certain exceptions noted in section VIII of this document, DEQ's request includes certain NESHAP promulgated by the EPA at 40 CFR part 63, as amended between September 17, 2014, and July 31, 2020. More specifically, DEQ is requesting to update its delegation and approval to implement and enforce 40 CFR part 63 standards as they apply to part 70 major sources, and only to those area sources subject to the Title V (part 70) permitting requirements.

VIII. What is not being delegated?

DEQ has not requested, nor is this rulemaking, delegating the enforcement and implementation of 40 CFR part 63 standards to DEQ that would apply to area sources which do not require a Title V (part 70) permit. In addition, the EPA regulations provide that we cannot delegate to a State any of the Category II, subpart A, authorities set forth in 40 CFR 63.91(g)(2). These include the following provisions: § 63.6(g), Approval of Alternative Non-Opacity Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; and § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting. In addition, some part 63 standards have certain provisions that cannot be delegated to the States. Furthermore, no authorities are being delegated that require rulemaking in the **Federal Register** to implement, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA section 112. Finally, this action does not delegate any authority under section 112(r), the accidental release program.

All inquiries and requests concerning implementation and enforcement of the excluded standards in the State of Arkansas should be directed to the EPA Region 6 Office.

The EPA is making a determination that the NESHAP program submitted by Arkansas meets the applicable requirements of CAA section 112(l)(5) and 40 CFR part 63, subpart E.

IX. How will statutory and regulatory interpretations be made?

In approving the NESHAP delegation, DEQ will obtain concurrence from the EPA on any matter involving the interpretation of section 112 of the CAA or 40 CFR part 63 to the extent that implementation or enforcement of these provisions have not been covered by prior EPA determinations or guidance.

X. What information must DEQ provide to the EPA?

DEQ must provide any additional compliance related information to EPA, Region 6, Office of Enforcement and Compliance Assurance within 45 days of a request under 40 CFR 63.96(a). In receiving delegation for specific General Provisions authorities, DEQ must submit to EPA Region 6 on a semi-annual basis, copies of determinations issued under these authorities. *See* 40 CFR 63.91(g)(1)(ii). For part 63 standards, these determinations include: § 63.1, Applicability Determinations; § 63.6(e), Operation and Maintenance Requirements—Responsibility for Determining Compliance; § 63.6(f), Compliance with Non-Opacity Standards—Responsibility for Determining Compliance; § 63.6(h), Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance; § 63.7(c)(2)(i) and (d), Approval of Site-Specific Test Plans; § 63.7(e)(2)(i), Approval of Minor Alternatives to Test Methods; § 63.7(e)(2)(ii) and (f), Approval of Intermediate Alternatives to Test Methods; § 63.7(e)(2)(iii), Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors; § 63.7(e)(2)(iv), (h)(2) and (3), Waiver of Performance Testing; § 63.8(c)(1) and (e)(1), Approval of Site-Specific Performance Evaluation (Monitoring) Test Plans; § 63.8(f), Approval of Minor Alternatives to Monitoring; § 63.8(f), Approval of Intermediate Alternatives to Monitoring; §§ 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports; § 63.10(f), Approval of Minor Alternatives to Recordkeeping and Reporting; and § 63.7(a)(4), Extension of Performance Test Deadline.

XI. What authority does the EPA have?

We retain the right, as provided by CAA section 112(l)(7) and 40 CFR 63.90(d)(2), to enforce any applicable emission standard or requirement under section 112. In addition, the EPA may enforce any federally approved state rule, requirement, or program under 40 CFR 63.90(e) and 63.91(c)(1)(i). The EPA also has the authority to make certain decisions under the General Provisions (subpart A) of part 63. We are delegating to the DEQ some of these authorities, and retain others, as explained in sections VII and VIII above. In addition, the EPA may review and disapprove state determinations and subsequently require corrections. *See* 40 CFR 63.91(g)(1)(ii). EPA also has the authority to review DEQ's implementation and enforcement of approved rules or programs and to withdraw approval if we find inadequate implementation or enforcement. *See* 40 CFR 63.96.

Furthermore, we retain the authority in an individual emission standard that may not be delegated according to provisions of the standard. Finally, we retain the authorities stated in the October 9, 2001, rulemaking, where the EPA took final action to fully approve the Arkansas Operating Permit Program. *See* 66 FR 51312.

The updated 40 CFR part 63 standards being requested by DEQ are discussed in their request letter and supplemental letters to EPA, as noted in section VII above. A copy of each of these three letters is included in the docket for this action. A table of the updated NESHAP standards being requested may be found in the docket for this action. The table also shows the authorities that cannot be delegated to any state or local agency.

XII. Should sources submit notices to the EPA or DEQ?

For the delegated part 63 standards and authorities covered by this final action, sources will submit all of the information required pursuant to the general provisions and the relevant subpart(s) of the delegated NESHAP (40 CFR part 63) directly via electronic submittal to online EPA database portals that are specified in each rule, and also as paper submittals to the DEQ at the following address: The Arkansas Department of Energy and Environment, Division of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118–5317. The DEQ is the primary point of contact with respect to the delegated NESHAP. The EPA Region 6 waives the requirement that courtesy notifications and reports for delegated standards be submitted to the EPA in addition to DEQ in accordance with 40 CFR 63.9(a)(4)(ii) and 63.10(a)(4)(ii).[2] For those standards and authorities not delegated as discussed above, sources must continue to submit all appropriate information to the EPA.

XIII. How will unchanged authorities be delegated to DEQ in the future?

Consistent with the EPA regulations and guidance,[3] DEQ will only need to periodically submit a written request to EPA, Region 6, to update its approval of the delegation of authority to implement and enforce new or revised part 63 standards through its approved Title V permitting program. In such request, DEQ will reference the previous up-front approval demonstration, reaffirm that it still meets the up-front approval criteria, and identify the new or revised part 63 standards that will be delegated upon incorporation into Title V permits.

The EPA will respond in writing to the request and take action in the **Federal Register** to inform the public and affected sources of the EPA's decision, indicate where source notifications and reports should be sent, and update 40 CFR 63.99(a)(4), amending the Arkansas table of delegated part 63 standards being implemented and enforced by DEQ.

XIV. Final Action

In this action, because DEQ's request meets all requirements of CAA section 112(l) and 40 CFR 63.91, the EPA is approving their request for the updated delegation and the continued approval of the mechanism used to implement and enforce certain part 63 standards applicable to sources required to obtain a Title V (part 70) permit, as they existed though July 31, 2020.

As for the part 63 standards which have not yet been incorporated into permits, DEQ's authority to implement and enforce new and revised part 63 standards under this delegation becomes effective when this action is finalized, and after the issuance of the appropriate federally enforceable permit containing those standards. DEQ's authority to implement and enforce new and revised part 63 standards under this delegation will become effective according to the procedures outlined in the MOA, a copy of which is included in the docket for this rulemaking.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to the approved delegation. Each request for revision to the approved delegation shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

XV. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects''

[2] This waiver only extends to the submission of *copies* of notifications and reports; EPA does not waive the requirements in delegated standards that require notifications and reports be submitted to an electronic database (*e.g.,* 40 CFR part 63, subpart HHHHHHH).

[3] *See* Hazardous Air Pollutants: Amendments to the Approval of State Programs and Delegation of Federal Authorities, Final Rule (65 FR 55810, September 14, 2000); and ''Straight Delegation Issues Concerning Sections 111 and 112 Requirements and Title V,'' by John S. Seitz, Director of Air Quality Planning and Standards, EPA, dated December 10, 1993.

of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. The EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' The EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.'' [4] EPA is providing additional analysis of environmental justice associated with this action. We are doing so for the purpose of providing information to the public, not as a basis of our final action.

EPA reviewed demographic data, which provides an assessment of individual demographic groups of the populations living within Arkansas.[5] The EPA then compared the data to the national average for each of the demographic groups.[6] The results of the demographic analysis indicate that, for populations within Arkansas, the percent people of color (persons who reported their race as a category other than White alone (not Hispanic or Latino)) is less than the national average (28.7 percent versus 40.7 percent). Within people of color, the percent of the population that is Black or African American alone is higher than the national average (15.7 percent versus 13.6 percent) and the percent of the population that is American Indian/Alaska Native is lower than the national average (1.0 percent versus 1.3 percent). The percent of the population that is two or more races is lower than the national averages (2.3 percent versus 2.9 percent). The percent of people living below the poverty level in Arkansas is higher than the national average (15.2 percent versus 11.4 percent). The percent of people over 25 with a high school diploma in Arkansas is similar to the national average (87.2 percent versus 88.5 percent), while the percent with a Bachelor's degree or higher is below the national average (23.8 percent versus 32.9 percent). These populations and others residing in Arkansas may be vulnerable and subject to disproportionate impacts within the meaning of the Executive order described above.

The authorities contained in the Arkansas air program to implement and enforce Federal section 112 rules as promulgated, without changes for both part 70 major sources and those area sources subject to Title V (part 70) permitting requirements, are adequate to assure compliance by sources within the State with respect to each applicable standard, regulation, or requirement established under section 112. This final action approves the requests from the State to update its NESHAP delegation under section 112 of the CAA. Final approval of the updated NESHAP delegation is necessary for the State of Arkansas to implement Federal requirements that ensure control strategies and permitting that will achieve emissions reductions and contribute to reduced environmental and health impacts on those residing, working, attending school, or otherwise present in vulnerable communities in Arkansas. This final rule is not anticipated to have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns because it should not result in or contribute to emissions increases in Arkansas.

XVI. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to approve section 112(l) submissions that comply with the provisions of the Act and applicable Federal regulations. In reviewing section 112(l) submissions, the EPA's role is to approve state choices, provided that they meet the criteria and objectives of the CAA and of the EPA's implementing regulations. Accordingly, this final action merely approves the State's request as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this final action:

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

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

Under section 307(b)(1) of the Clean Air act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 28, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

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

[4] *https://www.epa.gov/environmentaljustice/learn-about-environmental-justice.*

[5] See the United States Census Bureau's QuickFacts on Arkansas at *https://www.census.gov/quickfacts/fact/table/AR,US/PST045221.*

[6] See the United States Census Bureau's QuickFacts on Arkansas at *https://www.census.gov/quickfacts/fact/table/AR,US/PST045221.*

Dated: August 18, 2022.

David Garcia,

Director, Air & Radiation Division, Region 6.

For the reasons stated in the preamble, 40 CFR part 63 is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

■ 2. Section 63.99 is amended by revising paragraph (a)(4) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(4) *Arkansas.* The following table lists the specific standards under this part that have been delegated unchanged to the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) for all sources subject to the Arkansas Title V operating permit program approved by EPA under section 502 of the Clean Air Act. The ''X'' symbol is used to indicate each subpart that has been delegated. The delegations are subject to all of the conditions and limitations set forth in Federal law, regulations, policy, guidance, determinations, and the Memorandum of Agreement, dated September 17, 2014, entered into between the DEQ and the U.S. Environmental Protection Agency, Region 6 (hereinafter ''EPA'') regarding section 112, Clean Air Act Implementation. Some authorities cannot be delegated and are retained by the EPA. These include certain General Provisions authorities and specific parts of some standards. DEQ's authority to implement and enforce a delegated standard under this part is effective when the standard is incorporated into the source's Title V Operating Permit. Any amendments made to these rules after July 21, 2020, are not delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]

Subpart	Source category	DEQ [2]
A	General Provisions	X
F	Hazardous Organic NESHAP (HON)—Synthetic Organic Chemical Manufacturing Industry (SOCMI)	X
G	HON—SOCMI Process Vents, Storage Vessels, Transfer Operations and Wastewater	X
H	HON—Equipment Leaks	X
I	HON—Certain Processes Negotiated Equipment Leak Regulation	X
J	Polyvinyl Chloride and Copolymers Production	([3])
K	(Reserved)	
L	Coke Oven Batteries	X
M	Perchloroethylene Dry Cleaning	X
N	Chromium Electroplating and Chromium Anodizing Tanks	X
O	Ethylene Oxide Sterilizers	X
P	(Reserved)	
Q	Industrial Process Cooling Towers	X
R	Gasoline Distribution	X
S	Pulp and Paper Industry	X
T	Halogenated Solvent Cleaning	X
U	Group I Polymers and Resins	X
V	(Reserved)	
W	Epoxy Resins Production and Non-Nylon Polyamides Production	X
X	Secondary Lead Smelting	X
Y	Marine Tank Vessel Loading	X
Z	(Reserved).	
AA	Phosphoric Acid Manufacturing Plants	X
BB	Phosphate Fertilizers Production Plants	X
CC	Petroleum Refineries	X
DD	Off-Site Waste and Recovery Operations	X
EE	Magnetic Tape Manufacturing	X
FF	(Reserved).	
GG	Aerospace Manufacturing and Rework Facilities	X
HH	Oil and Natural Gas Production Facilities	X
II	Shipbuilding and Ship Repair Facilities	X
JJ	Wood Furniture Manufacturing Operations	X
KK	Printing and Publishing Industry	X
LL	Primary Aluminum Reduction Plants	X
MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfide, and Stand-Alone Semichemical Pulp Mills	X
NN	Wool Fiberglass Manufacturing at Area Sources	
OO	Tanks-Level 1	X
PP	Containers	X
QQ	Surface Impoundments	X
RR	Individual Drain Systems	X
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process	X
TT	Equipment Leaks—Control Level 1	X
UU	Equipment Leaks—Control Level 2 Standards	X
VV	Oil—Water Separators and Organic—Water Separators	X
WW	Storage Vessels (Tanks)—Control Level 2	X
XX	Ethylene Manufacturing Process Units Heat Exchange Systems and Waste Operations	X
YY	Generic Maximum Achievable Control Technology Standards	X
ZZ–BBB	(Reserved)	

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]—Continued

Subpart	Source category	DEQ [2]
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration	X
DDD	Mineral Wool Production	X
EEE	Hazardous Waste Combustors	X
FFF	(Reserved)	
GGG	Pharmaceuticals Production	X
HHH	Natural Gas Transmission and Storage Facilities	X
III	Flexible Polyurethane Foam Production	X
JJJ	Group IV Polymers and Resins	X
KKK	(Reserved)	
LLL	Portland Cement Manufacturing	X
MMM	Pesticide Active Ingredient Production	X
NNN	Wool Fiberglass Manufacturing	X
OOO	Amino/Phenolic Resins	X
PPP	Polyether Polyols Production	X
QQQ	Primary Copper Smelting	X
RRR	Secondary Aluminum Production	X
SSS	(Reserved)	
TTT	Primary Lead Smelting	X
UUU	Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Plants	X
VVV	Publicly Owned Treatment Works (POTW)	X
WWW	(Reserved)	
XXX	Ferroalloys Production: Ferromanganese and Silicomanganese	X
AAAA	Municipal Solid Waste Landfills	X
CCCC	Nutritional Yeast Manufacturing	X
DDDD	Plywood and Composite Wood Products	[4] X
EEEE	Organic Liquids Distribution	X
FFFF	Misc. Organic Chemical Production and Processes (MON)	X
GGGG	Solvent Extraction for Vegetable Oil Production	X
HHHH	Wet Formed Fiberglass Mat Production	X
IIII	Auto & Light Duty Truck (Surface Coating)	X
JJJJ	Paper and other Web (Surface Coating)	X
KKKK	Metal Can (Surface Coating)	X
MMMM	Misc. Metal Parts and Products (Surface Coating)	X
NNNN	Surface Coating of Large Appliances	X
OOOO	Fabric Printing, Coating, and Dyeing	X
PPPP	Surface Coating of Plastic Parts and Products	X
QQQQ	Surface Coating of Wood Building Products	X
RRRR	Surface Coating of Metal Furniture	X
SSSS	Surface Coating of Metal Coil	X
TTTT	Leather Finishing Operations	X
UUUU	Cellulose Products Manufacturing	X
VVVV	Boat Manufacturing	X
WWWW	Reinforced Plastic Composites Production	X
XXXX	Rubber Tire Manufacturing	X
YYYY	Stationary Combustion Turbines	X
ZZZZ	Reciprocating Internal Combustion Engines (RICE)	X
AAAAA	Lime Manufacturing Plants	X
BBBBB	Semiconductor Manufacturing	X
CCCCC	Coke Ovens: Pushing, Quenching and Battery Stacks	X
DDDDD	Industrial/Commercial/Institutional Boilers and Process Heaters	[5] X
EEEEE	Iron and Steel Foundries	X
FFFFF	Integrated Iron and Steel	X
GGGGG	Site Remediation	X
HHHHH	Miscellaneous Coating Manufacturing	X
IIIII	Mercury Cell Chlor-Alkali Plants	X
JJJJJ	Brick and Structural Clay Products Manufacturing	[6] X
KKKKK	Clay Ceramics Manufacturing	[6] X
LLLLL	Asphalt Roofing and Processing	X
MMMMM	Flexible Polyurethane Foam Fabrication Operation	X
NNNNN	Hydrochloric Acid Production, Fumed Silica Production	X
OOOOO	(Reserved).	
PPPPP	Engine Test Facilities	X
QQQQQ	Friction Products Manufacturing	X
RRRRR	Taconite Iron Ore Processing	X
SSSSS	Refractory Products Manufacture	X
TTTTT	Primary Magnesium Refining	X
UUUUU	Coal and Oil-Fired Electric Utility Steam Generating Units	[7] X
VVVVV	(Reserved)	
WWWWW	Hospital Ethylene Oxide Sterilizers	
XXXXX	(Reserved)	
YYYYY	Electric Arc Furnace Steelmaking Area Sources	X
ZZZZZ	Iron and Steel Foundries Area Sources	

DELEGATION STATUS FOR PART 63 STANDARDS—STATE OF ARKANSAS [1]—Continued

Subpart	Source category	DEQ [2]
AAAAAA	(Reserved)	
BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities	
CCCCCC	Gasoline Dispensing Facilities	
DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources	
EEEEEE	Primary Copper Smelting Area Sources	X
FFFFFF	Secondary Copper Smelting Area Sources	X
GGGGGG	Primary Nonferrous Metals Area Sources: Zinc, Cadmium, and Beryllium	X
HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources	
IIIIII	(Reserved)	
JJJJJJ	Industrial, Commercial, and Institutional Boilers: Area Sources	
KKKKKK	(Reserved)	
LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources	
MMMMMM	Carbon Black Production Area Sources	X
NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds	X
OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources	
PPPPPP	Lead Acid Battery Manufacturing Area Sources	
QQQQQQ	Wood Preserving Area Sources	
RRRRRR	Clay Ceramics Manufacturing Area Sources	
SSSSSS	Glass Manufacturing Area Sources	X
TTTTTT	Secondary Nonferrous Metals Processing Area Sources	
UUUUUU	(Reserved)	
VVVVVV	Chemical Manufacturing Area Sources	X
WWWWWW	Plating and Polishing Operations Area Sources	
XXXXXX	Nine Metal Fabrication and Finishing Categories Area Sources	
YYYYYY	Ferroalloys Production Facilities Area Sources	
ZZZZZZ	Aluminum, Copper, and Other Nonferrous Foundries Area Sources	
AAAAAAA	Asphalt Processing and Asphalt Roofing Manufacturing Area Sources	
BBBBBBB	Chemical Preparations Industry Area Sources	
CCCCCCC	Paints and Allied Products Manufacturing Area Sources	
DDDDDDD	Prepared Feeds Manufacturing Area Sources	
EEEEEEE	Gold Mine Ore Processing and Production Area Sources	
FFFFFFF	Reserved	
GGGGGGG	Reserved	
HHHHHHH	Polyvinyl Chloride and Copolymers Production	X

[1] Program delegated to Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ).

[2] Authorities which may not be delegated include: § 63.6(g), Approval of Alternative Non-Opacity Emission Standards; § 63.6(h)(9), Approval of Alternative Opacity Standards; § 63.7(e)(2)(ii) and (f), Approval of Major Alternatives to Test Methods; § 63.8(f), Approval of Major Alternatives to Monitoring; § 63.10(f), Approval of Major Alternatives to Recordkeeping and Reporting; and all authorities identified in the subparts (*e.g.,* under ''Delegation of Authority'') that cannot be delegated.

[3] This subpart was vacated and remanded to EPA by the United States Court of Appeals for the District of Columbia Circuit. See, *Mossville Environmental Action Network* v. *EPA,* 370 F. 3d 1232 (D.C. Cir. 2004). Because of the DC Court's holding, this subpart is not delegated to DEQ at this time.

[4] This subpart was issued a partial vacatur on October 29, 2007 (72 FR 61060), by the United States Court of Appeals for the District of Columbia Circuit.

[5] Final rule. See 76 FR 15608 (March 21, 2011), as amended at 78 FR 7138 (January 31, 2013); 80 FR 72807 (November 20, 2015).

[6] Final promulgated rule adopted by the EPA. See 80 FR 65470 (October 26, 2015). Note that subpart KKKKK of this part was amended in response to a petition for reconsideration of the final rule. See 84 FR 58601 (November 1, 2019).

[7] Initial final rule. See 77 FR 9304 (February 16, 2012), as amended 81 FR 20172 (April 6, 2016). Final supplemental finding that it is appropriate and necessary to regulate hazardous air pollutant (HAP) emissions from coal- and oil-fired electric utility steam generating units (EUSGU). See 81 FR 24420 (April 25, 2016).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 512

[CMS–5527–F2]

RIN 0938–AT89

Radiation Oncology (RO) Model

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: We are finalizing our proposal to delay the current start date of the RO Model to a date to be determined through future rulemaking, and to modify the definition of the model performance period to provide that the start and end dates of the model performance period for the RO Model will be established in future rulemaking.

DATES: These regulations are effective on October 28, 2022.

FOR FURTHER INFORMATION CONTACT: Genevieve Kehoe, *RadiationTherapy@cms.hhs.gov,* or 1–844–711–2664 Option 5, for questions related to the Radiation Oncology Model.

SUPPLEMENTARY INFORMATION:

I. Background

We are committed to promoting higher quality of cancer care and improving outcomes for Medicare beneficiaries while reducing costs. As part of that effort, the Biden Administration has taken a number of efforts to improve the care of Medicare cancer patients, most notably with the President's cancer agenda and the Cancer Moonshot, as well as the CMS Innovation Center's Oncology Care Model [1] and Enhancing Oncology Model,[2] which focus on patients with cancer who receive chemotherapy.

In December 2015, Congress passed the Patient Access and Medicare Protection Act (Pub. L. 114–115), and section 3(b) of this legislation required the Secretary of the Department of Health and Human Services to submit to Congress a report, no later than 18 months after enactment, on ''the development of an episodic alternative payment model'' for payment under the Medicare program for radiation therapy (RT) services. We released the 2017 Report to Congress: ''Episodic Alternative Payment Model for Radiation Therapy Services,'' which laid out the potential for reforming the way Medicare pays for radiation oncology. Based on that work, using our authority under section 1115A of the Social Security Act (the Act), we published a proposed rule, titled ''Medicare Program; Specialty Care Models to Improve Quality of Care and Reduce Expenditures'', which appeared in the **Federal Register** on July 18, 2019 (84 FR 34478), and included a proposal for implementing a mandatory model for radiation oncology services (hereinafter referred to as the RO Model) (84 FR 34490 through 34535). The RO Model was designed to test whether making site-neutral, prospective, episode-based payments to hospital outpatient departments (HOPDs), physician group practices (PGPs), and freestanding radiation therapy centers for RT episodes of care would preserve or enhance the quality of care furnished to Medicare beneficiaries while reducing or maintaining Medicare program spending. More specifically, as described in the final rule titled ''Medicare Program; Specialty Care Models to Improve Quality of Care and Reduce Expenditures'' that appeared in the September 29, 2020 **Federal Register** (85 FR 61115) (hereinafter referred to as the ''Specialty Care Models final rule''), the RO Model was designed to include prospective payments for certain RT services furnished during a 90-day RO episode for included cancer types for certain Medicare beneficiaries. The Model was designed to test the cost-saving potential of prospective episode payments for certain RT services furnished during an RO episode and whether shorter courses of RT (that is, fewer doses, also known as fractions) will encourage more efficient care delivery and incentivize higher value care.

In the Specialty Care Models final rule, we codified policies at 42 CFR part 512, subparts A and B, that included a finalized RO Model with a model performance period that was to begin January 1, 2021, and end December 31, 2025 (85 FR 61367). We finalized that each performance year (PY) would be the 12-month period beginning on January 1 and ending on December 31 of each calendar year (CY) during the model performance period, and no new RO episodes may begin after October 3, 2025, in order for all RO episodes to end by December 31, 2025.

Due to the public health emergency for the Coronavirus disease 2019 (COVID–19) pandemic, we revised the RO Model's model performance period at 42 CFR 512.205 to begin on July 1, 2021, and to end December 31, 2025, giving RO participants an additional 6 months to prepare for the RO Model. We implemented the revised model period via interim final regulations included in the final rule with comment period and interim final rule with comment period that appeared in the December 29, 2020 **Federal Register** titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; New Categories for Hospital Outpatient Department Prior Authorization Process; Clinical Laboratory Fee Schedule: Laboratory Date of Service Policy; Overall Hospital Quality Star Rating Methodology; Physician-owned Hospitals; Notice of Closure of Two Teaching Hospitals and Opportunity To Apply for Available Slots, Radiation Oncology Model; and Reporting Requirements for Hospitals and Critical Access Hospitals (CAHs) to Report COVID–19 Therapeutic Inventory and Usage and to Report Acute Respiratory Illness During the Public Health Emergency (PHE) for Coronavirus Disease 2019 (COVID–19)'' (85 FR 85866) (hereinafter referred to as ''CY 2021 OPPS/ASC IFC'').

Section 133 of the Consolidated Appropriations Act (CAA), 2021 (Pub. L. 116–260) (hereinafter referred to as ''CAA, 2021''), enacted on December 27, 2020, included a provision that prohibited implementation of the RO Model before January 1, 2022. This congressional action superseded the start date of the model performance period of July 1, 2021, established in the CY 2021 OPPS/ASC IFC. To align the RO Model regulations with the requirements of the CAA, 2021, we proposed to modify the definition of ''model performance period'' in 42 CFR 512.205 to provide for a 5-year model performance period starting on January 1, 2022, unless the RO Model is prohibited by law from starting on January 1, 2022, in which case the model performance period would begin on the earliest date permitted by law that is January 1, April 1, or July 1. We also proposed other modifications both related to and unrelated to the timing of the RO Model in the proposed rule that appeared in the August 4, 2021 **Federal Register** titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Price Transparency of Hospital Standard Charges; Radiation Oncology Model; Request for Information on Rural Emergency Hospitals'' (86 FR 42018). These provisions were finalized in a final rule with comment period titled ''Medicare Program: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Price Transparency of Hospital Standard Charges; Radiation Oncology Model'' that appeared in the November 16, 2021 **Federal Register** (86 FR 63458) (hereinafter referred to as the ''CY 2022 OPPS/ASC FC'').

On December 10, 2021, the Protecting Medicare and American Farmers from Sequester Cuts Act (Pub. L. 117–71) was enacted, which included a provision that prohibits implementation of the RO Model prior to January 1, 2023. The CY 2022 OPPS/ASC FC specified that if the RO Model was prohibited by law from beginning on January 1, 2022, the model performance period would begin on the earliest date permitted by law that is January 1, April 1, or July 1. As a result, under the current definition for model performance period at 42 CFR 512.205, the RO Model would start on January 1, 2023, because that date is the earliest date permitted by law. However, given the multiple delays to date, and because both CMS and RO participants must invest operational resources in preparation for implementation of the RO Model, we have considered how best to proceed under these circumstances.

[1] *https://innovation.cms.gov/innovation-models/oncology-care.*

[2] *https://innovation.cms.gov/innovation-models/enhancing-oncology-model.*

In a proposed rule titled ''Radiation Oncology (RO) Model,'' which appeared in the **Federal Register** on April 8, 2022 (87 FR 20800) (hereinafter referred to as the ''April 2022 RO Model proposed rule''), we proposed to delay the current start date of the RO Model to a date to be determined through future rulemaking, and to modify the definition of the model performance period at 42 CFR 512.205 to provide that the start and end dates of the model performance period for the RO Model will be established in future rulemaking.

We solicited public comment on our proposal and received approximately 38 timely pieces of correspondence. We summarize and respond to public comments in this final rule.

II. Provisions of the Finalized Regulations

A. Model Performance Period

As stated in the April 2022 RO Model proposed rule, we continue to believe that the RO Model would address long-standing concerns related to RT delivery and payment, including the lack of site neutrality for payments, incentives that encourage volume of services over the value of services, and coding and payment challenges (87 FR 20802). We believe the RO Model would provide payment stability and promote high-quality care for Medicare beneficiaries. We have heard that the RO Model is valuable and needed in the radiation oncology space from some interested parties and that some RT providers and RT suppliers selected to be RO participants are dedicated to preparing for implementation of the RO Model.

However, given that there have been two legislative delays of the RO Model, the operational resources required of CMS and RO participants to continue to prepare for the RO Model before it can be implemented, and some interested parties' comments that they would not support the RO Model unless specific changes were made, we proposed to delay the start of the RO Model to a date to be determined through future rulemaking and to modify the definition of model performance period at 42 CFR 512.205 to reflect this policy. We noted that we would plan to propose the new start date no less than 6 months prior to that proposed start date.

As noted previously, Congress has delayed the RO Model twice. There is a substantial cost to continue funding preparation for implementation of the RO Model in 2023. For example, funding is needed for CMS to prepare for participant onboarding, claims systems changes, and updates to the data used in the Model's design and participant-specific payment amounts, among a number of other activities. The cost of the operational funding needed to continue to prepare to implement the RO Model takes resources away from the development of other alternative payment models, particularly when it is not known whether there may be further legislative delays to the start of the RO Model.

Additionally, those entities selected to be RO participants continue to make good faith efforts to prepare to implement the RO Model, which may involve financial, operational, and administrative investment and resources. Given multiple delays and uncertainty about the timing of the RO Model, delaying the RO Model indefinitely will give RO participants the ability to pause their efforts to prepare for implementation of the RO Model. In the April 2022 RO Model proposed rule, we stated that we welcome additional dialogue with RO participants and interested parties about Medicare payment for RT services (87 FR 20802).

Further, RO participants and interested parties have requested additional changes to the RO Model's payment methodology and to other aspects of the RO Model design and participation requirements, such as lower discounts while keeping the geographic scope of the Model the same. As we have informed interested parties, if the discounts are lowered below 3.5 percent for the professional component and 4.5 percent for the technical component, we would need to expand the geographic scope of the RO Model to be larger than 30 percent of Core Based Statistical Areas (CBSAs) (86 FR 63928 and 63929). If the discount amounts are significantly smaller, all else equal, the projected savings will be smaller, and therefore, the number of CBSAs (and episodes) in the participant group may not be sufficient for CMS to detect an effect of the RO Model with statistical confidence. However, we believe that some interested parties will not support the RO Model test moving forward with unchanged discounts and as noted previously, these interested parties have also requested that we not increase the geographic scope of the Model.

Thus, for these reasons, we proposed to delay the current start date of the RO Model, and to establish the start and end dates for the model through future rulemaking, which may also involve modifications to the model design. We proposed to modify the definition of the model performance period at 42 CFR 512.205 to reflect this proposed delay, by removing the provision that the RO Model begins on January 1, 2022, and ends on December 31, 2026, unless the RO Model is prohibited by law from starting on January 1, 2022, in which case the model performance period begins on the earliest date permitted by law that is January 1, April 1, or July 1. We proposed to modify the definition of model performance period to instead specify that CMS will establish the start and end dates of the model performance period for the RO Model through future rulemaking. Finally, in the April 2022 RO Model proposed rule, we noted that if we do not finalize this proposal and instead proceed with a start date of January 1, 2023, we do not plan to change the CBSAs selected for participation before that start date (87 FR 20802).

The following is a summary of comments we received on the proposal to delay the RO Model to a date to be determined through future rulemaking in section II.A. of the April 2022 RO Model proposed rule and our responses to these comments:

Comment: Many commenters supported the delay of the RO Model to a date to be determined in future rulemaking. CMS received a couple comments requesting a January 1, 2024 start date to allow for additional time to prepare for the Model.

Response: We appreciate the support for the delay of the RO Model to a date yet to be determined and that a couple commenters requested a specific alternative future date for the RO Model to begin. We will consider whether a January 1, 2024, start date or an alternative start date would be feasible and whether such a date is likely to provide enough time to address the current challenges associated with starting the RO Model as we contemplate future rulemaking.

Comment: Some commenters requested that the RO Model as it is currently designed be cancelled altogether. These commenters noted that they believe that the Model as currently designed does not align with the Biden Administration's Cancer Moonshot goal of increasing access to innovative and appropriate cancer care. Specifically, commenters were concerned the Model would impact equitable access to proton therapy and future innovation in radiation oncology. Some commenters stated that CMS should work with interested parties to redesign the Model with respect to, for example, the discounts, mandatory participation, billing requirements, quality and clinical reporting, included modalities, and the Advanced Alternative Payment Model (APM) bonus.

Response: We appreciate these comments. However, we do not agree with the comments that the RO Model should be cancelled. As noted previously, we continue to believe that the RO Model will address long-standing concerns related to delivery and payment of RT services and benefit RT providers and RT suppliers as well as beneficiaries, because of the RO Model's focus on financial predictability through prospective, site-neutral, episode-based payment and care improvement by linking payment to quality. The RO Model is designed to test an innovative approach to payment and service delivery in the field of radiation oncology. We welcome further dialogue with interested parties and RO participants about the design of the RO Model.

Comment: A few commenters opposed the delay of the RO Model to a date to be determined through future rulemaking. These commenters stated that the RO Model has been delayed long enough and should begin on January 1, 2023. A commenter noted its disappointment in the continued delay of the RO Model and its frustration with the starting and stopping of preparation efforts. The commenter provided support for value-based, bundled payment for RT services to ensure payment stability, and urged CMS to work with interested parties to make necessary final refinements to the RO Model and implement it as soon as possible. A commenter who requested that the RO Model start January 1, 2023 further stated that the only changes that should be considered with a January 1, 2023 start are those related to changes in the national base rates or the adjustment rates that would increase the revenue to RO participants, because the commenter believed that the cost of paying RO participants more would likely be less than the cost of continued delays.

Response: Although we continue to believe that the RO Model will address longstanding concerns related to delivery and payment of RT services as described in more detail in the Specialty Care Models final rule (85 FR 61347) and again in the CY 2022 OPPS/ASC FC (86 FR 63911 and 63912), such as the site-of-service payment differential that exists under the OPPS and PFS as well as the incentives built into the current fee-for-service payment system that promotes volume over the value of services, Congress has delayed the RO Model twice, and it is not known whether there may be further delays to the start of the RO Model that are out of CMS's control. As noted previously, there is a substantial cost to continue funding preparation for implementation of the RO Model in 2023, and the cost of such funding takes resources away from the development of other alternative payment models. A continued cycle of starting and stopping preparation efforts may also involve resources on the part of RO participants. Furthermore, as described in the Specialty Care Models final rule (85 FR 61152) and in the CY 2022 OPPS/ASC FC (86 FR 63928 and 63929), in order to be able to detect an impact of the Model, changes to RO Model payment methodology may require changes to other aspects of the Model, such as increasing the size of the Model. In light of the fact that it is unknown whether there may be further delays to the RO Model that are out of CMS's control, we believe that the best course of action is to delay the implementation of the RO Model to a future date. While we appreciate commenters' request to begin the RO Model as soon as possible on January 1, 2023, we believe that the delay will provide us with the opportunity for additional dialogue with RO participants and interested parties about Medicare payment for RT services.

Comment: We received a few comments requesting that CMS provide more than 6 months' notice in advance of the future RO Model start date.

Response: We appreciate these comments. We want to emphasize that we would plan to propose a new start date for the RO Model *at least* 6 months prior to that proposed start date, and the public would have an opportunity to comment on the new proposed start date as part of the rulemaking process. CMS is committed to the success of the RO Model and providing RO participants sufficient time to prepare before the RO Model begins. Should we receive comments indicating that a proposed start date provides insufficient time to prepare, CMS will consider any such comments in its decision of when to start the RO Model.

Comment: Many commenters provided feedback not directly related to our proposal to delay the start date of the RO Model to a date to be determined through future rulemaking. These comments concerned a range of issues, including participation requirements and criteria, the geographic size of the Model, included modalities, Advanced APM incentive payment under the Quality Payment Program (QPP), and the Model's pricing methodology (for example, the national base rates, trend factor, case mix and historical experience adjustments, blend, and discount rates). Commenters also provided feedback related to the RO Model's potential impact on rural practices, health equity, and health disparities, as well as the burden of collecting and reporting the clinical data elements and the quality measures, and the burden of the RO Model's billing requirements. Commenters also discussed patient navigation tools, the beneficiary notification letter, and how the RO Model does or does not align with the goals of the Biden Administration's cancer agenda and the Cancer Moonshot.

Response: We appreciate these additional comments, which we may further consider as we evaluate how best to proceed with the RO Model going forward. As noted previously, we continue to welcome further feedback and dialogue with interested parties and RO participants on the design of the RO Model.

After considering public comments, we are finalizing our proposal to delay the start of the RO Model to a date to be determined through future rulemaking. Specifically, we are finalizing our proposed revisions to the definition of model performance period at 42 CFR 512.205, to specify that model performance period means the 5 performance years (PYs) during which RO episodes initiate and terminate, and that CMS will establish the start and end dates of the model performance period for the RO Model through future rulemaking.

III. Collection of Information Requirements

As stated in section 1115A(d)(3) of the Act, Chapter 35 of title 44, United States Code, shall not apply to the testing, evaluation, and expansion of CMS Innovation Center Models. Consequently, there is no need for review by the Office of Management and Budget (OMB) under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Regulatory Impact Analysis

A. Statement of Need

The purpose of this final rule is to delay the start of the RO Model to a date yet to be determined, and to modify the definition of model performance period at 42 CFR 512.205. Delaying the start of the RO Model to a date yet to be determined does not change the statement of need for the RO Model as described in the Specialty Care Models final rule (85 FR 61347) and the CY 2021 OPPS/ASC IFC (85 FR 86296) and again in the CY 2022 OPPS/ASC FC (86 FR 63458).

B. Overall Impact

We have examined the impact of this rule as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.

A regulatory impact analysis (RIA) must be prepared for regulatory actions with economically significant effects ($100 million or more in any 1 year). Based on our estimates, OMB's Office of Information and Regulatory Affairs has determined this rulemaking is ''economically significant'' as measured by the $100 million threshold, and hence is also a major rule under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act). Accordingly, we have prepared an RIA that to the best of our ability presents the costs and benefits of the rulemaking.

C. Detailed Economic Analysis

Delaying the start of the RO Model to a later undetermined date and modifying the regulatory text at 42 CFR 512.205 to reflect this means that the annualized/monetarized estimates of costs and transfers policy for the RO Model presented in the CY 2022 OPPS/ASC FC (86 FR 63986) will not be realized at this time.

Similarly, the burden estimates related to implementation of the RO Model presented in the Specialty Care Models final rule (85 FR 61358), the CY 2021 OPPS/ASC IFC (85 FR 86297), and the CY 2022 OPPS/ASC FC (86 FR 63987) will not be realized at this time.

The regulatory impact analysis of the CY 2022 OPPS/ASC FC estimated that on net the RO Model would reduce Medicare spending by $150 million over the 5-year model performance period. This amount is the net Medicare Part B impact that includes both Part B premium and Medicare Advantage United States Per Capita Costs (MA USPCC) rate financing interaction effects. This estimate excludes changes in beneficiary cost sharing liability to the extent it is not a Federal outlay under the policy. These potential impacts were estimated to occur beginning on January 1, 2022, through December 31, 2026, in alignment with a January 1, 2022, model start. Table 1 summarizes the estimated impact of the RO Model with a model performance period that would have begun January 1, 2022, and ended December 31, 2026. Table 2 provides additional information about those expected impacts by year. However, because the RO Model was not implemented on January 1, 2022, as contemplated in the CY 2022 OPPS/ASC FC, such effects have yet not occurred.

TABLE 1—ESTIMATES OF MEDICARE PROGRAM SAVINGS (MILLIONS $) FOR RADIATION ONCOLOGY MODEL

[Starting January 1, 2022]

	Year of model					
	2022	2023	2024	2025	2026	Total*
Net Impact to Medicare Program Spending	−20	−30	−20	−40	−40	−150
Changes to Incurred FFS Spending	−20	−20	−20	−30	−30	−120
Changes to MA Capitation Payments	0	−20	−20	−20	−30	−80
Part B Premium Revenue Offset	0	10	10	10	10	50
Total APM Incentive Payments	0	0	10	0	0	10
Episode Allowed Charges	830	860	900	930	970	4,490
Episode Medicare Payment	650	670	700	730	750	3,500
Total Number of Episodes	53,300	54,900	56,400	58,000	59,600	282,200
Total Number of Beneficiaries	51,900	53,500	54,900	56,500	58,100	250,200

* Negative spending reflects a reduction in Medicare spending, while positive spending reflects an increase.
* Totals may not sum due to rounding and from beneficiaries that have cancer treatment spanning multiple years.

TABLE 2—RADIATION ONCOLOGY MODEL PHYSICIAN GROUP PRACTICE (PGP) (INCLUDING FREESTANDING RADIATION THERAPY CENTERS) VS HOSPITAL OUTPATIENT DEPARTMENT (HOPD) ALLOWED CHARGE IMPACTS 2022 TO 2026 AS COMPARED TO THOSE NOT PARTICIPATING IN THE RO MODEL

% Impact	2022 (%)	2023 (%)	2024 (%)	2025 (%)	2026 ($)	2022 to 2026 (%)
PGP (including freestanding radiation therapy centers)	3.1	4.5	6.0	7.4	8.9	6.3
HOPD	−7.8	−8.8	−9.6	−10.6	−11.6	−9.9

Nevertheless, and notwithstanding the RO Model delay, the analysis uses a baseline in which the RO Model provisions of the CY 2022 OPPS/ASC FC were effective on January 1, 2022, to calculate the monetized estimates of the effects of this final rule. We maintain the analytical approach described in the regulatory impact analysis of the CY 2022 OPPS/ASC FC, and, for the purposes of quantifying the effects of this final rule, we assumed that the regulations at 42 CFR part 512, subpart B, as amended by the CY 2022 OPPS/ASC FC were otherwise in full effect. As we are finalizing the delay of the start of the RO Model to a date yet to be determined, the estimated savings presented in Table 90 of the CY 2022 OPPS/ASC FC will not occur at this time. We summarize this result in Table 3 later in this section, which illustrates, inversely, the net monetized estimates contained in Table 90 of the CY 2022 OPPS/ASC FC. The period covered shown in Table 3 begins January 2022 in alignment with Table 90 of the CY 2022 OPPS/ASC FC.

As required by OMB Circular A–4 (available at the Office of Management and Budget website at: *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf*), we have prepared an accounting statement in Table 3 showing the classification of the impact associated with the provisions of this final rule.

TABLE 3—ACCOUNTING STATEMENT: ESTIMATED IMPACTS FROM CY 2022 TO CY 2026 AS A RESULT OF PROVISIONS OF THIS FINAL RULE

Category	Estimates (million)	Units		
		Year dollar	Discount rate (%)	Period covered
Transfers:				
Annualized Monetized ($million/year)	$27	2020	7	2022–2026
	29	2020	3	2022–2026
From Whom to Whom	From the Federal Government to healthcare providers.			

D. Regulatory Flexibility Act (RFA)

The RFA requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other health care providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $8 million to $41.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. For details, see the Small Business Administration's ''Table of Small Business Size Standards'' at *https://www.sba.gov/document/support--table-size-standards*.

As its measure of significant economic impact on a substantial number of small entities, HHS uses a change in revenue of more than 3 to 5 percent. Because we are finalizing our proposal, the estimated impact of the RO Model as described in the CY 2022 OPPS/ASC FC will not occur. Instead, payment for submitted claims will be made under the applicable Medicare payment methodology. As a result, the Secretary has determined that this final rule will not have a significant impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that the RO Model will not have a significant impact on the operations of a substantial number of small rural hospitals.

We requested comments on our estimate of significantly affected providers and suppliers and the magnitude of estimated effects for the proposed rule. We did not receive any comments.

E. Unfunded Mandates Reform Act (UMRA)

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2022, that threshold is approximately $165 million. This final rule does not mandate any requirements for State, local, or tribal governments, or for the private sector.

F. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This rule would not have a substantial direct effect on state or local governments, preempt state law, or otherwise have a federalism implication because the RO Model is a Federal payment model impacting Federal payments only and does not implicate local governments or state law. Therefore, the requirements of Executive Order 13132 are not applicable.

List of Subjects in 42 CFR Part 512

Administrative practice and procedure, Health facilities, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble and under the authority at 42 U.S.C. 1302, 1315a, and 1395hh, the Centers for Medicare & Medicaid Services amends 42 CFR part 512 as set forth below:

PART 512—RADIATION ONCOLOGY MODEL AND END STAGE RENAL DISEASE TREATMENT CHOICES MODEL

■ 1. The authority citation for part 512 continues to read as follows:

Authority: 42 U.S.C. 1302, 1315a, and 1395hh.

■ 2. Section 512.205 is amended by revising the definition of ''Model performance period'' to read as follows:

§ 512.205 Definitions.

* * * * *

Model performance period means the 5 performance years (PYs) during which RO episodes initiate and terminate. CMS will establish the start and end dates of the model performance period for the RO Model through future rulemaking.

* * * * *

Dated: August 24, 2022.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2022–18541 Filed 8–25–22; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[RTID 0648–XC196]

Pacific Island Fisheries; 2022 U.S. Territorial Longline Bigeye Tuna Catch Limits for American Samoa

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

ACTION: Announcement of a valid specified fishing agreement.

SUMMARY: NMFS announces a valid specified fishing agreement that allocates up to 1,500 metric tons (t) of the 2022 bigeye tuna limit for American Samoa to U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in American Samoa.

DATES: The specified fishing agreement was valid as of July 20, 2022. The start date for attributing 2022 bigeye tuna catch to American Samoa was August 25, 2022.

ADDRESSES: The Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP) describes specified fishing agreements and is available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *http://www.wpcouncil.org.*

NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. The analyses, identified by NOAA–NMFS–2021–0076, are available from *https://www.regulations.gov/search/docket?filter=NOAA-NMFS-2021-0076,* or from Sarah Malloy, Acting Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Lynn Rassel, NMFS PIRO Sustainable Fisheries, 808–725–5184.

SUPPLEMENTARY INFORMATION: In a final rule published on December 29, 2021, NMFS specified a 2022 limit of 2,000 t of longline-caught bigeye tuna for each of the U.S. Pacific Island territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (86 FR 73990). NMFS allows each territory to allocate up to 1,500 t of the 2,000 t limit to U.S. longline fishing vessels identified in a valid specified fishing agreement, but the overall allocation limit among all territories may not exceed 3,000 t.

On June 24, 2022, NMFS received from the Council, through its Executive Director, a specified fishing agreement between American Samoa and the Hawaii Longline Association providing an initial allocation to U.S. fishing of 1,300 t followed by a subsequent allocation, upon notification by HLA to American Samoa at a later date, of any unallocated portion of American Samoa's 1,500 mt allocation limit to U.S. fishing vessels identified in the agreement for 2022. The Council's Executive Director advised that the agreement is consistent with the FEP and its implementing regulations. On July 20, 2022, NMFS reviewed the agreement and determined that it is consistent with the FEP, implementing regulations, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

On March 29, 2022, NMFS determined that the U.S. longline fishery exceeded the 3,554 t 2021 U.S. bigeye tuna catch limit established in regulations at 50 CFR 300.224 by 196 t. Western and Central Pacific Fisheries Commission (WCPFC) Conservation and Management Measures (CMM) 2021–01, Paragraph 37, states that where the limit has been exceeded, any overage of the limit shall be deducted from the catch limit for the following year. In accordance with U.S. obligations as a WCPFC member, NMFS must reduce the 2022 U.S. bigeye tuna limit by the amount of the overage of 196 t. NMFS is preparing a separate regulatory package that would revise the 2022 U.S. bigeye tuna limit to 3,358 t. Although the revised limit is not yet effective, NMFS is basing its decisions for attributing bigeye catch under valid specified fishing agreements with U.S. participating territories pursuant to 50 CFR 665.819(c)(9)(i) on this 3,358 t limit to ensure compliance with CMM 2021–01.

At the time NMFS determined the American Samoa specified fishing agreement was consistent with applicable laws, U.S. longline vessels operating in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPO) still had about 9 percent of the 3,358 t U.S. catch limit left, so NMFS waited for a later projection to determine the date for attributing catch to the 2022 American Samoa limit and agreement.

In accordance with 50 CFR 300.224(d) and 50 CFR 665.819(c)(9), vessels in the agreement may retain and land bigeye tuna in the WCPO under the American Samoa attribution specified in the fishing agreement. Based on logbook data submitted by U.S. longline vessels in the WCPFC Convention Area, NMFS forecasts that the U.S. longline fishery will reach the U.S. bigeye tuna limit of 3,358 t by September 1, 2022. Regulations at 50 CFR 665.819(c)(9)(i) direct NMFS to begin attributing catch to the applicable U.S. territory starting seven days before the date NMFS forecasts the U.S. limit to be reached, or upon the effective date of the agreement, whichever is later. Therefore, on August 25, 2022, NMFS began attributing bigeye tuna caught by vessels in the agreement to American Samoa. If NMFS determines that the fishery will reach the overall 2,000 t territorial catch limit or the 1,500 t allocation limit, NMFS will restrict the catch and retention of longline-caught bigeye tuna by vessels in order to not exceed these limits, unless the vessels are included in a subsequent specified fishing agreement with another U.S. territory.

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

Dated: August 23, 2022.

Jennifer M. Wallace,

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

[FR Doc. 2022–18499 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 166
Monday, August 29, 2022

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–1064; Project Identifier MCAI–2022–00342–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A350–1041 airplanes. This proposed AD was prompted by a report of rejected take-offs after transient engine N1 shaft speed exceedance. This proposed AD would require replacing certain hydro-mechanical units (HMUs) with serviceable HMUs before reaching a reduced life limit, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. This proposed AD would also limit the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by October 13, 2022.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1064.

Examining the AD Docket

You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1064; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–1064; Project Identifier MCAI–2022–00342–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2022–0040, dated March 8, 2022 (EASA AD 2022–0040) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A350–1041 airplanes.

This proposed AD was prompted by a report of rejected take-offs after transient engine N1 shaft speed exceedance. It was found that the combining spill valve (CSV) of the engine HMU was slow to close due to piston wear. A worn CSV piston does not move fully and freely over its operating range, and, when it moves to the fully closed position, an excess of fuel is sent to the fuel nozzles, which eventually results in an N1 transient shaft overspeed. The FAA is proposing

this AD to address a stuck CSV piston, as a result of the CSV piston being worn, which could significantly reduce engine thrust, and if combined with a loss of the second engine, could possibly result in reduced control of the airplane. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0040 specifies procedures for replacing each HMU having part number G5020HMU02 with a serviceable HMU before reaching a reduced life limit. EASA AD 2022–0040 also limits the installation of affected parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0040 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0040 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0040 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0040 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2022–0040. Service information required by EASA AD 2022–0040 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA–2022–1064 after the FAA final rule is published.

Interim Action

The FAA considers this proposed AD interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this proposed AD would affect 29 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
7 work-hours × $85 per hour = $595	* $0	$595	$17,255

* The FAA has received no definitive data on which to base the cost estimates for the parts specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2022–1064; Project Identifier MCAI–2022–00342–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by October 13, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model A350–1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0040, dated March 8, 2022 (EASA AD 2022–0040).

(d) Subject

Air Transport Association (ATA) of America Code 73, Engine Fuel and Control.

(e) Unsafe Condition

This AD was prompted by a report of rejected take-offs after transient engine N1 shaft speed exceedance. The FAA is issuing this AD to address a stuck combined spill valve (CSV) piston of the engine hydro-mechanical units (HMUs), which could significantly reduce engine thrust, and if combined with a loss of the second engine, could possibly result in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0040.

(h) Exceptions to EASA AD 2022–0040

(1) Where EASA AD 2022–0040 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2022–0040 does not apply to this AD.

(3) Where paragraph (1) of EASA AD 2022–0040 specifies to replace ''[b]efore an affected part exceeds the life limit as defined in Table 1 of this [EASA] AD,'' this AD requires replacing ''before an affected part exceeds the life limit specified in Table 1 of EASA 2022–0040, or within 3 flight cycles after the effective date of this AD, whichever occurs later.''

(4) Where Table 1 of EASA AD 2022–0040 specifies calendar timeframes, for this AD replace the text ''31 March 2022 to 29, June 2023'' with ''the effective date of this AD through June 29, 2023.''

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information referenced in EASA AD 2022–0042 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Related Information

(1) For EASA AD 2022–0040, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.* You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2022–1064.

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

Issued on August 23, 2022.

Christina Underwood,

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

[FR Doc. 2022–18452 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1028; Airspace Docket No. 22–ASO–9]

Proposed Amendment and Revocation of Air Traffic Service (ATS) Routes; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify VHF Omnidirectional Range (VOR) Federal airways V–5, V–20, V–155, V–241, and V–321; and to remove jet routes J–37, J–55, J–79, J–121, J–174, J–191, and J–209. These changes support the VOR Minimum Operation Network (MON) project in the eastern United States.

DATES: Comments must be received on or before October 13, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2022–1028; Airspace Docket No. 22–ASO–9 at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority

described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the VOR Federal airway route structure in the eastern United States to maintain the efficient flow of air traffic.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–1028; Airspace Docket No. 22–ASO–9) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–1028; Airspace Docket No. 20–ASO–9.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to modify five VOR Federal airways (V–5, V–20, V–155, V–241, and V–321); and to remove seven jet routes (J–37, J–55, J–79, J–121, J–174, J–191, and J–209). These changes support the planned decommissioning of one or more of the following ground-based navigation aids under the VOR MON project in the eastern United States: Columbus, GA (CSG), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC); Electric City, SC (ELW), VORTAC; Choo Choo, GA (GQO), VORTAC; Nottingham, MD (OTT), VORTAC; Patuxent, MD (PXT), VORTAC; Sugarloaf Mountain, NC (SYG), VORTAC; Tuskegee, AL (TGE), VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). The proposed changes are described below.

V–5: V–5 extends from Pecan, GA, to Appleton, OH. The FAA proposes to remove the segments from the intersection of the Athens, GA 340° and the Electric City, SC 274° radials, to Choo Choo, GA. As amended, V–5 would extend, in two parts, from Pecan, GA to Athens, GA; and from New Hope, KY, to Appleton, OH.

V–20: V–20 extends, in two parts, from McAllen, TX, to Palacios, TX; and from Beaumont, TX, to Nottingham, MD. This action proposes to remove the segments between Tuskegee, AL, and Sugarloaf Mountain, NC; and remove the segments between the intersection of the Richmond, VA 039° and the Brooke, VA 132° radials, and Nottingham, MD. As amended, V–20 would consist of three parts: From McAllen, TX, to Palacios, TX; From Beaumont, TX, to Montgomery, AL; and From Barretts Mountain, NC to Richmond, VA. In addition the wording ''The airspace within R–4007A and R–4007B is excluded'' would be remove from the route description because the amended route would no longer pass in the vicinity of the restricted areas.

V–155: V–155 extends from Columbus, GA to Brooke, VA. The FAA proposes to remove the segments from Columbus, GA to the intersection of the Columbus 068° and the Colliers, SC, 243° radials (the charted SINCA Fix). The SINCA, GA, Fix would be redefined by replacing the Columbus radial with the Dublin, GA, 309°(T)/314°(M) radial. This supports the scheduled decommissioning of the Columbus, GA (CSG), VORTAC. As amended, V–155 would extend from the intersection of the Dublin, GA, 309°(T)/314°(M) and Colliers, SC 243° radials, to Brooke, VA.

V–241: V–241 extends from Semmes, AL to the intersection of the Columbus, GA 010° and the LaGrange, GA 048° radials (the charted TIROE, GA, Fix). The FAA proposes to remove the segments from Columbus, GA to the TIROE Fix. The intersection of the Eufaula, AL 008°(T)/006°(M) and the LaGrange, GA 160°(T)/159°(M) would be used in place of the Columbus, GA VORTAC. As amended, V–241 would extend from Semmes, AL, to the intersection of the Eufaula, AL 008°(T)/006°(M) and the LaGrange, GA 160°(T)/159°(M) radials.

V–321: V–321 extends from Pecan, GA to Livingston, TN. The FAA proposes to remove the Columbus, GA (CSG), VORTAC from the route and replace it with the intersection of the Pecan, GA 327°(T)/329°(M) and the LaGrange, GA 160°(T)/159°(M) radials. Otherwise, V–321 would still extend from Pecan, GA, to Livingston, TN as currently charted.

J–37: J–37 consists of three parts: From Harvey, LA; to Montgomery, AL; from Lynchburg, VA; to Coyle, NJ; and From Kennedy, NY; to Albany, NY. The FAA proposes to remove the entire route. RNAV routes Q–22, Q–127, and Q–479 are being published as a partial overlay and replacement of J–37.

J–55: J–55 consists of two parts: From the intersection of the Flat Rock, VA, 212° and Raleigh-Durham, NC, 224° radials; to the intersection of the Hopewell, VA 030° and Nottingham, MD, 174° radials; and From Sea Isle, NJ; to Presque Isle, ME. This action proposes to remove the entire routs. RNAV routes Q–167, Q–220, Q–439, and Q–445 will be published to replace J–55, reflecting current traffic flows in the area.

J–79: J–79 extends from Charleston, SC to Bangor, ME. This action proposes to remove the entire route. RNAV route Q–133 will be published as a partial overlay and replacement of J–79.

J–121: J–121 extends from Charleston, SC; to the intersection of the Sea Isle, NJ 050° and the Cedar Lake, NJ 091° radials. This action proposes to remove the entire route. RNAV route Q–109 will be published as a partial overlay and replacement of J–121.

J–174: J–174 extends from Charleston, SC, to the intersection of the Marconi, MA 090° and Nantucket, MA, 066° radials. This action proposes to remove the entire route. RNAV route Q–97 will be published as a partial overlay and replacement of J–174.

J–191: J–191 extends from Hopewell, VA to Wilmington, NC. This action proposes to remove the entire route. RNAV routes Q–85 and Q–409 will be published to replace J–191, reflecting current traffic flows in this area.

J–209: J–209 extends from Raleigh-Durham, NC to the intersection of the Coyle, NJ 036° and the Robbinsville, NJ, 136° radials. This action proposes to remove the entire route. The route is no longer used by air traffic control and no overlay is required. Other Performance Based Navigation structure will be implemented reflecting current traffic flows in this area.

When new navigation aid radials are proposed in an NPRM, both True North (T) and Magnetic North (M) values are stated in route descriptions. Only True North is specified in any subsequent final rules.

Domestic VOR Federal airways are published in paragraph 6010(a), and jet routes are published in paragraph 2004, respectively, of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways and jet routes listed in this document would be subsequently published in, or removed from FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–5 [Amended]

From Pecan, GA; Vienna, GA; Dublin, GA; to Athens, GA. From New Hope, KY; Louisville, KY; Cincinnati, OH; to Appleton, OH.

* * * * *

V–20 [Amended]

From McAllen, TX, INT McAllen 038° and Corpus Christi, TX, 178° radials; 10 miles 8 miles wide, 37 miles 7 miles wide (3 miles E and 4 miles W of centerline), Corpus Christi; INT Corpus Christi 054° and Palacios, TX, 226° radials; to Palacios. From Beaumont, TX; Lake Charles, LA; Lafayette, LA; Reserve, LA; INT Reserve 084° and Gulfport, MS, 247° radials; Gulfport; Semmes, AL; INT Semmes 048° and Monroeville, AL, 231° radials; Monroeville; to Montgomery, AL; From Barretts Mountain, NC; South Boston, VA; to Richmond, VA. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded.

* * * * *

V–155 [Amended]

From INT Dublin, GA 309°(T)/314°(M) and Colliers, SC, 243° radials; Colliers; Chesterfield, SC; Sandhills, NC; Raleigh-Durham, NC; Lawrenceville, VA; INT Lawrenceville 034° and Flat Rock, VA, 171° radials; Flat Rock; to Brooke, VA. The airspace within R–6602A is excluded.

* * * * *

V–241 [Amended]

From Semmes, AL, via Crestview, FL; INT Crestview 076° and Wiregrass, AL, 232° radials; Wiregrass; Eufaula, AL; to INT Eufaula, AL 008°(T)/006° (M) and LaGrange, GA, 160°(T)/159°(M) radials.

* * * * *

V–321 [Amended]

From Pecan, GA, via INT Pecan 327°(T)/329°(M) and LaGrange, GA, 160°(T)/159°(M) radials; LaGrange; INT LaGrange 342° and Gadsden, AL, 124° radials; Gadsden; INT Gadsden 333° and Rocket, AL, 149° radials; Rocket, Shelbyville, TN; to Livingston, TN.

* * * * *

Paragraph 2004 Jet Routes.

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J–37 [Removed]

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J–55 [Removed]

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J–79 [Removed]

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J–121 [Removed]

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J–174 [Removed]

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J–191 [Removed]

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J–209 [Removed]

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18485 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2022–1027; Airspace Docket No. 21–AEA–33]

RIN 2120–AA66

Proposed Amendment and Revocation of VOR Federal Airways; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend five VHF Omnidirectional Range (VOR) Federal airways, and remove five VOR Federal airways. This action supports the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before October 13, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527 or (202) 366–9826. You must identify FAA Docket No. FAA–2022–1027; Airspace Docket No. 21–AEA–33 at the beginning of your comments. You may also submit comments through the internet at *www.regulations.gov.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2022–1027; Airspace Docket No. 21–AEA–33) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2022–1027; Airspace Docket No. 21–AEA–33.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to amend five VOR Federal airways, and remove five VOR Federal airways. This action supports the FAA's VOR MON program.

V–46: V–46 extends from Deer Park, NY to Nantucket, MA. The FAA proposes to remove V–46 in its entirety to support the decommissioning of the Hampton, NY (HTO), VHF Omnidirectional Range and Tactical Air Navigational System (VORTAC) and the Norwich, CT (ORW). VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME). RNAV route T–705 would be extended as a partial overlay of the route.

V–91: V–91 extends from the intersection of the Calverton, NY 180° and the Hampton, NY 223° radials to Albany, NY. This action proposes to remove the entire route in support of the decommissioning of the Bridgeport, CT (BDR), VOR/DME, Carmel, NY (CMK), VOR/DME, and the Pawling, NY (PWL), VOR/DME. RNAV route T–463 is being published as a partial overlay.

V–123: V–123 extends from the intersection of the Washington, DC 065° and the Baltimore, MD 197° radials to Cambridge, NY. This action would remove the segments from the intersection of the above Washington and Baltimore radials to Woodstown, NJ. This would support the decommissioning of the Woodstown, NJ (OOD), VORTAC. As amended, V–123 would extend from Robbinsville, NJ to Cambridge, NY.

V–157: V–157 extends from Key West, FL, to Albany, NY. This action proposes to remove the segments from the intersection of the Richmond, VA 039° and the Patuxent, MD 238° radials, to

Woodstown, NJ. As a result, V–157 would consist of two parts: From Key West, FL, to Richmond, VA; and From Robbinsville, NJ to Albany, NY. This would support the decommissioning of the Nottingham, MD (OTT), and the Patuxent, MD (PXT), VORTACs. With the remove of the above segments, the words excluding the airspace within R–4005, R–4006, and R–4007A are no longer required in the description. The exclusion of R–6602A is amended to read ''R–6602A, B, and C when active.''

V–213: V–213 extends from Grand Strand, SC, to Albany, NY. This action proposes to remove segment that extends between the intersection of the Hopewell, VA 019° and the Brooke, VA 132° radials, and Patuxent River, MD. As a result, V–213 would consist of two parts: From Grand Strand, SC to Hopewell, VA; and from Smyrna, DE to Albany, NY.

V–270: V–270 extends, in two parts, From Erie, PA, to Jamestown, NY; and From Elmira, NY, to Boston, MA. The FAA proposes to remove the entire route as it is no longer used for air traffic purposes. This would support the decommissioning of the Elmira, NY (ULM), VOR/DME and the Delancey, NY (DNY), VOR/DME. RNAV route T–460 would provide a partial overlay.

V–273: V–273 extends from the intersection of the Huguenot, NY 134° and the Solberg, NJ 044° radials to Hancock, NY. This action proposes to remove the entire route in support of the decommissioning of the Hancock, NY (HNK), VOR/DME and the Huguenot, NY (HOU), VOR/DME. RNAV route T–391 will be extended as a partial overlay.

V–433: V–433 extends from Nottingham, MD, to Syracuse, NY. This action proposes to remove the segment from Nottingham, MD, to Bridgeport, CT, is support of the decommissioning of the Nottingham, MD (OTT), VORTAC; Patuxent, MD (PXT),VORTAC; and the Bridgeport, CT (BDR), VOR/DME. As amended, V–433 would extend from Bridgeport, CT to Syracuse, NY, as currently charted.

V–483: V–483 extends from Deer Park, NY, to Rochester, NY. This action would remove the segments from Deer Park, NY, to the intersection of the Rockdale, NY 325° and the Syracuse, NY 100° radials. This would support the decommissioning of the Delancy, NY (DNY), VOR/DME, Carmel, NY (CMK), VOR/DME, Pawling, NY (PWL), VOR/DME, and Hancock, NY (HNK), VOR/DME. As amended, V–483 would extend from Syracuse, NY, to Rochester, NY. RNAV route T–634 would be extended as a partial overlay.

V–499: V–499 extends from Baltimore, MD, to Binghamton, NY. The FAA proposes to remove the entire route. The airway is no longer used for air traffic purposes.

The full descriptions of the above routes are listed in the amendments to part 71 set forth below.

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

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–46 [Removed]

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V–91 [Removed]

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V–123 [Amended]

From Robbinsville, NJ; INT Robbinsville 044° and LaGuardia, NY, 213° radials; LaGuardia; INT LaGuardia 032° and Carmel, NY, 157° radials; Carmel; INT Carmel 344° and Albany, NY, 181° radials; Albany; to Cambridge, NY.

* * * * *

V–157 [Amended]

From Key West, FL; INT Key West 038° and Dolphin, FL, 244° radials; Dolphin; INT Dolphin 331° and La Belle, FL, 113° radials; La Belle; Lakeland, FL; Ocala, FL; INT Ocala 346° and Taylor, FL, 170° radials; Taylor, FL; Waycross, GA; Alma, GA; Allendale, SC; Vance, SC; Florence, SC; Fayetteville, NC; Kinston, NC; Tar River, NC; Lawrenceville, VA; to Richmond, VA. From Robbinsville, NJ; INT Robbinsville 044° and LaGuardia, NY, 213° radials; LaGuardia; INT LaGuardia 032°and Deer Park, NY, 326° radials; INT Deer Park 326° and Kingston, NY, 191° radials; Kingston, NY; to Albany, NY. The airspace within R–6602A, B, and C is excluded when active.

* * * * *

V–213 [Amended]

From Grand Strand, SC, via Wilmington, NC; INT Wilmington 352° and Tar River, NC, 191° radials; Tar River; to Hopewell, VA; From Smyrna, DE; INT Smyrna 035° and Robbinsville, NJ, 228° radials; Robbinsville; INT Robbinsville 014° and Sparta, NJ, 174° radials; Sparta; to Albany, NY. The airspace within R–4005 and R–4006 is excluded.

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V–270 [Removed]

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V–273 [Removed]

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V–433 [Amended]

From Bridgeport, CT; INT Bridgeport 324° and Pawling, NY, 160° radials; Pawling; INT Pawling 304° and Rockdale, NY, 116° radials; Rockdale; INT Rockdale 325° and Syracuse, NY, 100° radials; to Syracuse.

* * * * *

V–483 [Amended]

From Syracuse, NY; Rochester, NY; INT Syracuse 283° and Rochester 064° radials; Rochester.

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V–499 [Removed]

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

Scott M. Rosenbloom,

Manager, Airspace Rules and Regulations.

[FR Doc. 2022–18484 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA824]

Schedules of Controlled Substances: Placement of 2,5-dimethoxy-4-iodoamphetamine (DOI) and 2,5-dimethoxy-4-chloroamphetamine (DOC) in Schedule I; Withdrawal of Proposed Rule

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Drug Enforcement Administration (DEA) is withdrawing a proposed rule that was published in the **Federal Register** on April 11, 2022, which proposed to place two phenethylamine hallucinogens in schedule I of the Controlled Substances Act. DEA is withdrawing the proposed rule, terminating all proceedings related thereto, and will be publishing a new proposed rule using an amended procedure.

DATES: The proposed rule that was published in the **Federal Register** on April 11, 2022 (87 FR 21069), is withdrawn as of August 25, 2022, and all proceedings related thereto are terminated.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Chief, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: On April 11, 2022, the Drug Enforcement Administration (DEA) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (87 FR 21069) to place two phenethylamine hallucinogens—specifically, 2,5-dimethoxy-4-iodoamphetamine (DOI), and 2,5-dimethoxy-4-chloroamphetamine (DOC)—in schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801, *et seq.*).

DEA has determined that it is appropriate to withdraw the proposed rule published in the **Federal Register** on April 11, 2022 (87 FR 21069), and to terminate all proceedings related thereto. DEA is planning to publish a new proposed rule with an amended procedure.

Signing Authority

This document of the Drug Enforcement Administration was signed on August 25, 2022, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Scott Brinks,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2022–18729 Filed 8–26–22; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

[CMS–3326–N]

RIN 0938–AT47

Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories; Extension of Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS; Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS) announce the extension of the comment period for the proposed rule entitled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories.''

DATES: The comment period for the proposed rule published July 26, 2022 (87 FR 44896), is extended through September 26, 2022.

ADDRESSES: In commenting, please refer to file code CMS–3326–P.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *https://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3326–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3326–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

FOR FURTHER INFORMATION CONTACT: Sarah Bennett, CMS, (410) 786–3531, Serafina Brea, CMS, (410) 786–3531, or Heather Stang, CDC, 404–498–2769.

SUPPLEMENTARY INFORMATION: In the ''Clinical Laboratory Improvement Amendments of 1988 (CLIA) Fees; Histocompatibility, Personnel, and Alternative Sanctions for Certificate of Waiver Laboratories'' proposed rule that appeared in the July 26, 2022 **Federal Register** (87 FR 44896), we solicited public comments on proposed changes to CLIA fees, histocompatibility and personnel requirements, and alternative sanctions for Certificate of Waiver laboratories.

In response to requests we received from several laboratory professional organizations, we are extending the comment period an additional 30 days. This extension will maximize the opportunity for the public to provide

meaningful input to CMS and CDC) for an additional 30 days.

Dated: August 24, 2022.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2022–18558 Filed 8–24–22; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 191, 192, and 195

[Docket No. PHMSA–2020–0013]

RIN 2137–AF48

Pipeline Safety: Periodic Standards Update II

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: PHMSA incorporates more than 80 voluntary, consensus, industry technical standards by reference within the Federal pipeline safety regulations (PSRs). This notice of proposed rulemaking (NPRM) proposes amendments that would incorporate by reference all or parts of updated editions of some of those standards. This NPRM also proposes non-substantive edits and clarifications to certain other provisions of the PSRs.

DATES: Members of the public who are interested in submitting comments on this NPRM must do so by October 28, 2022.

ADDRESSES: You may submit comments, identified by Docket No. PHMSA–2020–0013, by any of the following methods:

- *E-Gov Web: https://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency. Follow the online instructions for submitting comments.
- *Mail:* Docket Management System, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* DOT Docket Management System, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building: Room W12–140, Washington, DC 20590–0001, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays.
- *Instructions:* Identify Docket No. PHMSA–2020–0013 at the beginning of your comments. If you submit your comments by mail, submit two copies. If you would like confirmation that PHMSA received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *https://www.regulations.gov.*
- *Note:* All comments received are posted without edits to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading for more information.
- *Privacy Act:* In accordance with 5 United States Code (U.S.C.) 553(c), the DOT solicits comments from the public to better inform its rulemaking process. The 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.*
- *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 (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments in response to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to provide confidential treatment to information you give to the agency by taking the following steps: (1) mark each page of the original document submission containing CBI as ''Confidential;'' (2) send PHMSA a copy of the original document with the CBI deleted along with the original, unaltered document; and (3) explain why the information you are submitting is CBI. Submissions containing CBI should be sent to Tewabe Asebe, 1200 New Jersey Avenue SE, DOT: PHMSA—PHP–30, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket.
- *Docket:* For access to the docket or to read background documents or comments, go to *https://www.regulations.gov* and follow the online instructions to access the docket. Alternatively, you may review the documents in person at the street address listed above.

FOR FURTHER INFORMATION CONTACT:

Technical Information: Rod Seeley by phone at (713) 272–2852 or via email at *Rodrick.M.Seeley@dot.gov.*

Regulatory Information: Tewabe Asebe by phone at (202) 365–0226 or via email at *Tewabe.Asebe@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

This NPRM proposes the incorporation by reference of 28 updated, voluntary, consensus industry technical standards within the PSRs (49 CFR parts 190–199). These updated standards would generally, if adopted, maintain or improve public safety and environmental protection, prevent regulatory confusion and reduce compliance burdens on stakeholders, and satisfy a mandate in the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 (note)), that directs Federal agencies to, ''when practical and consistent with applicable laws, use technical standards developed by voluntary consensus standard bodies instead of government-developed technical standards.'' PHMSA incorporates more than 80 consensus standards by reference into the PSRs; however, many standards become outdated over time as new editions become available. By updating these standards, PHMSA will ensure better alignment of the PSRs with the latest innovations in operational practices, testing, and technological advancements; enhance compliance by avoiding conflict between different versions of the same technical standards; and facilitate safety-focused allocation of resources by pipeline operators. Therefore, PHMSA expects that the updated standards in this rule will enhance the PSRs' protection of public safety and the environment—including avoidance of greenhouse gas emissions in the form of methane releases from natural gas pipelines—and will be technically feasible, reasonable, cost-effective, and practicable in light of

their anticipated public safety and environmental benefits, justifying any associated compliance costs.

II. Background

A. History of Incorporation by Reference

The Office of Management and Budget (OMB) sets the policy for Federal use and development of voluntary consensus standards in OMB Circular A–119 (''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities'').[1] Material that is incorporated by reference (IBR) is treated as if it was published in full in the **Federal Register** and the PSRs. Therefore, like any other rule issued in the **Federal Register**, a voluntary, consensus, industry technical standard that has been incorporated by reference has the full force and effect of the law. As specified in 1 CFR 51.1(c), the director of the Federal Register has the authority to determine whether material that is proposed for incorporation by reference serves the public interest. If a provision of an incorporated standard conflicts with a regulation, the regulation takes precedence unless the regulation expressly provides otherwise.

PHMSA has incorporated more than 80 industry technical standards by reference into the PSRs. The lists of publications that PHMSA has incorporated into parts 192 (which regulates the transportation of natural gas by pipeline) and 195 (which regulates the transportation of hazardous liquids by pipeline) are found in §§ 192.7 and 195.3, respectively. Previous rules that incorporated updated consensus standards by reference were published on May 24, 1996, (61 FR 26121); February 17, 1998, (63 FR 7721); June 14, 2004, (69 FR 32886); June 9, 2006, (71 FR 33402); February 1, 2007, (72 FR 4655 (correction)); August 11, 2010, (75 FR 48593); January 5, 2015, (80 FR 168); and August 6, 2015, (80 FR 46847 (correction)).

The voluntary, consensus, industry technical standards related to pipeline facilities that are incorporated within the PSRs are developed or adopted by domestic and international standard development organizations (SDOs). Approximately every 2 to 5 years, these organizations use agreed-upon procedures to update and revise their published standards to reflect the latest developments in technology, testing, and operational practices. New or updated industry technical standards often incorporate new technologies, materials, management practices, and other innovations that can improve the physical integrity and the safe and environmentally protective operation of pipeline facilities.

PHMSA employees participate in meetings held by national SDOs that address the design, construction, maintenance, inspection, operation, and repair of pipeline facilities. PHMSA's subject matter experts represent the agency in all dealings with the SDOs, participate in discussions and technical debates, register opinions, and vote in accordance with the procedures of the SDOs at each stage of the standards development process (unless prohibited from doing so by law). PHMSA participates in this process to ensure that the agency's safety priorities are considered and to avoid the need to develop separate, government-unique standards.

PHMSA also regularly reviews updated editions of currently referenced consensus standards and amends the PSRs to partially or fully incorporate updated standards that will enhance or maintain pipeline and environmental safety. This ensures that the PSRs incorporate and facilitate the use of the latest technologies, materials, management practices, and other innovations. The adoption of more recent editions of standards also prevents conflicts between the standards referenced in the PSRs and updated versions of the same standards with which operators and suppliers may voluntarily comply, thereby (1) avoiding the confusion and expense associated with ensuring compliance with competing versions of the same standard, and (2) improving compliance and allowing the allocation of more operator resources toward safety and environmental protection. PHMSA reviewed the updated standards discussed in this proposed rule and considers them appropriate for incorporation by reference within the PSRs.

B. Availability of Materials to Interested Parties

Pursuant to Section 24 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112–90), ''the Secretary may not issue a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge.'' On November 7, 2014, the Office of the Federal Register issued a final rule that revised 1 CFR 51.5 to require that every Federal agency must ''discuss, in the preamble of the proposed rule, the ways that the materials it proposes to incorporate by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties.'' [2]

To meet these requirements, PHMSA negotiated agreements to make viewable copies of IBR standards available to the public at no cost with all but one of the SDOs whose updated standards PHMSA now proposes to incorporate by reference in the PSRs. The organizations that agreed to the requirements of Section 24 are: the American Petroleum Institute (API), the American Gas Association (AGA), ASTM International (formerly the American Society for Testing and Materials), the American Society for Nondestructive Testing (ASNT), the Gas Technology Institute, the Manufacturers Standardization Society of the Valve and Fittings Industry, Inc., the Association for Materials Protection and Performance (AMPP), the National Fire Protection Association (NFPA), and the Plastics Pipe Institute (PPI).[3] Each organization's mailing address and website is listed in 49 CFR parts 192 and 195. As of the date of publication of this NPRM, PHMSA was not able to reach a general agreement with the American Society of Mechanical Engineers (ASME); however, the ASME agreed to make the standards proposed in this rule available during the comment period. Information regarding standards availability can be found at *https://www.phmsa.dot.gov/standards-rulemaking/pipeline/standards-incorporated-reference.* Additionally, individuals and organizations may temporarily access the ASME standards incorporated by reference in this NPRM, as well as any other standard in this NPRM that is not otherwise available from the relevant SDO, by contacting PHMSA at the following email address: *phmsaphpstandards@dot.gov.* Such requests should include a phone number, physical address, and an email address.

III. Summary of Proposed Updates to Standards That Are Incorporated by Reference

The following list, which is organized alphabetically by SDO, includes the title and edition of each updated standard that PHMSA proposes to incorporate into the PSRs in this NPRM; the sections of the PSRs that reference each

[1] OMB, Circular No. A–119 (Feb. 10, 1998), *https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-119-1.pdf.*

[2] Office of the Federal Register, ''Incorporation by Reference,'' 79 FR 66267 (Nov. 7, 2014).

[3] NACE International and the Society for Protective Coatings merged to form AMPP, which is why NACE standards are listed under AMPP.

standard; a summary of the standard's purpose; identification of the currently incorporated edition of the standard; and a summary of the changes introduced in the latest version of the standard. The omission of a new edition of a standard in this NPRM does not imply that PHMSA has reviewed and rejected that updated standard.

PHMSA also requests comments about the potential incorporation of the 22nd edition of API Std 1104: Welding Pipelines and Related Facilities. PHMSA currently incorporates the 20th edition of API Std 1104 by reference within the PSRs and proposed the 21st edition for incorporation in the NPRM titled ''Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Amendments'' (January 15, 2021; 86 FR 3938). PHMSA believes that incorporating the 22nd edition, which published in July 2021 and includes extensive changes and expanded requirements compared to its predecessors, will require additional resources and training for industry. PHMSA is particularly interested in comments from stakeholders regarding the use of the 22nd edition to develop welding procedures, as well as comments regarding implementation of the 22nd edition from the perspective of welders, welding inspectors, and engineers. PHMSA also solicits comments on any potential issues that could result from the incorporation of the 22nd edition. Finally, PHMSA specifically requests comments regarding the potential incorporation of Section 10 of the 22nd edition of API Std 1104 and its impact on the PSRs; in particular, on §§ 192.245 and 195.230.

In a comparison of the 21st and 22nd editions, the 22nd edition provides the following substantive changes: it revises sample forms; adds requirements for maximum-interpass temperature and post heating for hydrogen diffusion; includes formulas and the concept of heat input in the electrical-characteristics section; modifies the time required between passes for operators to only consider welding with cellulosic electrodes; and expands the definitions, the filler-metal table, and the post-weld heat-treatment sections. Further, the 22nd edition incorporates a table of essential variables that includes modifications to base material and material thickness and provides hardness and/or toughness options, a preheating requirement, electrical-waveform requirements, interpass-temperature requirements, guidance on the temper-bead technique, and extensive notes. The 22nd edition also modifies the welder-qualification section to include procedure qualification, qualification-thickness ranges, filler-metal groups, a gas-metal arc-welding process statement, allowance for the qualification of two welders on one test weld, and a documentation requirement for procedure adherence during the qualification weld; it also reduces the required number of specimens.

The mechanized welding section of the 22nd edition includes documentation enhancements regarding the development of an essential-variable table that modifies the base material and material thickness, provides for a hardness and/or toughness option, includes electrical-waveform and interpass-temperature requirements, and adds extensive notes. The 22nd edition also adds a requirement to perform a nick-break test for mechanized procedures that include manual or semi-automatic passes and contains expanded welding-operator qualification requirements. Annex A of the 22nd edition considers the variability of welding electrodes, and Annex B uses a table format for essential variables that adds additional essential variables.

As stated previously, PHMSA believes that incorporating the 22nd edition will require additional investment from industry. As a result, PHMSA did not propose to adopt the 22nd edition in this NPRM, but requests comments as specified above to help inform our decision regarding whether to propose the 22nd edition for incorporation by reference in a future rule.

In this NPRM, PHMSA proposes to incorporate the following updated editions of voluntary, consensus, industry technical standards currently incorporated by reference in parts 192 and 195:

A. American Petroleum Institute

1. API Recommended Practice (RP) 652, 5th Edition (May 1, 2020): Linings of Aboveground Petroleum Storage Tank Bottoms

PHMSA proposes to incorporate by reference API Recommended Practice (RP) 652, 5th Edition (May 1, 2020): Linings of Aboveground Petroleum Storage Tank Bottoms into § 195.579(d) which addresses corrosion control in aboveground hazardous liquid breakout tanks. This RP provides acceptable methods for controlling corrosion in aboveground petroleum storage tanks with tank-bottom linings. It also contains information pertinent to lining application, surface preparation, curing, the selection of lining materials, and the inspection of tank-bottom linings for new and existing storage tanks. The PSRs currently incorporate the 3rd edition of this standard, which was published in 2005.

The 5th edition of RP 652 retains revisions introduced in the 4th edition (published on September 1, 2014) and includes 2016 errata. The 4th edition and the 2016 errata introduce more specific requirements than the 3rd edition regarding how and when tank bottoms that have degraded beyond the minimum bottom-renewal thickness must be lined, repaired, or replaced. The 4th edition addresses selecting lining materials, the installation and post-construction inspection of liners, revamped requirements regarding the use of fiberglass-reinforced plastic as an option for thick-film-reinforced linings, and guidance for thick-film-reinforced tank-bottom linings. Additionally, it expands the requirement to consider the effects of steam coils and other internal devices on tank-lining installation and integrity to include additional guidance on the thermal effect of steam coils on lining materials. The 4th edition also includes new requirements for preparing surfaces near tank internals, and the standard's sections on pre-installation cleaning provide additional guidance regarding water quality, cleaning soluble salts, compressed- or vacuum-air cleaning, and the effects of recycled media. The 4th edition directs tank owners to follow manufacturers' instructions during pre-installation preparation, installation, and post-construction inspection, especially during continuity (holiday) testing with high-voltage detectors. Lastly, the 4th edition states that tank owners must consult with the lining manufacturer to select appropriate lining materials for the design and expected operating parameters of the tank.

The 5th edition of API RP 652 builds on the materials introduced in the 4th edition and consists mainly of editorial changes and clarifications regarding existing requirements. These changes include the addition of language that specifically addresses ethanol, biofuels, and solvents, including discussions of inorganic zinc/zinc silicate in connection with the definition, explanation, and prevention of stress-corrosion cracking. The 5th edition also incorporates minor edits to definitions, expands Section 5.3, changes its terminology in Section 12.4 to refer to ''Safety Data Sheets (SDS)'' instead of ''Material Safety Data Sheets (MSDS),'' and revises the Thick Film Reinforced Linings subsection in Section 6. Other positive changes include the expansion of sections that discuss the advantages and disadvantages of each type of lining and further explanation of holiday

detection for pipelines with existing coatings, particularly in regard to the importance of cleanliness when establishing the efficacy of an existing coating.

The 5th edition removes a number of standards incorporated by reference in Section 2 of API RP 652, as well as references to particular editions of standards that remain in Section 2. PHMSA does not expect that the removal of references to certain standards incorporated by reference in previous editions of API RP 652 or the omission of references to specific editions of remaining standards would adversely impact safety. Further, while the 4th and 5th editions of API RP 652 also discuss the use of a risk-based approach to determine the frequency of inspection intervals, § 195.579(d) does not allow pipeline owners or operators to use a risk-based approach to determine inspection frequency.

PHMSA reviewed the revisions introduced in API RP 652 since publication of the 3rd edition of this standard and does not expect that their incorporation by reference into the PSRs will adversely affect corrosion-control measures for aboveground petroleum storage tanks. Rather, the incorporation of the updated standard could enhance the protection of public safety and the environment because it reflects improved corrosion-control processes for aboveground breakout tanks, would reduce regulatory confusion, and avoids redundant compliance approaches from competing versions of the same standard. Therefore, PHMSA proposes incorporating the 5th edition of API RP 652 by reference within § 195.579(d). The updated standard would replace API Recommended Practice 652, 3rd Edition (October 2005): Linings of Aboveground Petroleum Storage Tank Bottoms.

2. API RP 2003, 8th Edition (September 1, 2015): Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents

PHMSA proposes the incorporation by reference of API RP 2003, 8th Edition (September 1, 2015): Protection Against Ignitions Arising Out of Static, Lightning, and Stray Currents into § 195.405(a) which addresses protecting against ignition when performing maintenance on aboveground hazardous liquid breakout tanks. This RP reflects the current state of technology and knowledge (based on experimentation and practical experience) applicable to the prevention of hydrocarbon ignition in petroleum industry applications due to static electricity, lightning, and stray currents. The PSRs currently incorporate the *seventh* edition of this standard, which was published in 2008.

PHMSA reviewed the 8th edition of API RP 2003 and noted that it contains only editorial changes and clarifications that would not adversely affect public safety or environmental protection. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. This would improve protection against ignition arising from static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground hazardous liquid breakout tanks. PHMSA's adoption of the updated standard would replace existing references to API RP 2003, 7th Edition (January 2008): Protection against Ignitions Arising out of Static, Lightning, and Stray Currents.

3. API Specification (Spec) 12F, 13th Edition (January 1, 2019): Specification for Shop Welded Tanks for Storage of Production Liquids

PHMSA proposes the incorporation by reference of API Spec 12F, 13th Edition (January 1, 2019): Specification for Shop Welded Tanks for Storage of Production Liquids into §§ 195.132(b); 195.205(b); 195.264(b), (e); 195.307(a); 195.565; and 195.579(d) which govern the design, construction, operation, testing, and maintenance of aboveground hazardous liquid breakout tanks. This specification outlines design, fabrication, materials, and testing requirements for new, shop-fabricated, vertical, cylindrical, aboveground, welded-steel storage tanks that are designed according to the standard sizes and capacities for approximately atmospheric internal pressures. The PSRs currently incorporate the 12th edition of this standard, which was published in 2008.

PHMSA reviewed the 13th edition of API Spec 12F and noted that it contains only minor changes and clarifications regarding existing requirements that would not adversely affect public safety or environmental protection. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA acknowledges that the scope of API Spec 12F is directed towards shop-fabricated tanks for production operations, even though the scope of the PSR provisions that incorporate it by reference is broader in application. Therefore, PHMSA seeks comment regarding whether API 650 Annex J, which has a broader scope, would be more appropriate for incorporation in the PSRs than API Spec 12F. PHMSA may consider the removal of API Spec 12F from the list of incorporated standards in a future rule, but PHMSA currently proposes the adoption of the updated edition of that specification. PHMSA's adoption of the updated standard would replace existing references to API Spec 12F, 12th Edition (October 1, 2008): Specification for Shop Welded Tanks for Storage of Production Liquids.

4. API Standard (Std) 510, 10th Edition (May 1, 2014): Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration

PHMSA proposes the incorporation by reference of API Std 510, 10th Edition (May 1, 2014): Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration, including Addendum 1 (May 2017) and Addendum 2 (March 2018), into §§ 195.205(b) and 195.432(c) which govern the repair, inspection, and return to service of aboveground hazardous liquid breakout tanks. API Std 510 presents the current state of knowledge and technology applicable to the in-service alteration, inspection, repair, and rerating of steel pressure vessels, as well as the pressure-relieving devices that protect these vessels. The PSRs currently incorporate the 9th edition of this standard, which was published in 2006.

PHMSA reviewed the 10th edition of API Std 510 (including its 2017 and 2018 addenda) and noted that it contains editorial changes, revisions to mandatory and non-mandatory provisions, and clarifications regarding existing requirements. In addition, it includes new sections that improve standards that address the monitoring, maintenance, and repair of hazardous liquid breakout tanks. The new sections address management-of-change requirements; new procedures and requirements regarding the deferral of inspection tasks and inspection and repair, recommendation due dates; and creating, establishing, and monitoring integrity operating windows. The 10th edition also adds sections that provide recommendations regarding cyclic service vessels, operator surveillance, organizational inspection audits, and guidance for shell- and tube-heat-exchanger inspections. Finally, the revised standard clarifies that references to undated secondary standards throughout the 10th edition of API Std 510 should be considered references to the most recent editions of these

documents, including any amendments thereto.

PHMSA reviewed the changes introduced in the 10th edition of API Std 510, as well as its 2017 and 2018 addenda, and expects that they will not adversely affect public safety or environmental protection. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced incidents due to improved inspection and repair practices. PHMSA's adoption of the updated standard would replace existing references to API Std 510, 9th Edition (June 1, 2006): Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration.

5. API Std 2510, 9th Edition (August 2020): Design and Construction of LPG Installations

PHMSA proposes the incorporation by reference of API Std 2510, 9th Edition (August 2020): Design and Construction of LPG Installations into §§ 195.132(b); 195.205(b); 195.264(b), (e); 195.307(e); 195.428(c); and 195.432(c) which govern the design, construction, operation, inspection, and maintenance of aboveground hazardous liquid breakout tanks. This updated edition of the standard presents the current state of knowledge and technology applicable to the design or construction of facilities that handle or store liquefied petroleum gas at marine or pipeline terminals, natural gas processing plants, petrochemical plants, refineries, and tank farms. The PSRs currently incorporate the 8th edition of this standard, which was published in 2001.

PHMSA reviewed API Std 2510 and noted that it contains editorial changes and clarifications regarding existing requirements. These revisions include editorial and formatting updates and the removal of references to other standards. The standard also adds several subsections that include requirements for siting, drainage, vapor dispersion, and instrumentation. Further, the updated standard incorporates language stating that an undated document reference should be considered a reference to the most recent edition of the document, including any amendments.

PHMSA reviewed the changes introduced in the 9th edition of API Std 2510 and notes that they would not adversely affect public safety or environmental protection. Incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard, and from the addition of requirements for tank siting, drainage, vapor dispersion, and instrumentation. PHMSA's adoption of the updated standard would replace existing references to API Std 2510, 8th Edition (May 1, 2001): Design and Construction of LPG Installations.

API Std 1163, referenced in the proposed amendments, is already approved for the location where it appears and no changes are proposed.

B. American Society of Mechanical Engineers

1. ASME B16.40–2019 (February 11, 2019): Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems

PHMSA proposes the incorporation by reference of ASME B16.40–2019 (February 11, 2019): Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems into Item I of appendix B in part 192. This ASME standard reflects the current state of knowledge and technology applicable to manually operated thermoplastic valves in nominal valve sizes of half an inch through 12 inches in diameter that are intended for use below the ground in thermoplastic fuel-gas distribution mains and service lines. The standard also sets qualification requirements for each basic valve design, as well as for newly manufactured valves. The PSRs currently incorporate by reference the 2008 edition of this standard.

PHMSA reviewed two more recent editions—2013 and 2019—and noted that they contain a number of minor editorial changes and clarifications regarding existing requirements. PHMSA's review of the 2013 edition noted that it revises language in Section 6.3.3(b) to correctly refer to the ''Valve Closure Test'' instead of the ''Closure Verification Test'' and to more specifically require testing of all material or design variations for closure elements and/or seat seals for each nominal valve size. Additionally, this version updates language in Mandatory Appendix I to include more modern medium-density polyethylene (PE) pipe and material designation PE2708 instead of 2406 and incorporates other minor editorial corrections and revisions. The more modern designation is consistent with PHMSA regulations.

The 2019 edition of this standard retains the changes introduced in the 2013 edition of the standard and adds ASTM F2945: Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings as the standard specification for polyamide-11 (PA11), a type of plastic material, to Mandatory Appendix II: References. This change resulted in corresponding revisions where PA11 is mentioned in ASME B16.40–2019, including in Section 2.2.1, Subparagraph D of Section 5; the entirety of Section 3.2, which now clarifies the difference between the applicable standards for PE and PA11 valves; and the definition of valve dimensional-ratio equivalents. Additionally, this edition revises Subparagraph F of Section 5 to allow for the substitution of an identifier traceable to the date of manufacture in place of the date. It also revises Section 6.3.3 to more explicitly require manufacturers to perform either a 1,000-hour test at lower listed pressures or a 170-hour test at higher pressures, rather than simply permitting these tests to be used as options. Finally, the standard revises the number scheme of Table 6.3.3–1 and incorporates other minor editorial corrections and revisions.

PHMSA reviewed the changes in the 2019 edition of ASME B16.40 and does not expect that they will adversely affect public safety or environmental protection. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard and from providing specific requirements for pressure testing, thereby improving the integrity and operation of belowground, manually operated, thermoplastic valves that are used in thermoplastic fuel-gas distribution mains and service lines. PHMSA's adoption of the updated standard would replace existing references to ASME B16.40–2008 (April 30, 2008): Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems.

2. ASME B31.4–2019 (November 1, 2019): Pipeline Transportation Systems for Liquids and Slurries

PHMSA proposes the incorporation by reference of parts of ASME B31.4–2019 (November 1, 2019): Pipeline Transportation Systems for Liquids and Slurries into § 195.110(a), which governs hazardous liquid pipeline design requirements that pertain to external loads. Section 195.452(h), which governs pipeline integrity management in high consequence areas, is also listed in § 195.3 as a section that incorporates ASME B31.4; however, this reference will be removed in a future rule since it is not mentioned in § 195.452.[4] ASME B31.4 outlines

[4] PHMSA proposed the deletion of a stray reference to § 195.452(h) from § 195.3's discussion of ASME B31.4 in a separate NPRM (Docket No.

Continued

requirements for liquid pipeline systems, liquid-transporting pipelines, and non-hazardous aqueous-slurry-transporting pipelines. The PSRs currently incorporate the 2006 edition of this standard under a slightly different title: Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids.

PHMSA reviewed ASME B31.4–2019 and noted that a rewrite of Chapter II in the updated standard removes Section 419 of ASME B31.4–2006 and integrates it into Sections 401, 402, and 403. Therefore, PHMSA proposes the incorporation by reference of ASME B31.4–2019 Sections 401 and 402 in their entirety, as well as parts 403.3 and 403.9 of Section 403. This would establish essentially the same design requirements established by ASME B31.4–2006 without incorporating additional design requirements that the updated standard adds into later editions of B31.4, many of which are already included in other parts of 49 CFR part 195.

PHMSA reviewed the changes in the 2019 edition of ASME B31.4 and noted that they are consistent with PHMSA regulations and would not adversely affect public safety or environmental protection. Incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard, thereby improving the integrity and operation of hazardous liquid pipelines. PHMSA's adoption of the updated standard would replace existing references to ASME/ANSI B31.4–2006 (October 20, 2006): Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids.

C. The American Society for Nondestructive Testing

1. ASNT ILI–PQ–2017 (January 1, 2018): In-Line Inspection Personnel Qualification and Certification

PHMSA proposes the incorporation by reference of ASNT ILI–PQ–2017 (January 1, 2018): In-line Inspection Personnel Qualification and Certification into §§ 192.493 and 195.591 which govern in-line inspection procedures and operator qualifications. This standard applies the current state of data and technology to the qualification and certification of in-line inspection (ILI) personnel whose jobs require specific knowledge of the technical principles of ILI technologies, operations, regulatory requirements, and industry standards that are applicable to pipeline systems. The PSRs currently incorporate the 2010 edition of this standard.

PHMSA reviewed ASNT ILI–PQ–2017 and noted that many of the changes from earlier versions are editorial in nature and do not significantly change the standard's requirements. However, the updated standard also includes substantive changes and improvements. Throughout the standard, the word ''ensure'' is changed to ''verify,'' thereby providing additional clarity and certainty for users that they must verify requirements instead of ensuring them. Additionally, the new version of the standard incorporates more detail regarding each of the different examination requirements in Section 8 (which outlines requirements regarding the types of required examinations and their methods, content, and recordkeeping) and adds specificity to Section 8.1.2 by clarifying that exam results must be retained for ''12 months beyond the length of employment.'' Finally, the updated standard includes significant updates to Section 8.3, including multiple new subsections. These additions result in heightened specificity throughout, thereby improving enforceability.

PHMSA reviewed the changes in the 2018 edition of ASNT ILI–PQ and noted that they would improve ILI operator qualification programs and processes, thereby enhancing public safety and the protection of the environment. PHMSA's adoption of the updated standard would replace existing references to the incorporated 2010 edition of ASNT ILI–PQ: In-line Inspection Personnel Qualification and Certification.

D. The Association for Materials Protection and Performance

1. NACE SP0102–2017 (March 10, 2017): In-Line Inspection of Pipelines

PHMSA proposes the incorporation by reference of NACE SP0102–2017 (March 10, 2017): In-Line Inspection of Pipelines into §§ 192.150(a); 192.493; 195.120; and 195.591 which govern ILI requirements for hazardous liquid and natural gas pipelines. NACE SP0102–2017 is applicable to ILI of carbon-steel pipeline systems that are constructed of Grade B or greater material and are used to transport natural gas and hazardous liquids, including anhydrous ammonia, carbon dioxide, water (including brine), liquefied-petroleum gases, and other fluids that are not detrimental to the function or stability of ILI tools. NACE SP0102–2017 states that it applies the most current data and technology to carbon steel pipeline systems that transport hazardous liquids and/or natural gas in the vicinity of a right-of-way. The PSRs currently incorporate the 2010 edition of this standard.

PHMSA reviewed NACE SP0102–2017 and noted that it contains mostly editorial changes and clarifications. The changes from NACE SP0102–2010 to NACE SP0102–2017 include the addition of acronyms (such as using ''POD'' in place of ''Probability of Detection'' or ''ILI'' instead of ''In-line Inspection'') and numerous editorial modifications that do not appear to change the meaning or requirements of the standard. One notable change between the 2010 and 2017 versions of NACE SP0102 is the alteration of most instances of the word ''should'' to the word ''shall.'' In this standard, the terms ''shall,'' ''must,'' ''should,'' and ''may'' are used in accordance with their definitions in the NACE Publications Style Manual. ''May'' is used to state something optional, while ''should'' is used to state something that is recommended and considered a good practice, but that is not mandatory. ''Shall'' and ''must'' are used to state requirements that are considered mandatory.

One example of this change occurs in Section 4.4.2.14, which states that ''[p]rovisions *shall* be made for the collection, wetting, removal, and safe disposal of pyrophoric materials.'' A similar change occurs in Section 4.4.2.15.1, which states that ''. . . in the case of gas transmission lines, the amount of gas available *shall* be sufficient to propel a tool if the speed control fails in the open position. For liquid service, kickers *shall* be sized to accommodate acceptable fullrate pressure drop and within company-specified erosion limits.'' Section 4.8.1.1 states that ''[a]s-built drawings should be reviewed to identify physical restrictions. If this information is inadequate, gauging or caliper pigs *shall* be run.'' Section 5.1.1 states that ''[c]ontracting for ILI work is a significant effort. The roles of the vendor and owner/operator *shall* be defined for all aspects of the work from implementation to delivery of the final report. The various stages of reporting and payment schedules associated with milestones *shall* be established. Factors such as the implications of reruns, scheduling changes, and service interruptions should be addressed.'' In the above examples, each instance of a change from ''should'' to ''shall'' is indicated by the emphasis of the word ''shall.''

The 2017 edition of this standard includes approximately 70 replacements of the word ''should'' with the word

PHMSA–2016–0002; RIN 2137–AF13). 86 FR 3938, 3949 (Jan. 15, 2021).

''shall.'' As a result, parts of the standard that were recommendations are now mandatory. Since each instance where ''should'' is changed to ''shall'' creates a new obligation, each instance is a significant change. However, PHMSA believes that most of the pipeline industry voluntarily follows the requirements in the standard and that all pipeline operators, whether liquid or gas, either have knowledge of, or are familiar with, these requirements. Therefore, changing ''should'' to ''shall'' would have little to no adverse economic impact on operators, and it would enhance safety and environmental protection during ILI activities by ensuring the voluntary practices are elevated into PSR requirements. PHMSA's adoption of the updated standard would replace existing references to NACE SP0102–2010 (March 3, 2010): In-Line Inspection of Pipelines.

2. NACE SP0502–2010 (June 24, 2010), Standard Practice: Pipeline External Corrosion Direct Assessment Methodology (NACE SP0502)

PHMSA proposes to incorporate NACE SP0502–2010 into § 192.620(d)(7)(ii). NACE SP0502 provides guidance to pipeline operators regarding the assessment of pipelines for external corrosion. NACE SP0502 specifically applies to buried onshore pipelines constructed of ferrous materials. Under the current alternative maximum allow operating pressure provisions for certain steel pipelines, § 192.620(d)(7)(ii) references section 4 of NACE RP–0502–2002. Section 4 of NACE RP–0502–2002 provides classifications for estimating the likelihood of corrosion activity, including corrosion activity resulting from construction damaged coating. The reference to NACE RP–0502–2002 was not updated when PHMSA updated NACE RP–0502–2002 to NACE SP0502–2010 for other sections in part 192 by means of a standards update rule that was issued on January 5, 2015. Upon review of NACE RP–0502–2002 and NACE SP 0502–2010, PHMSA did not find any differences between the criteria specified in both documents. PHMSA's adoption of the updated standard would replace the existing reference in § 192.620(d)(7)(ii) to NACE SP0502–2010, Standard Practice, ''Pipeline External Corrosion Direct Assessment Methodology,'' revised June 24, 2010, (NACE SP0502).

E. ASTM International

1. ASTM A372/A372M–20e1 (March 1, 2020): Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels

PHMSA proposes the incorporation by reference of ASTM A372/A372M–20e1 (March 1, 2020): Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels into § 192.177(b) which governs design requirements for bottle-type holders used in natural gas pipeline facilities. This specification presents the current state of knowledge and technology regarding the manufacture of relatively thin-walled forgings—including gas bottles—for pressure-vessel use. The PSRs currently incorporate the 2010 edition of this standard.

PHMSA reviewed the 2012, 2013, 2015, 2016, and 2020 editions of ASTM A372 and noted that they contain only editorial changes and clarifications regarding existing requirements. The updated 2020 version of the standard—which incorporates revisions introduced in the 2012, 2013, 2015, and 2016 versions—includes several clarifications that reflect modern steel-making methods, including reductions in the maximum allowable amounts of phosphorous and sulfur and the addition of three new high-strength steel grades: Grades N, P, and R. Modern steel-making methods require less phosphorous and sulfur to create higher-strength steels, and result in steels that have greater ductility and are easier to weld. Additionally, the standard includes a clarification regarding the sampling location for destructive testing and a number of grammatical and stylistic changes, including hyphenating ''full section'' and changing ''employed'' to ''used.''

PHMSA notes that the changes in the 2020 version of the standard described above represent a minor improvement of the standard that would provide an equivalent or greater level of safety than the 2010 version. Incorporation of the updated standard could also provide safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard, thereby improving the integrity of natural gas pipeline facilities. PHMSA's adoption of the updated standard would replace existing references to ASTM A372/A372M–10 (October 1, 2010): Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels.

2. ASTM A578/A578M–17 (November 1, 2017): Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications

PHMSA proposes the incorporation by reference of ASTM A578/A578M–17 (November 1, 2017): Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications into § 192.112(c) which governs design requirements for steel pipe used in certain natural gas facilities. This standard presents the current state of knowledge and technology applicable to the detection of internal discontinuities via straight-beam, pulse-echo, ultrasonic examination of rolled carbon and alloy steel plates that are greater than 3/8ths of an inch thick. The standard also addresses the qualifications required for inspectors of such plates. The PSRs currently incorporate the 2001 edition of this standard.

PHMSA reviewed both the 2007 and the 2017 editions of ASTM A578 and noted that they contain only editorial changes and clarifications regarding existing requirements. The 2007 clarifications include changing the title of the standard to reflect the removal of the reference to clad-steel plates, the deletion of Supplementary Requirements S6 and S7, the expansion of Supplementary Requirement S1 to include provisions for overlapping parallel paths, and a clarification that acceptance levels refer to recordable conditions that occur on the same plane. The 2017 clarifications include the inclusion of phased-array technology, the addition of a new section (Section 3: Terminology), and the renumbering of subsequent sections.

As noted previously, the 2017 version added phased-array technology as an ultrasonic testing option. This version also required that the equipment generate and display an A-scan—which is a way of displaying ultrasonic energy data that shows this energy as a function of time—instead of trace patterns. Further, the 2017 version removed apparatus linearity checks, which were one of many steps that previous editions required technicians to follow, and instead refers to an ASTM guide, an ASTM practice, or approval by ASTM A578 users. PHMSA requests comments regarding this standard's use of phased-array technology as an ultrasonic testing option, the use of A-scans instead of trace patterns, and the removal of apparatus linearity checks.

PHMSA reviewed the changes within the 2017 edition of ASTM A578 and noted that they would not adversely

affect public safety or environmental protection. None of the edits to the 2017 version, which retains the changes introduced in the 2007 version, are substantive changes. Incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard, thereby improving the safety of steel pipeline facilities that are subject to § 192.112(c). PHMSA's adoption of the updated standard would replace existing references to ASTM A578/A578M–96 (reapproved January 1, 2001): Standard Specification for Straight-Beam Ultrasonic Examination of Plain and Clad Steel Plates for Special Applications.

3. ASTM A672/A672M–19 (November 1, 2019): Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures

PHMSA proposes the incorporation by reference of ASTM A672/A672M–19 (November 1, 2019): Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures into §§ 192.113 and 195.106(e) and Item I of appendix B in part 192. This specification presents the current state of knowledge and technology regarding the manufacture of electric-fusion-welded pipe for use at moderate temperatures, including all temperatures for pipelines that are regulated by 49 CFR parts 192 and 195. The PSRs currently incorporate the 2009 edition of this standard.

PHMSA reviewed the 2014 and 2019 editions of the specification and noted that they contain only editorial changes and clarifications regarding existing requirements. The clarifications in the updated standard include minor edits to tables as a result of non-substantive changes to other ASTM standards. Therefore, PHMSA does not expect that the 2019 edition of ASTM A672, which retains the changes introduced by the 2014 edition, would adversely affect public safety or environmental protection. Incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM A672/A672M–09 (October 1, 2009): Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures.

4. ASTM D2513–20 (December 1, 2020): Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings

PHMSA proposes the incorporation by reference of ASTM D2513–20 (December 1, 2020): Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings into Items I.A. and I.B. of appendix B in part 192. This standard presents the current state of knowledge and technology applicable to PE pipe, tubing, and fittings used for fuel gas pipelines, including pipe that is used to distribute natural gas. The PSRs currently incorporate the 2018 edition of this standard.

PHMSA reviewed both the 2019 and 2020 editions of this standard and noted that they contain mainly editorial changes and clarifications regarding existing requirements. The clarifications in the 2019 edition of this standard include the addition of two notes, Note 2 and Note 25, which led to the renumbering of subsequent notes. Note 2 advises operators that regulatory requirements may prohibit the use of rework material, which is material taken from a pipe that didn't satisfy manufacturing specifications that is used to create a new pipe. Note 25 describes pipe markings in situations where regulatory requirements prohibit the use of rework material. Note 2 is accurate because PHMSA prohibits the use of rework materials in § 192.59(d). The 2020 edition, which retains the changes in the 2019 edition, includes a number of editorial changes and one clarifying change. The clarifying change revises Section 7.4 to clarify that the standard prohibits potable water, sewer, reclaimed water, communications, or electrical markings on pipe. Therefore, PHMSA expects that incorporating by reference the 2020 edition of ASTM D2513 would not adversely affect public safety or environmental protection. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM D2513–18a (August 1, 2018): Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings.

5. ASTM D2564–20 (August 1, 2020): Standard Specification for Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Piping Systems

PHMSA proposes the incorporation by reference of ASTM D2564–20 (August 1, 2020): Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems into § 192.281(b)(2). This standard presents the current requirements for solvent cements that are used to join PVC piping systems. It addresses the requirements in Specification D1784 regarding PVC pipe that was created from compounds and includes Practice D2855's procedure for joining PVC fittings and pipe. The PSRs currently incorporate the 2012 edition of this standard.

PHMSA reviewed the 2018 and 2020 editions of ASTM D2564 and noted that, aside from one change, the 2020 edition (which retains the changes introduced in the 2018 edition) contains only editorial changes and clarifications regarding existing requirements. That change is the addition of F3328–18: Standard Practice for the One-Step (Solvent Cement Only) Method of Joining Poly (Vinyl Chloride) (PVC) or Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe and Piping Components with Tapered Sockets to a list of consensus industry standards referenced in ASTM D2564. Note: The PSRs only allow the repair of existing PVC piping in regulated piping systems, but do not permit the use of PVC or CPVC piping in new or replacement construction. Prior editions of ASTM D2564 only included a two-step solvent cement process that involved the use of a primer and cement to join PVC or CPVC piping. ASTM D2564 added F3328–18 to incorporate a new one-step application of solvent cement as a joining method for PVC or CPVC pipes and fittings. This alternative to the two-step primer and solvent process fulfills the requirements of ASTM D2564 and provides a joining method for PVC/CPVC pipes that is as safe, reliable, and effective as the two-step process. The substantive change in the 2020 edition of the standard is consistent with PHMSA regulations, and neither this change nor the editorial changes and clarifications would adversely affect either pipeline safety or PHMSA regulations. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM D2564–12 (August 1, 2012): Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems.

6. ASTM F1055–16a (November 15, 2016): Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene and Crosslinked Polyethylene (PEX) Pipe and Tubing

PHMSA proposes the incorporation by reference of ASTM F1055–16a (November 15, 2016): Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene and Crosslinked Polyethylene (PEX) Pipe and Tubing into both § 192.283(a) and Item I of appendix B in part 192. This standard presents the current state of knowledge and technology applicable to the use of electrofusion PE fittings with outside-diameter-controlled PE and PEX pipe. The standard also includes requirements for materials, workmanship, and performance testing of pertinent plastic piping. The PSRs currently incorporate the 1998 edition of this standard, which was reapproved in 2006.

The 2016a version of ASTM F1055 advances safety via several editorial and substantive changes, including clarifying requirements for electrofusion testing and qualification, removing ASTM standards that do not apply to these fittings, and making other improvements to the safety of fittings and the electrofusion joining process. One of the more substantive changes in ASTM F1055–16a is the addition of PEX pipe to the title and scope of the standard; however, part 192 does not include PEX piping standards, and this addition is not meant to imply that PEX is an acceptable piping material for part 192. In fact, the standard states that ''[a]ssemblies using PEX pipes joined with electrofusion fittings shall not be used for distribution of natural gas or liquid petroleum gas.'' ASTM F1055–16a is a generic standard for PE Electrofusion Fittings that are used on multiple specifications of PE and PEX pipe and is designed to cover a variety of jurisdictions.

ASTM F1055–16a also adds new standards, incorporates updated versions of standards, and removes standards that are no longer being used. Newly incorporated requirements include Section 5.3.1, Section 5.5.1, and Mandatory Annex A2, which provide requirements for an optional alternative to full-scale tensile and crush tests for coupling-type joints that are 8-inch Iron Pipe Size (IPS) and larger in cases where equipment to provide the tests is not readily available. Standard equipment that is used to test pipes up to 6 inches in diameter does not have the strength to test pipes that are 8 inches in diameter or greater due to the increased wall thickness of the pipes, which increases their tensile strength and stiffness. Initial joint testing was developed on small-diameter plastic pipe that allowed testing equipment to conduct full-scale sample testing and qualification due to the wall thickness and resulting relative tensile strength of small-diameter pipe. However, the increased use of larger-diameter pipe of 8 inches and above led to the use of pipes with heavier walls and higher tensile strengths that create challenges for certain standard evaluations that are conducted with normal equipment, including full-scale tests. While manufacturers are working on developing full-scale testing options, the modified alternative testing was developed to test in a way that is similar to the way in which steel pipe and welds on steel pipe are tested. The testing requires standard samples cut from the joint or material to be qualified, after which the samples are tested according to standard methods and procedures listed in Appendix A2.

In addition, ASTM F1055–16a expands sections on minimum hydraulic burst and sustained pressure, adds figures for correct and incorrect wire terminations for couplings and saddles, and, to remain consistent with other standards, removes language and references to older PE pipe material designations such as PE2306, PE2406, PE3406, and PE3408 in favor of newer designations such as PE2708 and PE4710. References to newer designations are consistent with PHMSA regulations.

PHMSA reviewed the changes in the 2016 edition of the standard and noted that they are consistent with current PHMSA regulations and would not adversely affect pipeline safety. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F1055–98 (Reapproved March 1, 2006): Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing.

7. ASTM F1924–19 (August 1, 2019): Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing

PHMSA proposes the incorporation by reference of ASTM F1924–19 (August 1, 2019): Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing into Item I of appendix B in part 192. This standard presents the current state of knowledge and technology applicable to requirements and test methods for the qualification of plastic-bodied mechanical fittings for use with outside-diameter-controlled PE gas-distribution pipe that is nominal 2 IPS and smaller and that complies with Specification ASTM D2513. The standard also specifies general requirements for the material from which such fittings are made. The PSRs currently incorporate the 2012 edition of this standard.

PHMSA reviewed ASTM F1924–19 and noted that it contains mainly editorial changes and clarifications regarding existing requirements. These clarifications include the addition of two new paragraphs to Section 1: Paragraph 1.4 and Paragraph 1.7. Paragraph 1.4 describes the use of notes and footnotes as a means of providing explanatory material. Paragraph 1.7 is focused on the principles of ASTM F1924–19, as well as its development as an international standard, and is consistent with updated language in other standards. Additionally, ASTM F1924–19 revises Section 7 to adjust Fahrenheit (F) temperature values from single-decimal-point values to rounded single-digit values (*e.g.,* 73.4 ± 3.6 °F (23 ± 2° Celsius (C)) now reads 73 ± 4 °F (23 ± 2 °C)). The standard also adjusts spacing for both F and C values. The changes in this standard are consistent with PHMSA regulations.

PHMSA reviewed the changes in the 2019 edition of the standard and noted that they are consistent with current PHMSA regulations and would not adversely affect pipeline safety. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F1924–12 (April 1, 2012): Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing.

8. ASTM F1948–20 (February 1, 2020): Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing

PHMSA proposes the incorporation of ASTM F1948–20 (February 1, 2020): Standard Specification for Metallic

Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing into Item I of appendix B in part 192. This standard presents the current requirements and test methods for the qualification of metallic mechanical fittings that are designed to be used with outside-diameter-controlled thermoplastic gas distribution pipe and tubing, as specified in Specification D2513, F2785, or F2945. The PSRs currently incorporate the 2012 edition of this standard.

PHMSA reviewed the 2020 edition of ASTM F1948 and noted that it contains revisions, editorial changes, and clarifications regarding existing requirements that provide incremental safety improvements. The revisions that provide incremental safety improvements include the elimination of nonmandatory Appendix X2, which is related to material, pipe size, and strength transitions, the incorporation of aspects from Appendix X2 into performance requirements for material transitions in the body of the standard, the addition of four referenced documents to Section 2 (D2513, E515, F2785, and F2945), and the addition of a requirement that installation instructions must state the piping material(s)/combinations for which the fitting was qualified. The elimination of nonmandatory Appendix X2 and the addition of performance requirements for material transitions in the body of the standard are important revisions, as they specify testing requirements for transitions between different thermoplastic piping (such as between PE and PA) or between metallic and thermoplastic piping. This standard also clarifies requirements for failure testing, joint qualification and testing, sealing mechanisms, and stiffener length in fittings. Finally, it adds transition fitting requirements to the body of the standard.

PHMSA reviewed the changes in the 2020 edition of the standard and noted that they are consistent with current PHMSA regulations and would not adversely affect pipeline safety. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F1948–12 (April 1, 2012): Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing.

9. ASTM F1973–13(2018) (February 1, 2018): Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems

PHMSA proposes the incorporation by reference of ASTM F1973–13(2018) (February 1, 2018): Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems into § 192.204(b) and Item I of appendix B in part 192. This standard presents the current requirements and test methods for the qualification of factory-assembled anodeless risers and transition fittings that are designed to be used in gas distribution systems that use PE, PA11, and PA12 pipe. The standard covers sizes up to and including Nominal Pipe Size (NPS) 8 for PE pipe and up to and including NPS 6 for PA11 and PA12 pipe. The PSRs currently incorporate the 2013 edition of this standard.

PHMSA reviewed the 2018 edition of ASTM F1973–13 and noted that it contains only editorial changes and clarifications regarding existing requirements. ASTM F1973–13(2018) is the reapproved version of the 2013 edition of ASTM F1973–13 and does not include substantive changes. PHMSA's adoption of the updated standard would replace existing references to ASTM F1973–13 (May 1, 2013): Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems.

10. ASTM F2145–13(2018) (February 1, 2018): Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing

PHMSA proposes the incorporation by reference of ASTM F2145–13(2018) (February 1, 2018): Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing into Item I of appendix B in part 192. This standard presents the current state of PA11 and PA12 bodied mechanical fittings, including requirements regarding the material from which these fittings are constructed. The PSRs currently incorporate the 2013 edition of this standard.

PHMSA reviewed the 2018 edition of this standard, which is a reapproved version of the 2013 edition, and noted that it contains mainly editorial changes, such as the addition of a statement of conformity with international standardization guidelines established by the World Trade Organization and other international bodies. The standard also includes the addition of Section 1.7, which is focused on the development and principles of F2145 as an international standard and is consistent with updated language in other standards.

PHMSA reviewed the 2018 edition of this standard and noted that the changes in this standard would be consistent with PHMSA regulations and the agency's safety mission. PHMSA's adoption of the updated standard would replace existing references to ASTM F2145–13 (May 1, 2013): Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing.

11. ASTM F2600–09(2018) (February 1, 2018): Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing

PHMSA proposes the incorporation by reference of ASTM F2600–09(2018) (February 1, 2018): Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing into Item I of appendix B in part 192. This standard presents the current materials, workmanship, and testing performance requirements for PA11 electrofusion fittings that are designed for use with outside-diameter-controlled PA11 pipe. The PSRs currently incorporate the 2009 edition of this standard.

PHMSA reviewed the 2018 edition of ASTM F2600, which is the reapproved version of the 2009 edition that is currently incorporated by reference and noted that that it contains mainly editorial changes and clarifications regarding existing requirements. These clarifications include the addition of Section 1.4, which is focused on the development and principles of F2600 as an international standard and is consistent with updated language in other standards. PHMSA reviewed the 2018 edition of this standard and noted that the changes in the standard are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced

regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F2600–09 (April 1, 2009): Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing.

12. ASTM F2620–20ae2 (December 1, 2020): Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings

PHMSA proposes the incorporation by reference of ASTM F2620–20ae2 (December 1, 2020): Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings into §§ 192.281(c) and 192.285(b). This standard presents the current state of knowledge and technology applicable to creating joints via heat-fusion joining of PE pipe and fittings in a variety of environments, including the field. The PSRs currently incorporate by reference the 2019 edition of this standard.

PHMSA reviewed ASTM F2620–20, ASTM F2620a, ASTM F2620ae1, and ASTM F2620ae2 and noted that these updated standards contain mainly editorial changes, clarifications regarding existing requirements, and incremental safety improvements. The ASTM F2620–20 standard improves the fusion process by clarifying the appropriate appearance of correctly installed and maintained joints, clarifies the importance of refraining from stressing a joint until it has fully cooled, and explains the use of a contact instrument to confirm heater-plate temperature. Further, the language throughout ASTM F2620–20 provides clearer and easier-to-follow expectations for joints than the language in ASTM F2620–19. The revised sections in ASTM F2620–20 enhance this standard by providing guidance regarding the creation and inspection of fusion joints. Additionally, ASTM F2620–20 adds the following reference documents to Section 2 in order to provide updated guidance regarding the verification and use of this standard:

- F3124: Practice for Data Recording the Procedure used to Produce Heat Butt Fusion Joints in Plastic Piping Systems or Fittings;
- F3183: Practice for Guided Side Bend Evaluation of Polyethylene Pipe Butt Fusion Joint; and
- F3190: Practice for Heat Fusion Equipment (HFE) Operator Qualification on Polyethylene (PE) and Polyamide (PA) Pipe and Fittings.

ASTM F2620–20a adds comments in Table 2 referencing the new Appendix A.2 and additional information regarding the acceptable use of a 500 °F fusion temperature. The clarifications in ASTM F2620a include incremental safety improvements such as clarifications and edits to certain steps in the fusion process, such as information about the use of a contact instrument to confirm heater-plate temperature, a clearer description of the visual markers of bad or incorrect joints that operators can identify during visual inspections, and details regarding the importance of not stressing a joint until it has cooled properly. The sole editorial change in ASTM F2620ae1 is a correction to insert the words ''is allowed'' into the first statement in Table 2, as those words were unintentionally omitted in previous editions of this standard.

Finally, ASTM F2620–20ae2 includes an editorial change to Table 2 of ASTM F2620–20ae1 that corrects the metric conversion from Fahrenheit to Celsius. PHMSA reviewed the F2620ae2 edition of this standard and noted that the changes in this standard are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F2620–19 (February 1, 2019): Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings.

13. ASTM F2767–18 (April 1, 2018): Standard Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution

PHMSA proposes the incorporation by reference of ASTM F2767–18 (April 1, 2018): Standard Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution into Item I of appendix B in part 192. This standard presents the current state of knowledge and technology applicable to PA12 electrofusion fittings for use with outside-diameter-controlled PA12 pipe, as covered by ASTM F2785. The standard also includes requirements for materials, workmanship, and testing performance. The PSRs currently incorporate by reference the 2012 edition of this standard.

PHMSA reviewed the 2018 edition and noted that it contains editorial changes and clarifications regarding existing requirements. These include adding clarifying language in Sections 1.4 and 1.5 regarding the development of ASTM F2767 as an international standard. The standard also revises Section 6.1 to clarify requirements for dimensions and tolerances and improves clarity by moving the reference to Test Method D2122. The standard moves what was formerly Section 6.2 to a note and renumbers other sections accordingly. Additionally, it revises Section 8 to improve temperature consistency during treatment and testing. The standard adds Section 8.1.3 to clarify conditioning temperatures for fittings and pipe, as well as the test temperature in Section 8.2 with Standard Laboratory Temperature.

PHMSA reviewed the 2018 version of ASTM F2767 and noted that its changes clarify the standard, enhance pipeline safety, and are consistent with PHMSA regulations. PHMSA's adoption of the updated standard would replace existing references to ASTM F2767–12 (October 15, 2012): Standard Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution.

14. ASTM F2785–21 (July 1, 2021): Standard Specification for Polyamide 12 Gas Pressure Pipe, Tubing, and Fittings

PHMSA proposes the incorporation by reference of ASTM F2785–21 (July 1, 2021): Standard Specification for Polyamide 12 Gas Pressure Pipe, Tubing, and Fittings into Items I.A. and I.B. of appendix B in part 192. This standard presents the current requirements and test methods for the characterization of PA12 pipe, tubing, and fittings for use in fuel-gas mains and services for direct burial and re-liner applications. The PSRs currently incorporate the 2012 edition of this standard.

PHMSA reviewed the 2018, 2018a, 2020, 2020e1, and 2021 editions of ASTM F2785 and noted that they contain editorial changes and clarifications regarding existing requirements that would improve safety. In the 2018 edition, these clarifications include revising the first sentence of Section 1.1.1 from ''[t]his specification does not cover threaded pipe'' to ''[p]ipe and fittings covered by this specification shall not be joined using taper pipe threads,'' which is more stringent language than in previous editions of the standard. The 2018 edition adds a second sentence directly after the first that states: ''[j]oining methods qualified in accordance with the requirements of Title 49 CFR part 192.283 are acceptable.'' In addition, the standard revises Table 1 to include the pounds

per square inch equivalents for the Megapascal values, revises Tables 3 and 5 to reduce the number of decimals for the millimeters in the last columns from three to two points, removes Section 5.4: Conditioning of Samples, and renumbers the remaining subsections of Section 5. Section 5.4 is unnecessary because Section 6.3: Conditioning of Samples, which is still in the standard, makes it redundant. The 2018a edition of ASTM F2785 revises Section 7.1 to reorder language regarding required markings. Both the 2018 and the 2018a editions incorporate other minor editorial revisions.

The 2020 edition retains the changes introduced in the 2018 and 2018a editions and references ASTM F3372, which describes the procedures operators should follow when creating butt-fusion joints for PA12 pipe and fittings. These procedures require operators to adopt a consistent and qualified joining method for PA12 materials and are similar to the procedures required for PE pipe in D2513 and F2620. Other clarifications—such as the inclusion of an ASTM standard that addresses pipes with diameters of up to 12 inches—ensure that, in the future, PHMSA will have the option to allow the use of larger-diameter PA12 pipe. The 2020 edition enhances previous revisions by adding and revising sections, and significantly improves safety by referencing ASTM F3372 and expanding the standard to allow the production and use of up to 12-inch diameter pipe. Incorporation of this standard does not impact the diameter or pressure limitations for PA12 pipe in 49 CFR 192.121.

The 2020e1 edition of this standard is almost identical to the 2020 edition, as the only change in the 2020e1 edition is a correction to Table 4 that changes one of the column headings from ''Maximum Wall Thickness'' to ''Minimum Wall Thickness.'' The revisions to the 2021 edition were designed to align the standard with the requirements in the pipeline safety regulations. Further, the 2021 edition uses Note 5 to clarify the way in which operators can determine outdoor storage resistance. While notes are non-mandatory aspects of ASTM standards, they are valuable sources of guidance for the individuals and organizations that use the standards.

PHMSA reviewed the 2021 edition of this standard and noted its changes are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to ASTM F2785–12 (August 1, 2012): Standard Specification for Polyamide 12 Gas Pressure Pipe, Tubing, and Fittings.

15. ASTM F2817–13(2019) (May 1, 2019): Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair

PHMSA proposes the incorporation by reference of ASTM F2817–13(2019) (May 1, 2019): Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair into Items I.A. and I.B. of appendix B in part 192. This standard presents existing industry requirements for PVC pipe, tubing, and fittings that are used to maintain or repair existing PVC gas piping. The PSRs currently incorporate the 2010 edition of this standard.

PHMSA reviewed the 2013 and 2019 editions of ASTM F2817. The changes in the 2013 edition, which incrementally improve safety by updating the applicable specifications and material requirements for PVC compounds, include the addition of Specification D1784 to Section 2, the removal of Specification D3915 from Section 2, and the substitution of Specification D1784 for Specification D3915 in Tables 5 and 6. Specification D1784 replaces Specification D3915 as the specification for rigid PVC compounds. Additionally, the 2013 edition revises Section 4.3 to require that the PVC compounds used for pipe and fittings must equal or exceed PVC 12454 or 14333, which are described in Specification D1784. The 2019 version is a reapproved version of the 2013 edition, and thus contains no technical changes.

PHMSA reviewed the 2019 edition of this standard and noted that its non-technical changes are consistent with PHMSA regulations and the agency's safety mission. PHMSA's adoption of the updated standard would replace existing references to ASTM F2817–10 (February 1, 2010): Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings For Maintenance or Repair.

16. ASTM F2945–18 (September 1, 2018): Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings

PHMSA proposes the incorporation by reference of ASTM F2945–18 (September 1, 2018): Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings into Items I.A. and I.B. of appendix B in part 192. This standard presents requirements and test methods for the characterization of PA11 pipe, tubing, and fittings that will be used on fuel gas pipelines. The PSRs currently incorporate the 2012 edition of this standard.

PHMSA reviewed the 2018 edition of ASTM F2945 and noted that it contains mainly editorial changes and clarifications regarding existing requirements. These clarifications include moving Note 1—which states that heat-fusion joining is restricted to PA11 materials—from Section 1.5 to Section 1.2. In other words, Note 1 states that cross-fusion joining with other materials is not permitted. The standard also corrects the title of ASTM D789 in Section 2.1; adds Section 1.6 to address international standard principles; revises and reorders Section 7.1; adds F1563 to Section 2.1; removes gas distribution from Section 7.3; and incorporates other minor editorial changes.

PHMSA reviewed the 2018 edition of this standard and noted that its changes are consistent with PHMSA regulations and the agency's safety mission. PHMSA's adoption of the updated standard would replace existing references to ASTM F2945–12a (November 27, 2012): Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings.

F. The National Fire Protection Association

1. NFPA 30, 2021 Edition (August 31, 2020): Flammable and Combustible Liquids Code (ANSI Approved)

PHMSA proposes the incorporation by reference of NFPA 30, 2021 Edition (August 31, 2020): Flammable and Combustible Liquids Code (ANSI approved) into §§ 192.735(b) and 195.264(b). NFPA 30 applies to the safe storage, handling, and use of flammable and combustible liquids. The PSRs currently incorporate the 2012 edition of this standard.

NFPA 30 is incorporated into 49 CFR 192.735(b), which applies to the storage of combustible materials in compressor stations that are subject to 49 CFR part 192. Section 192.735(b) states that owners and operators must protect aboveground oil or gasoline storage tanks in accordance with NFPA 30. Chapter 22 of NFPA 30 addresses the storage of ignitable liquids in aboveground storage tanks and includes two pertinent sections: Sections 22.2.3 and 22.10. Section 22.2.3 provides the definition of a protected aboveground

tank, while Section 22.10 specifies additional requirements for protected aboveground storage tanks.

NFPA 30 is also incorporated into 49 CFR 195.264(b), which includes provisions for impoundment, entry protections, venting, and pressure relief for aboveground breakout tanks. Section 195.264(b)(1) states that owners and operators of tanks built in accordance with certain specifications—such as API Spec 12F, API Std 620, and others—must install impoundments that comply with specific sections of NFPA 30. For example, § 195.264(b)(1)(i) requires impoundments around breakout tanks to be installed in accordance with Section 22.11.2 of NFPA 30, and § 195.264(b)(1)(ii) requires impoundments that drain to remote impounding areas to be installed in accordance with Section 22.11.1 of NFPA 30.

The 2021 edition of NFPA 30 revises the 2012 edition, which is currently incorporated by reference, in several ways. For example, it revises the classification scheme for liquids by introducing the term ''ignitable liquid'' in place of the terms ''combustible liquid'' and ''flammable liquid.'' This revision reduces regulatory confusion regarding authorities with overlapping jurisdictions, such as fire officials, occupational safety officials, and transportation officials. The 2021 edition also updates a secondary reference from the 1998 edition of UL 2085 to the 2018 edition. This secondary reference provides information regarding testing and listing protected aboveground tanks for flammable and combustible liquids.

PHMSA reviewed the 2021 edition of this standard and noted that its changes are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to NFPA 30, 2012 Edition (June 20, 2011): Flammable and Combustible Liquids Code, Including Errata 30–12–1 (September 27, 2011) and Errata 30–12–2 (November 14, 2011).

G. Plastics Pipe Institute

1. PPI T R 3/2021 (June 16, 2021): Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe

PHMSA proposes the incorporation by reference of PPI TR–3/2021 (June 16, 2021): Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe into § 192.121(a). This report presents the policies and procedures that PPI's Hydrostatic Stress Board (HSB) used to develop long-term, strength-rating recommendations for commercial thermoplastic piping materials or pipe. The recommendations are published in PPI Technical Report 4 (TR–4)/2021 (June 16, 2021): PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe, a regularly updated document that is also proposed for incorporation in this rule. The PSRs currently incorporate the 2012 edition of PPI TR–3.

PHMSA reviewed the 2018, 2020, and 2021 editions of PPI TR–3 and noted that they contain mainly editorial changes and clarifications regarding existing requirements that incrementally improve safety. The clarifications in the 2018 edition include the addition of a definition for solid-wall pipe, the removal of the definition of multilayer pipe to eliminate confusion regarding groups of composite pipe materials, the addition of new language regarding requirements for the stress-rupture dataset to qualify for a standard-grade listing, and the revision of certain definitions, including a change to the definition of composite pipe that adds three groups of materials and three subgroups of materials to Group 3. The report also clarifies the qualification of materials using PPI standards, including 5-year renewal requirements for the standard grade of each material.

The 2020 edition also includes grammatical, editorial, and formatting changes that clarify the language of this standard, including expanded explanations regarding the renewal and duration of hydrostatic-design-basis recommendations. Additionally, the revisions to the 2020 edition significantly improve the standard by reformatting the document and creating numerous information tables that facilitate use of this standard.

The 2021 edition incorporates numerous clarifications regarding current requirements, including the addition of a definition for ''commercially produced pipe'' and edits to other statements to ensure that they are consistent with this definition. The 2021 edition also adds the Part G PEX initial listing policy and edits the hydrostatic-design-basis validation for 180 °F hydrostatic-design-basis PE compounds.

PHMSA reviewed the 2021 edition of this standard and noted that its changes are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to PPI TR–3/2012 (November 2012): Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe.

2. PPI T R 4/2021 (June 16, 2021): PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe

PHMSA proposes the incorporation by reference of PPI TR–4/2021 (June 16, 2021): PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe into § 192.121(b)(4). This report details thermoplastic piping materials with a PPI-recommended HDB, SDB, PDB, or MRS rating for thermoplastic piping materials or pipe. This information was established in accordance with PPI TR–3/2021 (June 16, 2021): Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for

Thermoplastic Piping Materials or Pipe, a regularly updated document that is also proposed for incorporation in this rule. The PSRs currently incorporate the 2011 edition of PPI TR–4.

PHMSA reviewed the 2018, 2019, 2020, and 2021 editions of PPI TR–4 and noted that they contain only editorial changes and clarifications regarding existing requirements that incrementally improve safety. The clarifications added between 2011 and 2018 include updated titles and numbering, deletions and additions of companies and material designations from Table I.A.I, deletion of materials from Table I.A.2, reorganization of some information and charts, the incorporation of additional specifications to Table I.A.6, and other editorial clarifications. The changes between the 2018 and 2019 versions include an edited cover page; the addition of a copyright statement (similar to that found in PPI TR–4/2011); the removal of the copyright statement from the forward page; the addition of references and introductory statements; more consistent numbering; table reformatting; name changes and removals; date changes; edited expiration dates; the removal of Table I.A.21; the inclusion of Table I.A.3; and edits, additions, and removals in Tables I.A.1, I.A.3, I.A.6, I.A.8, I.A.9, I.A.13, I.A.14, and III.A.2.

The changes between the 2019 and 2020 editions include revised formatting, grammatical edits, expiration date and company name changes, the removal of definitions, tables, and materials, and the addition of new companies, sections, definitions, tables, materials, and appendices. Further, the 2020 edition incorporates updated information (such as listing the current manufacturers who produce resin for use in pipe fabrication), specifies that the design pressure for thermoplastic materials in the PSRs is based on HDB, and changes the number of a report listed under ASTM Specification on Page 15 from D1785 to D1784. This edition also removes the list of properties and acronyms from the Forward page, creates a new page to separate the list of definitions from the list of acronyms, and incorporates a summary of changes.

The clarifications in the 2021 edition include new text on the title page, editorial corrections, inclusion of the updated PPI logo, and relabeling of one of the appendices from ''Appendix D'' to ''Appendix B.'' Further, the 2021 edition incorporates the most updated information for pipe or fitting manufacturers—including current resin manufacturers—thereby enabling pipe and fitting manufacturers to select the appropriate resin for a given application.

PHMSA reviewed the 2021 edition of this standard and noted that its changes are consistent with PHMSA regulations and the agency's safety mission. Indeed, incorporation of the updated standard could have safety and environmental benefits that would stem from reduced regulatory confusion regarding competing versions of the same standard. PHMSA's adoption of the updated standard would replace existing references to PPI TR–4/2011 (March 2011): PPI Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe.

IV. Miscellaneous Amendments

PHMSA is also proposing several minor editorial amendments and corrections to the PSRs, including the removal of ASTM D638: Standard Test Method for Tensile Properties of Plastics from the listing in § 192.7(e)(10), which should have occurred due to other changes made by the Plastic Pipe Rule (83 FR 58694), which published on November 20, 2018. The standard is no longer referenced in § 192.283(a-b) as a result of changes the Plastic Pipe Rule made that altered the language to read ''in accordance with a listed specification,'' which refers to Items I.A. and I.B. of appendix B in part 192. Additional standards are now incorporated for different material types, such as ASTM F2945 for PA11 and ASTM F2785 for PA12. ASTM D638 is a referenced document within both those standards and ASTM D2513 for PE, and therefore no longer needs to be directly incorporated by reference into § 192.7. Section 192.7(e)(10) would be reserved.

Additionally, PHMSA will revise § 191.9: Distribution system: Incident report. Currently, § 191.9(a) references Department of Transportation Form RSPA F 7100.1, which is the previous version of the form. PHMSA proposes to change this reference to Department of Transportation Form PHMSA F 7100.1. Further, PHMSA would remove references to specific editions of the standards in this rule throughout parts 192 and 195, except in §§ 192.7 and 195.3. To determine the edition of the standard that is incorporated by reference, operators would refer to §§ 192.7 and 195.3. PHMSA already directs operators to these sections with the following language, which is used throughout parts 192 and 195 whenever a standard is referenced: ''(incorporated by reference, see § 192.7)'' or ''(incorporated by reference, see § 195.3).'' Failure to reference these sections may not serve as the basis for a request for leniency in an enforcement case. PHMSA plans to remove references to other specific editions of standards from parts 192 and 195 in future rules. Removing extraneous references to edition numbers would increase administrative efficiency and reduce regulatory uncertainty that could result from inadvertently referencing outdated editions of standards. These amendments would simplify both future standards update rules and the PSRs.

Further, PHMSA proposes to revise the definition of a moderate consequence area in § 192.3 to replace the reference to a Federal Highway Administration (FHWA) document, Highway Functional Classifications Concepts, Criteria and Procedures. PHMSA also proposes the addition of a new appendix, appendix G, to part 192 to provide the guidance on moderate consequence areas that is currently provided by the FHWA's Highway Functional Classifications Concepts, Criteria and Procedures document. The proposed appendix G includes guidance relevant to the terms ''Designated Interstate,'' ''Freeway,'' ''Expressway,'' and ''Principal Arterial Roadway,'' which appear in the definition of a moderate consequence area. The proposed appendix repeats the information from this document verbatim. PHMSA does not propose to make any substantive change to the definition of a moderate consequence area.

Finally, PHMSA proposes to incorporate a number of other minor updates and changes, including:

- Removing ''telephonic'' from § 191.5(c), thereby allowing either method of reporting noted in § 191.5(b) to apply in § 191.5(c);
- Amending § 191.22(c)(1)(i) to change ''of'' to ''or'' in the following phrase: ''Construction of any planned rehabilitation,'' thereby rectifying a typographical error;
- Correcting the reference in § 192.327(g) from § 192.612(b)(3) to § 192.612(c)(3);
- Adding § 192.620(d) to the list of reference locations for NACE SP0502, which is currently listed in § 192.7(h)(1);
- Amending § 192.620(d)(7)(ii) to reference ''NACE SP0502'' instead of ''NACE RP–0502–2002;''
- Amending the address in § 192.18(a)(2) to read: ''ATTN: Information Resources Manager, Office of Pipeline Safety, Pipeline and

Hazardous Materials Safety Administration, PHF–30, 1200 New Jersey Avenue SE, Washington, DC 20590;''

- Amending appendix B to part 192 to remove version numbers from the referenced standards;
- Amending appendix B to part 192 to standardize the structure of the references; and
- Amending § 195.54 to add DOT Form 7000–2.

V. Regulatory Analyses and Notices

A. Legal Authority for This Rulemaking

This NPRM is published under the authority of the Federal Pipeline Safety Laws (49 U.S.C. 60101 *et seq.*). 49 U.S.C. 60102 authorizes the Secretary of Transportation to issue regulations governing the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. The Secretary of Transportation delegated this authority to the PHMSA Administrator under 49 CFR 1.97. Further, 49 U.S.C. 60102(l) states that, to the extent appropriate and practicable, the Secretary shall update incorporated industry standards that were adopted as part of the PSRs. This NPRM proposes the incorporation of 28 updated standards to replace earlier versions of those standards that are currently incorporated by reference within the PSRs. In addition, this NPRM proposes other minor clarifying and editorial changes to the PSRs.

B. Executive Order 12866 and DOT Policies and Procedures for Rulemaking

Executive Order 12866 (''Regulatory Planning and Review'') states that agencies ''should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating.'' [5] Agencies should consider both quantifiable measures and qualitative measures of costs and benefits that are difficult to quantify. Further, Executive Order 12866 requires that agencies ''should select those [regulatory] approaches maximize net benefits (including potential economic, environmental, public health and safety, and other advantages, as well as distributive impacts and equity), unless a statute requires another regulatory approach.'' Similarly, DOT Order 2100.6A (''Rulemaking and Guidance Procedures'') requires that regulations issued by PHMSA and other DOT operating administrations should consider an assessment of the potential benefits, costs, and other important impacts of the proposed action; they should also quantify (to the extent practicable) the benefits, costs, and any significant distributional impacts, including any environmental impacts.

Executive Order 12866 and DOT Order 2100.6A require that PHMSA submit ''significant regulatory actions'' to the OMB for review. However, this NPRM is not considered a significant regulatory action under Executive Order 12866 and, therefore, was not subject to review by the OMB. Further, the DOT considers this NPRM to be non-significant pursuant to DOT Order 2100.6A. The Office of Information and Regulatory Affairs (OIRA) has not designated this NPRM as a major rule as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

In accordance with the NTTAA and OMB Circular A–119, PHMSA constantly reviews new editions and revisions to relevant standards and publishes a proposed rule every 2–3 years to incorporate new or updated consensus standards by reference. This practice is consistent with the intent of the NTTAA and OMB directives to avoid the need to develop government standards that could potentially result in regulatory conflicts with updated SDO-developed standards and an increased compliance burden for industry.

PHMSA expects that the proposed changes to the PSRs described in this NPRM would result in unquantified public safety and environmental benefits associated with the updated standards. Although, as discussed above, many of the changes within the updated industry standards proposed for incorporation within the PSRs are editorial revisions or clarifications, others consist of substantive changes that reflect advancements in the state of knowledge (based on developments in technology, testing, and practical experience) compared to earlier versions of the same standards. PHMSA's technical review of those updated standards noted that their incorporation as proposed would generally enhance the PSRs' protection of public safety and the environment.

Further, PHMSA estimates the administrative burden for stakeholders stemming from the incorporation of these 28 updated standards would be negligible and the net economic benefits would be high. According to the annual reports that operators submit to PHMSA, there are more than 2,813 entities operating distribution systems and facilities for gas gathering, gas transmission, hazardous liquids, liquefied natural gas, and underground natural gas storage as of May 23, 2021. In fact, updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry. PHMSA understands that the majority of pipeline operators already purchase and voluntarily apply industry standards—including the updated standards that are the subject of this rulemaking—within their ordinary business practices. Incorporation of the updated version of these standards within the PSRs would help ensure that the industry is not forced to incur the additional cost of complying with different versions of the same standards.

In addition to incorporating new and updating existing voluntary consensus standards, PHMSA is proposing non-substantive editorial changes and clarifications of certain provisions of regulatory language. Since these editorial changes are relatively minor, this proposed rule would not require pipeline operators to undertake significant new pipeline safety initiatives and would have negligible cost implications. The non-substantive changes would increase the clarity of the PSRs, thereby improving compliance and helping to ensure the safety of the Nation's pipeline systems.

C. Executive Order 13132: Federalism

PHMSA analyzed this NPRM in accordance with Executive Order 13132 (''Federalism'').[6] Executive Order 13132 requires agencies to ensure meaningful and timely input by State and local officials regarding the development of regulatory policies that may 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.''

The regulatory amendments proposed in this NPRM would not have a substantial direct effect on State or local governments, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government. In addition, this rule would not impose substantial direct compliance costs on State or local governments. While the NPRM's proposed revisions may operate to preempt some State requirements, it would not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and

[5] 58 FR 51375 (Oct. 4, 1993).

[6] 64 FR 43255 (Aug. 10, 1999).

responsibilities among the various levels of government.

49 U.S.C. 60104(c) of the Federal Pipeline Safety Laws prohibits State safety regulation of interstate pipeline facilities. Under the Federal Pipeline Safety Laws, States that have submitted a current certification under 49 U.S.C. 60105(a) can augment Federal pipeline safety requirements for intrastate pipelines regulated by PHMSA but may not approve safety requirements that are less stringent than those required by Federal law. A State may also regulate an intrastate pipeline facility that PHMSA does not regulate. The preemptive effect of the regulatory amendments proposed here is limited to the minimum level necessary to achieve the objectives of the Federal Pipeline Safety Laws. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

D. Environmental Justice

DOT Order 5610.2C (''U.S. Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'') and Executive Orders 12898 (''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations''), 13985 (''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government''), 13990 (''Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis''), and 14008 (''Tackling the Climate Crisis at Home and Abroad'') require DOT operating administrations to achieve environmental justice as part of their mission by, as appropriate, identifying and addressing the disproportionately high and adverse human health or environmental impacts of their programs, policies, and activities—including interrelated social and economic effects—on minority populations, low-income populations, and other disadvantaged communities.[7] [8] [9] [10] PHMSA evaluated this proposed rule according to DOT Order 5610.2C and the executive orders listed above and noted it would not cause disproportionately high or adverse human health and environmental effects on minority populations, low-income populations, or other underserved and disadvantaged communities. The proposed rule is facially neutral and national in scope; it is neither directed toward a particular population, region, or community, nor is it expected to adversely impact any particular population, region, or community. Indeed, because PHMSA expects this rule would generally reduce safety and environmental risks, PHMSA understands the regulatory amendments it proposes would reduce any disproportionate human health and environmental risks for minority populations, low-income populations, or other underserved and disadvantaged communities in the vicinity of pipelines within the scope of the proposed rule's amendments. Lastly, as explained in the draft environmental assessment in the National Environmental Policy Act section, PHMSA expects that the proposed regulatory amendments would yield reductions in greenhouse-gas emissions, thereby reducing the risks posed by anthropogenic climate change to minority, low-income, underserved, and other disadvantaged populations and communities.

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

PHMSA analyzed this NPRM according to the principles and criteria in Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments'') and DOT Order 5301.1 (''Department of Transportation Programs, Polices, and Procedures Affecting American Indians, Alaska Natives, and Tribes'').[11] Executive Order 13175 requires agencies to ensure meaningful and timely input from Tribal government representatives during the development of rules that significantly or uniquely affect Tribal communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship and distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the NPRM's proposed revisions and noted that they would not significantly or uniquely affect Tribal communities or Tribal governments. The proposed rule's regulatory amendments are facially neutral and would have broad, national scope; PHMSA, therefore, does not expect this rule would significantly or uniquely affect Tribal communities, much less that it would impose substantial compliance costs on Native American Tribal governments or mandate Tribal action. Insofar as PHMSA expects that the rule would improve safety and reduce environmental risks, PHMSA does not believe that it would entail disproportionately high adverse risks for Tribal communities. Therefore, the funding and consultation requirements of Executive Order 13175 and DOT Order 5301.1 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal regulatory agencies to prepare a final regulatory flexibility analysis for any rule that is subject to notice and comment per the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) unless the agency head certifies that the rule will not have a significant economic impact on a substantial number of small entities. This NPRM was developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') to facilitate compliance with the Regulatory Flexibility Act and to ensure that the potential impacts of the rulemaking on small entities has been properly considered.[12]

PHMSA estimates that the costs of incorporating these updated standards within the PSRs would be negligible. PHMSA understands that updates to consensus industry standards are generally accepted and followed on a voluntary basis throughout most of the pipeline industry; the majority of pipeline operators already purchase and voluntarily apply industry standards—including the updated standards that are the subject of this rulemaking—within their ordinary business practices. Further, incorporating such standards by reference helps to ensure that the industry is not forced to comply with competing versions of the same industry standards. Similarly, PHMSA does not expect the miscellaneous editorial and clarifying revisions proposed in this NPRM to impose meaningful compliance costs on operators. Therefore, based on the available information regarding the anticipated impact of this NPRM, PHMSA does not anticipate that this NPRM will have a significant economic impact on a substantial number of small entities.

G. Paperwork Reduction Act

PHMSA analyzed this NPRM in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) which establishes policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public and requires Federal agencies to minimize the burden of paperwork imposed on the U.S. public by ensuring

[7] 59 FR 7629 (Feb. 16,1994).

[8] 86 FR 7009 (Jan. 20, 2021).

[9] 86 FR 7037 (Jan. 20, 2021).

[10] 86 FR 7619 (Feb. 1, 2021).

[11] 65 FR 67249 (Nov. 6, 2000).

[12] 67 FR 53461 (Aug. 16, 2002).

maximum utility and quality of Federal information. This allowed for the use of information technology to improve the Federal Government's performance and accountability regarding the management of information-collection activities. This NPRM does not impose any new information-collection requirements or modify any existing information-collection requirements.

H. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, Tribal governments, and the private sector. For any NPRM or final rule that includes a Federal mandate that may result in an aggregate expenditure of $100 million or more (in 1996 dollars) in any given year by State, local, or Tribal governments, the agency must prepare, among other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate. PHMSA does not expect that this NPRM would impose enforceable duties of $100 million or more (in 1996 dollars) in any one year on either State, local, Tribal governments, or on the private sector.

I. Privacy Act Statement

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

J. National Environmental Policy Act

The National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) requires Federal agencies to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. The Council on Environmental Quality's implementing regulations (40 CFR parts 1500–1508) require Federal agencies to conduct an environmental review considering (1) the need for the action, (2) alternatives to the action, (3) the probable environmental impacts of the action and the alternatives, and (4) the agencies and individuals that were consulted during the consideration process. DOT Order 5610.1C: Procedures for Considering Environmental Impacts establishes departmental procedures for the evaluation of environmental impacts under the National Environmental Policy Act and its implementing regulations.

In this NPRM, PHMSA proposes to incorporate 28 updated editions of currently referenced standards and makes a handful of non-substantive, editorial revisions and clarifications of PSR provisions.[13] The incorporation of these updated standards is intended to improve compliance and safety. This outcome is expected because the updated standards utilize updated data and industry experience, as well as increasing specificity to improve enforcement.

Description of Action: The NTTAA directs Federal agencies to use voluntary consensus standards and design specifications that are developed by voluntary consensus standard bodies instead of government-developed technical standards, when applicable. PHMSA currently incorporates more than 80 standards by reference in parts 192, 193, 194, and 195 of the PSRs. PHMSA engineers and subject matter experts participate on approximately 25 standards development committees that address the design, construction, maintenance, inspection, operation, and repair of pipeline facilities. PHMSA only proposes the adoption of standards that meet the agency's directive to ensure pipeline safety and environmental protection.

Purpose and Need: Many of the industry standards currently incorporated by reference in the PSRs have been revised and updated to incorporate new technologies, methodologies, and industry operational experience. This NPRM would allow operators to use these new technologies by incorporating new editions of the standards into the PSRs. PHMSA's technical and subject matter experts continually review the actions of pipeline standards developing committees and study industry safety practices to ensure that PHMSA's incorporation of any new editions or revised standards into the PSRs will improve public safety while providing protection for the environment. The amendments proposed in this NPRM would make the regulatory provisions more consistent with current technology and would, therefore, promote the safe transportation of hazardous liquids, natural and other gases, and liquefied natural gas by pipeline.

Alternatives Considered: In developing this NPRM, PHMSA considered two alternatives:

No-action Alternative (1): Take no action and continue to incorporate only the outdated standards that are currently referenced in the PSRs. Because PHMSA's goal is to facilitate pipeline safety and environmental protection by incorporating appropriate and up-to-date consensus standards into the PSRs, PHMSA rejected the no-action alternative. This alternative would result in the PSRs missing some or all of the safety and environmental improvements in the updated standards.

Proposed Alternative (2): Adopt the proposed amendments above and incorporate updated editions of voluntary consensus standards to allow pipeline operators to use current technologies. This is the proposed alternative. PHMSA's goal is to incorporate all or parts of updated editions of voluntary, consensus, industry technical standards into the PSRs to allow pipeline operators to use current technology, new materials, and other modern industry and management practices. PHMSA also plans to update and clarify certain provisions in the PSRs.

Affected Environment and Environmental Consequences: The Nation's natural gas and hazardous liquid pipelines are located both onshore and offshore. These facilities traverse a variety of environments ranging from highly populated urban areas to remote, unpopulated rural areas. Pipeline facilities also cross areas that contain sensitive environmental resources. The Federal pipeline regulatory system is a prevention-oriented, risk-management system that is focused on identifying safety hazards and reducing the likelihood and impact of natural gas or hazardous liquid releases.

A release from a pipeline that transports hazardous liquid or natural gas—which is subject to PHMSA's jurisdiction—could harm the natural environment and the health and safety of the public. The release of hazardous liquids can cause damage to or the loss of biological and ecological resources, including coastal zones, wetlands, forests, grasslands, offshore marine ecosystems, and plant and animal species and their habitats. Such releases can also imperil cultural and historical resources—such as properties listed on the National Register of Historic Places—and special ecological resources

[13] PHMSA's draft environmental analysis in this section focuses on proposed changes to the PSRs that pertain to the incorporation of updated versions of currently referenced industry standards, rather than the proposed miscellaneous, non-substantive, editorial, and clarifying revisions discussed in Section IV. Although PHMSA expects that the latter category of proposed non-substantive revisions would generally promote public safety and environmental protection by reducing regulatory confusion and resulting compliance costs, PHMSA does not expect any safety or environmental benefits to be material.

such as national and State parklands, biological reserves, wild and scenic rivers, and threatened and endangered plant and animal species and their habitats. Remediation following a hazardous-liquid release requires the removal and disposal of soil directly adjacent to and within the vicinity of pipelines, which results in the loss of vegetation. The replacement of this removed soil can result in the introduction of invasive species, which can degrade the ecological value of an area. Additionally, a release could lead to contamination of air and water resources, including oceans, streams, and lakes.

Releases from natural gas and hazardous liquid pipelines can result in fires and explosions, causing damage to the local environment. Depending on the size of the release and the nature of the failure zone, the potential impact could vary from property or environmental damage to injuries and fatalities. Further, because natural gas is composed primarily of methane (a potent greenhouse gas), releases from natural gas pipelines contribute to climate change. If ignition occurs immediately after a failure, the emissions would primarily consist of carbon dioxide, which is also a greenhouse gas.

Compliance with the PSRs substantially reduces the likelihood of accidental product release. Updating new industry standards or those already incorporated into the PSRs can provide operators with the potential advantages and added safety that may be associated with newer technologies. These standards are based on the accumulated knowledge and experience of owners, operators, manufactures, risk-management experts, and others involved in the pipeline industry, as well as government agencies that write regulations to ensure the products are moved safely throughout the country. PHMSA staff members actively participate in the standards development process to ensure that each incorporated standard will enhance safety and environmental protection. PHMSA reviews newer editions of standards in detail before incorporating them into the PSRs. PHMSA reviewed each of the standards described in this rule and noted that the majority of the updates involve minor changes such as editorial changes, the inclusion of best practices, or similar alterations. PHMSA staff examine updated industry standards to ensure that the updates are consistent with the PSRs, will improve compliance and safety, and are not merely self-serving.

PHMSA expects that, as discussed above (a discussion that is incorporated within this environmental assessment section), the majority of updates proposed for incorporation in this NPRM will promote public safety and environmental protection. In a small number of instances, standards organizations relax standards to reduce industry burden if such a change is justified by overlapping protections, low risk, or technological innovation. ASME B16.40–2019, for example, made a number of minor editorial changes. The sole change that might appear to relax standards was updated language in Mandatory Appendix I that removed PE2406 pipe. However, this pipe was only removed because the standard replaced it with more modern PE2708 pipe, thereby advancing pipeline safety.

The 4th and 5th editions of API RP 652, which PHMSA is proposing for incorporation into § 195.579(d), discuss the use of risk-based inspections to determine the frequency of inspection intervals. However, § 195.579(d), does not allow pipeline owners or operators to use risk-based factors to determine inspection frequency; therefore, this practice is inapplicable to the pipeline facilities that are subject to this regulation. Additionally, the 5th edition removed a number of documents from the standard and does not distinguish the editions of standards listed in Section 2. However, PHMSA understands that the removal of documents and the failure to distinguish standard editions would not impact the level of safety that this standard provides.

API Spec 12F and API 650 are currently authorized design standards for aboveground breakout tanks, as specified in § 195.132. API Spec 12F is a design standard for shop-fabricated tanks used in production operations and API 650 is a generic design standard applicable to welded tanks for oil storage. However, since API 650 has a broader scope than API Spec 12F, PHMSA is seeking comment regarding whether it would be appropriate to remove API Spec 12F as an option for aboveground breakout tanks.

ASME B31.4–2019 removes Section 419, which might initially seem like a reduction in safety; however, the information from that section was integrated into Sections 401, 402, and 403. PHMSA intends to incorporate by reference all of Sections 401 and 402, as well as parts of Section 403, thereby establishing essentially the same design requirements found in ASME B31.4–2006 without adding additional design requirements in later editions of B31.4, many of which are already included in other parts of 49 CFR part 195.

ASNT ILI–PQ 2017 changes the word ''ensure'' to ''verify'' throughout the standard. PHMSA understands that this increases safety by providing users with additional clarity and enforceability regarding their responsibilities.

ASTM A578/A578M–17 removes a reference to clad-steel plates. PHMSA understands that these are non-substantive changes that would not result in a reduction in pipeline safety.

ASTM D2564–20 adds F3328–18: Standard Practice for the One-Step (Solvent Cement Only) Method of Joining Poly (Vinyl Chloride) (PVC) or Chlorinated Poly (Vinyl Chloride) (CPVC) Pipe and Piping Components with Tapered Sockets. The PSRs only allow the repair of existing PVC piping in regulated piping systems, but do not permit the use of PVC or CPVC piping in new or replacement construction. ASTM D2564–20 added F3328–18 to allow a new one-step application of solvent cement to join PVC or CPVC pipe and fittings, as, prior to 2020, the PSRs only allowed a two-step solvent-cement process that involved the use of a primer and cement to join PVC or CPVC piping. This is an alternative to the two-step primer and solvent process; and, like that process, it fulfills the requirements of ASTM D2564 and provides equally safe, reliable, and effective joining of PVC/CPVC pipe and fittings. PHMSA determined that this change will not adversely affect either pipeline safety or PHMSA regulations.

ASTM F1055–16a removes standards, adds PEX pipe, adds an optional alternative to full-scale tensile and crush tests, and removes language and references to older PE pipe material designations such as PE2306, PE2406, PE3406, and PE3408. The standards that it removes either are no longer used or do not apply to the type of fittings this standard addresses. Additionally, the standard specifies that the addition of PEX pipe does not imply that PEX is an acceptable piping material for part 192 applications, as the standard states that electrofusion-fitting-joined PEX pipes may not be used to distribute natural or liquid petroleum gas. The language and references to older PE pipe materials that this standard removes are replaced by language and references to newer PE pipe materials, such as PE2708 and PE4710. Finally, the optional alternative to the full-scale tensile and crush tests is limited in application to coupling-type joints that are 8 IPS and larger and may only be used in cases where equipment to provide the full-scale tests is not readily available. As stated previously, standard equipment that is

used to test pipes up to 6 inches in diameter does not have the strength to test pipes that are 8 inches in diameter or greater due to the increased wall thickness of the pipes, which increases their tensile strength and stiffness. The modified alternative testing was developed to test in a way that is similar to the way in which steel pipe and welds on steel pipe are tested. This testing requires standard samples cut from the joint or material to be qualified, after which the samples are tested according to standard methods and procedures listed in Appendix A2.

ASTM F1924–19 revises Section 7 to adjust temperature values from single-decimal values to rounded single-digit values (*e.g.,* 73.4 ± 3.6 °F (23 ± 2° C) now reads 73 ± 4 °F (23 ± 2 °C)). However, this is considered an editorial change and should not reduce safety.

ASTM F1948–20 eliminates nonmandatory Appendix X2 and adds four referenced documents to Section 2. These are important revisions, as they specify testing requirements for transitions between different types of thermoplastic piping or between metallic and thermoplastic piping. Further, ASTM F1948–20 incorporates the eliminated nonmandatory appendix into performance requirements for material transitions in the body of the standard. ASTM F1948–20 also requires installation instructions to state the piping material(s) and/or combinations for which the fitting was qualified. These changes increase specificity and safety.

ASTM F2785–18 removes Section 5.4 and renumbers the remaining subparts of Section 5. This is not a reduction in safety because Section 6.3 remains in the standard.

NACE SP0102–2017 makes optional standards mandatory by replacing the word ''should'' with the word ''shall'' 74 times. This constitutes a significant change. However, PHMSA expects that this would make little or no difference for the majority of pipeline operators, as pipeline operators are familiar with this standard and most already adhere to these requirements. This change strengthens the standard, thereby increasing safety.

PPI TR–3 removes the definition of multilayer pipe. This is not a reduction in safety, however, as PHMSA expects that removal of the definition will eliminate confusion regarding composite pipe groups.

PPI TR–4 deletes companies and material designations from Table I.A.I, removes names, and deletes Table I.A.21. This is not a reduction in safety, however, because PHMSA reviewed these edits and noted that they were merely editorial changes and clarifications.

Further, PHMSA proposes to revise the definition of a moderate consequence area in 49 CFR 192.3 by replacing the reference to a FHWA document with a reference to the new appendix G to 49 CFR part 192. The relevant language in appendix G would provide the same guidance on moderate consequence areas that is currently provided by the FHWA document, including guidance relevant to the terms in the definition of a moderate consequence area. Thus, this proposed amendment would not result in a substantive change to the definition of a moderate consequence area.

Finally, PHMSA proposes the removal of ASTM D638 from the listing in § 192.7(e)(10). This proposal is due to changes in the recent Plastic Pipe Rule.[14] The Plastic Pipe Rule edited language in § 192.283(a) and (b), which no longer references ASTM D638. These sections reference additional standards that are now incorporated for different material types, such as ASTM F2945 for PA11 and ASTM F2785 for PA12.

Agencies and Individuals Consulted: Subject matter experts within PHMSA's Office of Pipeline Safety prepared this draft environmental assessment. PHMSA solicits and will consider comments by members of the public, State and local governments, Tribal communities, and industry regarding the NPRM's potential impacts on the human environment.

Proposed Finding of No Significant Impact: PHMSA incorporates consensus standards that allow the pipeline industry to use improved technologies, new materials, performance-based approaches, manufacturing processes, and lessons learned to enhance public safety and environmental protection. PHMSA's goal is to ensure hazardous liquids, liquefied natural gas, and natural and other gases transported by pipeline will arrive safely to their destinations. PHMSA is confident that the standards proposed for incorporation by reference will enhance the effectiveness of operator actions related to design, operation, maintenance, and repair of pipeline facilities. Thus, PHMSA's proposal is that this rulemaking will not result in significant environmental impact.

K. Executive Order 13211

Executive Order 13211 (''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'') requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' [15] That Executive order defines a ''significant energy action'' as any action by an agency (normally published in the **Federal Register**) that promulgates or is expected to lead to the promulgation of a final rule or regulation (including a notice of inquiry, advanced NPRM, or NPRM) that (1) is a significant regulatory action under Executive Order 12866 or any successor order and is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the administrator of OIRA as a significant energy action.

Transporting gas and hazardous liquids affects the Nation's available energy supply. However, PHMSA understands that this NPRM would not be a significant energy action under Executive Order 13211 because it would not be a significant regulatory action under Executive Order 12866 and would not likely have a significant adverse effect on the supply, distribution, or use of energy. Further, OIRA has not designated this NPRM as a significant energy action.

L. Executive Order 13609 and International Trade Analysis

Executive Order 13609 (''Promoting International Regulatory Cooperation'') requires agencies to consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of U.S. businesses to export and compete internationally.[16] By meeting shared challenges involving health, safety, labor, environmental, security, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective—such as helping to ensure

[14] PHMSA, ''Pipeline Safety: Plastic Pipe Rule,'' 83 FR 58694 (Nov. 20, 2018).

[15] 66 FR 28355 (May 22, 2001).

[16] 77 FR 26413 (May 4, 2012).

safety—and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they serve as the basis for U.S. standards. PHMSA participates in the establishment of international standards to protect the safety of the U.S. public. PHMSA assessed the effects of the proposed rule and understands that it would not cause unnecessary obstacles to foreign trade.

List of Subjects

49 CFR Part 191

Incident, Notifications.

49 CFR Part 192

Incorporation by reference, Natural gas, Pipeline safety.

49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety.

In consideration of the foregoing, PHMSA is proposing to amend 49 CFR parts 191, 192, and 195 as follows:

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; ANNUAL, INCIDENT, AND OTHER REPORTING

■ 1. The authority citation for part 191 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5121, 60101 *et. seq.,* and 49 CFR 1.97.

§ 191.5 [Amended]

■ 2. Amend § 191.5(c) by removing the word ''telephonic''.

§ 191.22 [Amended]

■ 3. Amend § 191.22(c)(1)(i) by removing the words ''Construction of any planned rehabilitation'' and adding, in their place, the words ''Construction or any planned rehabilitation''.

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

■ 4. The authority citation for part 192 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et. seq.,* and 49 CFR 1.97.

§ 192.3 [Amended]

■ 5. Amend § 192.3 in paragraph (1)(ii) of the definition of a ''Moderate consequence area'' by removing the text ''see: *https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/fcauab.pdf*'' and adding, in its place, the text ''*see* appendix G to this part''.

■ 6. Amend § 192.7 by:

■ a. Removing the text ''Item I, Appendix B to Part 192'' wherever it appears, and adding, in its place, the text ''item I, appendix B to this part'';

■ b. Removing the text ''http://'' wherever it appears;

■ c. Removing the text '', phone:'' wherever it appears, and adding, in its place, the text ''; phone:'';

■ d. Removing the text '', website:'' wherever it appears, and adding, in its place, the text ''; website:'';

■ e. Revising paragraph (a);

■ f. Revising the introductory text to paragraph (b);

■ g. Revising the introductory text to paragraph (c) and paragraph (c)(3);

■ h. Revising paragraph (d);

■ i. Removing paragraph (h) and redesignating paragraphs (e) through (g) as paragraphs (f) through (h);

■ j. Adding new paragraph (e);

■ k. Revising the introductory text to newly-redesignated paragraph (f) and newly-redesignated paragraphs (f)(4), (6), and (8);

■ l. Removing and reserving newly-redesignated paragraph (f)(10);

■ m. Revising newly-redesignated paragraph (f)(11);

■ n. In newly-redesignated paragraph (f)(12), removing the text ''D 2517'' and adding, in its place, the text ''D2517'';

■ o. Revising newly-redesignated paragraphs (f)(13) through (24);

■ p. Revising the introductory text for paragraph (i) and paragraph (i)(1);

■ q. Revising the introductory text to paragraph (j); and

■ r. Revising paragraph (k).

The revisions and addition read as follows:

§ 192.7 What documents are incorporated by reference partly or wholly in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. The materials listed in this section have the full force of law. All approved incorporation by reference material (IBR) is available for inspection at the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the National Archives and Records Administration (NARA). Contact PHSMA at: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–4046; *www.phmsa.dot.gov/pipeline/regs.* For information on the availability of this material at NARA, email *frinspection@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.* The material may be obtained from the sources in the following paragraphs of this section.

(b) American Petroleum Institute (API). 200 Massachusetts Avenue NW, Suite 1100, Washington, DC 20001–5571; phone: (202) 682–8000; website: *www.api.org/.*

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(c) American Society of Mechanical Engineers (ASME). Three Park Avenue, New York, NY 10016; phone: (800) 843–2763 (U.S./Canada); website: *www.asme.org/.*

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(3) ASME B16.40–2019, ''Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems'', February 11, 2019, approved by ANSI, (ASME B16.40); IBR approved for item I, appendix B to this part.

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(d) American Society for Nondestructive Testing, (ASNT). 1711 Arlingate Lane, P.O. Box 28518, Columbus, OH 43228; phone: (800) 222–2768; website: *www.asnt.org/.*

(1) ASNT ILI–PQ 2017, ''In-line Inspection Personnel Qualification and Certification'', January 1, 2018, (ASNT ILI–PQ); IBR approved for § 192.493.

(2) [Reserved]

(e) Association for Material Protection and Performance (AMPP), (formerly NACE, International). 1440 South Creek Drive, Houston, Texas 77084; phone: (281) 228–6223 or (800) 797–6223; website: *www.ampp.org/.*

(1) ANSI/NACE SP0502–2010, Standard Practice, ''Pipeline External Corrosion Direct Assessment Methodology'', revised June 24, 2010, (NACE SP0502); IBR approved for §§ 192.620(d); 192.923(b); 192.925(b); 192.931(d); 192.935(b); 192.939(a).

(2) NACE SP0102–2017, ''In-Line Inspection of Pipelines,'' March 10, 2017, (NACE SP0102); IBR approved for §§ 192.150(a); 192.493.

(f) ASTM International. 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428; phone: (610) 832–9585; website: *www.astm.org/.*

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(4) ASTM A372/A372M–20e1, ''Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels'', approved March 1, 2020, (ASTM A372/A372M); IBR approved for § 192.177(b).

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(6) ASTM A578/A578M–17, ''Standard Specification for Straight-Beam Ultrasonic Examination of Rolled Steel Plates for Special Applications'', approved November 1, 2017, (ASTM A578/A578M); IBR approved for § 192.112(c).

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(8) ASTM A672/A672M–19, ''Standard Specification for Electric-

Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures'', approved November 1, 2019, (ASTM A672/672M); IBR approved for § 192.113; item I, appendix B to this part.

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(11) ASTM D2513–20, ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings'', approved December 1, 2020, (ASTM D2513); IBR approved for item I, appendix B to this part.

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(13) ASTM D2564–20, ''Standard Specification for Solvent Cements for Poly (Vinyl Chloride) (PVC) Plastic Piping Systems'', approved August 1, 2020, (ASTM D2564); IBR approved for § 192.281(b).

(14) ASTM F1055–16a, ''Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene and Crosslinked Polyethylene (PEX) Pipe and Tubing'', approved November 15, 2016, (ASTM F1055); IBR approved for § 192.283(a); item I, appendix B to this part.

(15) ASTM F1924–19, ''Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing'', approved August 1, 2019, (ASTM F1924); IBR approved for item I, appendix B to this part.

(16) ASTM F1948–20, ''Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing'', approved February 1, 2020, (ASTM F1948); IBR approved for item I, appendix B to this part.

(17) ASTM F1973–13(2018), ''Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA11) and Polyamide 12 (PA12) Fuel Gas Distribution Systems'', approved February 1, 2018, (ASTM F1973); IBR approved for § 192.204(b); item I, appendix B to this part.

(18) ASTM F2145–13(2018), ''Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing'', approved February 1, 2018, (ASTM F2145); IBR approved for item I, appendix B to this part.

(19) ASTM F2600–09(2018), ''Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing'', approved February 1, 2018, (ASTM F2600); IBR approved for item I, appendix B to this part.

(20) ASTM F2620–20ae2, ''Standard Practice for Heat Fusion Joining of Polyethylene Pipe and Fittings'', approved December 1, 2020, (ASTM F2620); IBR approved for §§ 192.281(c); 192.285(b).

(21) ASTM F2767–18, ''Standard Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution'', approved April 1, 2018, (ASTM F2767); IBR approved for item I, appendix B to this part.

(22) ASTM F2785–21, ''Standard Specification for Polyamide 12 Gas Pressure Pipe, Tubing, and Fittings'', approved July 1, 2021, (ASTM F2785); IBR approved for item I, appendix B to this part.

(23) ASTM F2817–13(2019), ''Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair'', approved May 1, 2019, (ASTM F2817); IBR approved for item I, appendix B to this part.

(24) ASTM F2945–18, ''Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings'', approved September 1, 2018, (ASTM F2945); IBR approved for item I, appendix B to this part.

* * * * *

(i) National Fire Protection Association (NFPA). 1 Batterymarch Park, Quincy, Massachusetts 02169; phone: (617) 984–7275; website: *www.nfpa.org/.*

(1) NFPA 30, ''Flammable and Combustible Liquids Code,'' 2021 Edition, ANSI-approved August 31, 2020, (NFPA 30); IBR approved for § 192.735(b).

* * * * *

(j) Pipeline Research Council International, Inc. (PRCI). 15059 Conference Center Drive Suite 130, Chantilly, VA 20151; phone: (703) 205–1600; website: *www.prci.org.*

* * * * *

(k) Plastics Pipe Institute, Inc. (PPI). 105 Decker Court, Suite 825, Irving, TX 75062; phone: (469) 499–1044; website: *www.plasticpipe.org/.*

(1) PPI TR–3/2021, ''Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Hydrostatic Design Stresses (HDS), Pressure Design Basis (PDB), Strength Design Basis (SDB), Minimum Required Strength (MRS) Ratings, and Categorized Required Strength (CRS) for Thermoplastic Piping Materials or Pipe,'' June 16, 2021, (PPI TR–3); IBR approved for § 192.121(a).

(2) PPI TR–4/2021, ''PPI HSB Listing of Hydrostatic Design Basis (HDB), Hydrostatic Design Stress (HDS), Strength Design Basis (SDB), Pressure Design Basis (PDB) and Minimum Required Strength (MRS) Ratings For Thermoplastic Piping Materials or Pipe,'' June 16, 2021, (PPI TR–4); IBR approved for § 192.121(b).

■ 7. Amend § 192.18 by revising paragraph (a)(2) to read as follows:

§ 192.18 How to notify PHMSA.

(a) * * *

(2) Sending the notification by mail to ATTN: Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, PHF–30, 1200 New Jersey Avenue SE, Washington, DC 20590.

* * * * *

■ 8. Amend § 192.113 by removing the entry for ''ASTM A 672'' and adding the entry ''ASTM A672/A672M'' in its place to read as follows:

§ 192.113 Longitudinal joint factor (*E*) for steel pipe.

* * * * *

Specification	Pipe class	Longitudinal joint factor (E)
* * * * * * *		
ASTM A672/A672M	Electric-fusion-welded	1.00
* * * * * * *		

* * * * *

§ 192.121 [Amended]

■ 9. Amend § 192.121 by:

■ a. In paragraph (a), removing the text ''PPI TR–3/2012'' and adding, in its place, the text ''PPI TR–3''; and

■ b. In paragraph (b)(4), removing the text ''PPI TR–4/2012'' and adding, in its place, the text ''PPI TR–4''.

§ 192.204 [Amended]

■ 10. Amend § 192.204(b) by removing the text ''ASTM F1973–13'' and adding, in its place, the text ''ASTM F1973''.

§ 192.281 [Amended]

■ 11. Amend § 192.281(b)(2) by removing the text ''ASTM D2564–12'' and adding, in its place, the text ''ASTM D2564''.

§ 192.283 [Amended]

■ 12. Amend § 192.283 by:

■ a. In paragraph (a)(1)(ii), removing the text ''ASTM D2517–00'' and adding, in its place, the text ''ASTMD2517''; and

■ b. In paragraph (a)(1)(iii), removing the text ''ASTM F1055–98(2006)'' and adding, in its place, the text ''ASTM F1055''.

§ 192.327 [Amended]

■ 13. Amend § 192.327(g) by removing the text ''§ 192.612(b)(3)'' and adding, in its place, the text ''§ 192.612(c)(3)''.

§ 192.493 [Amended]

■ 14. Amend § 192.493 by removing the text ''ANSI/ASNT'' and adding, in its place, the text ''ASNT''.

■ 15. Amend § 192.620 by revising paragraph (d)(7)(ii) to read as follows:

§ 192.620 Alternative maximum allowable operating pressure for certain steel pipelines.

* * * * *

(d) * * *

To address increased risk of a maximum allowable operating pressure based on higher stress levels in the following areas:	Take the following additional step:
* * * * * * *	
(7) * * *	* * * (ii) Remediate any construction damaged coating with a voltage drop classified as moderate or severe (IR drop greater than 35% for DCVG or 50 dBμv for ACVG) under Section 4 of NACE SP0502 (incorporated by reference, *see* § 192.7).
* * * * * * *	

* * * * *

■ 16. Amend appendix B to part 192 by:

■ a. In item I.A.:

■ i. Removing the text ''ASTM A672/A672M–09'' and adding, in its place, the text ''ASTM A672/A672M'';

■ ii. Removing the text ''D2513''Standard'' and adding, in its place, the text ''D2513 ''Standard'';

■ iii. Removing the text ''D 2517–00—Thermosetting plastic pipe and tubing,'' and adding, in its place, the text ''D2517'';

■ iv. Removing the text ''ASTM F2785–12'' and adding, in its place, for the text ''ASTM F2785'';

■ v. Removing the text ''ASTM F2817–10'' and adding, in its place, for the text ''ASTM F2817''; and

■ vi. Removing the text for ''ASTM F2945–12a'' and adding, in its place, for the text ''ASTM F2945''; and

■ b. Revising item I.B.

The revision reads as follows:

Appendix B to Part 192—Qualification of Pipe and Components

I. * * *

B. Other Listed Specifications for Components

ASME B16.40 ''Manually Operated Thermoplastic Gas Shutoffs and Valves in Gas Distribution Systems'' (incorporated by reference, see § 192.7).

ASTM D2513 ''Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings'' (incorporated by reference, see § 192.7).

ASTM D2517 ''Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings'' (incorporated by reference, see § 192.7).

ASTM F1055 ''Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene and Crosslinked Polyethylene (PEX) Pipe and Tubing'' (incorporated by reference, see § 192.7).

ASTM F1924 ''Standard Specification for Plastic Mechanical Fittings for Use on Outside Diameter Controlled Polyethylene Gas Distribution Pipe and Tubing'' (incorporated by reference, see § 192.7).

ASTM F1948 ''Standard Specification for Metallic Mechanical Fittings for Use on Outside Diameter Controlled Thermoplastic Gas Distribution Pipe and Tubing'' (incorporated by reference, see § 192.7).

ASTM F1973 ''Standard Specification for Factory Assembled Anodeless Risers and Transition Fittings in Polyethylene (PE) and Polyamide 11 (PA 11) and Polyamide 12 (PA 12) Fuel Gas Distribution Systems'' (incorporated by reference, see § 192.7).

ASTM F2145 ''Standard Specification for Polyamide 11 (PA 11) and Polyamide 12 (PA12) Mechanical Fittings for Use on Outside Diameter Controlled Polyamide 11 and Polyamide 12 Pipe and Tubing'' (incorporated by reference, see § 192.7).

ASTM F 2600 ''Standard Specification for Electrofusion Type Polyamide-11 Fittings for Outside Diameter Controlled Polyamide-11 Pipe and Tubing'' (incorporated by reference, see § 192.7).

ASTM F2767 ''Specification for Electrofusion Type Polyamide-12 Fittings for Outside Diameter Controlled Polyamide-12 Pipe and Tubing for Gas Distribution'' (incorporated by reference, see § 192.7).

ASTM F2785 ''Standard Specification for Polyamide 12 Gas Pressure Pipe, Tubing, and Fittings'' (PA–12) (incorporated by reference, see § 192.7).

ASTM F2817 ''Standard Specification for Poly (Vinyl Chloride) (PVC) Gas Pressure Pipe and Fittings for Maintenance or Repair'' (incorporated by reference, see § 192.7).

ASTM F2945 ''Standard Specification for Polyamide 11 Gas Pressure Pipe, Tubing, and Fittings'' (PA–11) (incorporated by reference, see § 192.7).

* * * * *

■ 17. Add appendix G to part 192 to read as follows:

Appendix G to Part 192—Guidance on Moderate Consequence Areas

I. List of Definitions

A. Other Principal Arterials

These roadways serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas. Unlike their access-controlled counterparts, these roadways can serve abutting land uses directly. Forms of access for other principal arterial roadways include driveways to specific parcels and at-grade intersections with other roadways. For the most part, roadways that fall into the top three functional classification categories (interstate, other freeways and expressways, and other principal arterials) provide similar service in both urban and rural areas. The primary difference is that multiple arterial routes usually serve a particular urban area, radiating out from the urban center to serve the surrounding region. In contrast, an expanse of a rural area of equal size would be served by a single arterial.

B. Minor Arterials

Minor arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher-arterial counterparts, and offer connectivity to the higher-arterial system. In an urban context, they interconnect and augment the higher-arterial system, provide intra-community continuity, and may carry local bus routes. In rural settings, minor arterials should be identified and spaced at intervals that are consistent with population density so that all developed areas are within a reasonable distance of a higher-level Arterial. Additionally, minor arterials in rural areas are typically designed to provide relatively high overall travel speeds, with minimum interference to through movement. The spacing of minor-arterial streets may typically vary from ⅛- to ½-mile in the central business district and between 2 and 3 miles in the suburban fringes. Normally, the spacing should not exceed 1 mile in fully developed areas.

C. Major and Minor Collectors

Collectors serve a critical role in the roadway network by gathering traffic from local roads and funneling it into the arterial network. Within the context of functional classification, collectors are broken down into two categories: major collectors and minor collectors. Until recently, this division was considered only in the rural environment. Currently, all collectors, regardless of whether they are within a rural area or an urban area, may be sub-stratified into major and minor categories. The determination regarding whether a given collector is a major or minor collector is frequently one of the biggest challenges in functionally classifying a roadway network. In the rural environment, collectors generally serve primarily intra-county travel (rather than statewide) and constitute those routes on which, independent of traffic volume, predominant travel distances are shorter than on arterial routes. Consequently, more moderate speeds may be posted. The distinctions between major collectors and minor collectors are often subtle. Generally, major-collector routes are longer in length, have lower connecting-driveway densities, have higher speed limits, are spaced at greater intervals, have higher annual average traffic volumes, and may have more travel lanes than their minor-collector counterparts. Careful consideration should be given to these factors when assigning a major or minor collector designation. In rural areas, annual average daily traffic and spacing may be the most significant designation factors. Since major collectors offer more mobility and minor collectors offer more access, it is beneficial to reexamine these two fundamental concepts of functional classification. Overall, the total mileage of major collectors is typically lower than the total mileage of minor collectors, while the total collector mileage is typically one-third of the local roadway network.

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

■ 18. The authority citation for part 195 continues to read as follows:

Authority: 30 U.S.C. 185(w)(3), 49 U.S.C. 5103, 60101 *et seq.,* and 49 CFR 1.97.

■ 19. Amend § 195.3 by:
■ a. Revising paragraph (a);
■ b. Revising the introductory text of paragraph (b) and paragraphs (b)(6), (11), (15) and (16), and (21) through (23);
■ c. Revising the introductory text of paragraph (c) and paragraph (c)(3);
■ d. Revising paragraph (d);
■ e. Removing paragraph (g) and redesignating paragraphs (e) and (f) as paragraphs (f) and (g);
■ f. Adding new paragraph (e);
■ g. Revising the introductory text of newly-redesignated paragraph (f) and newly-redesignated paragraph (f)(6);
■ h. In newly-redesignated paragraph (g) introductory text:
■ i. Removing the text ‘‘, phone:’’ and adding, in its place, the text ‘‘; phone:’’; and
■ ii. Removing the text ‘‘, website: http://’’ and adding, in its place, the text ‘‘; website:’’;
■ i. Revising paragraph (h); and
■ j. Revising the introductory text to paragraph (i).

The revisions and addition read as follows:

§ 195.3 What documents are incorporated by reference partly or wholly in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. The materials listed in this section have the full force of law. All approved incorporation by reference material (IBR) is available for inspection at the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the National Archives and Records Administration (NARA). Contact PHSMA at: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–4046; *www.phmsa.dot.gov/pipeline/regs.* For information on the availability of this material at NARA, email *frinspection@nara.gov* or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.* The material may be obtained from the sources in the following paragraphs of this section.

(b) American Petroleum Institute (API). 200 Massachusetts Avenue NW, Suite 1100, Washington, DC 20001–5571; phone: (202) 682–8000; website: *www.api.org/.*

* * * * *

(6) API Recommended Practice 652, ‘‘Linings of Aboveground Petroleum Storage Tank Bottoms,’’ 5th Edition, May 1, 2020, (API RP 652); IBR approved for § 195.579(d).

* * * * *

(11) API Recommended Practice 2003, ‘‘Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents,’’ 8th Edition, September 1, 2015, (API RP 2003); IBR approved for § 195.405(a).

* * * * *

(15) API Specification 12F, ‘‘Specification for Shop Welded Tanks for Storage of Production Liquids,’’ 13th Edition, January 1, 2019, (API Spec 12F); IBR approved for §§ 195.132(b); 195.205(b); 195.264(b), (e); 195.307(a); 195.565; 195.579(d).

(16) API Standard 510, ‘‘Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration,’’ 10th Edition, May 1, 2014, (API Std 510), Including Addendum 1 (May 2017) and Addendum 2 (March 2018); IBR approved for §§ 195.205(b); 195.432(c).

* * * * *

(21) API Standard 1163, ‘‘In-Line Inspection Systems Qualification’’, Second edition, April 2013, (API Std 1163); IBR approved for § 195.591.

(22) ANSI/API Standard 2000, ‘‘Venting Atmospheric and Low-pressure Storage Tanks,’’ 6th edition, November 2009, (ANSI/API Std 2000); IBR approved for § 195.264(e).

(23) API Standard 2510, ‘‘Design and Construction of LPG Installations,’’ 9th Edition, August 2020, (API Std 2510); IBR approved for §§ 195.132(b); 195.205(b); 195.264(b), (e); 195.307(e); 195.428(c); 195.432(c).

(c) American Society of Mechanical Engineers (ASME). Two Park Avenue, New York, NY 10016; phone: (800) 843–2763 (U.S/Canada); website: *www.asme.org/.*

* * * * *

(3) ASME B31.4–2019, ‘‘Pipeline Transportation Systems for Liquids and Slurries,’’ November 1, 2019, (ASME B31.4); IBR approved for § 195.110(a).

* * * * *

(d) American Society for Nondestructive Testing (ASNT). P.O. Box 28518, 1711 Arlingate Lane, Columbus, OH 43228; phone: (800) 222–2768; website: *www.asnt.org.*

(1) ASNT ILI–PQ–2017, ‘‘In-line Inspection Personnel Qualification and Certification,’’ January 1, 2018, (ASNT ILI–PQ); IBR approved for § 195.591.

(2) [Reserved]

(e) Association for Material Protection and Performance (AMPP) (formerly NACE). 1440 South Creek Drive, Houston, TX 77084; phone: (281) 228–6223 or (800) 797–6223; website: *www.ampp.org/.*

(1) NACE SP0169–2007, Standard Practice, ''Control of External Corrosion on Underground or Submerged Metallic Piping Systems'', reaffirmed March 15, 2007, (NACE SP0169); IBR approved for §§ 195.571; 195.573(a).

(2) ANSI/NACE SP0502–2010, Standard Practice, ''Pipeline External Corrosion Direct Assessment Methodology,'' June 24, 2010, (NACE SP0502); IBR approved for § 195.588(b).

(3) NACE SP0102–2017, ''In-Line Inspection of Pipelines,'' March 10, 2017, (NACE SP0102); IBR approved for §§ 195.120(a); 195.591.

(4) NACE SP0204–2008, ''Standard Practice, Stress Corrosion Cracking (SSC) Direct Assessment Methodology'', reaffirmed September 18, 2008, (NACE SP0204); IBR approved for § 195.588(c).

(f) ASTM International. 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428; phone: (610) 832–9585; website: *www.astm.org/.*

* * * * *

(6) ASTM A672/A672M–19, ''Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures,'' approved November 1, 2019, (ASTM A672/672M); IBR approved for § 195.106(e).

* * * * *

(h) National Fire Protection Association (NFPA). 1 Batterymarch Park, Quincy, MA 02169; phone: (800) 344–3555; website: *www.nfpa.org/.*

(1) NFPA 30, ''Flammable and Combustible Liquids Code,'' 2021 Edition, ANSI-approved August 31, 2020; IBR approved for § 195.264(b).

(2) [Reserved]

(i) Pipeline Research Council International, Inc. (PRCI). 15059 Conference Center Drive Suite 130, Chantilly, VA 20151; phone: (703) 205–1600; website: *www.prci.org.*

* * * * *

§ 195.54 [Amended]

■ 20. Amend § 195.54 by removing the text ''on DOT Form 7000–1'' wherever it appears and adding, in its place, the text ''on DOT Form 7000–1 or 7000–2, whichever is applicable''.

■ 21. Amend § 195.110 by revising paragraph (a) to read as follows:

§ 195.110 External loads.

(a) Anticipated external loads (*e.g.,* earthquakes, vibration, thermal expansion, and contraction) must be provided for in a pipeline system's design. Sections 401, 402, 403.3, and 403.9 of ASME B31.4 (incorporated by reference, *see* § 195.3) must be followed to provide for expansion and flexibility.

* * * * *

§ 195.264 [Amended]

■ 22. Amend § 192.264(b)(1) introductory text by removing the text ''NFPA–30'' and adding, in its place, the text ''NFPA 30''.

§ 195.307 [Amended]

■ 23. Amend § 192.307 by:

■ a. In paragraph (a), removing the text ''12 F'' and adding, in its place, the text ''12F'';

■ b. In paragraph (d), removing the text ''12 C'' and adding, in its place, the text ''12C''; and

■ c. In paragraph (e), removing the text ''or 2)'' and adding, in its place, the text ''or 2, incorporated by reference, see § 195.3)''.

■ 24. Revise § 195.591 to read as follows:

§ 195.591 In-Line inspection of pipelines.

When conducting in-line inspection of pipelines required by this part, each operator must comply with the requirements and recommendations of API Std 1163, ASNT ILI–PQ, and NACE SP0102 (all incorporated by reference, *see* § 195.3). An in-line inspection may also be conducted using tethered or remote-control tools provided they generally comply with those sections of NACE SP0102 that are applicable.

Issued in Washington, DC, on August 5, 2022, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2022–17219 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 87, No. 166
Monday, August 29, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

USDA Equity Commission

AGENCY: USDA.

ACTION: Notice of public and virtual meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the United States Department of Agriculture (USDA) and the Federal Advisory Committee Act (FACA), that a public meeting of the USDA Equity Commission (EC or Commission), Subcommittee for Agriculture and the Rural Community Economic Development Subcommittee will convene to continue its work reviewing USDA programs, services, and policies for the purpose of making recommendations for how the Department can improve access and advance equity. The Commission and Subcommittee are authorized under section 1006(b)(3) of the American Rescue Plan Act of 2021, Public Law 117–2 (the Act) and operates in compliance with the Federal Advisory Committee Act, as amended, 5 U.S.C. app. 2.

DATES: The EC meeting will be held on Wednesday, September 21 and Thursday, September 22, 2022, from 10 a.m. EST to 5:30 p.m. EST each day.

Meeting Access

The public can participate via a zoom meeting link. Access information will be provided to registered individuals via email. Detailed information can be found at: *https://www.usda.gov/equity-commission.*

FOR FURTHER INFORMATION CONTACT: Cecilia Hernandez, Designated Federal Officer, USDA Equity Commission, Office of the Deputy Secretary, 1400 Independence Avenue SW, Room 6006–S, Washington, DC 20250–0235; Phone: (202) 913–5907; Email: *Equitycommission@usda.gov.* Individuals who use telecommunication devices for the deaf (TDD) may call the FCC Telecommunications Relay Service (TRS) at 7–1–1 between 8 a.m. and 8 p.m., eastern standard time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 20, 2021, President Biden signed an Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and committed to creating the USDA Equity Commission as part of his rural agenda and commitment to closing the racial wealth gap and addressing longstanding inequities in agriculture. Section 1006 of the American Rescue Plan directed USDA to create the Equity Commission and provided funds sufficient to ensure the Commission is well staffed and positioned to deliver on its charge.

The USDA Equity Commission will advise the Secretary of Agriculture and provide USDA with an analysis of how its programs, policies, systems, structures, and practices contribute to barriers to inclusion or access, systemic discrimination, or exacerbate or perpetuate racial, economic, health and social disparities and recommendations for action. The Agriculture Subcommittee reports to the Equity Commission and provides recommendations on issues of concern related to agriculture. The Rural Community Economic Development Subcommittee, (RCED), will also report to the Equity Commission and will focus on issues related to rural community prosperity. The Equity Commission will deliver an interim report and provide actionable recommendations by the fall of 2022. A final report will be completed by the summer of 2023.

Meeting Agenda: The agenda items may include, but are not limited to, welcome and introductions; administrative matters; introduction of the Rural Community Economic Development Subcommittee; and deliberations and voting of recommendations to be included in the EC interim report. Please check the USDA Equity Commission website (*https://www.usda.gov/equity-commission*) for an agenda 24–48 hours prior to September 21st.

Register for the Meeting: The public is asked to pre-register for the meeting by visiting *https://www.usda.gov/equity-commission.* Your pre-registration must state: your name; organization or interest represented; if you are planning to give oral comments; and if you require special accommodations. USDA will also accept day-of registrations.

Oral Comments: The Commission is providing the public an opportunity to provide oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, September 9, 2022, and may only register for one speaking slot. Participants who wish to make oral comments must also be available to attend a tech-check the day before the meeting. Instructions for registering and participating in the meeting can be found on *https://www.usda.gov/equity-commission.*

Written Comments: Written public comments for consideration at the meeting will be accepted on or before 11:59 p.m. ET, September 9th. Comments submitted after this date will be provided to USDA, but the Commission may not have adequate time to consider those comments prior to the meeting. The USDA Equity Commission strongly prefers comments be submitted electronically. However, written comments may also be submitted (*i.e.,* postmarked) via mail to the person listed in the **FOR FURTHER INFORMATION CONTACT** section by or before the deadline. Written comments will be accepted up to 15 days after the meeting.

Availability of Materials for the Meeting: All written public comments received by October 7, 2022, will be compiled into a file and available for member review and be included in the meeting minutes. Duplicate comments from multiple individuals will appear as one comment, with a notation that multiple copies of the comment were received. Please visit *https://www.usda.gov/equity-commission* to view the agenda and/or minutes from this meeting.

Meeting Accommodations: USDA is committed to making its electronic and information technologies accessible to individuals with disabilities by meeting or exceeding the requirements of section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended. If you need reasonable accommodations, please make requests in advance for reasonable accommodations through the meeting

registration link on *https://www.usda.gov/equity-commission.* Determinations for reasonable accommodations will be made on a case-by-case basis.

Dated: August 23, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–18483 Filed 8–26–22; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for Fish Creek National Wild and Scenic River, Mt. Hood National Forest, Clackamas County, Oregon

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of availability.

SUMMARY: In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, is transmitting the final boundary of the Fish Creek National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: John Matthews, Regional Land Surveyor, by telephone at 503–808–2420 or via email at *john.matthews@usda.gov*. Alternatively, Michelle Lombardo on the Mt. Hood National Forest telephone at 971–303–2083 or via email at *michelle.lombardo@usda.gov*. Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The Fish Creek Wild and Scenic River boundary description is available for review on the Forest Service website: (*https://www.fs.usda.gov/main/mthood/landmanagemetn/planning*).

Due to COVID–19 health and safety protocols to protect employees and visitors, some Forest Service offices may be closed to the public; please contact the appropriate Forest Service office to determine if they are open or schedule an appointment prior to arrival. The Fish Creek Wild and Scenic River boundary is available for review at the following offices if arrangements are made in advance: USDA Forest Service, Yates Building, 14th and Independence Avenues SW, Washington, DC 20024, by telephone 800–832–1355; Pacific Northwest Regional Office, 1220 SW Third Avenue, Portland, OR 97204, by telephone 503–808–2468; and the Mt Hood National Forest Supervisor's Office, 16400 Champion Way, Sandy, OR 97055, by telephone 503–668–1700.

The Omnibus Public Land Management Act of 2009 (Pub. L. 111–11) of March 30, 2009, designated Fish Creek, Oregon as a National Wild and Scenic River, to be administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety days after Congress receives the transmittal.

Christopher French,

Deputy Chief, National Forest System, Forest Service.

[FR Doc. 2022–18536 Filed 8–26–22; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nebraska Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Thursday, September 8, 2022 at 4:00 p.m.–5:00 p.m. Central Time. The purpose for the meeting is to discuss potential civil rights topics for their first study of the 2021–2025 term.

DATES: The meeting will take place on Thursday, September 8, 2022, from 4:00 p.m.–5:00 p.m. Central Time.

Online Registration (Audio/Visual): Join ZoomGov Meeting *https://www.zoomgov.com/j/1615215513*

Telephone (Audio Only): Dial 833 568 8864 USA Toll Free; Access code: 161 521 5513#

FOR FURTHER INFORMATION CONTACT: Victoria Moreno at *vmoreno@usccr.gov* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through Zoom link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines and the Commission will not refund any incurred charges.

Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are 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 Victoria Moreno at *vmoreno@usccr.gov.* All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov*. Persons interested in the work of this Committee are advised to go to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or email address.

Agenda

I. Welcome and Roll Call

II. Chair's Comments

III. Discuss Civil Rights Topics

IV. Next Steps

V. Public Comment

VI. Adjournment

Dated: August 23, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–18493 Filed 8–26–22; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the West Virginia Advisory Committee; Cancellation

AGENCY: Commission on Civil Rights.

ACTION: Notice; cancellation of business meeting.

SUMMARY: The Commission on Civil Rights published a notice in the **Federal Register** concerning a meeting of the West Virginia Advisory Committee. The meeting scheduled for Tuesday, September 6, 2022, at 11:30 a.m. ET is cancelled. The notice is in the **Federal Register** of Monday, April 11, 2022, in FR Doc. 2022–07663, in the third column of page 21091 and the first column of page 21092.

FOR FURTHER INFORMATION CONTACT: Ivy Davis, DFO, at *idavis@usccr.gov* or (202) 376–7756.

Dated: August 24, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–18579 Filed 8–26–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Irina Morgovsky, Currently Incarcerated at: Inmate Number: 24239–111, FCI Dublin Federal Correctional Institution, 5701 8th St—Camp Parks, Dublin, CA 94568 and With an Address at: 1423 Avondale Road, Hillsborough, CA 94010

On October 31, 2018, in the U.S. District Court for the Northern District of California, Irina Morgovsky was convicted of violating section 38 of the Arms Export Control Act (22 U.S.C 2778) (''AECA'').[1] Specifically, Irina Morgovsky was convicted of, among other things, knowingly and willfully and intentionally conspiring to export components for the production of night-vision and thermal devices designated as defense articles on the United States Munitions List from the United States to Russia, without having first obtained from the Department of State a license for such export or written authorization for such export. As a result of her conviction, the Court sentenced Irina Morgovsky to 18 months in prison, three years of supervised release, a criminal fine of $15,000 and a $100 assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''), the export privileges of any person who has been convicted of certain offenses, including, but not limited to, section 38 of the AECA, may be denied for a period of up to ten (10) years from the date of his/her conviction. *See* 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Irina Morgovsky's conviction for violating section 38 of the AECA. BIS provided notice and opportunity for Irina Morgovsky to make a written submission to BIS, as provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Irina Morgovsky.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Irina Morgovsky's export privileges under the Regulations for a period of 10 years from the date of Irina Morgovsky's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Irina Morgovsky had an interest at the time of her conviction.[3]

Accordingly, it is hereby *Ordered*:

First, from the date of this Order until October 31, 2028, Irina Morgovsky, with last known addresses of: currently incarcerated at: Inmate Number: 24239–111, FCI Dublin, Federal Correctional Institution, 5701 8th St—Camp Parks, Dublin, CA 94568, and with an address at: 1423 Avondale Road, Hillsborough, CA 94010, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of ECRA (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Irina Morgovsky by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Irina Morgovsky may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Irina Morgovsky and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until October 31, 2028.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–18549 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction on September 22, 2020.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Naum Morgovsky, Currently Incarcerated at: Inmate Number: 92623–111, FMC Fort Worth Federal Medical Center, P.O. Box 15330, Fort Worth, TX 76119, and With an Address at: 1423 Avondale Road, Hillsborough, CA 94010

On November 13, 2018, in the U.S. District Court for the Northern District of California, Naum Morgovsky was convicted of violating section 38 of the Arms Export Control Act (22 U.S.C. 2778) (''AECA'').[1] Specifically, Naum Morgovsky was convicted of, among other things, knowingly and willfully and intentionally conspiring to export components for the production of night-vision and thermal devices designated as defense articles on the United States Munitions List from the United States to Russia, without having first obtained from the Department of State a license for such export or written authorization for such export. As a result of his conviction, the Court sentenced Naum Morgovsky to 108 months in prison, supervised release for three years, a criminal fine of $1,000,000 and a $300 assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''), the export privileges of any person who has been convicted of certain offenses, including, but not limited to, section 38 of the AECA, may be denied for a period of up to ten (10) years from the date of his/her conviction. *See* 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Naum Morgovsky's conviction for violating section 38 of the AECA. BIS provided notice and opportunity for Naum Morgovsky to make a written submission to BIS, as provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Naum Morgovsky.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Naum Morgovsky's export privileges under the Regulations for a period of 10 years from the date of Naum Morgovsky's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Naum Morgovsky had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until November 13, 2028, Naum Morgovsky, with last known addresses of: currently incarcerated at: Inmate Number: 92623–111, FMC Fort Worth, Federal Medical Center, P.O. Box 15330, Fort Worth, TX 76119, and with an address at: 1423 Avondale Road, Hillsborough, CA 94010, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of ECRA (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Naum Morgovsky by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Naum Morgovsky may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Naum Morgovsky and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until November 13, 2028.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–18551 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] The U.S. Court of Appeals for the Ninth Circuit affirmed the conviction on September 22, 2020.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Aaron Abraham Villa, 3415 Rivera Avenue, El Paso, TX 79905

On January 14, 2021, in the U.S. District Court for the Western District of Texas, Aaron Abraham Villa (''Villa'') was convicted of violating 18 U.S.C. 554(a). Specifically, Villa was convicted of knowingly and unlawfully concealing, buying, or facilitating the transportation and concealment or exportation of a Glock 21C .45 caliber, Roni pistol conversion kit and magazines, from the United States to Mexico, in violation of 18 U.S.C. 554. As a result of his conviction, the Court sentenced Villa to 18 months in prison, two years of supervised release, and a $100 court assessment

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Villa's conviction for violating 18 U.S.C. 554. As provided in section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Villa to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Villa.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Villa's export privileges under the Regulations for a period of five years from the date of Villa's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Villa had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until January 14, 2026, Aaron Abraham Villa, with a last known address of 3415 Rivera Avenue, El Paso, TX 79905, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Villa by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Villa may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Villa and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 14, 2026.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–18548 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

Bureau of Industry And Security

In the Matter of: Mr. Julio Cesar Vega-Amaral C Copill 11 Barr Del Composanto Tixtla, de Guerrero Guerrero, Mexico 39170; Order Denying Export Privileges

On February 12, 2020, in the U.S. District Court for the Southern District of Texas, Julio Cesar Vega-Amaral (''Vega-Amaral'') was convicted of violating 18 U.S.C. 554(a). Specifically, Vega-Amaral was convicted of knowingly attempting to export, and exporting, from the United States to the Mexico, merchandise, articles, and objects, to wit: 4,325 live rounds of ammunition consisting of various calibers, in violation of 18 U.S.C. 554. As a result of his conviction, the Court sentenced Vega-Amaral to 24 months in

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

prison, three years of supervised release, and a $100 court assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Vega-Amaral's conviction for violating 18 U.S.C. 554. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Vega-Amaral to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Vega-Amaral.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Vega-Amaral's export privileges under the Regulations for a period of seven years from the date of Vega-Amaral's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Vega-Amaral had an interest at the time of his conviction.[3]

Accordingly, it is hereby *Ordered*:

First, from the date of this Order until February 12, 2027, Julio Cesar Vega-Amaral, with a last known address of C Copill 11 Barr Del Composanto, Tixtla, de Guerrero Guerrero, Mexico 39170, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Vega-Amaral by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Vega-Amaral may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Vega-Amaral and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until February 12, 2027.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–18550 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to recent amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Ronald Adjei Danso, 961 West Prosperity Avenue, Salt Lake City, UT 84116

On September 15, 2020, in the U.S. District Court for the District of Utah, Ronald Adjei Danso (''Danso'') was convicted of violating section 38 of the Arms Export Control Act (22 U.S.C 2778) (''AECA''). Specifically, Danso was convicted of knowingly and willfully attempting to export from the United States to the Republic of Ghana 20 firearms, which are designated as defense articles on the United States Munitions List, without first obtaining from the Department of State a license for such export or written authorization. As a result of his conviction, the Court sentenced Danso to three years of probation and a $100 assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (''ECRA''), the export privileges of any person who has been convicted of certain offenses, including, but not limited to, section 38 of the AECA, may be denied for a period of up to ten (10) years from the date of his/her conviction. *See* 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Danso's conviction for violating section 38 of the AECA. BIS provided notice and opportunity for Danso to make a written submission to BIS, as provided in

section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[1] BIS has received and considered a written submission from Danso.

Based upon my review of the record, including Danso's submission, and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Danso's export privileges under the Regulations for a period of five years from the date of Danso's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Danso had an interest at the time of his conviction.[2]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until September 15, 2025, Ronald Adjei Danso, with a last known address of 961 West Prosperity Avenue, Salt Lake City, UT 84116, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to section 1760(e) of ECRA (50 U.S.C. 4819(e)) and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Danso by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Danso may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Danso and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 15, 2025.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–18552 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2022).

[2] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Deep Seabed Mining: Approval of Exploration License Extensions

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of extension of deep seabed hard mineral exploration licenses.

SUMMARY: NOAA is announcing the approval of a five-year extension request for two deep seabed hard mineral exploration licenses issued under the Deep Seabed Hard Mineral Resources Act (DSHMRA). The decision to approve the extensions follows a review of the request and activities performed by the Licensee pursuant to the exploration plan for the licenses, the proposed exploration plan, comments submitted on the request, and a determination that the Licensee has substantially complied with the licenses, their terms, conditions and restrictions, and the associated exploration plan. No at-sea exploration activities are authorized by these extensions without prior written authorization and further environmental review by NOAA.

FOR FURTHER INFORMATION CONTACT: Kerry Kehoe, 240–560–8518, *Kerry.Kehoe@noaa.gov.*

SUPPLEMENTARY INFORMATION: On January 31, 2022, Lockheed Martin Corporation (Licensee or ''LMC'') requested that NOAA extend LMC's two DSHMRA exploration licenses. The licenses are known as USA–1 and USA–4.

When originally issued by NOAA in 1984, USA–1 and USA–4 were for a term of ten years. DSHMRA requires that requests to extend exploration licenses be approved every five years if the licensee has substantially complied with the licenses, their terms, conditions and restrictions, and the associated exploration plan.

On March 18, 2022, NOAA published a **Federal Register** notice (FRN) announcing the receipt of LMC's extension request for USA–1 and USA–4, and soliciting comments on whether the Licensee has met the statutory requirement of showing substantial compliance (87 FR 15408). NOAA also solicited comments from the Western Pacific Fisheries Management Council (WPFMC) and the U.S. Department of

State. NOAA's response to comments is included in this notice.

Upon determining that the Licensee has substantially complied with the licenses, their terms, conditions and restrictions, and the associated exploration plan, and that the extension of these licenses qualifies for a categorical exclusion pursuant to National Environmental Policy Act (NEPA), NOAA has approved a five-year extension of the licenses through June 2, 2027. The extension maintains the proprietary interests that the licenses confer upon the Licensee but does not authorize LMC to conduct at-sea exploration activities pursuant to the licenses. Prior written authorization and further environmental review by NOAA is required before any at-sea exploration may be undertaken pursuant to these licenses.

Response to Comments: As noted above, in addition to the FRN requesting comments on the extension request, comments were solicited from WPFMC and the U.S. Department of State. No comments were received from the WPFMC. The Department of State reviewed the request and had no objections or comments.

NOAA received one response to the FRN request for comments which was a joint letter by various organizations opposed to deep seabed mining and urging NOAA to deny the extension request and cancel the exploration licenses. The comments focused on three themes, all of which are asserted to support the conclusion that NOAA should deny the extension request and cancel the exploration licenses: (1) the environmental impacts of deep seabed mining are unacceptable; (2) there is too little known about the deep seabed environment and ecosystem to determine whether impacts would be acceptable; and (3) the designation by the International Seabed Authority of an Area of Particular Environmental Interest that partially overlaps with the USA–1 exploration license should preclude exploration activities in that area of the license. The comments are summarized below with responses by the NOAA Office for Coastal Management.

Comment: Deep seabed mining poses innumerable risks to the ocean environment and the fragile ecology of the deep sea, and the Biden administration should decline to extend these licenses due to the lasting and permanent damage they could inflict on the world's oceans.

Response: NOAA agrees that deep seabed mining may pose risks to the ocean environment and ecology of the deep sea, and that any proposal to conduct deep seabed mining needs to be carefully considered; however, these DSHMRA exploration licenses do not authorize mining. As noted in the FRN announcing the extension request and soliciting comments, no at-sea activities may be conducted pursuant to these exploration licenses without further environmental review and additional prior written authorization by NOAA. Further, pursuant to the applicable requirements of DSHMRA, NOAA is obligated to extend existing exploration licenses where, as here, a licensee has ''substantially complied with the license and exploration plan and has requested an extension of the license.'' See 30 U.S.C. 1417.

Comment: Deep sea mining poses a very large risk. We may not understand its environmental impacts until after it has caused long-lasting damage to the marine environment. There are few categories of publicly available scientific knowledge comprehensive enough to enable evidence-based decision-making regarding environmental management. Marine scientists are just on the forefront of understanding deep sea species and environmental function, and there remains little known about how far species range, how populations are connected, and the potential impacts of spreading sediment plumes. Further information on deep-sea environmental baselines and mining impacts is critical for this emerging industry. Closing the scientific gaps related to deep seabed mining is a monumental task that is essential to fulfilling the overarching obligation to prevent serious harm and ensure effective protection, and will require clear direction, substantial resources, and robust coordination and collaboration. DSHMRA requires that any exploration and recovery activities ''protect the quality of the environment.'' There is insufficient information for NOAA to proceed with issuance of deep seabed mining licenses and permits.

Response: Exploration activities and their effects are distinct from mining for commercial recovery. Exploration is a means to close scientific gaps so that licensees and decision makers can be better informed if and when mining for commercial recovery is actually proposed. In addition, as noted above, no at-sea activities may be conducted pursuant to these exploration licenses without further environmental review and authorization by NOAA. Any additional authorization by NOAA would occur only after a determination that proposed activities cannot reasonably be expected to result in a significant adverse effect on the quality of the environment. See 30 U.S.C. 1415(a)(4).

NOAA supports the development of additional scientific knowledge to better inform evidence-based decision-making for deep seabed mining. Decision-making on seabed mining should be guided by the best available scientific information on the marine environment and ecosystem, and the risks posed by mining and associated operational practices. Where information is lacking, NOAA will seek to support necessary data collection and synthesis, leveraging Federal, non-Federal, and Indigenous expertise and partnerships, and ensure resulting Federal data and information are publicly accessible and transparent.

Comment: The areas at issue in Lockheed Martin's licenses, USA–1 and USA–4, are particularly sensitive and are not suitable for deep sea mining. At the December 2021, meeting of the International Seabed Authority (ISA), the ISA's Legal and Technical Commission recommended that four areas within the Clarion Clipperton Zone be added to a network of ''Areas of Particular Environmental Interest'' (APEI), also known as protected areas. These areas would be added to nine existing APEIs which would not be subject to exploitation contracts through the ISA. One of the new protected areas (APEI–13) overlaps with one of Lockheed's leases under DSHMRA, and calls into question whether the United States should continue to authorize mining in an area that the ISA has determined to be an important ecosystem of unique biodiversity. Upon this backdrop, and because there is no way deep sea mining can be done safely, we urge NOAA to deny Lockheed Martin's request for extension of its licenses in the Clarion Clipperton Zone of the Pacific Ocean.

Response: The overlapping designation of an Area of Particular Environmental Interest by the International Seabed Authority will be considered if and when at-sea exploration activities are proposed by the Licensee. Again, additional activities will be allowed only if NOAA determines that those activities cannot reasonably be expected to result in significant adverse effect on the quality of the environment.

Comment: If the Biden Administration aspires towards becoming a party to the United Nations Convention on the Law of the Sea in order to participate more fully and actively in the activities of the International Seabed Authority, NOAA must cancel Lockheed Martin's licenses under DSHMRA. This action is consistent with the mandate of

DSHMRA to protect the environment, and signals a willingness to the international community to abide by the international standards of protection that will preserve the marine environment from the harmful impacts of mining activities.

Response: As noted above, NOAA is statutorily obligated to approve extension requests for exploration licenses for five years upon a finding that the licensee has met the terms and conditions of the licenses, and associated exploration plan.

NOAA recognizes the importance of a stable, science-based, internationally recognized regulatory framework for seabed mining that is harmonious with the U.S. seabed mining regulatory regime and ensures effective protection for the marine environment from harmful effects of seabed mining activities.

Nicole R. LeBoeuf,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–18518 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC294]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt of applications; for 14 permit renewals and 3 new permits.

SUMMARY: Notice is hereby given that NMFS has received 17 scientific research permit application requests relating to Pacific salmon, steelhead, green sturgeon, and eulachon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm.*

DATES: Comments or requests for a public hearing on the applications must be received at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time on September 28, 2022.

ADDRESSES: All written comments on the applications should be sent by email to *nmfs.wcr-apps@noaa.gov* (please include the permit number in the subject line of the email).

FOR FURTHER INFORMATION CONTACT: Diana Dishman, Portland, OR (ph.: 503–736–4466), email: *Diana.Dishman@noaa.gov*). Permit application instructions are available from the address above, or online at *https://apps.nmfs.noaa.gov.*

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Puget Sound (PS); threatened Snake River (SnkR) spring/summer-run; endangered Upper Columbia River (UCR) spring-run; threatened Upper Willamette River (UWR), threatened Central Valley spring-run (CVS); endangered Sacramento River (SacR) winter-run; threatened California Coastal (CC).

Steelhead (*O. mykiss*): Threatened Middle Columbia River (MCR); threatened PS; threatened SnkR; threatened UCR; threatened UWR; threatened Central California Coast (CCC); threatened California Central Valley (CCV); threatened South-Central California Coast (S–CCC).

Chum salmon (*O. keta*): Threatened Hood Canal Summer-run (HCS).

Coho salmon (*O. kisutch*): Threatened Oregon Coast (OC); endangered Central California Coast (CCC).

Sockeye salmon (*O. nerka*): Endangered SnkR.

Eulachon (*Thaleichthys pacificus*): Threatened southern (S).

Green sturgeon (*Acipenser medirostris*): Threatened southern Distinct Population Segment (SDPS).

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1124–7R

Under permit 1124–7R, the Idaho Department of Fish and Game (IDFG) is seeking to renew for 5 years a permit that would authorize them to continue five research projects they have been conducting in the Snake River basin for over 20 years. The permit would continue to cover the following actions: one general fish population inventory; one project designed to monitor SnkR spr/sum Chinook salmon natural production; one project researching kokanee and SnkR sockeye salmon populations in three lakes in the upper Salmon River subbasin; one project monitoring salmon and steelhead fish health; and one project monitoring natural steelhead production. Under the permit, the IDFG would continue to take adult and juvenile SnkR spr/sum Chinook salmon, SnkR steelhead, and SnkR sockeye salmon in mainstem and tributary habitat throughout the Snake, Clearwater, and Salmon River subbasins.

Juveniles would be collected via screw trap, hook-and-line angling, backpack electrofishing and, in the Stanley Basin lakes, midwater trawls. Juvenile fish would be captured, handled (anesthetized, weighed, measured, and checked for marks or tags), and released. A subsample of captured juveniles would be anesthetized, tissue sampled and implanted with passive integrated transponder (PIT) tags before being released. A further subsample of captured sockeye juveniles would be intentionally sacrificed for genetic analysis. Adults captured at traps and weirs would be handled (anesthetized, weighed, measured, and checked for marks or tags), and released. In addition, tissues may be collected from carcasses encountered during spawning surveys. Other than the juveniles that would be sacrificed for genetic analysis, the researchers are not planning to kill any additional listed fish, however a further small number may be killed as an inadvertent result of the proposed activities.

Permit 1585–5R

Under permit 1585–5R the Washington Department of Natural Resources (WDNR) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile PS Chinook salmon, PS

steelhead, HCS chum salmon, and southern DPS eulachon in streams on WDNR land in the central Puget Sound Basin (Mason, Kitsap, King, Pierce, Thurston, Snohomish and Lewis counties in Washington). The purpose of the work is to determine whether listed fish are present in the small streams of those watersheds. Juvenile salmonids would be collected via backpack electrofishing, handled (anesthetized, weighed, measured, and checked for marks or tags), and released. The permit would also allow WDNR to take adult Southern DPS eulachon—a species for which there are currently no take prohibitions—where they may be encountered in the Lower Chehalis River. Eulachon are not being targeted but may unintentionally be captured.

The captured fish would be identified and released back to the waters from which they came. In some cases, the researchers may not actually capture any fish but would merely note their presence, however electrofishing where listed species are observed would still be reported as take. The researchers are not proposing to kill any of the listed fish being taken, but a small number may be killed as an inadvertent result of these activities. The information gathered would be used to inform land management decisions on WDNR holdings. This information would benefit listed species by helping WDNR identify existing man-made fish barriers that should be removed or replaced with structures that fish can pass over or through.

Permit 14283–4R

Under permit 14283–4R, Environmental Assessment Services (EAS) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile and adult UCR spring-run Chinook salmon, UCR steelhead, and MCR steelhead to support the U.S. Department of Energy's Hanford Site Cleanup Mission and regulatory drivers under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The research would take place various locations in the Columbia River, extending from a point upstream of Wanapum Dam to an area a few kilometers above the confluence of the Columbia and Yakima Rivers. Juveniles would be collected via backpack electrofishing, boat electrofishing, hook-and-line angling, longline, and beach seine. Juvenile fish would be captured, handled (anesthetized, weighed, measured, and checked for marks or tags), and released. Adults would be collected via hook and line angling, longline, and beach seine. No adults would be captured during electrofishing activities, and if any were to be encountered, the equipment would immediately be turned off and the fish allowed to swim away. Captured adults would be handled (anesthetized, weighed, measured, and checked for marks or tags), and released. The research would benefit listed fish by helping monitor and reduce contamination from the Hanford Nuclear Reservation. The researchers do not propose to kill any listed fish but a small number may inadvertently be killed by the activities.

Permit 15730–3R

Under permit 15730–3R the Salmon Protection and Watershed Network (SPAWN) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile CC Chinook salmon, CCC coho salmon, and CCC steelhead in Lagunitas Creek and its tributaries in Marin County, California, in order to provide baseline, habitat, and monitoring data for juvenile and adult ESA-listed salmonids throughout the CCC coho range. Juveniles would be collected via fyke net and would be captured, handled (enumerated, measured, and checked for marks or tags), and released. A subsample of captured juveniles would be anesthetized, tissue sampled, and marked before being released. Spawned adults or post-spawn carcasses would be enumerated during spawning surveys, and tissue samples may be collected. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities. The research is expected to benefit listed species by providing data to inform future research, restoration, and conservation efforts involving *Oncorhynchus* species.

Permit 16110–3R

Under permit 16110–3R the Marin Municipal Water District (Marin Water) is seeking to renew for 5 years a permit that would authorize them to continue to take adult and juvenile CC Chinook salmon, CCC coho salmon, and CCC steelhead in order to document trends in coho salmon abundance, determine freshwater and marine survival rates for coho salmon, assess the relationship between population trends and management efforts, and determine which coho life stage has the lowest survival rates. Juveniles would be collected via screw trap and backpack electrofishing and observed during snorkel surveys. Juvenile fish would be captured, handled (enumerated, measured, and checked for marks or tags), and released. A subsample of captured juveniles would be anesthetized, tissue sampled and PIT-tagged prior to release.

Adults would be observed during snorkel surveys and spawning surveys and, although screw traps do not target adult fish, some adult CCC steelhead moving downstream may be collected at a screw trap in Lagunitas Creek. Any adults collected in this way would be handled (enumerated, checked for marks or tags), and released. Spawned adults or post-spawn carcasses would be enumerated during spawning surveys, and tissues may be collected from any carcasses at that time. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities. This research is expected to benefit the listed species by providing information on population trends in watersheds impacted by Marin Water's water supply operations and thereby help managers tailor those operations in ways designed to help achieve recovery goals.

Permit 16417–4R

Under permit 16417–4R the Santa Clara Valley Water District (SCVWD) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile and adult CCC steelhead and juvenile S–CCC steelhead in the Coyote Creek, Guadalupe River, Pajaro Creek, and Stevens Creek watersheds and Lake Almaden. The work would continue to help fill data gaps with regard to *O. mykiss* distribution and habitat usage in Santa Clara County, California. The data to be gathered would also be used to improve understanding of fish migrations in the context of SCVWD water operations and monitor efforts to remediate total maximum daily mercury loads in the county.

Juveniles would be collected via beach seining and backpack electrofishing, and observations would be conducted at weirs, fish ladders, and dams where no trapping occurs. Captured juvenile fish would be handled (anesthetized, weighed, measured, and checked for marks or tags), enumerated, and released. A subsample of captured juveniles would be anesthetized, tissue sampled and PIT-tagged prior to release. Spawning surveys would be conducted without disturbing redds, and adults would be observed (live and by video) at weirs, fish ladders, dams. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities. The research is

expected to benefit listed species by improving alignment of water supply management and fisheries needs to help steelhead survive and recover.

Permit 16446–3R

Under permit 16446–3R, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile MCR steelhead during the course of research designed to monitor listed fish population status in the Walla Walla River watershed, Washington. The data gathered on fish abundance, trends, genetics, diversity, productivity, and population structure would be used to inform management decisions regarding land use activities and recovery planning in the Walla Walla subbasin. The researchers would use rotary screw traps and backpack electrofishing units to capture the fish. At the screw traps, the fish would then be identified, measured, weighed, tissue sampled, and implanted with PIT-Tags (if they do not already have tags). Fish captured via electrofishing would be handled, measured, allowed to recover, and released in a safe area. Some adult carcasses would also be sampled. If fish are found in areas experiencing low flows, those fish could be relocated to safer areas. The CTUIR researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities.

Permit 16979–3R

Under permit 16979–3R, the Washington Department of Fish and Wildlife (WDFW) is seeking to renew for 5 years a permit that would authorize them to continue to take adult and juvenile UCR spring-run Chinook salmon and UCR steelhead while collecting data on their abundance, status, distribution, diversity, species/ecological interactions, and behavior in the Columbia River—from its confluence with the Yakima River upstream to Chief Joseph Dam in Washington. The research would benefit fish by helping managers (a) understand the distribution and proportion of hatchery and natural origin steelhead, and Chinook in UCR tributaries, (b) understand the influences of other biotic and abiotic factors with respect to recovering listed species, (c) understand the potential effects of proposed land use practices, (d) determine appropriate regulatory and habitat protection measures in the areas where land use actions are planned, (e) project the impacts of potential hydraulic projects, and (f) evaluate the effectiveness of local forest practices and instream habitat improvement projects in terms of their ability to protect and enhance listed salmonid populations.

The WDFW researchers would capture fish via a wide variety of means (snorkeling, dip netting, seining, using electrofishing equipment, traps and weirs, and barbless hook-and-line sampling). The captured fish would be variously tissue sampled, measured, tagged, allowed to recover, and released. The researchers do not intend to kill any of the fish being captured, but a small percentage of them may inadvertently be killed as a result of the proposed activities.

Permit 17428–4R

Under permit 17428–4R, the Pacific States Marine Fisheries Commission (PSMFC) is seeking to renew for 5 years a permit that would authorize them to continue to take adult SacR winter-run Chinook salmon and CVS Chinook salmon, and juvenile and adult CCV steelhead in the lower American River and lower Stanislaus River, California, in order to monitor the abundance of juvenile salmon, infer biological responses to ongoing habitat restoration activities, and generate data for salmon life-cycle models. Juveniles would be collected via screw trap and would be handled (anesthetized, enumerated, measured, and checked for marks or tags), and released. A subsample of captured juveniles would be anesthetized, tissue sampled, and PIT-tagged prior to release. Although screw traps do not target adult fish, some adult steelhead moving downstream may be collected at screw traps. Any adults collected in this way would be handled (enumerated, checked for marks or tags), and released. Spawned adults or post-spawn carcasses that drift into the screw traps would also be enumerated and tissues may be collected from any carcasses encountered.

The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities. This work would benefit listed species by providing information on whether management activities should be modified to enhance the abundance, production, condition, and survival of juvenile CVS Chinook Salmon and CCV Steelhead in the American and Stanislaus Rivers. Improving life-cycle models would also provide insight on factors affecting abundance and help managers develop actions to address and mitigate those factors.

Permit 17851–4R

Under permit 17851–4R, the Coastal Watershed Institute (CWI) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile PS Chinook salmon, PS steelhead, HCS chum salmon, and southern DPS eulachon at the estuary of the Elwha River, Washington. The purpose of the work is to define the nearshore restoration response to Elwha dam removals—with an emphasis on ecological function of nearshore habitats for juvenile salmon and forage fish. Juvenile salmonids would be collected via beach seine, handled (identified, weighed, measured, and checked for marks or tags), and released. The permit would also allow CWI to take adult Southern DPS eulachon—a species for which there are currently no take prohibitions—via beach seine. Eulachon are not being targeted but may unintentionally be captured, and would be handled and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities.

This research would provide information beneficial to ESA-listed and unlisted native fish by defining nearshore habitat use by key species before, during, and after dam removal. This information will allow managers to identify if adaptive management, sediment management, or additional restoration considerations are warranted in the Elwha River estuary following dam removal. This work will also provide information on nearshore habitat response to dam removal that is relevant to co-managers of other ESA-listed salmon and steelhead on the West Coast.

Permit 18001–4R

Under permit 18001–4R, the Pierce County, Washington, Department of Public Works and Utilities (Pierce County) is seeking to renew for 5 years a permit that would authorize them to continue to take adult PS Chinook salmon and PS steelhead in the waterways of Pierce County, Washington, in order to determine the distribution and diversity of anadromous fish species in the waterbodies adjacent to and within the County's jurisdiction. Juvenile salmonids would primarily be collected via beach seine and backpack electrofishing, although fish capture methods could also include dip nets or minnow traps. Juvenile fish would be captured, handled (weighed, measured, and checked for marks or tags), and released. Adults could also potentially

be encountered during beach seining and, if they are, adult PS Chinook salmon and PS steelhead would be handled (weighed, measured, and checked for marks or tags), and released. All captured fish would be released into the same stream reach from which they were collected. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

These surveys would help establish listed salmonid presence in waterbodies about which this is currently little or inconclusive data. This information would be used to assess the impacts proposed projects might have on listed species and to guide decisions on where future projects should be implemented. The research would benefit PS Chinook salmon and PS steelhead by helping Pierce County develop a best management practices program, codify in-water work timing windows that would minimize harm to listed fish, and plan future habitat enhancement projects.

Permit 20792–2R

Under permit 20792–2R, FISHBIO is seeking to renew a permit that would authorize them to continue to take adult CVS Chinook salmon, CCV steelhead, and southern DPS green sturgeon in the San Joaquin River and South Delta in California in order to detail the relative abundance and distribution of predatory fishes (*i.e.,* striped, largemouth, spotted, and smallmouth bass, and catfishes) and characterize the diets of predators to determine how habitat and environmental conditions affect the composition of the non-native fish community. Data collected on non-native resident fishes will help identify areas of elevated predator abundance and improve understanding of predation impacts on juvenile salmonids migrating through this region. Listed species are not being targeted by this work, although some may be unintentionally encountered or captured. Juveniles and adults would be collected via boat electrofishing, and those captured would be handled (enumerated, measured, checked for marks or tags), their health assessed, and released. No listed species would be tagged during the course of this study; any captured listed species would be measured and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of juveniles may be killed as an inadvertent result of these activities. This project is likely to benefit listed species by better delineating the abundance and distribution of non-native fish species that prey upon them.

Permit 21571–3R

Under permit 21571–3R, The United States Geological Survey (USGS) is seeking to renew for 5 years a permit to conduct research on migration survival among MCR steelhead in the Yakima River system in Washington State. The research would look at how well the listed fish are surviving passage through various reaches of the Yakima River. The USGS researchers would capture juvenile MCR steelhead and tag them with acoustic and PIT tags. They would then use PIT tag detectors and acoustic receivers to follow the fish as they move downstream. The researchers would also use boat electrofishing equipment to count predators in several reaches, but they would not use that equipment to capture any listed animals for handling and adult steelhead would be avoided in all cases.

The research would benefit the listed fish by helping managers understand what survival risks the young salmonids face when migrating downriver in the Yakima system. River co-managers would then be able to use that information to take actions designed to increase fish survival. The USGS researchers do not intend to kill any listed animals, but a small number may die as an inadvertent result of the planned activities.

Permit 22127–2R

Under permit 22127–2R, the U.S. Fish and Wildlife Service (USFWS) is seeking to renew for 5 years a permit that would authorize them to continue to take juvenile and adult PS Chinook salmon and PS steelhead in the Puyallup River basin (Pierce and King Counties, Washington), in order to gather information about bull trout (*Salvelinus confluentus*) movement and life history strategies in the basin. Bull trout are listed under the ESA and managed by USFWS. This research is not targeting ESA-listed fish under NMFS' jurisdiction (PS Chinook salmon and PS steelhead), but a small number may be unintentionally captured because their ranges overlap the target species. Juveniles may be collected via backpack electrofishing, gill net, and beach seine, and adults may be collected via gill net. Any adult or juvenile PS Chinook salmon or PS steelhead captured would be immediately released. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities. While this work is intended to benefit listed bull trout by providing fine-scale information about their movement timing and upstream residency, any management and recovery actions informed by this work would likely also benefit PS Chinook salmon and PS steelhead due to their overlapping ranges and habitats.

Permit 26368

Under permit 26368, Idaho State University is seeking a new 5 year permit that would authorize them to annually take juvenile MCR steelhead, SnkR spring/summer-run Chinook salmon, SnkR steelhead, UWR Chinook salmon, UWR steelhead, and OC coho salmon at more than a dozen locations from Idaho to western Oregon. The purpose of the research is to conduct a range-wide comparison of native Rainbow Trout population genetics and structure across much of western North America. The work would benefit listed fish (primarily steelhead) by providing of information about population and subspecies structure, local biodiversity in a variety of settings, and some measure of how intra- and inter-species variability contribute to ecosystem maintenance. That information, in turn, would be used to monitor and adjust for variances in species diversity and population structure and health across a broad section of the listed species' habitat.

The juvenile fish would be collected via backpack electrofishing and hook-and-line angling. Only juvenile steelhead would be captured, handled (anesthetized, weighed, measured, and checked for marks or tags), sampled, and released. All other captured listed fish would be allowed to recover in aerated water and then released immediately. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

Permit 26412

Under permit 26412, FISHBIO, Inc. is seeking a new 5 year permit that would authorize them to annually take juvenile and adult SacR winter-run Chinook salmon, CVS Chinook salmon, and CCV steelhead, and adult southern DPS green sturgeon in the upper Sacramento River, in Glenn, Butte, and Tehama Counties, California. The purpose of this study is to provide new information or bolster limited existing information on the residency, movement patterns, and spatiotemporal distributions of juvenile non-native Striped bass (*Morone saxatilis*) in the upper reaches of the Sacramento River. ESA-listed fish are not being targeted by this sampling

effort, although some of them may be unintentionally captured as their range overlaps with Striped bass in the study area.

ESA-listed salmon, steelhead, and sturgeon may be collected via hook-and-line angling or observed by camera or sonar. All listed fish captured would be handled (enumerated, measured, and checked for marks or tags), and released. Sampling would be limited to 6 to 10 days per month, and the permit would authorize no mortalities for listed fish. The information to be gathered is expected to benefit listed species by providing resource managers data to help them assess predation risks to outmigrating salmonids and juvenile southern DPS green sturgeon in the Sacramento River.

Permit 26626

Under permit 26626, the National Park Service (NPS) is seeking a new 5 year permit that would authorize them to annually take adult and juvenile PS Chinook salmon and PS steelhead, as well as subadult PS steelhead and spawned carcasses of both species, in the Elwha River Basin in Clallam County, Washington. The purpose of the study is to continue monitoring the recolonization of Pacific salmonids and lamprey after dam removal in the Elwha River. The majority of fish encountered during this study would be observed during snorkel surveys but not handled. Small numbers of juveniles of both species would be collected via backpack electrofishing, and captured juveniles would be anesthetized, tissue-sampled and marked prior to release. Adult PS Chinook salmon and PS steelhead would be collected via tangle net and hook-and-line angling in addition to observations during snorkel surveys. Captured adults would be anesthetized, tissue sampled, and tagged with a Floy, internal radio, or external radio tag prior to release. Spawned adults and post-spawn carcasses would be counted during spawning surveys. Subadult PS steelhead would also be observed during snorkel surveys and captured via tangle nets and hook-and-line angling; these fish would also be anesthetized, tissue sampled, and tagged with a Floy, internal radio, or external radio tag prior to release. The researchers are not proposing to kill any of the listed fish being captured, but a small number may be killed as an inadvertent result of these activities.

The information gathered from this work would help scientists and managers assess spatial extent, relative abundance, migration patterns, and life history attributes of Pacific salmonids and map how those factors relate to four stages of restoration in the Elwha River: protection, recolonization, local adaptation, and recovered. This project is designed to generate data for assessing the life history responses of migratory salmonids to dam removal, and the work would help resource managers involved with the Elwha Ecosystem Restoration Project better carry out PS steelhead and Chinook recovery actions.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: August 23, 2022.

Lisa Manning,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–18481 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC313]

Marine Mammals; File No. 26602

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Alison Stimpert, Ph.D., Moss Landing Marine Laboratories, 8272 Moss Landing Rd, Moss Landing, CA 95039, has applied in due form for a permit to conduct research on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before September 28, 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. 26602 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 26602 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: 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.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a 5-year permit to take marine mammals in the Pacific Ocean to describe fine-scale foraging, determine types of acoustic behavior and how these are affected by anthropogenic noise, characterize populations, increase understanding of biomechanics and physiology, and assess impacts of offshore wind energy systems. Up to 14 species of cetaceans may be targeted for research including the following ESA-listed species: blue (*Balaenoptera musculus*), fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus;* Western North Pacific distinct population segment [DPS]); humpback (*Megaptera novaeangliae;* Western North Pacific, Mexico, and Central America DPSs), and sperm (*Physeter macrocephalus*) whales. Researchers would conduct vessel surveys, including unmanned aircraft systems, for observations, photography and video recording, photo-identification, photogrammetry, passive acoustic recording, prey mapping, biological sampling (sloughed skin and skin and blubber biopsy), tagging (suction-cup and dart tags), and tracking. Two species of non-listed pinnipeds may be harassed during research. See the application for numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 23, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–18495 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Establishing an Advisory Council Pursuant to the National Marine Sanctuaries Act and Solicitation for Applications for the Wisconsin Shipwreck Coast National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of solicitation.

SUMMARY: Notice is hereby given that NOAA is establishing a national marine sanctuary advisory council for the Wisconsin Shipwreck Coast National Marine Sanctuary, which was designated on August 16, 2021. The council will provide advice and recommendations to ONMS regarding the sanctuary management plan and will serve as liaisons between the sanctuary and constituents and community groups. ONMS is adding the new council to the list of established national marine sanctuary advisory councils. ONMS solicits applications to fill council seats on an as needed basis and is seeking applicants for seats on the Wisconsin Shipwreck Coast National Marine Sanctuary Advisory Council. This notice contains web page links and contact information for the Wisconsin Shipwreck Coast National Marine Sanctuary and application materials to apply for the newly established advisory council.

DATES: Applications for membership on the Wisconsin Shipwreck Coast National Marine Sanctuary Advisory Council need to be postmarked or received by October 1, 2022.

ADDRESSES: For further information contact: Russ Green, Sanctuary Superintendent, Wisconsin Shipwreck Coast National Marine Sanctuary, One University Drive, University of Green Bay-Sheboygan Campus, Sheboygan, WI 53081, or call 989–766–3359, email *russ.green@noaa.gov,* or fax 989–354–0144.

SUPPLEMENTARY INFORMATION:

I. Background

Section 315 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1445a) authorizes the Secretary of Commerce to establish advisory councils to advise and make recommendations regarding the designation and management of national marine sanctuaries. ONMS is establishing a new sanctuary advisory council for the Wisconsin Shipwreck Coast National Marine Sanctuary to serve as a liaison with the local community and to provide guidance and advice to ONMS regarding the sanctuary management plan. ONMS is adding the new advisory council to the list of sites with open vacancies and announcing that it is soliciting applications to fill the seats of this council. Applications are due October 1, 2022.

In the following Supplementary Information section, NOAA provides details regarding ONMS, the role of advisory councils, and contact information for the Wisconsin Shipwreck Coast National Marine Sanctuary.

II. Office of National Marine Sanctuaries (ONMS)

ONMS serves as the trustee for a network of underwater parks encompassing more than 620,000 square miles or 1,600,000 square kilometers of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 15 national marine sanctuaries and the Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. Advisory councils are community-based groups established to provide advice and recommendations to ONMS on issues including management, science, service, and stewardship, as well as to serve as liaisons between their constituents in the community and the site. Pursuant to Section 315(a) of the NMSA, advisory councils are exempt from the requirements of the Federal Advisory Committee Act. Additional information on ONMS and its advisory councils can be found at *http://sanctuaries.noaa.gov*.

III. Advisory Council Membership

Under Section 315 of the NMSA, advisory council members may be appointed from among: (1) Persons employed by Federal or State agencies with expertise in natural resources management; (2) members of relevant regional fishery management councils; and (3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources. 16 U.S.C. 1455a(b).

The charter for each advisory council defines the number and type of seats and positions on the council. The advisory council charter for the Wisconsin Shipwreck Coast National Marine Sanctuary identifies the following non-governmental voting seat types: Citizen-at-Large, Diving/Dive Clubs/Archaeology, History, Heritage and Public Interpretation, Education (K–12), Education (Higher Education), Tourism and Marketing, Economic Development, Fishing, Recreation, and Maritime Industry. Additionally, the council will also have non-voting seats for: United States Coast Guard, Ozaukee County, Sheboygan County, Manitowoc County, Kewaunee County, City of Port Washington, City of Sheboygan, City of Manitowoc and City of Two Rivers.

Recognizing the cultural significance of this area to American Indian Nations and Tribes, ONMS welcomes the participation of interested Nations and Tribes on the advisory council. This could involve multiple Nations and Tribes. Nations and Tribes interested in participating in the advisory council should contact the sanctuary superintendent. Participation on the council does not take the place of government-to-government consultation nor does it serve as the only opportunity for engagement between NOAA and American Indian Nations and Tribes.

For each of the existing advisory councils, applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lakes resources; and possibly (though not required) the length of residence in the

area affected by the site. Council members and alternates for the Wisconsin Shipwreck Coast National Marine Sanctuary Advisory Council serve two or three-year terms, as reflected in the signed charter.

More information on advisory council membership and processes, and materials related to the purpose, policies, and operational requirements for advisory councils can be found in the charter for a particular advisory council (*https://sanctuaries.noaa.gov/management/ac/council_charters.html*) and the National Marine Sanctuary Advisory Council Implementation Handbook (*https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/archive/management/pdfs/2010-ac-handbook-appendices-07162015.pdf*). For more information about the new advisory council for the Wisconsin Shipwreck Coast National Marine Sanctuary, including seat descriptions and application materials, please visit *https://sanctuaries.noaa.gov/wisconsin/involved*.

B. Paperwork Reduction Act

ONMS has a valid Office of Management and Budget (OMB) control number (0648–0397) for the collection of public information related to the processing of ONMS national marine sanctuary advisory council applications across the National Marine Sanctuary System. Establishing a sanctuary advisory council for Wisconsin Shipwreck Coast National Marine Sanctuary fits within the estimated reporting burden under that control number. See *https://www.reginfo.gov/public/do/PRASearch* (Enter Control Number 0648–0397). Therefore, ONMS will not request an update to the reporting burden certified for OMB control number 0648–0397.

Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to: Office of National Marine Sanctuaries, 1305 East West Highway, N/NMS, Silver Spring, Maryland 20910.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.,* unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number is #0648–0397.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–18575 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC298]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice of receipt of application, for one scientific enhancement permit application and request for comment.

SUMMARY: Notice is hereby given that NMFS has received one permit application submitted by FISHBIO Environmental, LLC. (FISHBIO) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended, for a 5 year period. This document serves to notify the public of the availability of the renewal permit application for review and comment, prior to a decision by NMFS whether to issue the permit application may be viewed online at: *https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm*.

DATES: Written comments on the permit application must be received at the appropriate email address (see **ADDRESSES**) on or before September 28, 2022.

ADDRESSES: Written comments on the permit application should be submitted to NMFS California Central Valley Office via email to Meiling Colombano (*meiling.colombano@noaa.gov*).

FOR FURTHER INFORMATION CONTACT: Meiling Colombano (email: *meiling.colombano@noaa.gov*; phone: 916–204–3406). Permit application instructions are available online at *https://apps.nmfs.noaa.gov*.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened, naturally produced and hatchery propagated Central Valley (CV) spring-run;

Steelhead (*O. mykiss*): Threatened, naturally produced and artificially propagated California Central Valley (CCV) Distinct Population Segment of steelhead;

North American green sturgeon (*Acipenser medirostris*): Threatened, naturally produced southern Distinct Population Segment (sDPS) of North American green sturgeon.

Authority

Scientific research and enhancement permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et. seq*) and regulations governing listed fish and wildlife permits (50 CFR 222–227). NMFS issues permits based on findings that such permits (1) are applied for in good faith, (2) would not operate to the disadvantage of the listed species which are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and any comment submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period and consideration of any comment submitted therein. NMFS will publish notice of the final action on the subject permit application in the **Federal Register**.

Those individuals requesting a hearing on the application listed in this notice should provide the specific reasons why a hearing on the application would be appropriate (see **ADDRESSES**). Such a hearing is held at the discretion of the Assistant Administrator for Fisheries, NOAA.

All statements and opinions contained in the permit action summary are those of the applicant and do not necessarily reflect the views of NMFS.

Permit Application Received

Permit 21477–2R

FISHBIO has applied for a renewal enhancement permit under section 10(a)(1)(A) of the ESA for a period of 5 years that would allow take of both adult and juvenile CV spring-run Chinook salmon, CCV steelhead, and sDPS green sturgeon. Federal legislation (section 4010 of the Water Infrastructure Improvement for the Nation Act (WIIN Act); December 16, 2016) requires the Oakdale Irrigation District and South

San Joaquín Irrigation District (Districts) and NMFS to jointly establish a nonnative predator research and pilot fish removal program in the Stanislaus River to investigate whether nonnative predator removal is an effective strategy to improve overall conditions for native fish, especially the survival of juvenile salmonids. The general approach of the program is intended to build off previous nonnative predator removal studies conducted in the Central Valley, as well as build off of the previous 5 years of data collected under the first permit (21477). The program will allow examination of the biological and ecological responses of both ESA-listed and non-federally listed native fish (particularly salmonids) and the fish community in relation to predator exclusion and removal efforts. Specific study questions will focus on changes in the densities and relative abundances in these native fish and fish community assemblages.

The program will be carried out using three primary methods: (1) An exclusion weir equipped with a live box (or fyke trap) will be used to trap and remove nonnative predatory fish. Native fish will be trapped daily and selectively passed upstream of the weir to reduce the potential for in-trap predation and minimize delays in migration; (2) sampling via boat electrofishing is proposed to estimate the abundance of nonnative predators and to conduct predator removals; and (3) survival will be assessed by conducting releases of hatchery-origin Chinook salmon juveniles, fitted with acoustic tags, upstream of areas where predator removal has occurred.

Although ESA-listed species are not directly targeted by the program, they may be incidentally captured and handled during electrofish sampling. Efforts will be made to limit electrofishing in areas where juvenile salmonids may be present or rearing. Electrofishing will follow guidelines to minimize injury and mortality and established measures will be taken to protect species listed under the ESA. The proposed operation of a weir in the Stanislaus River could impact ESA-listed species by delaying upstream migration of the adult lifestage. Additionally, trapping at the weir may result in the capture of adult ESA-listed species. These effects will be minimized by frequent (at least daily) trap checks at the site and prioritization of ESA-listed species for handling and release prior to other non-listed species.

Public Comments Solicited

NMFS invites the public to comment on the section 10(a)(1)(A) renewal enhancement permit application during a 30-day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

Next Steps

NMFS will evaluate the permit application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: August 23, 2022.

Lisa Manning,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–18482 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XC312]

Marine Mammals; File No. 26594

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Ann Zoidis, Cetos Research Organization 51 Kebo Ridge Road, Bar Harbor, ME 04609, has applied in due form for a permit to conduct research on marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before September 28, 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. 26594 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 26594 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., or Erin Markin, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a 5-year permit to take marine mammals in the Atlantic and Pacific oceans to study population size, distribution, habitat use, and behavior. Up to 32 species of cetaceans may be targeted for research including the following ESA-listed species: blue (*Balaenoptera musculus*), fin (*Balaenoptera physalus*), false killer (*Pseudorca crassidens;* Main Hawaiian insular distinct population segment), North Atlantic right (*Eubalaena glacialis*), sei (*Balaenoptera borealis*), and sperm (*Physeter macrocephalus*) whales. Researchers would conduct vessel surveys and aerial surveys (manned and unmanned), for counts, observations, above water and underwater photography and video recording, photo-identification, photogrammetry, passive acoustic recording, biological sampling (sloughed skin, feces, and skin and blubber biopsy), and suction-cup tagging. Biological samples may be imported and exported for analysis. ESA-listed Hawaiian monk seals (*Neomonachus schauinslandi*) may be harassed during research. See the application for numbers of animals requested by species and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 23, 2022.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–18494 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–C–2022–0020]

Performance Review Board

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, the United States Patent and Trademark Office (USPTO) announces the appointment of persons to serve as members of its Performance Review Board (PRB).

ADDRESSES: Office of Human Resources, USPTO, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Lari B. Washington, Director, Human Capital Management, USPTO, at 571–272–5187.

SUPPLEMENTARY INFORMATION: The membership of the USPTO PRB is as follows:

Derrick Brent, Chair, Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the USPTO.

Frederick W. Steckler, Vice Chair, Chief Administrative Officer, USPTO.

Andrew I. Faile, Acting Commissioner for Patents, USPTO.

David S. Gooder, Commissioner for Trademarks, USPTO.

Dennis J. Hoffman, Chief Financial Officer, USPTO.

Henry J. Holcombe, Chief Information Officer, USPTO.

David L. Berdan, General Counsel, USPTO.

Mary Critharis, Chief Policy Officer and Director for International Affairs, USPTO.

Gerard F. Rogers, Chief Administrative Trademark Judge, USPTO.

Scott R. Boalick, Chief Administrative Patent Judge, USPTO.

Bismarck Myrick, Director of the Office of Equal Employment Opportunity and Diversity, USPTO.

Cara Duckworth, Chief Corporate Communications Officer, USPTO.

Alternates:

Richard Seidel, Deputy Commissioner for Patents, USPTO.

Amy Cotton, Deputy Commissioner for Trademark Examination Policy, USPTO.

Katherine K. Vidal,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–18543 Filed 8–26–22; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 22–C0004]

Segway Powersports Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission publishes in the **Federal Register** any settlement that it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally accepted Settlement Agreement with Segway Powersports, Inc., containing a civil penalty in the amount of $5 million, with all but $1.25 million suspended, subject to the terms and conditions of the Settlement Agreement.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by September 13, 2022.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to Alberta Mills, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (240) 863–8938 (mobile); (301) 504–7479 (office); email: *cpsc-os@cpsc.gov (mailto:cpsc-os@cpsc.gov).*

FOR FURTHER INFORMATION CONTACT: Gregory M. Reyes, Supervisory Attorney, Division of Enforcement and Litigation, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; *greyes@cpsc.gov (mailto:greyes@cpsc.gov)* or 301–504–7220.

SUPPLEMENTARY INFORMATION: The Commission voted (4–0–1) to provisionally accept the proposed Settlement Agreement and Order pertaining to Segway Powersports Inc. Chair Hoehn-Saric, Commissioners Baiocco, Trumka and Boyle voted to provisionally accept the Settlement Agreement and Order. Commissioner Feldman voted to take other action. The text of the Agreement and Order and Exhibit A to the Agreement appears below.

Abioye Mosheim,

Acting Secretary, Consumer Product Safety Commission.

United States of America

Consumer Product Safety Commission

In the Matter of: SEGWAY POWERSPORTS INC.

CPSC Docket No.: 22–C0004

Settlement Agreement

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051–2089 (''CPSA''), and 16 CFR 1118.20, Segway Powersports Inc. (''SPI''), and the United States Consumer Product Safety Commission (''Commission'' or ''CPSC''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

The Parties

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA, 15 U.S.C. 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. SPI is a corporation, organized and existing under the laws of the state of Delaware, with its principal place of business in McKinney, Texas.

Staff Charges

4. Between February 2021 and April 2021, SPI imported into the United States approximately 152 all-terrain vehicles (''ATVs'') that were not subject to an Action Plan approved by the Commission (the ''Matter'').

5. The ATVs are ''consumer products'' that were ''import[ed]'' and ''distribut[ed] in commerce,'' as those terms are defined or used in sections 3(a)(5), (7), and (9) of the CPSA, 15 U.S.C. 2052(a)(5), (7), and (9). SPI is a ''manufacturer'' and ''distributor'' of the ATVs, as such terms are defined in sections 3(a)(8) and (11) of the CPSA, 15 U.S.C. 2052(a)(8) and (11).

6. Pursuant to section 42(a)(2)(B) of the CPSA, 15 U.S.C. 2089(a)(2)(B), it is unlawful for any manufacturer or distributor to import into or distribute in commerce in the United States any new assembled or unassembled ATV unless ''the ATV is subject to an ATV action plan . . . filed with and approved by the Commission . . . .''

7. ATV action plans focus on ''promot[ing] the safe and responsible use of ATVs,'' in particular, for children under age 16, and are defined in the CPSA as ''a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the ATVs, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading 'The Undertakings of the Companies in the Commission Notice' published in the **Federal Register** on September 9, 1998.'' 15 U.S.C. 2089(e)(2); 63 FR 48,199–204 (Sept. 9, 1998).

8. Under section 42(a)(3) of the CPSA, the failure to comply with the ATV action plan requirement in section 42(a)(2)(B) ''shall be deemed to be a failure to comply with a consumer product safety standard under [the CPSA] and subject to all of the penalties and remedies available under [the CPSA].'' 15 U.S.C. 2089(a)(3).

9. On numerous occasions, CPSC staff informed SPI that it could not import or distribute ATVs without an approved ATV action plan, and that such unlawful importation or distribution would subject SPI to enforcement actions and potential civil penalties.

10. Despite having knowledge that it was unlawful to import ATVs that were not subject to an approved ATV action plan on file with the Commission, SPI unlawfully imported eight separate ATV shipments.

11. SPI failed to comply with a consumer product safety standard under the CPSA by importing the ATVs, *see* 15 U.S.C. 2089(a)(3), and knowingly violated section 19(a)(1) of the CPSA, 15 U.S.C. 2068(a)(1), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

12. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, SPI is subject to civil penalties for its knowing violation of section 19(a)(1) of the CPSA, 15 U.S.C. 2068(a)(1).

Response of SPI

13. This Agreement does not constitute an admission by SPI to the charges set forth in paragraphs 4 through 12, including charges that SPI violated any statute or regulation, unlawfully imported ATVs, or knowingly violated the CPSA. In fact, SPI imported the ATVs based on its reasonable belief that the Action Plan initially submitted to CPSC in December, 2019, about 15 months before the importation, would be approved by the CPSC by the time the ATVs arrived at the ports of the United States. As soon as the shipments arrived while CPSC still had not yet approved the Action Plan, SPI voluntarily self-reported the importation and fully and timely cooperated with the inspection and other inquiries from the Commission. Further, SPI placed the ATVs in warehouses pending approval of the Action Plan, none of which has been distributed or sold and none of which has any alleged product defect or has caused any injury.

Agreement of the Parties

14. Under the CPSA, the Commission has jurisdiction over the Matter involving the ATVs and over SPI.

15. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by SPI that it violated the CPSA.

16. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, SPI shall pay a civil penalty in the amount of five million dollars ($5,000,000) (''Total Civil Penalty Amount''). In reliance on the accuracy and completeness of SPI's representations and warranties within this Agreement, the Commission agrees to suspend all but one million, two-hundred and fifty thousand dollars ($1,250,000) of the Total Civil Penalty Amount (''$1,250,000 Payment''), on the terms and conditions set forth in this Agreement. The $1,250,000 Payment shall be paid in two equal installments, the first within thirty (30) calendar days after SPI receives service of the Commission's final Order accepting the Agreement, and the second within sixty (60) calendar days of service of the final Order. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via *http://www.pay.gov,* for allocation to, and credit against, the payment obligations of SPI under this Agreement. Failure to make any payment by the dates specified in this paragraph shall constitute ''Default,'' making the Total Civil Penalty Amount, plus any accrued and unpaid interest minus any penalty amounts paid by SPI, immediately due and payable, and may subject SPI to additional enforcement action under the CPSA.

17. The Commission's agreement to suspend part of the Total Civil Penalty Amount is expressly premised upon SPI's representations that the following financial documents, communications, and representations provided by SPI do not contain any untrue statement of a material fact or omit any material fact that is required to be stated therein or necessary in order to make the statement therein, true, accurate, and not misleading:

1. the sworn Affidavit of Shane Wilson signed on July 21, 2022, including the exhibits;

2. the sworn Affidavit of Meng Li signed on July 21, 2022, including the exhibits;

3. the sworn Affidavit of SPI signed on July 21, 2022; and

4. the Balance Sheet, Profit and Loss, and Statement of Cash Flows, all of SPI, submitted to Commission counsel Gregory M. Reyes on October 11, 2021 (collectively, ''SPI's Representations'').

18. If SPI failed to disclose any material asset, materially misstated the value of any asset, or made any other material misstatement or omission in SPI's Representations, the suspension of the Total Civil Penalty Amount shall be lifted, and the entire $5,000,000 Total Civil Penalty Amount shall become immediately due and payable.

19. The Commission or the United States may seek enforcement for any breach of, or any failure to comply with, any provision of this Agreement and Order in United States District Court, to seek relief including, but not limited to, lifting the suspension of the Total Civil Penalty Amount and collecting amounts due.

20. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by SPI to the United States, and interest shall accrue and be paid by SPI at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b) from the date of Default, until all amounts due have been paid in full (hereinafter ''Default Payment Amount'' and ''Default Interest Balance''). SPI shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection, and SPI agrees not to contest, and hereby waives and discharges any defenses to, any collection action

undertaken by the United States, or its agents or contractors, pursuant to this paragraph. SPI shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

21. After staff receives this Agreement executed on behalf of SPI, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

22. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 CFR 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon SPI, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect, and shall be binding upon the parties.

23. Effective upon the later of: (1) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon SPI and (2) the date of issuance of the final Order, for good and valuable consideration, SPI hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the Matter described in this Agreement:

1. an administrative or judicial hearing;

2. judicial review or other challenge or contest of the Commission's actions;

3. a determination by the Commission of whether SPI failed to comply with the CPSA and the underlying regulations;

4. a statement of findings of fact and conclusions of law; and

5. any claims under the Equal Access to Justice Act.

6. SPI shall maintain a compliance program designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by SPI, which shall contain the following elements:

1. written standards, policies and procedures concerning products sold by SPI in the United States, including those designed to ensure that information that may relate to or impact CPSA compliance is conveyed effectively to personnel responsible for CPSA compliance, whether or not an injury has been reported;

2. procedures for reviewing claims and reports for safety concerns and for implementing corrective and preventive actions when compliance deficiencies or violations are identified;

3. procedures requiring that information required to be disclosed by SPI to the Commission is recorded, processed, and reported in accordance with applicable law;

4. procedures requiring that all reporting made to the Commission is timely, truthful, complete, accurate, and in accordance with applicable law;

5. procedures requiring that immediate disclosure is made to SPI's management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, SPI's ability to record, process and report to the Commission in accordance with applicable law;

6. mechanisms to effectively communicate to all applicable SPI employees, through training programs or other means, compliance-related company policies and procedures to prevent violations of the CPSA;

7. a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary;

8. SPI's senior management responsibility for, and general board oversight of, CPSA compliance; and

9. retention of all CPSA compliance-related records for at least five (5) years, and availability of such records to CPSC staff upon request.

10. SPI shall submit a report under CPSA Section 16(b), sworn to under penalty of perjury:

1. describing in detail its compliance program and internal controls and the actions SPI has taken to comply with each subparagraph of paragraph 24;

2. affirming that during the reporting period SPI has reviewed its compliance program and internal controls, including the actions referenced in subparagraph (a) of this paragraph, for effectiveness, and that it complies with each subparagraph of paragraph 24, or describing in detail any non-compliance with any such subparagraph; and

3. identifying any changes or modifications made during the reporting period to the SPI's compliance program or internal controls to ensure compliance with the terms of the CPSA and, in particular, the requirements of CPSA Section 15 related to timely reporting.

Such reports shall be submitted annually to the Director, Office of Compliance and Field Operations, Division of Enforcement and Litigation, for a period of three (3) years beginning 12 months after the Commission's final Order of acceptance of the Agreement. The first report shall be submitted 30 days after the close of the first 12-month reporting period, and successive reports shall be due annually on the same date thereafter. Without limitation, SPI acknowledges and agrees that failure to make such timely and accurate reports as required by this Agreement and Order may constitute a violation of Section 19(a)(3) of the CPSA.

4. Notwithstanding and in addition to the above, SPI shall promptly provide written documentation of any changes or modifications to its compliance program or internal controls and procedures, including the effective dates of the changes or modifications thereto. SPI shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials and personnel deemed necessary by staff to evaluate SPI's compliance with the terms of the Agreement.

5. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

6. SPI represents that the Agreement:

1. is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever;

2. has been duly authorized; and

3. constitutes the valid and binding obligation of SPI, enforceable against SPI in accordance with its terms.

4. The signatories represent that they are authorized to execute this Agreement.

5. The Agreement is governed by the laws of the United States.

6. The Agreement and the Order shall apply to, and be binding upon, SPI and each of successors, transferees, and assigns; and a violation of the Agreement or Order may subject SPI, and each of successors, transferees, and assigns, to appropriate legal action.

7. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

8. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or

contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party, for that reason, in any subsequent dispute.

34. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

35. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and SPI agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

(Signatures on next page)

Segway Powersports Inc.

Dated: July 21, 2022
By: _____
Kun Zhu,
Segway Powersports Inc., President.

Dated: 7/21/2022
By: _____
Jennifer R. Coates, *Partner,*
Catherine X. Pan-Giordano, *Partner,*
Dorsey & Whitney LLP,
Counsel to Segway Powersports Inc.

U.S. Consumer Product Safety Commission

Mary B. Murphy, *Director.*

Dated: 7/21/2022
By: _____
Gregory M. Reyes, *Supervisory Attorney,*
Nicholas J. Linn, *Trial Attorney,*
Division of Enforcement and Litigation,
Office of Compliance and Field Operations.

United States of America Consumer Product Safety Commission

In the Matter of: SEGWAY POWERSPORTS INC.

CPSC Docket No.: 22–C0004

Order

Upon consideration of the Settlement Agreement entered into between Segway Powersports Inc. (''SPI'') and the U.S. Consumer Product Safety Commission (''Commission'' or ''CPSC''), and the Commission having jurisdiction over the subject matter and over SPI, and it appearing that the Settlement Agreement is in the public interest, the Settlement Agreement is incorporated by reference and it is:

Provisionally accepted and provisional Order issued on the ____ day of _____, 2022.

By order of the Commission:

_____
Alberta E. Mills, *Secretary, U.S. Consumer Product Safety Commission.*

Finally accepted and final Order issued on the ____ day of _____, 2022.

By order of the Commission:

_____
Alberta E. Mills, *Secretary, U.S. Consumer Product Safety Commission.*

Affidavit of Corporate Officer

I, the undersigned, swear and affirm that I am employed by Segway Powersports Inc. (''SPI''), that I hold the position indicated below, and, by reason of my position, I am authorized and qualified to make the following statements. All capitalized terms not defined in this affidavit shall have the meanings given to them in the Settlement Agreement between SPI and the U.S. Consumer Product Safety Commission (''CPSC'') dated the same date, of which this affidavit is a part:

1. SPI's financial statements provided by SPI to the CPSC in connection with the matters addressed in the Settlement Agreement (the ''Matters'') are complete, accurate and current, and fairly represent the financial conditions of SPI as of the dates, and for the periods, indicated therein, subject to the absence of notes as these financial statements are unaudited.

2. SPI has provided all available documents and information responsive to the CPSC's requests in connection with the Matters.

3. The information provided by SPI to the CPSC in connection with the Matters do not, as of the date of the Settlement Agreement, and did not, at the time provided to the CPSC, contain any untrue statement of a material fact or omit any material fact required to be stated therein or necessary in order to make the statement therein, in light of the circumstances under which they were made, not misleading.

4. SPI has insufficient cash or other liquid assets to satisfy a civil penalty payment in excess of $1,250,000. SPI has requested that its parent company, Ninebot Limited, or any of Ninebot's affiliated entities loan or otherwise provide funds for SPI to pay CPSC the demanded civil penalty amount. SPI's parent company and its affiliated entities have specifically declined SPI's request. SPI has provided copies of those communications to CPSC staff in connection with the Matters.

5. SPI has attempted to obtain funding from multiple unaffiliated third-party lenders but has been unable to secure such funding. To my knowledge, SPI has provided copies of documents it submitted to the banks and communications from the banks regarding their decisions to CPSC staff in connection with the Matters.

6. To my knowledge, Ninebot Limited and its affiliated entities have not provided a parent guarantee, nor any other written representations of financial support on behalf of SPI, to any third-party lenders.

7. The entire penalty amount of $1,250,000 will be paid solely by SPI, using funds available in SPI's own bank accounts at the time of the respective payments, and without any loans, funds, or other financial support from Ninebot Limited, any SPI or Ninebot Limited affiliated entities, or any other third-party, including but not limited to banks or other creditors, for this penalty.

8. Any civil penalty payment by SPI in excess of $1,250,000 would cause SPI significant financial hardship and compel SPI to cease operations as an ongoing business.

I declare under penalty of perjury that the foregoing is true and correct. I understand that any intentional false statement in this declaration may be a criminal offense under 18 U.S.C. 1001.

Executed on July 21, 2022

Signed by: _____
Kun Zhu, *President, Segway Powersports Inc.*

[FR Doc. 2022–18531 Filed 8–26–22; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors Meeting

AGENCY: Department of the Air Force, DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce the following Federal Advisory Committee meeting of the Board of Visitors (BoV) of the Air University.

DATES: Tuesday, November 15, 2022 from 8:00 a.m. to 5:00 p.m. and Wednesday, November 16, 2022 from 8:00 a.m. to 3:00 p.m. (Central Time).

ADDRESSES: Air University Commander's Conference Room, Building 800, Maxwell Air Force Base, AL.

FOR FURTHER INFORMATION CONTACT: Dr. Shawn P. O'Mailia, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112–6335, telephone (334) 953–4547.

SUPPLEMENTARY INFORMATION: This meeting is held under the provisions of the Federal Advisory Committee Act

(FACA) of 1972 (5 U.S.C., appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The agenda will include topics relating to the Air University Commander and President's priorities, the Air Force Institute of Technology Subcommittee update, Accreditation update, AU Student Information System update, and AU financial update.

Meeting Accessibility: Open to the public. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

Written Statements: Any member of the public wishing to provide input to the Air University Board of Visitors in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act should submit a written statement to the Designated Federal Officer at the address detailed below. Statements submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least ten calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting. The Designated Federal Officer will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to members of the Board before the meeting that is the subject of this notice.

Adriane Paris,

Air Force Federal Register Liaison Officer.

[FR Doc. 2022–18537 Filed 8–26–22; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF ENERGY

President's Council of Advisors on Science and Technology

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an open meeting of the President's Council of Advisors on Science and Technology (PCAST). The Federal Advisory Committee Act (FACA) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday September 21, 2022; 11:00 a.m. to 3:30 p.m. ET.

ADDRESSES: Information to participate virtually can be found on the PCAST website closer to the meeting at: *www.whitehouse.gov/PCAST/meetings.*

FOR FURTHER INFORMATION CONTACT: Dr. Sarah Domnitz, Designated Federal Officer, PCAST; Email: *PCAST@ostp.eop.gov;* Telephone: (202) 881–6399.

SUPPLEMENTARY INFORMATION: PCAST is an advisory group of the nation's leading scientists and engineers, appointed by the President to augment the science and technology advice available to him from the White House, cabinet departments, and other Federal agencies. See the Executive Order at *whitehouse.gov.* PCAST is consulted on and provides analyses and recommendations concerning a wide range of issues where understanding of science, technology, and innovation may bear on the policy choices before the President. The Designated Federal Officer is Dr. Sarah Domnitz. Information about PCAST can be found at: *www.whitehouse.gov/PCAST.*

Tentative Agenda: PCAST will hear from invited speakers on and discuss science and technology-related activities at the Department of Commerce. PCAST will also hear from invited speakers on improving patient safety. Additional information and the meeting agenda, including any changes that arise, will be posted on the PCAST website at: *www.whitehouse.gov/PCAST/meetings.*

Public Participation: The meeting is open to the public. It is the policy of the PCAST to accept written public comments no longer than 10 pages and to accommodate oral public comments whenever possible. The PCAST expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

The public comment period for this meeting will take place on September 21, 2022, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on PCAST's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *PCAST@ostp.eop.gov*, no later than 12:00 p.m. Eastern Time on September 14, 2022. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of up to 10 minutes. If more speakers register than there is space available on the agenda, PCAST will select speakers on a first-come, first-served basis from those who registered. Those not able to present oral comments may file written comments with the council.

Written Comments: Although written comments are accepted continuously, written comments should be submitted to *PCAST@ostp.eop.gov* no later than 12:00 p.m. Eastern Time on September 14, 2022, so that the comments can be made available to the PCAST members for their consideration prior to this meeting.

PCAST operates under the provisions of FACA, all public comments and/or presentations will be treated as public documents and will be made available for public inspection, including being posted on the PCAST website at: *www.whitehouse.gov/PCAST/meetings.*

Minutes: Minutes will be available within 45 days at: *www.whitehouse.gov/PCAST/meetings.*

Signed in Washington, DC, on August 24, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–18567 Filed 8–26–22; 8:45 am]

BILLING CODE 6450–01–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: EC22–112–000.

Applicants: Eagle Creek Renewable Energy, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Eagle Creek Renewable Energy, LLC.

Filed Date: 8/22/22.

Accession Number: 20220822–5188.

Comment Date: 5 p.m. ET 9/12/22.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG22–210–000.

Applicants: Eight Point Wind, LLC.

Description: Eight Point Wind, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 8/23/22.

Accession Number: 20220823–5079.

Comment Date: 5 p.m. ET 9/13/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–762–002.
Applicants: Bishop Hill Energy II LLC.
Description: Compliance filing: Revised live Tariff Record in docket ER21–762 to be effective 3/1/2021.
Filed Date: 8/23/22.
Accession Number: 20220823–5057.
Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–1003–002.
Applicants: Southwestern Public Service Company.
Description: Refund Report: Refund Report for LPL Protocol Amendment to be effective N/A.
Filed Date: 8/23/22.
Accession Number: 20220823–5071.
Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–2701–000.
Applicants: Mechanicsville Solar, LLC.
Description: Tariff Amendment: Cancellation of Rate Schedule Tariff to be effective 8/23/2022.
Filed Date: 8/22/22.
Accession Number: 20220822–5146.
Comment Date: 5 p.m. ET 9/12/22.

Docket Numbers: ER22–2702–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement Nos. 218 and 335 to be effective 10/22/2022.
Filed Date: 8/22/22.
Accession Number: 20220822–5160.
Comment Date: 5 p.m. ET 9/12/22.

Docket Numbers: ER22–2703–000.
Applicants: Pattern Energy Management Services LLC.
Description: Baseline eTariff Filing: Application for MBR Authorization and Waivers to be effective 8/24/2022.
Filed Date: 8/23/22.
Accession Number: 20220823–5040.
Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–2704–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: Amendment to CCSF IA (TO SA 284) to be effective 10/23/2022.
Filed Date: 8/23/22.
Accession Number: 20220823–5067.
Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–2705–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Rev to OA, Sch. 12 & RAA, Sch. 17 RE 2nd Quarter 2022 Membership Lists to be effective 6/30/2022.
Filed Date: 8/23/22.
Accession Number: 20220823–5068.
Comment Date: 5 p.m. ET 9/13/22.

Docket Numbers: ER22–2706–000.
Applicants: Eight Point Wind, LLC.
Description: Baseline eTariff Filing: Eight Point Wind, LLC Application for Market-Based Rate Authorization to be effective 10/23/2022.
Filed Date: 8/23/22.
Accession Number: 20220823–5078.
Comment Date: 5 p.m. ET 9/13/22.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: Docket Numbers: ES22–62–000.
Applicants: The Narragansett Electric Company.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of The Narragansett Electric Company.
Filed Date: 8/22/22.
Accession Number: 20220822–5187.
Comment Date: 5 p.m. ET 9/12/22.

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 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18562 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD22–10–000]

Notice of Technical Conference; Reliability Technical Conference

Take notice that the Federal Energy Regulatory Commission (Commission) will convene its annual Commissioner-led Reliability Technical Conference in the above-referenced proceeding on Thursday, November 10, 2022, from approximately 12:00 p.m. to 5:00 p.m. Eastern time. The conference will be held in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room (with a WebEx option available).

The purpose of this conference is to discuss policy issues related to the reliability and security of the Bulk-Power System.

The conference will be open for the public to attend, and there is no fee for attendance. Supplemental notices will be issued prior to the conference with further details regarding the agenda, how to register to participate, and the format. Information on this technical conference will also be posted on the Calendar of Events on the Commission's website, *www.ferc.gov,* prior to the event.

The conference will also be transcribed. Transcripts will be available for a fee from Ace Reporting, (202) 347–3700.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov,* call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

For more information about this technical conference, please contact Lodie White at *Lodie.White@ferc.gov* or (202) 502–8453. For information related to logistics, please contact Sarah McKinley at *Sarah.Mckinley@ferc.gov* or (202) 502–8368.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18563 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC22–26–000]

Commission Information Collection Activities (Ferc-577), Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission

(Commission or FERC) is soliciting public comment on the currently approved information collection FERC–577 (Natural Gas Facilities: Environmental Review and Compliance).

DATES: Comments on the collection of information are due October 28, 2022.

ADDRESSES: You may submit your comments (identified by Docket No. IC22–26–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery:

○ *Mail via U.S. Postal Service Only:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *Hand (including courier) delivery:* Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission,12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663.

SUPPLEMENTARY INFORMATION:

Title: FERC–577, Natural Gas Facilities: Environmental Review and Compliance.

OMB Control No.: 1902–0128.

Type of Request: Three-year extension of the FERC–577 with no changes to the current reporting requirements.

Abstract: The FERC–577 contains the Commission's information collection pertaining to regulations which implement the National Environmental Policy Act (NEPA) as well as the reporting requirements for landowner notifications. These requirements are contained in 18 CFR parts 2, 157, 284, and 380. The information to be submitted includes draft environmental material in accordance with the provisions of part 380 of FERC's regulations in order to implement the Commission's procedures under NEPA.

Without such information, the Commission would be unable to fulfill its statutory responsibilities under the Natural Gas Act (NGA), NEPA, and the Energy Policy Act of 2005. Specifically, these responsibilities include ensuring company activities remain consistent with the public interest, which is specified in the NGA and inherent in the other statutes.

Type of Respondents: Companies proposing Natural Gas Projects under section 7 and Jurisdictional Gas Pipeline and Storage Companies.

Estimate of Annual Burden: [1] The Commission estimates the annual public reporting burden and cost [2] for the information collection as follows.

FERC–577, NATURAL GAS FACILITIES: ENVIRONMENTAL REVIEW AND COMPLIANCE

	Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours and average cost per response ($) (rounded)	Total annual burden hours and total annual cost ($) (rounded)	Cost per respondent ($) (rounded)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
Gas Pipeline Certificates [3].	101	16	1,616	193.52 hours; $17,610.32.	312,725 hours; $28,457,975.	$281,762.13
Landowners Notification [4].	164	144	23,616	2 hours; $182	47,232 hours; $4,298,112.	$26,208
Total			25,232		359,957 hours; $32,756,087.	

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18566 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

[1] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

[2] The Commission staff estimates that industry is similarly situated in terms of hourly cost (for wages plus benefits). Based on the Commission's FY (Fiscal Year) 2022 average cost (for wages plus benefits), $91.00/hour is used.

[3] Requirements are found in 18 CFR parts 2, 157, and 380.

[4] Requirements are found in 18 CFR 157(d), 157(f), 2.55(a), 2.55(b), 284.11, and 380.15.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–495–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on August 9, 2022, Transcontinental Gas Pipe Line Company, LLC (Transco), Post Office Box 1396, Houston, Texas 77251, filed

an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations to construct, install, modify, operate and maintain its Texas to Louisiana Energy Pathway Project (Project) and to authorize the conversion of 130,000 dekatherms per day (Dth/day) of capacity currently subject to Transco's ''IT Feeder System'' to firm transportation capacity under the Project. Specifically, Transco requests authorization to (i) construct a new 15,900 horsepower (HP) compressor station in Fort Bend County, Texas, (ii) modify six existing compressor units at Compressor Station 40 in Hardin County, Texas, (iii) as well as perform programming updates at Compressor Station 23 in Victoria County, Texas to accommodate new flow conditions. Transco states that the capacity conversion, along with turnback capacity and incremental capacity, will yield the 364.4 million cubic feet per day (MMcf/d) of project capacity. Transco estimates the cost of the project to be $91,781,074, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Antauis Byrd, P.O. Box 1396, Houston, Texas 77251; by phone at (713) 215–3741; or by email to *antauis.byrd@williams.com*.

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: you can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on September 13, 2022.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before September 13, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–495–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP22–495–000). Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[4] and the regulations under the NGA[5] by the intervention deadline for the project, which is September 13, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more

[1] 18 CFR (Code of Federal Regulations) 157.9.

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22–495–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number CP22–495–000. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Antauis Byrd, P.O. Box 1396, Houston, Texas 77251; or by email: *antauis.byrd@williams.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed[7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *http://www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on September 13, 2022.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18559 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2459–278]

Lake Lynn Generation, 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:* Temporary Variance from Reservoir Elevation.

b. *Project No.:* 2459–278.

c. *Date Filed:* August 17, 2022.

d. *Applicant:* Lake Lynn Generation, LLC.

e. *Name of Project:* Lake Lynn Hydroelectric Project.

f. *Location:* The Lake Lynn Hydroelectric Project is located on the Cheat River in Monongalia County, West Virginia, and Fayette County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Ms. Joyce Foster, Director, Licensing and Compliance, 7315 Wisconsin Avenue, Ste. 1100W, Bethesda, MD 20814, (804) 338–5110.

i. *FERC Contact:* Zeena Aljibury, (202) 502–6065, *zeena.aljibury@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests: 20 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/doc-sfiling/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–2459–278. 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 applicant requests Commission approval for a temporary variance from the reservoir elevation requirements at Lake Lynn. Due to lack of precipitation

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

[9] 18 CFR 385.214(b)(3) and (d).

and low reservoir inflows, the applicant requests to reduce the seasonal minimum allowable reservoir elevation from 868 feet to 865 feet to increase spillway discharge in order to mitigate low tailrace dissolved oxygen levels (DO). When inflow to the reservoir is not equal to the discharge needed to maintain DO concentration in the project tailwater at the minimum standard (5.0 milligrams per liter), the applicant would increase project discharge in 25 cubic feet per second increments and subsequently lower the reservoir elevation below 868 feet but no less than 865 feet. The applicant requests the temporary variance to remain into effect until November 1, 2022.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* 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 Responsive 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 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18565 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–21–000; Docket No. CP22–22–000]

Venture Global CP2 LNG, LLC, Venture Global CP Express, LLC; Notice of Revised Schedule for Environmental Review of the CP2 Lng and CP Express Projects

This notice provides the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental impact statement (EIS) for Venture Global CP2 LNG, LLC's (CP2 LNG) and Venture Global CP Express, LLC's (CP Express) CP2 LNG and CP Express Projects. The first notice of schedule, issued on February 9, 2022, identified February 10, 2023 as the final EIS issuance date. However, a number of responses to environmental and engineering data requests continue to remain outstanding and/or are deficient.[1] These outstanding responses are necessary for staff to prepare a draft EIS for the projects. Based upon CP2 LNG's and CP Express' commitment to provide complete responses to the outstanding data requests by August 30, 2022, staff has revised the schedule for issuance of the final EIS and anticipates issuing a draft EIS in January 2023.

Schedule for Environmental Review

Issuance of the Notice of Availability of the final EIS—July 28, 2023

90-day Federal Authorization Decision Deadline[2]—October 26, 2023

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP22–21 and CP22–22), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18560 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6240–064]

Watson Associates; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

[1] On July 6, 2022 the Commission issued a notice suspending the environmental review schedule for these projects based upon CP2 LNG's and CP Express' failure to file complete and timely information necessary for staff to prepare a draft EIS.

[2] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 6240–064.

c. *Date Filed:* August 27, 2021.

d. *Applicant:* Watson Associates.

e. *Name of Project:* Watson Dam Hydroelectric Project (project).

f. *Location:* On the Cocheco River in Strafford County, New Hampshire. The project does not occupy any federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John Webster, Watson Associates, P.O. Box 178, South Berwick, ME 03908; Phone at (207) 384–5334, or email at *Hydromagnt@gwi.net.*

i. *FERC Contact:* Michael Watts at (202) 502–6123, or *michael.watt@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–6240–064.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

The Council on Environmental Quality (CEQ) issued a final rule on April 20, 2022, revising the regulations under 40 CFR parts 1502, 1507, and 1508 that federal agencies use to implement the National Environmental Policy Act (NEPA) (see *National Environmental Policy Act Implementing Regulations Revisions,* 87 FR 23,453–70). The final rule became effective on May 20, 2022. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

l. *Project Description:* The existing Watson Dam Project consists of: (1) a 285.25-foot-long, 12-foot-high concrete gravity dam that includes the following sections: (a) a 43-foot-long west abutment; (b) a 122-foot-long west spillway section with 24-inch-high flashboards, a crest elevation of 110.1 North American Vertical Datum of 1988 (NAVD 88) at the top of the flashboards, and a 3-foot-wide notch at an elevation of 109.6 NAVD 88; (c) an 11.25-foot-long, 11.5-foot-wide concrete spillway center pier; (d) an 80-foot-long east spillway section with 24-inch-high flashboards and a crest elevation of 110.2 feet NAVD 88 at the top of the flashboards; and (e) a 29-foot-long east abutment; (2) an impoundment with a surface area of 54 acres and a storage capacity of 300 acre-feet at an elevation of 110.1 feet NAVD 88; (3) a 23.5-foot-long intake structure in the east abutment that is equipped with an 8.5-foot-diameter headgate and trashrack with 2-inch clear bar spacing and a 1-inch mesh overlay; (4) a 26.5-foot-long, 34-foot-wide wood and steel powerhouse containing one 265-kilowatt vertical Flygt submersible turbine-generator unit; (5) a 250-foot-long, 20-foot-wide tailrace that discharges into the Cocheco River; (6) a 0.48/12.47-kilovolt (kV) step-up transformer and an 80-foot-long, 12.47 kV transmission line that connect the project to the local utility distribution system; and (7) appurtenant facilities. The project creates an approximately 400-foot-long bypassed reach of the Cocheco River.

Watson Associates operates the project in a run-of-river mode using an automatic pond level control system to regulate turbine operation, such that outflow from the project approximates inflow. Downstream fish passage is provided by a bypass facility located next to the project's intake on the east side of the dam that includes an approximately 30-foot-long, 24-inch-diameter pipe that discharges to a plunge pool downstream of the dam.

Article 26 of the current license requires a minimum flow of 83 cubic feet per second or inflow to the impoundment, whichever is less, from the project, to protect and enhance aquatic resources in the Cocheco River. Watson Associates is required to operate the downstream fish passage facility from October 1 through November 15 of each year. The average annual energy production of the project is approximately 1,100 megawatt hours.

Watson Associates proposes to: (1) continue to operate the project in a run-of-river mode; (2) continue to provide downstream fish passage through the bypass facility; and (3) consult with the New Hampshire State Historic Preservation Officer before beginning any land-disturbing activities or alterations to known historic structures within the project boundary.

m. A copy of the application can be viewed on the Commission's website at *https://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support.

n. 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, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must: (1) bear in all capital letters the title ''PROTEST,'' ''MOTION TO INTERVENE,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from

the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at *https://www.ferc.gov/ferc-online/overview* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Please note that the certification request must comply with 40 CFR 121.5(b), including documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request. Please also note that the certification request must be sent to the certifying authority and to the Commission concurrently.

p. Procedural schedule: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for filing interventions, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	October 2022.
Deadline for filing reply comments	December 2022.

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18564 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–1137–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—Cleanup Filing eff 9/22/22 to be effective 9/22/2022.

Filed Date: 8/22/22.

Accession Number: 20220822–5102.

Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: RP22–1138–000.

Applicants: Natural Gas Pipeline Company of America LLC.

Description: 4(d) Rate Filing: Negotiated Rate Agreement Filing-Spotlight Energy to be effective 9/1/2022.

Filed Date: 8/22/22.

Accession Number: 20220822–5120.

Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: RP22–1139–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: PAL NRA Hartree Partners, LP SP378771 to be effective 10/1/2022.

Filed Date: 8/22/22.

Accession Number: 20220822–5142.

Comment Date: 5 p.m. ET 9/6/22.

Docket Numbers: RP22–1140–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description:§ 4(d) Rate Filing: 8.23.22 Negotiated Rates—Macquarie Energy LLC R–4090–28 to be effective 9/1/2022.

Filed Date: 8/23/22.

Accession Number: 20220823–5016.

Comment Date: 5 p.m. ET 9/6/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 23, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–18561 Filed 8–26–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA EPA–HQ–OLEM–2022–0174; FRL10137–01–OLEM]

Proposed Information Collection Request; Comment Request; Statement Supporting the Collection of Information for Accidental Release Prevention Requirements: Risk Management Programs Under Section 112(r) of the Clean Air Act, as Amended; Safer Communities by Chemical Accident Prevention, EPA ICR Number 2725.01, OMB Control Number 2050–NEW

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is planning to submit an information collection request (ICR), Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act, as amended; Safer Communities by Chemical Accident Prevention, (EPA ICR Number 2725.01, OMB Control Number 2050–NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a new ICR. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 28, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OEM–2022–0174, to EPA online using *www.regulations.gov* (our preferred method) or by mail to EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, or to OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Wendy Hoffman, Office of Emergency Management, Mail Code 5104A, Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460; telephone number: (202) 564–8794; email address: *hoffman.wendy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The statutory authority for this action is provided by section 112(r) of the Clean Air Act (CAA) as amended (42 U.S.C. 7412(r)). Each modification of the RMP rule that EPA proposes in this document is based on EPA's rulemaking authority under CAA section 112(r)(7) (42 U.S.C. 7412(r)(7)). CAA section 307(d) sets out requirements for the content of proposed and final rules, the docket for each rulemaking, opportunities for oral testimony on proposed rulemakings, the length of time for comments, and judicial review. The agencies implementing the Risk Management Program rule use RMPs to evaluate compliance with the Chemical Accident Prevention Provisions in 40 CFR part 68 and to identify sources for inspection that may pose significant risks to the community. Citizens may use the information to assess and address chemical hazards in their communities and to respond appropriately in the event of a release of a regulated substance.

The purpose of this action is to propose changes to the current RMP rule to improve safety at facilities that use and distribute hazardous chemicals. EPA believes that the RMP regulations have been effective in preventing and mitigating chemical accidents in the United States and that the proposed revisions, by giving special consideration to concerns about climate change and environmental justice and building on lessons learned from the current regulatory program, could further protect human health and the environment from chemical hazards through advancement of process safety. These revisions are informed by EPA's review of the current RMP rule and information EPA gathered from public listening sessions held in June and July 2021.

The proposed revisions seek to improve chemical process safety, assist in planning, preparedness, and responding to RMP accidents, and improve public awareness of chemical hazards at regulated sources. To accomplish this, these proposed provisions include several changes to the accident prevention program requirements, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification.

Form Numbers: None.

Respondents/affected entities: The industries that are likely to be affected by the requirements in the proposed regulations fall into numerous North American Industry Classification System (NAICS) categories. The types of facilities affected by the proposed rule range from petroleum refineries and large chemical manufacturers to water and wastewater treatment systems; chemical and petroleum wholesalers and terminals; food manufacturers, packing plants, and other cold storage facilities with ammonia refrigeration systems; agricultural chemical distributors; midstream gas plants; and a limited number of other sources that use RMP-regulated substances.

Respondent's obligation to respond: Mandatory (CAA sections 112(r)(7)(B)(i) and (ii), CAA section 112(r)(7)(B)(iii), 114(c), CAA 114(a)(1)).

Estimated number of respondents: 14,226.

Frequency of response: On occasion.

Total estimated burden: 797,642 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $79,248,522 (per year); includes $2,817,907 annual operations and maintenance costs and $78,400 annual capital costs (per year).

Changes in estimates: This a new ICR so there is no change in total estimated burden.

Donna Salyer,

Director, Office of Emergency Management.

[FR Doc. 2022–18544 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–10100–01–OA]

Request for Nominations of Candidates for the National Environmental Education Advisory Council (NEEAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) or Agency Office of Public Engagement and Environmental Education is soliciting applications for environmental education professionals for consideration to serve on the National Environmental Education Advisory Council (NEEAC). There are multiple vacancies on the Advisory Council that must be filled. Additional avenues and resources may be utilized in the solicitation of applications. ''In accordance with Executive Order 14035

(June 25, 2021), EPA values and welcomes opportunities to increase diversity, equity, inclusion and accessibility on its federal advisory committees. EPA's federal advisory committees have a workforce that reflects the diversity of the American people.''

DATES: Nominations should be submitted by September 19, 2022 per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Mr. Javier Araujo, Designated Federal Officer (DFO), Office of Environmental Education (OEE), by telephone at (202) 441–8981 or via email at *Araujo.javier@epa.gov*. General information concerning the NEEAC can be found on the following website: *https://www.epa.gov/education/national-environmental-education-advisory-council-neeac*.

SUPPLEMENTARY INFORMATION:

Background

The National Environmental Education Act requires that the council be comprised of (11) members appointed by the Administrator of the EPA. Members represent a balance of perspectives, professional qualifications, and experience. The Act specifies that members must represent the following sectors: primary and secondary education (one of whom shall be a classroom teacher), two members; colleges and universities, two members; business and industry, two members; non-profit organizations, two members; state departments of education and natural resources, two members; and one member to represent senior Americans. Members are chosen to represent various geographic regions of the country, and the Council strives for a diverse representation. The professional backgrounds of Council members should include education, science, policy, or other appropriate disciplines. Each member of the Council shall hold office for a one (1) to three (3) year period.

Members are expected to participate in up to two (2 in person meetings per year and monthly or more virtual conference calls per year. *The anticipated time commitment may be between 15 and 40 hours per month*.

Positions on the National Environmental Education Advisory Council (NEEAC) are being offered *without* compensation. However, if selected, you will be provided with per diem as well as travel expense coverage for in person scheduled meetings.

Request for Nominations

The NEEAC staff office seeks candidates with demonstrated experience and or knowledge in any of the following environmental education issue areas: (a) Integrating environmental education into state and local education reform and improvement; (b) state, local and tribal level capacity building for environmental education: (c) cross-sector partnerships to foster environmental education; (d) leveraging resources for environmental education; (e) design and implementation of environmental education research; (f) evaluation methodology; professional development for teachers and other education professionals; and targeting under-represented audiences, including low-income, multi-cultural, senior citizens and other adults. Specific experience in environmental justice and climate change are essential.

Process and Deadline for Submitting Nominations

Any interested and qualified individuals may be considered for appointment on the National Environmental Education Advisory Council. In order to apply, the following four items should be submitted in electronic format to the Designated Federal Officer, Javier Araujo, *araujo.javier@epa.gov* and contain the following: (1) Contact information including name, address, phone, and an email address (2) a curriculum vitae or resume (3) Please include the specific area of expertise in environmental education and the sector or slot the applicant is applying for in the subject line of your submission (4) A one page commentary on the applicant's philosophy regarding the need for, development, implementation and or management of environmental education.

Nominations should be submitted by September 19, 2022.

Submit nominations electronically to Javier Araujo, Designated Federal Officer, National Environmental Education Advisory Council, U.S. Environmental Protection Agency, email: *araujo.javier@epa.gov*.

FOR FURTHER INFORMATION CONTACT: For information regarding this Request for Nominations, please contact Mr. Javier Araujo, Designated Federal Officer, *araujo.javier@epa.gov,* 202–441–8981, U.S. EPA, Office of Environmental Education, William Jefferson Clinton North Room 1426, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

General Information concerning NEEAC can be found on the EPA website at: *https://www.epa.gov/education/national-environmental-education-advisory-council-neeac*.

The short list candidates will be required to fill out the Confidential Disclosure Form for Special Government Employees serving Federal Advisory Committees at the U.S. Environmental Protection Agency. (EPA form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between that person's public responsibilities (which include membership on a Federal Advisory Committee) and private interests and activities and the appearance of a lack of impartiality as defined by Federal regulation. The form may be viewed and downloaded from the following URL address: *http://intranet.epa.gov/ogc/ethics/EPA3110-48ver3.pdf*. Please note this form is not an application form.

Rosemary Enobakhare,

Associate Administrator, Office of Public Engagement and Environmental Education.

[FR Doc. 2022–18540 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2016–0733; FRL–9948–01–OCSPP]

Carbon Tetrachloride; Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of and requesting public comment on a draft revision to the risk determination for the carbon tetrachloride risk evaluation issued under the Toxic Substances Control Act (TSCA). The draft revision to the carbon tetrachloride risk determination reflects the announced policy changes to ensure the public is protected from unreasonable risks from chemicals in a way that is supported by science and the law. In this draft revision to the risk determination EPA finds that carbon tetrachloride, as a whole chemical substance, presents an unreasonable risk of injury to health when evaluated under its conditions of use. In addition, this draft revised risk determination does not reflect an assumption that all workers always appropriately wear personal protective equipment (PPE). EPA understands that there could be

occupational safety protections in place at workplace locations; however, not assuming use of PPE reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by the standards set by the Occupational Safety and Health Administration (OSHA), or their employers are out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health.'' This revision, when final, would supersede the condition of use-specific no unreasonable risk determinations in the 2020 Carbon Tetrachloride Risk Evaluation (and withdraw the associated order) and would make a revised determination of unreasonable risk for carbon tetrachloride as a whole chemical substance.

DATES: Comments must be received on or before September 28, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0733, 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: Claudia Menasche, Office of Pollution Prevention and Toxics (7404T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–3391; email address: *menasche.claudia@epa.gov.*

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

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, use, disposal, and/or the assessment of risks involving chemical substances and mixtures. You may be potentially affected by this action if you manufacture (defined under TSCA to include import), process (including recycling), distribute in commerce, use or dispose of carbon tetrachloride. Since other entities may also be interested in this draft revision to the risk determination, EPA has not attempted to describe all the specific entities that may be affected by this action.

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

TSCA section 6, 15 U.S.C. 2605, requires EPA to conduct risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation (PESS) identified as relevant to the risk evaluation by the Administrator under the conditions of use. 15 U.S.C. 2605(b)(4)(A). TSCA sections 6(b)(4)(A) through (H) enumerate the deadlines and minimum requirements applicable to this process, including provisions that provide instruction on chemical substances that must undergo evaluation, the minimum components of a TSCA risk evaluation, and the timelines for public comment and completion of the risk evaluation. TSCA also requires that EPA operate in a manner that is consistent with the best available science, make decisions based on the weight of the scientific evidence and consider reasonably available information. 15 U.S.C. 2625(h), (i), and (k).

The statute identifies the minimum components for all chemical substance risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA expects to consider. 15 U.S.C. 2605(b)(4)(D). The statute further provides that each risk evaluation must also: (1) Integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) Describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) Take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) Describe the weight of the scientific evidence for the identified hazards and exposures. 15 U.S.C. 2605(b)(4)(F)(i) through (ii) and (iv) through (v). Each risk evaluation must not consider costs or other nonrisk factors. 15 U.S.C. 2605(b)(4)(F)(iii).

EPA has inherent authority to reconsider previous decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *see also Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983). Pursuant to such authority, EPA is reconsidering the risk determinations in the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1).

C. What action is EPA taking?

EPA is announcing the availability of and seeking public comment on a draft revision to the risk determination for the risk evaluation for carbon tetrachloride under TSCA (Ref. 2). EPA is specifically seeking public comment on the draft revision to the risk determination for the risk evaluation where the Agency intends to determine that carbon tetrachloride, as a whole chemical, presents an unreasonable risk of injury to health when evaluated under its conditions of use. The Agency's risk determination for carbon tetrachloride is better characterized as a whole chemical risk determination rather than condition-of-use-specific risk determinations. Accordingly, EPA would revise and replace section 5 of the risk evaluation for carbon tetrachloride where the findings of unreasonable risk to health were previously made for the individual conditions of use evaluated. EPA would also withdraw the order issued previously for 2 conditions of use previously determined not to present unreasonable risk.

This revision to section 5 (Ref. 2) would be consistent with EPA's plans to revise specific aspects of the first ten TSCA chemical risk evaluations to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. Under the draft revision, the same 13 conditions of use identified in the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1) as presenting unreasonable risk would continue to drive the unreasonable risk determination for carbon tetrachloride. Removing the assumption that workers always and appropriately wear PPE (see Unit II.C.) when making the whole chemical risk determination for carbon tetrachloride would not alter the conditions of use

that drive the unreasonable risk determination for carbon tetrachloride. However, without the assumed use of PPE, inhalation exposures to workers would now also drive the unreasonable risk and dermal exposures would also drive the unreasonable risk due to non-cancer effects (specifically liver toxicity). In addition, the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1) contained a typographical error in the acute dermal point of departure (POD). This error was corrected in an errata made available to the public in the docket in July 2022 and the changes to the risk estimates for acute dermal exposures are reflected in the draft revision to the risk determination (Ref. 3). The corrections do not alter the conditions of use that drive the unreasonable risk determination for carbon tetrachloride. Overall, 13 conditions of use out of 15 EPA evaluated would drive the carbon tetrachloride whole chemical unreasonable risk determination due to risks identified for human health. The full list of the conditions of use evaluated for the carbon tetrachloride TSCA risk evaluation is in Table 1–4 of the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1).

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this 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 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.*

II. Background

A. Why is EPA re-issuing the risk determination for the carbon tetrachloride risk evaluation conducted under TSCA?

In 2016, as directed by TSCA section 6(b)(2)(A), EPA chose the first ten chemical substances to undergo risk evaluations under the amended TSCA. These chemical substances are asbestos, 1-bromopropane, carbon tetrachloride, C.I. Pigment Violet 29 (PV 29), cyclic aliphatic bromide cluster (HBCD), 1,4-dioxane, methylene chloride, n-methylpyrrolidone (NMP), perchloroethylene (PCE), and trichloroethylene (TCE).

From June 2020 to January 2021, EPA published risk evaluations on the first ten chemical substances, including for carbon tetrachloride in 2020 (Ref. 1). The risk evaluations included individual unreasonable risk determinations for each condition of use evaluated. EPA issued determinations that particular conditions of use did not present an unreasonable risk by order under TSCA section 6(i)(1).

In accordance with Executive Order 13990 (Ref. 4) and other Administration priorities (Refs. 5, 6, and 7), EPA reviewed the risk evaluations for the first ten chemical substances, including carbon tetrachloride, to ensure that they meet the requirements of TSCA, including conducting decision-making in a manner that is consistent with the best available science.

As a result of this review, EPA announced plans to revise specific aspects of the first ten risk evaluations in order to ensure that the risk evaluations appropriately identify unreasonable risks and thereby help ensure the protection of human health and the environment (Ref. 8). To that end, EPA is reconsidering two key aspects of the risk determinations for carbon tetrachloride. First, following a review of specific aspects of the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1), EPA proposes that making an unreasonable risk determination for carbon tetrachloride as a whole chemical substance, rather than making unreasonable risk determinations separately on each individual condition of use evaluated in the risk evaluation, is the most appropriate approach to carbon tetrachloride under the statute and implementing regulations. Second, EPA proposes that the risk determination should be explicit that it does not rely on assumptions regarding the use of personal protective equipment (PPE) in making the unreasonable risk determination under TSCA section 6, even though some facilities might be using PPE as one means to reduce worker exposures; rather, the use of PPE would be considered during risk management as appropriate.

Separately, EPA is conducting a screening approach to assess potential risks from the air and water pathways for several of the first 10 chemicals, including this chemical. For carbon tetrachloride the exposure pathways that were or could be regulated under another EPA administered statute were excluded from the 2020 Carbon Tetrachloride Risk Evaluation (see section 1.4.3. in Ref. 1). This resulted in the ambient air and ambient/drinking water pathways for carbon tetrachloride not being assessed. The goal of the recently-developed screening approach is to remedy this exclusion and to identify if there are risks that were unaccounted for in the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1). While this analysis is underway, EPA is not incorporating the screening-level approach into this draft revised unreasonable risk determination. If the results suggest there is additional risk, EPA will determine if the risk management approaches being contemplated for carbon tetrachloride will protect against these risks or if the risk evaluation will need to be formally supplemented or revised.

This action pertains only to the risk determination for carbon tetrachloride. While EPA intends to consider and may take additional similar actions on other of the first ten chemicals, EPA is taking a chemical-specific approach to reviewing these risk evaluations and is incorporating new policy direction in a surgical manner, while being mindful of the Congressional direction on the need to complete risk evaluations and move toward any associated risk management activities in accordance with statutory deadlines.

B. What is a whole chemical view of the unreasonable risk determination for the carbon tetrachloride risk evaluation?

TSCA section 6 repeatedly refers to determining whether a chemical *substance* presents unreasonable risk under its conditions of use. Stakeholders have disagreed over whether a chemical substance should receive: A single determination that is comprehensive for the chemical substance after considering the conditions of use, referred to as a whole-chemical determination; or multiple determinations, each of which is specific to a condition of use, referred to as condition-of-use-specific determinations.

The proposed risk evaluation procedural rule was premised on the whole chemical approach to making an unreasonable risk determination (Ref. 9). In that proposed rule, EPA acknowledged a lack of specificity in statutory text that might lead to different views about whether the statute compelled EPA's risk evaluations to

address all conditions of use of a chemical substance or whether EPA had discretion to evaluate some subset of conditions of use (*i.e.,* to scope out some manufacturing, processing, distribution in commerce, use, or disposal activities), but also stated that ''EPA believes the word 'the' (in TSCA section 6(b)(4)(A)) is best interpreted as calling for evaluation that considers all conditions of use.'' (Ref. 9).

The proposed rule, however, was unambiguous on the point that an unreasonable risk determination would be for the chemical substance as a whole, even if based on a subset of uses. (See Ref. 9 at pgs. 7565–66: ''TSCA section 6(b)(4)(A) specifies that a risk evaluation must determine whether 'a chemical substance' presents an unreasonable risk of injury to health or the environment 'under the conditions of use.' The evaluation is on the chemical substance—not individual conditions of use—and it must be based on 'the conditions of use.' In this context, EPA believes the word 'the' is best interpreted as calling for evaluation that considers all conditions of use.''). In the proposed regulatory text, EPA proposed to determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use (Ref. 9 at pg. 7480).

The final risk evaluation procedural rule (Ref. 10) stated: ''As part of the risk evaluation, EPA will determine whether the chemical substance presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents.'' (See also 40 CFR 702.47). For the unreasonable risk determinations in the first ten risk evaluations, EPA applied this provision by making individual risk determinations for each condition of use evaluated as part of each risk evaluation (*i.e.,* the condition-of-use-specific approach to risk determinations). That approach was based on one particular passage in the preamble to the final risk evaluation procedural rule, which stated that EPA will make individual risk determinations for all conditions of use identified in the scope. (Ref. 10 at pg. 33744).

In contrast to this portion of the preamble of the final risk evaluation procedural rule, the regulatory text itself and other statements in the preamble reference a risk determination *for the chemical substance* under its conditions of use, rather than separate risk determinations for each of the conditions of use of a chemical substance. In the key regulatory provision excerpted above from 40 CFR 702.47, the text explains that, ''[a]s part of the risk evaluation, EPA will determine whether *the chemical substance* presents an unreasonable risk of injury to health or the environment under each condition of uses [sic] within the scope of the risk evaluation, either in a single decision document or in multiple decision documents'' (Ref. 10, emphasis added). Other language reiterates this perspective. For example, 40 CFR 702.31(a) states that the purpose of the rule is to establish the EPA process for conducting a risk evaluation to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment as required under TSCA section 6(b)(4)(B). Likewise, there are recurring references to whether the chemical substance presents an unreasonable risk in 40 CFR 702.41(a). See, for example, 40 CFR 702.41(a)(6), which explains that the extent to which EPA will refine its evaluations for one or more condition of use in any risk evaluation will vary as necessary to determine whether a chemical substance presents an unreasonable risk. Notwithstanding the one preambular statement about condition-of-use-specific risk determinations, the preamble to the final rule also contains support for a risk determination on the chemical substance as a whole. In discussing the identification of the conditions of use of a chemical substance, the preamble notes that this task inevitably involves the exercise of discretion on EPA's part, and ''as EPA interprets the statute, the Agency is to exercise that discretion consistent with the objective of conducting a technically sound, manageable evaluation to determine whether a chemical substance—not just individual uses or activities—presents an unreasonable risk.'' (Ref. 10 at pg. 33729).

Therefore, notwithstanding EPA's choice to issue condition-of-use-specific risk determinations to date, EPA interprets its risk evaluation regulation to also allow the Agency to issue whole-chemical risk determinations. Either approach is permissible under the regulation. A panel of the Ninth Circuit Court of Appeals also recognized the ambiguity of the regulation on this point. *Safer Chemicals* v. *EPA, 943 F.3d 397, 413* (9th Cir. 2019) (holding a challenge about ''use-by-use risk evaluations [was] not justiciable because it is not clear, due to the ambiguous text of the Risk Evaluation Rule, whether the Agency will actually conduct risk evaluations in the manner Petitioners fear'').

EPA plans to consider the appropriate approach for each chemical substance risk evaluation on a case-by-case basis, taking into account considerations relevant to the specific chemical substance in light of the Agency's obligations under TSCA. The Agency expects that this case-by-case approach will provide greater flexibility in the Agency's ability to evaluate and manage unreasonable risk from individual chemical substances. EPA believes this is a reasonable approach under TSCA and the Agency's implementing regulations.

With regard to the specific circumstances of carbon tetrachloride, EPA proposes that a whole chemical approach is appropriate for carbon tetrachloride in order to protect health. The whole chemical approach is appropriate for carbon tetrachloride because there are benchmark exceedances for multiple conditions of use (spanning across most aspects of the chemical lifecycle—from manufacturing (including import), processing, commercial and industrial use, and disposal) for health of workers and occupational non-users and the health effects associated with carbon tetrachloride exposures are irreversible (specifically cancer and liver toxicity). Because these chemical-specific properties cut across the conditions of use within the scope of the risk evaluation, a substantial amount of the conditions of use would drive the unreasonable risk; therefore, it is appropriate for the Agency to make a determination for carbon tetrachloride that the whole chemical presents an unreasonable risk.

As explained later in this document, the revisions to the unreasonable risk determination (section 5 of the risk evaluation) would be based on the existing risk characterization section of the risk evaluation (section 4 of the risk evaluation) and would not involve additional technical or scientific analysis. The discussion of the issues presented in this document and in the accompanying draft revision to the risk determination for carbon tetrachloride supersede any conflicting statements in the prior carbon tetrachloride risk evaluation (Ref. 1) and the related response to comments document (Ref. 11). With respect to the carbon tetrachloride risk evaluation, EPA intends to change the risk determination to a whole chemical approach without considering the use of PPE and does not intend to amend, nor does a whole chemical approach require amending, the underlying scientific analysis of the

risk evaluation in the risk characterization section of the risk evaluation. EPA views the peer reviewed hazard and exposure assessments and associated risk characterization as robust and upholding the standards of best available science and weight of the scientific evidence per TSCA sections 26(h) and (i).

EPA is announcing the availability of and seeking public comment on the draft superseding unreasonable risk determination for carbon tetrachloride, including a description of the risks driving the unreasonable risk determination under the conditions of use for the chemical substance as a whole (Ref. 2). For purposes of TSCA section 6(i), EPA is making a draft risk determination on carbon tetrachloride as a whole chemical. Under the proposed revised approach, the ''whole chemical'' risk determination for carbon tetrachloride would supersede the no unreasonable risk determinations (and withdraw the associated order) for carbon tetrachloride that were premised on a condition-of-use-specific approach to determining unreasonable risk. When finalized, EPA's revised unreasonable risk determination would also contain an order withdrawing the TSCA section 6(i)(1) order in section 5.4.1 of the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1).

C. What revision does EPA propose about the use of PPE for the carbon tetrachloride risk evaluation?

In the risk evaluations for the first ten chemical substances, as part of the unreasonable risk determination, EPA assumed for several conditions of use that all workers were provided and always used PPE in a manner that achieves the stated assigned protection factor (APF) for respiratory protection, or used impervious gloves for dermal protection. In support of this assumption, EPA considered reasonably available information such as public comments indicating that some employers, particularly in the industrial setting, provide PPE to their employees and follow established worker protection standards (*e.g.,* OSHA requirements for protection of workers).

For the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1), EPA assumed that workers use PPE, specifically respirators with an APF ranging from 10 to 50 for 12 conditions of use, and gloves with a PF of 20 for 13 conditions of use. However, in the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1), EPA determined that there is unreasonable risk to these workers even with this assumed PPE use.

EPA is revising the assumption for carbon tetrachloride that workers always or properly use PPE, although it does not question the public comments received regarding the occupational safety practices often followed by industry respondents. When characterizing the risk to human health from occupational exposures during risk evaluation under TSCA, EPA believes it is appropriate to evaluate the levels of risk present in baseline scenarios where PPE is not assumed to be used by workers. This approach of not assuming PPE use by workers considers the risk to potentially exposed or susceptible subpopulations (workers and occupational non-users) who may not be covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan.

In addition, EPA believes it is appropriate to evaluate the levels of risk present in scenarios considering applicable OSHA requirements (*e.g.,* chemical-specific permissible exposure limits (PELs) and/or chemical-specific PELs with additional substance-specific standards), as well as scenarios considering industry or sector best practices for industrial hygiene that are clearly articulated to the Agency. It should be noted that, in some cases, baseline conditions may reflect certain mitigation measures, such as engineering controls, in instances where exposure estimates are based on monitoring data at facilities that have engineering controls in place. Consistent with this approach, the 2020 Carbon Tetrachloride Risk Evaluation characterized risk to workers both with and without the use of PPE. By characterizing risks using scenarios that reflect different levels of mitigation, EPA risk evaluations can help inform potential risk management actions by providing information that could be used during risk management to tailor risk mitigation appropriately to address any unreasonable risk identified, or to ensure that applicable OSHA requirements or industry or sector best practices that address the unreasonable risk are required for all potentially exposed or susceptible subpopulations (including self-employed individuals and public sector workers who are not covered by an OSHA State Plan).

When undertaking unreasonable risk determinations as part of TSCA risk evaluations, however, EPA does not believe it is appropriate to assume as a general matter that an applicable OSHA requirement or industry practices related to PPE use is consistently and always properly applied. Mitigation scenarios included in the EPA risk evaluation (*e.g.,* scenarios considering use of various PPE) likely represent what is happening already in some facilities. However, the Agency cannot assume that all facilities have adopted these practices for the purposes of making the TSCA risk determination.

Therefore, EPA proposes to make a determination of unreasonable risk for carbon tetrachloride from a baseline scenario that does not assume compliance with OSHA standards, including any applicable exposure limits or requirements for use of respiratory protection or other PPE. Making unreasonable risk determinations based on the baseline scenario should not be viewed as an indication that EPA believes there are no occupational safety protections in place at any location, or that there is widespread non-compliance with applicable OSHA standards. Rather, it reflects EPA's recognition that unreasonable risk may exist for subpopulations of workers that may be highly exposed because they are not covered by OSHA standards, such as self-employed individuals and public sector workers who are not covered by a State Plan, or because their employer is out of compliance with OSHA standards, or because many of OSHA's chemical-specific permissible exposure limits largely adopted in the 1970's are described by OSHA as being ''outdated and inadequate for ensuring protection of worker health'' (Ref. 12), or because EPA finds unreasonable risk for purposes of TSCA notwithstanding OSHA requirements.

In accordance with this approach, EPA is proposing the draft revision to the carbon tetrachloride risk determination without relying on assumptions regarding the occupational use of PPE in making the unreasonable risk determination under TSCA section 6; rather, information on the use of PPE as a means of mitigating risk (including public comments received from industry respondents about occupational safety practices in use) would be considered during the risk management phase as appropriate. This would represent a change from the approach taken in the 2020 Carbon Tetrachloride Risk Evaluation and EPA invites comments on this draft change to the carbon tetrachloride risk determination. As a general matter, when undertaking risk management actions, EPA intends to strive for consistency with applicable OSHA requirements and industry best practices, including appropriate application of the hierarchy of controls, when those measures would address the identified unreasonable risk, including

unreasonable risk to potentially exposed or susceptible subpopulations. Consistent with TSCA section 9(d), EPA will consult and coordinate TSCA activities with OSHA and other relevant Federal agencies for the purpose of achieving the maximum applicability of TSCA while avoiding the imposition of duplicative requirements. Informed by the mitigation scenarios and information gathered during the risk evaluation and risk management process, the Agency might propose rules that require risk management practices that may be already common practice in many or most facilities. Adopting clear, comprehensive regulatory standards will foster compliance across all facilities (ensuring a level playing field) and assure protections for all affected workers, especially in cases where current OSHA standards may not apply or be sufficient to address the unreasonable risk.

Removing the assumption that workers always and appropriately wear PPE in making the whole chemical risk determination for carbon tetrachloride would not result in additional conditions of use to the original 13 conditions of use that drive the unreasonable risk for carbon tetrachloride as a whole chemical. However, the impact of removing the assumption of PPE use would cause inhalation exposures to workers to also drive the unreasonable risk and dermal exposures would also drive the unreasonable risk due to non-cancer effects (specifically liver toxicity, including risk associated with acute dermal exposures identified after the July 2022 corrections to the risk estimates (Ref. 3)). The draft revision to the risk determination would clarify that EPA does not rely on the assumed use of PPE when making the risk determination for the whole substance. EPA is requesting comment on this potential change.

D. What is carbon tetrachloride?

Carbon tetrachloride is a high production volume solvent. Currently, the vast majority of carbon tetrachloride is used as a feedstock in the production of hydrochlorofluorocarbons (HCFCs), hydrofluorocarbons (HFCs) and hydrofluoroolefins (HFOs). EPA has identified information on the regulated use of carbon tetrachloride as a process agent in the manufacturing of petrochemicals-derived and agricultural products and other chlorinated compounds such as chlorinated paraffins, chlorinated rubber and others that may be used downstream in the formulation of solvents for degreasing and cleaning, adhesives, sealants, paints, coatings, rubber, cement and asphalt formulations. The use of carbon tetrachloride for non-feedstock uses (*i.e.,* process agent, laboratory chemical) is regulated in accordance with the Montreal Protocol. The Consumer Product Safety Commission (CPSC) banned the use of carbon tetrachloride in consumer products (excluding unavoidable residues not exceeding 10 ppm atmospheric concentration) in 1970. As a result of CPSC's ban, EPA does not consider the use of carbon tetrachloride-containing consumer products produced before 1970 to be known, intended, or reasonably foreseen. While carbon tetrachloride is used in the manufacturing of other chlorinated compounds that may be subsequently added to commercially available products, EPA expects that consumer use of such products would present only negligible exposure to carbon tetrachloride given the high volatility of carbon tetrachloride and the extent of reaction and efficacy of the separation/purification process for purifying final products. As discussed in section 1.4.2.3, EPA had sufficient basis to conclude during problem formulation that industrial, commercial, and consumer uses of carbon tetrachloride in commercially available aerosol and non-aerosol adhesives and sealants, paints and coatings, and cleaning and degreasing solvent products would present only de minimis exposures or otherwise insignificant risks and did not warrant further evaluation or inclusion in the risk evaluation. Therefore, EPA did not evaluate hazards or exposures to consumers or bystanders in this risk evaluation, and there is no unreasonable risk determination for these populations.

E. What conclusions did EPA reach about the risks of carbon tetrachloride in the 2020 TSCA risk evaluation and what conclusions is EPA proposing to reach based on the whole chemical approach and not assuming the use of PPE?

In the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1), EPA determined that carbon tetrachloride presents an unreasonable risk to health under the following conditions of use:

- Manufacturing (Domestic Manufacture);
- Manufacturing (Import, including loading/unloading and repackaging);
- Processing: As a reactant in the production of hydrochlorofluorocarbon, hydrofluorocarbon, hydrofluoroolefin, and perchloroethylene;
- Processing: Incorporation into formulation, mixtures or reaction products (petrochemicals-derived manufacturing; agricultural products manufacturing; other basic organic and inorganic chemical manufacturing);
- Processing: Repackaging for use in laboratory chemicals;
- Processing: Recycling;
- Industrial/commercial use as an industrial processing aid in the manufacture of petrochemicals-derived products and agricultural products;
- Industrial/commercial use in the manufacture of other basic chemicals (including chlorinated compounds used in solvents, adhesives, asphalt, and paints and coatings);
- Industrial/commercial use in metal recovery;
- Industrial/commercial use as an additive;
- Industrial/commercial use in specialty uses by the Department of Defense;
- Industrial/commercial use as a laboratory chemical; and
- Disposal.

Under the proposed whole chemical approach to the carbon tetrachloride risk determination, the unreasonable risk from carbon tetrachloride would continue to be driven by those same conditions of use (COUs). In addition, by removing the assumption of PPE use in making the whole chemical risk determination for carbon tetrachloride, there are no additional conditions of use that would drive the draft unreasonable risk determination. The same 13 out of the 15 COUs that EPA evaluated would continue to drive EPA's unreasonable risk determination, though inhalation exposures to workers would now also drive the unreasonable risk and dermal exposures would also drive the unreasonable risk due to non-cancer effects (specifically liver toxicity), where previously those COUs were identified as presenting unreasonable risk only from cancer effects from dermal exposures and cancer and non-cancer effects, for some COUs, to occupational non-users from inhalation exposures. Overall, 13 out of the 15 COUs that EPA evaluated would drive the carbon tetrachloride whole chemical unreasonable risk determination.

Consistent with the statutory requirements of TSCA section 6(a), EPA will propose risk management regulatory action to the extent necessary so that carbon tetrachloride no longer presents an unreasonable risk. Therefore, it is expected that EPA's risk management action likely will focus on the conditions of use that drive the unreasonable risk. However, it should be noted that, under TSCA section 6(a), EPA is not limited to regulating the specific activities found to drive

unreasonable risk and may select from among a suite of risk management requirements in section 6(a) related to manufacture (including import), processing, distribution in commerce, commercial use, and disposal as part of its regulatory options to address the unreasonable risk. As a general example, EPA may regulate upstream activities (*e.g.,* processing, distribution in commerce) to address downstream activities (*e.g.,* consumer uses) driving unreasonable risk, even if the upstream activities do not drive the unreasonable risk.

III. Revision of the 2020 Risk Evaluation

A. Why is EPA proposing to revise the risk determination for the carbon tetrachloride risk evaluation?

EPA is proposing to revise the risk determination for the carbon tetrachloride risk evaluation pursuant to TSCA section 6(b) and consistent with Executive Order 13990, (''Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'') and other Administration priorities (Refs. 4, 5, 6, and 7). EPA is revising specific aspects of the first ten TSCA existing chemical risk evaluations in order to ensure that the risk evaluations better align with TSCA's objective of protecting health and the environment. For the carbon tetrachloride risk evaluation, this includes the draft revision: 1) Making the risk determination in this instance based on the whole chemical substance instead of by individual conditions of use, and 2) Emphasizing that EPA does not rely on the assumed use of PPE when making the risk determination.

B. What are the draft revisions?

Under the revised determination, EPA preliminarily concludes that carbon tetrachloride, as evaluated in the risk evaluation as a whole, presents an unreasonable risk of injury to health under its conditions of use. This revision would replace the previous unreasonable risk determinations made for carbon tetrachloride by individual conditions of use, supersede the determinations (and withdraw the associated order) of no unreasonable risk for the conditions of use identified in the TSCA section 6(i)(1) no unreasonable risk order, and clarify the lack of reliance on assumed use of PPE as part of the risk determination.

These draft revisions do not alter any of the underlying technical or scientific information that informs the risk characterization, and as such the hazard, exposure, and risk characterization sections are not changed by these revisions. The draft revision to the unreasonable risk determination considers the corrections to the risk estimates for acute dermal exposures placed in the docket for the carbon tetrachloride risk evaluation in July 2022; that errata memorandum corrected a typographical error in the acute dermal point of departure (POD) and the risk estimates based on that POD in the 2020 Risk Evaluation (Ref. 3).

The discussion of the issues in this document and in the accompanying draft revision to the risk determination would supersede any conflicting statements in the prior executive summary from the 2020 Carbon Tetrachloride Risk Evaluation and the response to comments document (Refs. 1 and 11). Additional policy changes to other chemical risk evaluations, including any consideration of potentially exposed or susceptible subpopulations and/or inclusion of additional exposure pathways, are not necessarily reflected in these draft revisions to the risk determination.

C. Will the draft revised risk determination be peer reviewed?

The risk determination (section 5 of the 2020 Carbon Tetrachloride Risk Evaluation, Ref. 1) was not part of the scope of the peer reviews of the carbon tetrachloride risk evaluation by the Science Advisory Committee on Chemicals (SACC). Thus, consistent with that approach, EPA does not intend to conduct peer review of the draft revised unreasonable risk determination for the carbon tetrachloride risk evaluation because no technical or scientific changes will be made to the hazard or exposure assessments or the risk characterization.

D. What are the next steps for finalizing revisions to the risk determination?

EPA will review and consider public comment received on the draft revised risk determination for the carbon tetrachloride risk evaluation and, after considering those public comments, issue the revised final carbon tetrachloride risk determination. If finalized as drafted, EPA would also issue a new order to withdraw the TSCA section 6(i)(1) no unreasonable risk order issued in section 5.4.1 of the 2020 Carbon Tetrachloride Risk Evaluation (Ref. 1). The final revised risk determination would supersede the risk determinations of no unreasonable risk in the 2020 Carbon Tetrachloride Risk Evaluation. Consistent with the statutory requirements of TSCA section 6(a), the Agency would then propose risk management actions to address the unreasonable risk determination in the final revised carbon tetrachloride risk evaluation.

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 physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Risk Evaluation for Carbon Tetrachloride (Methane, Tetrachloro-); CASRN: 56–23–5. EPA Document #740–R1–8014. October 2020. *https://www.epa.gov/sites/default/files/2020-10/documents/1_ccl4_risk_evaluation_for_carbon_tetrachloride.pdf.* As announced in the **Federal Register**. 85 FR 70147, November 4, 2020 (FRL–10015–51).
2. EPA. Draft Revised Unreasonable Risk Determination for Carbon Tetrachloride, section 5. July 2022.
3. EPA. Correction of Dermal Acute Hazard and risk Values in the Final Risk Evaluation for Carbon Tetrachloride. Memorandum. July 27, 2022. Document ID No. EPA–HQ–OPPT–2019–0499–0064. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0499-0064.*
4. Executive Order 13990. Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. **Federal Register**. 86 FR 7037, January 25, 2021.
5. Executive Order 13985. Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. **Federal Register**. 86 FR 7009, January 25, 2021.
6. Executive Order 14008. Tackling the Climate Crisis at Home and Abroad. **Federal Register**. 86 FR 7619, February 1, 2021.
7. Presidential Memorandum. Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. **Federal Register**. 86 FR 8845, February 10, 2021.
8. EPA. Press Release. EPA Announces Path Forward for TSCA Chemical Risk Evaluations. June 2021. *https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations.*
9. EPA. Proposed Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 7562, January 18, 2017 (FRL–9957–75).
10. EPA. Final Rule; Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act. **Federal Register**. 82 FR 33726, July 20, 2017 (FRL–9964–38).

11. EPA. Summary of External Peer Review and Public Comments and Disposition for Carbon Tetrachloride (Methane, Tetrachloro-). Document ID No. EPA–HQ–OPPT–2019–0499–0062. November 2020. *https://www.regulations.gov/document/EPA-HQ-OPPT-2019-0499-0062.*

12. Occupational Safety and Health Administration. Permissible Exposure Limits—Annotated Tables. Accessed June 13, 2022. *https://www.osha.gov/annotated-pels.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 19, 2022.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–18535 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0222; FRL–9997–01–OCSPP]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel their registrations of certain product registrations and to amend certain product registrations to terminate one or more uses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled or use terminated, only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before September 28, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0222, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Christopher Green, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2707; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *Regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces receipt by EPA of requests from registrants to cancel certain product registrations and terminate certain uses of product registrations. The affected products and the registrants making the requests are identified in Tables 1 and 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order canceling and amending the affected registrations.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Active ingredients
100–1238	100	Scimitar GR Insecticide	Lambda-Cyhalothrin.
100–1239	100	Lambda-CY 0.045% H&G Granule Insecticide	Lambda-Cyhalothrin.
100–1273	100	A14796 Insecticide	Lambda-Cyhalothrin.
100–1274	100	A14797 Insecticide	Lambda-Cyhalothrin.
100–1304	100	Thiamethoxam 0.20/Lambda-Cyhalothrin 0.04 L&G GR.	Lambda-Cyhalothrin & Thiamethoxam.
100–1334	100	Thiamethoxam 0.40/Lambda-cyhalothrin 0.16 ME Concentrate.	Lambda-Cyhalothrin & Thiamethoxam.
100–1336	100	Thiamethoxam 0.010/Lambda-cyhalothrin 0.004 ME RTU.	Lambda-Cyhalothrin & Thiamethoxam.
228–649	228	NuFarm Two Ox Pro Herbicide	Oxadiazon & Oxyfluorfen.
1381–180	1381	Pro Source #1 Magic Carpet Fertilizer with 0.67% Ronstar.	Oxadiazon.
1381–181	1381	Pro Source Magic Carpet Fertilizer with 1.00% Ronstar.	Oxadiazon.
2693–195	2693	VC17M with Biolux Copper Powder V901	Copper as elemental.
2693–196	2693	VC17M with Biolux Copper Powder V900	Copper as elemental.

TABLE 1—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Active ingredients
6836–124	6836	Glybrom RW–97.5	2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl- & 1,3-Dibromo-5,5-dimethylhydantoin.
6836–329	6836	Lonzabac 12 Preservative	1,3-Propanediamine, N-(3-aminopropyl)-N-dodecyl-
9150–11	9150	Cryocide 20	Chlorine dioxide & 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride.
9150–15	9150	Anthium Pesticidal Disinfecting Spray	1-Decanaminium, N-decyl-N,N-dimethyl-, chloride & Chlorine dioxide.
10324–99	10324	Maquat 10–PD	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
10324–142	10324	Maquat MQ2525M–14	Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) & Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12).
52287–11	52287	Fertilizer with Starteem(R) #2	Trifluralin; Benfluralin & Oxadiazon.
59682–5	59682	Fast Attack	Nonylphenoxypolyethoxyethanol—iodine complex.
67799–3	67799	Sea Fresh 150	Sulfur dioxide.
70506–33	70506	Devrinol 2–G Ornamental Selective Herbicide	Napropamide.
70506–37	70506	Devrinol 3.75 SC Landscape and Nursery Selective Herbicide (Active); Devrinol 4–F Ornamental Selective Herbicide (Alternate).	Napropamide.
70506–38	70506	Devrinol 50–DF Ornamental Selective Herbicide	Napropamide.
70506–39	70506	Devrinol Lawn and Ornamental Selective Herbicide	Napropamide.
70506–63	70506	Devrinol 2–EC Ornamental Selective Herbicide	Napropamide.
70506–263	70506	Doubledown	Oxadiazon & Oxyfluorfen.
70506–373	70506	Dupont Londax G Herbicide	Bensulfuron-methyl.
87373–41	87373	A364.02	Paraquat dichloride
87373–112	87373	Paraquat Technical	Paraquat dichloride.
91234–87	91234	A364.01	Paraquat dichloride.
IN–110004	62719	Instinct	Nitrapyrin.
IN–130001	10163	Malathion 8	Malathion (NO INERT USE).
IN–130002	10163	Malathion 8	Malathion (NO INERT USE).
KS–170001	100	Dual Magnum Herbicide	S-Metolachlor.
NJ–990006	62719	Confirm 2F Agricultural Insecticide	Tebufenozide.
OK–990002	62719	Confirm 2F Agricultural Insecticide	Tebufenozide.
OR–110018	59639	Valor Herbicide	Flumioxazin.
VA–980006	62719	RH–5992 2F Experimental Insecticide	Tebufenozide.
WA–110011	62719	Opensight	Metsulfuron & Aminopyralid-potassium.
WA–140004	62719	Entrust SC	Spinosad.
WA–140005	81880	GWN–1715	Pyridaben.
WA–170001	81880	Nexter SC Miticide/Insecticide	Pyridaben.

TABLE 2—PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE TERMINATIONS.

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
45728–21	45728	Thiram Granuflo Agricultural Fungicide.	Thiram	Turf and golf.
45728–26	45728	Thiram SC	Thiram	Turf and golf.
85678–67	85678	Bifenthrin 2E	Bifenthrin	Crop use for Nurseries.
94730–3	94730	Bifenthrin Technical	Bifenthrin	Indoor Residential.

Table 3 of this unit includes the names and addresses of record for the registrants of the products listed in Table 1 and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR USE TERMINATIONS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
228	NuFarm Americas, Inc., 4020 Aerial Center Pkwy., Ste. 101, Morrisville, NC 27560.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
2693	International Paint, LLC, 6001 Antoine Drive, Houston, TX 77091.
6836	Arxada, LLC, 412 Mount Kemble Avenue, Suite 200S, Morristown, NJ 07960.
9150	International Dioxcide, Inc., 40 Whitecap Drive, North Kingstown, RI 02852.
10163	Gowan Company, LLC, 370 S Main St., Yuma, AZ 85366.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR USE TERMINATIONS—Continued

EPA company No.	Company name and address
10324	Mason Chemical Company, 9075 Centre Pointe Dr., Suite 400, West Chester, OH 45069.
45728	Taminco US, LLC, A Subsidiary of Eastman Chemical Company, c/o John Hott-B280, 200 S Wilcox Dr., Kingsport, TN 376605147.
52287	Harrell's, LLC, P.O. Box 807, Lakeland, FL 33802.
59639	Valent U.S.A. LLC, 4600 Norris Canyon Road, P.O. Box 5075, San Ramon, CA 94583.
59682	Controlled Release Technologies, Inc., 1016 Industry Drive, Shelby, NC 28152.
62719	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
67799	Seaco Technologies, Inc., P.O. Box 80205, Bakersfield, CA 93380.
70506	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
81880	Canyon Group, LLC, c/o Gowan Company, 370 S Main Street, Yuma, AZ 85364.
85678	RedEagle International, LLC, Agent Name: Wagner Regulatory Associates, Inc., 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707.
87373	Argite, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332.
91234	Atticus, LLC, Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct. NW, Gig Harbor, WA 98332–9122.
94730	Generic Crop Science, LLC, Agent Name: Wagner Regulatory Associates, Inc., 7217 Lancaster Pike, Ste. A, P.O. Box 640, Hockessin, DE 19707.

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

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA (7 U.S.C. 136d(f)(1)(B)) requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) (7 U.S.C. 136d(f)(1)(C)) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use termination should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for voluntary cancellation and amendments to terminate uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations and for amendments to terminate uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Tables 1 and 2 of Unit II.

For 10324–142:

For 10324–142, listed in Table 1 of Unit II, the registrant has requested an 18-month sell-through period.

For all other voluntary product cancellations, listed in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Once EPA has approved product labels reflecting the requested amendments to terminate uses, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 23, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2022–18555 Filed 8–26–22; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 9:00 a.m., Thursday, September 8, 2022.

PLACE: You may observe the open portions of this meeting in person at 1501 Farm Credit Drive, McLean, Virginia 22102–5090, or virtually. If you would like to observe, at least 24 hours in advance, visit *FCA.gov,* select ''Newsroom,'' then select ''Events.'' From there, access the linked

''Instructions for board meeting visitors'' and complete the described registration process.

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: The following matters will be considered:

PORTIONS OPEN TO THE PUBLIC:

- Approval of August 11, 2022, Minutes
- Quarterly Report on Economic Conditions and Farm Credit System Condition and Performance
- Fall 2022 Unified Agenda

PORTIONS CLOSED TO THE PUBLIC:

- Office of Examination Quarterly Report on Supervisory and Oversight Activities [1]

CONTACT PERSON FOR MORE INFORMATION: If you need more information or assistance for accessibility reasons, or have questions, contact Ashley Waldron, Secretary to the Board. Telephone: 703–883–4009. TTY: 703–883–4056.

Ashley Waldron,

Secretary to the Board.

[FR Doc. 2022–18640 Filed 8–25–22; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0953; FR ID 102339]

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 28, 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* and to *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: 3060–0953.

Title: Section 95.2309, Frequency Coordination/Coordinator, Wireless Medical Telemetry Service.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and Not-for-profit institutions.

Number of Respondents and Responses: 3,000 respondents; 3,000 responses.

Estimated Time per Response: 2–5 hours.

Frequency of Response: On occasion and one-time reporting requirements, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority is contained in 47 U.S.C. 4(i), 302, 303(b), (c), (e), (f), (r), and 307.

Total Annual Burden: 15,000 hours.

Total Annual Cost: $750,000.

Privacy Act Impact Assessment: No Impact(s).

Nature and Extent of Confidentiality: No information is requested that would require assurance of confidentiality.

Needs and Uses: The Commission will submit this information collection to OMB as an extension after this 60-day comment period to obtain the full three-year clearance from them.

On March 20, 2019, the Federal Communications Commission released a Report and Order and Order on Reconsideration, Amendment of Part 15 of the Commission's Rules for Unlicensed White Space Devices, Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, ET Docket Nos. 16–56, 14–165, GN Docket No 12–268 and RM–11745, FCC 19–24. The Federal Communications Commission restored previously deleted rule text to a new Section 95.2309 (h), which states that parties operating WMTS networks on Channel 37 (608–614 MHz) must notify one of the white space database administrators of their operating location to obtain interference protection from white space devices. The reinstatement did not impose any new requirements that would be subject to this collection of information.

Federal Communications Commission.

Sheryl Todd,

Deputy Secretary, Office of the Secretary.

[FR Doc. 2022–18569 Filed 8–26–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

[OMB No. 3064–0211]

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (OMB Control No. 3064–0211).

DATES: Comments must be submitted on or before October 28, 2022.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.fdic.gov/resources/regulations/federal-register-publications/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128,

[1] Session Closed-Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, 202–898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Generic Clearance for Prize Competition Participation.

2. *OMB Number:* 3064–0211.

Affected Public: Innovators; technologists, coders, engineers and developers; consumers of financial services; consumer advocates; academics; members of trade groups and other associations; individuals connected to financial institutions, community banks, and financial and bank service and technology providers; software, data, and technology firms; and other members of the public.

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 3064–0211]

Information collection description (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (hours)	Annual Burden (hours)
Innovation Prize Competitions (Voluntary)	Reporting (Occasional)	1,500	1	20	30,000

General Description of Collection: The FDIC seeks to extend, without change, its generic clearance for the collection of information requested from potential participants in FDIC-sponsored or co-sponsored prize competitions of various types, including point solution competitions (designed to spur the development of solutions for a particular problem) and exposition (designed competitions to identify and promote a broad range of ideas and practices to facilitate further development by third parties). Prize competitions and the opportunity to submit applications to participate will be announced on the agency's publicly accessible government website, as well as possibly through other forms of public communication, such as publication in the **Federal Register**, issuance of Financial Institution Letters, use of *challenge.gov* website maintained by the U.S. General Services Administration, or social media advertisement. In order for the FDIC to determine which applicants will be eligible and selected to participate in FDIC prize competitions, the FDIC will request that potential participants provide their name, contact information, address, and such other information that may be necessary to evaluate applicants' qualifications and ability to participate in the event as well as to match the applicants' anticipated role to the needs of the competition. Applicants will also be asked to acknowledge the terms and conditions of participating in the prize competition. Information will be collected during prize competitions through the solutions to the challenges or problems presented. This information collection will be voluntary. Collection in the form of application will be conducted primarily online with alternative methods made available. Collection during the events will be in-person or electronic. The FDIC will consult with OMB regarding each specific information collection during the approval period. The FDIC estimates that over the three-year clearance period of this request, up to five (5) competitions will be conducted across various divisions of the agency, involving a variety of topics and challenges associated with underserved communities and financial inclusion; consumer protection; the FDIC's use of information technology and data (including artificial intelligence and machine learning); and financial and technologically-driven innovation in banking. The total hourly burden attributed to this generic clearance will be approximately 30,000 hours (an estimated average of 6,000 hours per prize competition × 5 competitions per year). There is no change in the method or substance of the collection. The estimated annual burden remains the same.

Request for Comment

Comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on August 23, 2022.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–18511 Filed 8–26–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Release of the Federal Maritime Commission's FY 2019 Service Contract Inventory Analysis

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: The Federal Maritime Commission (Commission) is publishing this notice to advise the public of the availability of its FY 2019 Service Contract Inventory Analysis. The FY 2019 Service Contract Inventory Analysis includes Scope, Methodology, Findings, Actions Taken or Planned, and Accountable Officials.

DATES: The inventory is available on the Commission's website as of August 5, 2022.

FOR FURTHER INFORMATION CONTACT: Katona Bryan-Wade, Director, Office of Management Services, 202–523–5900, *omsmaritime@fmc.gov.*

SUPPLEMENTARY INFORMATION: Acting in compliance with sec. 743 of Division C of the Consolidated Appropriations Act 2010, the Federal Maritime Commission

(Commission) is publishing this notice to advise the public of the availability of its FY 2019 Service Contract Inventory Analysis. The FY 2019 Service Contract Inventory Analysis includes Scope, Methodology, Findings, Actions Taken or Planned, Accountable Officials.

Objectives, and Agency Findings

This analysis was developed in accordance with guidance issued by the Office of Management and Budget (OMB), Office of Procurement Policy (OFPP), and in accordance with FAR subpart 4.17—Service Contracts Inventory. The Federal Maritime Commission has posted its FY 2019 Service Contract Inventory Analysis at the following link: *https://www.fmc.gov/about-the-fmc/governmentwide-laws-regulations/service-contract-analysis/.*

William Cody,

Secretary.

[FR Doc. 2022–18487 Filed 8–26–22; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843), and interested persons may express their views in writing on the standards enumerated in section 4. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 28, 2022.

A. Federal Reserve Bank of San Francisco (Mongkha Pavlick, Group Vice President, Formation + Transactions) 101 Market Street, San Francisco, California 94105–1579:

1. *BAWAG Group, AG, Vienna, Austria;* to become a bank holding company by acquiring Peak Bancorp, Inc., and thereby indirectly acquiring Idaho First Bank, both of McCall, Idaho. In connection with this application, BAWAG Group, AG has applied to retain 19.5 percent of Marlette Holdings, Inc., Wilmington, Delaware, and thereby engage in extending credit and servicing loans pursuant to section 225.28(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–18556 Filed 8–26–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than September 28, 2022.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Head of Bank Applications) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Nave Holdings Inc.;* to become a bank holding company by acquiring Nave Bank, both of San Juan, Puerto Rico.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–18557 Filed 8–26–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''Measure Dx: A Resource to Identify, Analyze, and Learn from Diagnostic Safety Events.'' This proposed information collection was previously published in the **Federal Register** on June 15, 2022 and allowed 60 days for public comment. AHRQ did not receive substantive comments from members of the public during this period. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov*.

SUPPLEMENTARY INFORMATION:

Proposed Project

Measure Dx: A Resource To Identify, Analyze, and Learn From Diagnostic Safety Events

The Measure Dx resource (the Resource) is a modular toolkit that provides clinicians, quality and safety personnel, and healthcare organization leaders with guidance for implementing diagnostic safety measurement strategies for the purposes of learning and improvement. The Resource was developed and pilot tested (Fast Track OMB control number: 0935–0179) during the base year of an AHRQ contract awarded to the MedStar Health Research Institute and provides pragmatic recommendations for implementing measurement strategies that were identified in the AHRQ Issue Brief titled Operational Measurement of Diagnostic Safety: State of the Science. In particular, the Resource focuses on four broad measurement strategies that were assessed to be approaching readiness for implementation in operational settings.

AHRQ is requesting full OMB approval to conduct a formal evaluation of the Resource. AHRQ would like to further develop this resource, expanding on the initial pilot test which qualitatively examined feasibility of implementing the resource, general receptivity, and feedback for improvement.

This information collection has the following goal:

1. To evaluate the Resource in order to stimulate measurement activities for learning and improvement and quantitatively and qualitatively examine:

a. Feasibility of implementing the Resource with limited to no technical assistance;

b. User experience and satisfaction with the Resource;

c. Impact of the Resource on diagnostic safety policies or activities;

d. Yield of newly detected diagnostic safety events and associated learning resulting from use of the Resource;

e. Intent to sustain use of the Resource and continue with the diagnostic safety process following evaluation efforts.

This information collection is being conducted by AHRQ through its contractor, MedStar Health Research Institute, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

Method of Collection

To achieve the goals of this project the following information collection instruments will be completed:

(1) Organizational Characteristics Survey—designed to qualitatively describe the characteristics of the organizations engaged in evaluation (*e.g.,* patient characteristics, practice size, and staffing).

(2) Organizational Self-Assessment Survey—designed to qualitatively assess the organization's readiness (*e.g.,* leadership support, resources, and safety culture/infrastructure) for implementing the Resource.

(3) The Safer Dx Checklist—A synthesis of foundational practices that health care organizations can use to advance diagnostic excellence. The checklist provides a framework for organizations to conduct a self-assessment to understand the current state of diagnostic practices, identify areas to improve, and track progress toward diagnostic excellence over time.

(4) Pre-test Evaluation Interview Protocol—designed to qualitatively assess the organization's current policies and structures related to diagnostic safety, plans for implementing the Resource, and initial feedback on resource materials.

(5) Post-test Evaluation Interview Protocol—designed to qualitatively assess the organization's experience with implementing the Resource, the impact of the Resource on diagnostic safety policies or activities in their organization, contextual information about whether and how the Resource facilitated case detection, and intent to sustain use of the Resource following evaluation efforts.

(6) Team Questionnaire—adapted to help organizations self-assess diagnostic teamwork in their organization & their diagnostic team's commitment to implementing the Resource.

(7) Case Review Summary Form—designed to quantitatively and qualitatively summarize the diagnostic safety intelligence that participants have detected, analyzed, and/or learned from while implementing one Measure Dx strategy.

(8) ECHO Calls Protocol—The purpose of virtual ECHO calls is to foster bi-directional learning among the participating organizations, to check site progress during the implementation period and to understand ''real-time'' challenges, successes, and lessons learned. Standard questions for each ECHO session will be asked to foster shared learning and discussion.

AHRQ will use the information collected to assess and enhance the feasibility of organizations in adopting the Resource to stimulate diagnostic safety measurement activities for learning and improvement. AHRQ's ability to publicly share a diagnostic measurement resource that has been scientifically validated is expected to be of great interest to the health care community and important in helping organizations measure diagnostic safety for patient safety and quality improvement efforts.

Estimated Annual Respondent Burden

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Organizational Characteristics Survey	10	1	1	10
Organizational Self-Assessment (from Measure Dx)	10	1	.5	5
Safer Dx Checklist	10	2	0.25	5
Pre-Test Interview Protocol	20	1	1	20
Post-test Evaluation Interview Protocol	20	1	1	20
Team Questionnaire	10	2	0.25	5
Case Review Summary Form	10	2	.75	15

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
ECHO Call Protocol	10	6	1	60
Total	100	NA	NA	140

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Organizational Characteristics Survey	10	10	[a] $57.61	$576.1
Organizational Self-Assessment (from Measure Dx)	10	5	[a] 57.61	288.05
Safer Dx Checklist	10	5	[a] 57.61	288.05
Pre-Test Interview Protocol	20	20	[b] 136.37	2,727.40
Post-test Evaluation Interview Protocol	20	20	[b] 136.37	2,727.40
Team Questionnaire	10	5	[a] 57.61	288.05
Case Review Summary Form	10	15	[b] 136.37	2,045.60
ECHO Call Protocol	10	60	[a] 57.61	3,456.60
Total	100	140	NA	12,397.25

* National Compensation Survey: Occupational wages in the United States May 2021 ''U.S. Department of Labor, Bureau of Labor Statistics.'' (*https://www.bls.gov/oes/current/oes_nat.htm#29-0000*).
[a] Based on the mean wages for *Medical and Health Services Managers (Code 11–9111).*
[b] Based on the mean wages for *Physicians (broad) (Code 29–1210).*

Request for Comments

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: August 23, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–18488 Filed 8–26–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting for Software Developers on the Common Formats for Patient Safety Data Collection

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of public meeting.

SUMMARY: AHRQ coordinates the development of sets of standardized definitions and formats (Common Formats) that make it possible to collect, aggregate, and analyze uniformly structured information about health care quality and patient safety for local, regional, and national learning. The Common Formats include technical specifications to facilitate the collection of electronically comparable data by Patient Safety Organizations (PSOs) and other entities. Additional information about the Common Formats can be obtained through AHRQ's PSO website at *https://pso.ahrq.gov/common-formats* and the PSO Privacy Protection Center's website at *https://www.psoppc.org/psoppc_web/publicpages/commonFormatsOverview.*

The purpose of this notice is to announce a meeting to discuss implementation of the Common Formats with software developers and other interested parties. This meeting is designed as an interactive forum where software developers can provide input on use of the formats. AHRQ especially requests participation by and input from those entities which have used AHRQ's technical specifications and implemented, or plan to implement, the Common Formats electronically.

DATES: The meeting will be held from 2 to 2:30 p.m. Eastern on Thursday, September 15, 2022.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT: Dr. Hamid Jalal, Medical Officer, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to 299b–26 (Patient Safety Act), and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70731–70814, provide for the Federal listing of Patient Safety Organizations (PSOs), which collect, aggregate, and analyze confidential information (patient safety

work product) regarding the quality and safety of health care delivery.

The Patient Safety Act requires PSOs, to the extent practical and appropriate, to collect patient safety work product from providers in a standardized manner that permits valid comparisons of similar cases among similar providers. (42 U.S.C. 299b–24(b)(1)(F)). The Patient Safety Act also authorizes the development of data standards, known as the Common Formats, to facilitate the aggregation and analysis of non-identifiable patient safety data collected by PSOs and reported to the network of patient safety databases (NPSD). (42 U.S.C. 299b–23(b)). The Patient Safety Act and Patient Safety Rule can be accessed at: *http://www.pso.ahrq.gov/legislation/.*

AHRQ has issued Common Formats for Event Reporting (CFER) for three settings of care—hospitals, nursing homes, and community pharmacies. AHRQ has also issued Common Formats for Event Reporting—Diagnostic Safety (CFER–DS) designed for use in all healthcare settings.

Federally listed PSOs can meet the requirement to collect patient safety work product in a standardized manner to the extent practical and appropriate by using AHRQ's Common Formats. The Common Formats are also available in the public domain to encourage their widespread adoption. An entity does not need to be listed as a PSO or working with one to use the Common Formats. However, the Federal privilege and confidentiality protections only apply to information developed as patient safety work product by providers and PSOs working under the Patient Safety Act.

Agenda, Registration, and Other Information About the Meeting

The Agency for Healthcare Research and Quality (AHRQ) will be hosting this fully virtual meeting to discuss implementation of the Common Formats with members of the public, including software developers and other interested parties. The agenda will include discussion on ways to improve the portion of the PSO Privacy Protection Center's website for Software Developers and Vendors: *https://www.psoppc.org/psoppc_web/publicpages/forDevelopersAndVendors.* Active participation and discussion by meeting participants is encouraged.

AHRQ requests that interested persons send an email to *SDMeetings@infinityconferences.com* for registration information. Before the meeting, an agenda and logistical information will be provided to registrants.

Dated: August 23, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–18486 Filed 8–26–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2022–0103]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public. Time will be available for public comment.

DATES: The meeting will be held on September 1, 2022, from 10:00 a.m. to 5:00 p.m., EDT and September 2, 2022, from 10:00 a.m. to 12:00 p.m., EDT (dates and times subject to change, see the ACIP website for updates *http://www.cdc.gov/vaccines/acip/index.html*). The meeting will be webcast live via the World Wide Web. Written comments must be received on or before September 2, 2022.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2022–0103, by either of the following methods.

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H24–8, Atlanta, GA 30329–4027, Attn: September 1–2, 2022, ACIP Meeting.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, MS H24–8, Atlanta, GA 30329–4027; Telephone: 404–639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 41 CFR 102–3.150(b), less than 15 calendar days' notice is being given for this meeting due to the exceptional circumstances of the COVID–19 pandemic and rapidly evolving COVID–19 vaccine development and regulatory processes. The Secretary of Health and Human Services has determined that COVID–19 is a Public Health Emergency. A notice of this Advisory Committee on Immunization Practices (ACIP) meeting has also been posted on CDC's ACIP website at: *http://www.cdc.gov/vaccines/acip/index.html.* In addition, CDC has sent notice of this ACIP meeting by email to those who subscribe to receive email updates about ACIP.

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the CDC Director and appear on CDC immunization schedules must be covered by applicable health plans.

Matters To Be Considered: The agenda will include discussions on use of COVID–19 vaccines booster doses. A recommendation vote(s) is scheduled. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/index.html.*

The meeting will be webcast live via the World Wide Web; for more information on ACIP, visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Please note that comments received, including attachments and other supporting materials, are part of the public record and are subject to

public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Written Public Comment: Written comments must be received on or before September 2, 2022.

Oral Public Comment: This meeting will include time for members of the public to make an oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment during the September 1–2, 2022, ACIP meeting must submit a request at *https://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m. EDT, August 30, 2022, according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals by email on August 31, 2022, regarding their request to speak. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to three minutes, and each speaker may only speak once per meeting.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–18734 Filed 8–25–22; 4:15 pm]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0026]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act) authorizes FDA to award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that ZYNTEGLO (betibeglogene autotemcel), manufactured by bluebird bio, Inc., meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of an approved rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), FDA will award priority review vouchers to sponsors of approved rare pediatric disease product applications that meet certain criteria. FDA has determined that ZYNTEGLO (betibeglogene autotemcel), manufactured by bluebird bio, Inc., meets the criteria for a priority review voucher. ZYNTEGLO is indicated for the treatment of adult and pediatric patients with ß-thalassemia who require regular red blood cell transfusions.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *https://www.fda.gov/industry/developing-products-rare-diseases-conditions/rare-pediatric-disease-rpd-designation-and-voucher-programs.* For further information about ZYNTEGLO, go to the Center for Biologics Evaluation and Research's Approved Cellular and Gene Therapy Products website at *https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/approved-cellular-and-gene-therapy-products.*

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18519 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0093]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Review Transparency and Communication for New Molecular Entity New Drug Applications and Original Biologics License Applications in Prescription Drug User Fee Submissions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by September 28, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0746. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three

White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Review Transparency and Communication for New Molecular Entity New Drug Applications (NME NDA) and Original Biologics License Applications (BLAs) in Prescription Drug User Fee Submissions

OMB Control Number 0910–0746—Revision

This information collection supports the evaluation of certain performance goals and procedures set forth in what is known as FDA's ''goals letter'' or ''commitment letter'' under the seventh authorization of the Prescription Drug User Fee Act (PDUFA VII). The goals letter is the result of Agency, industry, and public input, as Congressionally mandated under the applicable statutes. The document entitled ''PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2023 Through 2027'' (PDUFA VII Commitment Letter) represents current performance goals agreed to by FDA in support of these respective programs. The document is available at: *https://www.fda.gov/media/151712/download.*

To implement certain performance goals, we established a review program (the Program) to promote greater transparency and increased communication between the FDA review team and the applicant on the most innovative products that we review. The Program goals are intended to increase the efficiency and effectiveness of the first review cycle process and decrease the number of review cycles necessary for approval so that patients have timely access to safe, effective, and high-quality new drugs and biologics. A key aspect of the extension of the Program is to conduct an interim and final assessment that will evaluate how well the parameters of the Program have achieved the intended goals.

Based on sponsors' responses and other data, on December 2, 2020, we published an interim report that is available on FDA's website at *https://www.fda.gov/media/144130/download.* We learned that review teams have been effective in enhancing transparency and communication, with milestone meetings also enhancing the predictability of the review process. We have also adapted certain good practices, including providing pre-submission advice and templates; allocating time for applicant-identified discussion topics in late-cycle meetings where feasible; and recommending request response times of greater than 2 days for applicants with a global presence.

We are revising the information collection to continue the Program and these assessments under the ''PDUFA VII Commitment Letter''. The goals letter includes the procedures, and commitments that apply to aspects of the human drug review program that are important for facilitating timely access to safe, effective, and innovative new medicines for patients. Several of these commitments aim to continue to enhance communication between FDA and sponsors during application review. FDA and sponsors interact in a variety of ways throughout application review. One such way is via a communication, called an information request (IR), sent to an applicant as the discipline review occurs. FDA uses IRs to request further information or clarification that is needed or would be helpful to allow completion of the discipline review. IRs may be in the form of letters, emails, or Faxes.

FDA uses product quality IRs to request further information or clarification needed for FDA's assessment of identity, strength, quality, purity, sterility/microbial controls, or potency of drug substances or drug products. Ensuring that patients can have confidence in the safety and effectiveness of their medications is a longstanding priority for FDA. The Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) have worked to address this priority, in part, by performing Chemistry, Manufacturing, and Controls (CMC) and Current Good Manufacturing Practice (CGMP) reviews for CDER- and CBER-regulated products. It is during these reviews that CDER or CBER may issue a product quality, or CMC, IR. IRs from both CDER and CBER are expected to follow Four-Part Harmony in which reviewers are expected to communicate: (1) what was provided, (2) what is the issue or deficiency, (3) what is needed, and (4) why it is needed. The PDUFA VII Commitment Letter includes commitments for FDA to update and conduct training on existing policies and procedures (Manual of Policies and Procedures and Standard Operating Procedures and Policies) based on the four essential components.

FDA is committed to assessing current practices of CDER, CBER, and sponsors in communicating through product quality IRs during application review and effectiveness of Four-Part Harmony. We will contract with an independent third party to conduct assessments intended to identify best practices and areas of improvement in communications between FDA review staff and sponsors through product quality IRs. To accomplish these goals, the contractor will separately engage both FDA staff and sponsors through contractor-led interviews. Given the volume of IRs and IR amendments, these interviews will focus on a sample of applications and their associated IRs. The contractor may also choose to leverage web-based surveys, in addition to interviews, to accomplish the goals of the assessment. The contractor will anonymize and aggregate sponsor and FDA responses before including them in an assessment report, which is required by the PDUFA VII Commitment Letter. FDA will publish the report on FDA's website and in the **Federal Register,** for public comment.

This assessment, utilizing information collected through surveys and interviews with FDA and original NDA and BLA sponsors, will be of great interest to FDA's stakeholders, including the regulated industry. Equally important, the assessment will be critical in helping FDA understand sponsor perspectives on what is working well, ongoing challenges and pain points, lessons learned, and opportunities for improvement.

Per the commitment letter, FDA will select a contractor to design a sampling method, in accordance with the requirements in the statement of work, for identifying applications to be included in the assessment. The contractor will also prepare a protocol and script for scheduling and conducting interviews with sponsors associated with the sample applications. If the contractor determines a survey to be necessary, they will develop a web-based survey to deploy. The protocol will ensure that the contractor schedules and conducts interviews and deploys any survey in a timely, consistent manner using good interview and survey practices. The interview script will include open-ended questions aimed at obtaining a thorough understanding of applicants' experiences and insights relevant to product quality IRs associated with their application under the Program. If deployed, the survey would include closed and/or open-ended questions with the same purpose.

The contractor will analyze interview (and survey, if deployed) responses to identify challenges with Four-Part Harmony and best practices for

communication via product quality IRs. The contractor will also use the interview (and survey, if deployed) data to consider trends across IRs, compare IRs before and after implementation of Four-Part Harmony, and add context to the contractor's review of the sample IRs, as well as any other data collected. The contractor will synthesize and interpret the results to develop a set of findings and recommendations for the Program to be included in a final assessment report. In turn, FDA will use the independent assessment findings and recommendations to:

- determine the success of Four-Part Harmony in improving communications via product quality IRs;
- determine whether and how to refine implementation of Four-Part Harmony during the remainder of PDUFA VII;
- demonstrate compliance with the commitment to conduct the independent assessments
- and publish them for public comment; and
- share information about the Program with the regulated community, the public health community, Congress, and the general public.

In the **Federal Register** of March 21, 2022 (87 FR 16006), we published a 60-day notice requesting public comment on the proposed collection of information. No comments were received; however, we have slightly increased the estimate from our 60-day notice to fully align with planned program goals.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Surveys	120 (one to three per application).	1	120	0.25 (15 minutes)	30
Interviews	120 (one to three per application).	1	120	1.5	180
Total					210

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We plan interviews with up to three sponsor representatives per each application in each interview under the Program. Sponsors will participate in interviews via teleconference. In addition, if the contractor decides to conduct a survey, sponsors will respond to surveys (one survey response per individual) by completing a fillable form online. We estimate that 120 applicant representatives will expend approximately 15 minutes to complete a survey, for a total of 30 annual burden hours. We further estimate that up to 120 applicant representatives (up to three sponsor representatives for each of up to 40 applications) will participate in the interviews each year and that each interview will last approximately 90 minutes, for a total of 180 burden hours. There will be no recordkeeping or third-party disclosure burdens for this information collection.

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18546 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–1503]

Q2(R2) Validation of Analytical Procedures and Q14 Analytical Procedure Development; International Council for Harmonisation; Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of two draft guidances for industry entitled ''Q2(R2) Validation of Analytical Procedures'' and ''Q14 Analytical Procedure Development.'' These draft guidances were prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), formerly the International Conference on Harmonisation. These draft guidances harmonize scientific approaches for analytical procedure development and include validation of a wider range of analytical techniques. The draft guidances are intended to facilitate regulatory evaluations and facilitate potential flexibility in postapproval change management of analytical procedures. The draft Q2(R2) guidance revises the ICH guidance for industry ''Q2(R1) Validation of Analytical Procedures: Text and Methodology'' published in November 2005.

DATES: Submit either electronic or written comments on the draft guidance by September 28, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–1503 for ''Q2(R2) Validation of Analytical Procedures'' and ''Q14 Analytical Procedure Development.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: David Keire, Center for Drug Evaluation and Research, Food and Drug Administration, 645 S Newstead Ave., Rm. 2008, St. Louis, MO 63110–1116, *David.Keire@fda.hhs.gov.*

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, *Jill.Adleberg@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of two draft guidances for industry entitled ''Q2(R2) Validation of Analytical Procedures'' and ''Q14 Analytical Procedure Development.'' The draft guidances were prepared under the auspices of ICH. ICH has the mission of achieving greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, standardized marketing application submissions, and made many other improvements in the quality of global drug development and manufacturing and the products available to patients.

The six Founding Members of the ICH are the FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. Additionally, the Membership of ICH has expanded to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by involving technical experts from both regulators and industry parties in detailed technical harmonization work and the application of a science-based approach to harmonization through a consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In March 2022, the ICH Assembly endorsed the draft guidelines entitled ''Q2(R2) Validation of Analytical Procedures'' and ''Q14 Analytical Procedure Development'' and agreed that the guidelines should be made available for public comment. The draft guidelines are the product of the Quality Expert Working Group of the ICH. Comments about these draft guidances will be considered by FDA and the Quality Expert Working Group.

The draft Q2(R2) guideline revises the Q2(R1) guideline published in 2005 to cover a broader range of analytical

procedures, including those used for process control and that apply to multivariate methods. The draft Q14 guideline harmonizes scientific approaches for analytical procedure development and describes principles to facilitate more efficient and science-based and risk-based postapproval change management. The two guidelines are intended to facilitate regulatory evaluations and facilitate potential flexibility in postapproval change management of analytical procedures where scientifically justified.

These draft guidances have been left in the original ICH format. The final guidances will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidances, when finalized, will represent the current thinking of FDA on the topics they address. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information for investigational new drug applications have been approved under OMB control number 0910–0014; the collections of information for review of new drug applications have been approved under OMB control number 0910–0001; and the collections of information for review of biologics license applications have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidances at *https://www.regulations.gov, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances.*

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18516 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–D–1791]

E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers; International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers.'' The guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), formerly the International Conference on Harmonisation. The guidance contains revised questions and answers (Q&As) for the ICH guidance for industry ''E14 Clinical Evaluation of the QT/QTc Interval Prolongation and Proarrhythmic Potential for Non-Antiarrhythmic Drugs'' and new Q&As for the ICH guidance for industry ''S7B Nonclinical Evaluation of the Potential for Delayed Ventricular Repolarization (QT Interval Prolongation) by Human Pharmaceuticals'' that provide recommendations on considerations for an integrated risk assessment combining nonclinical and clinical data—in particular, at later stages of drug development when clinical data are available. The guidance is intended to provide a harmonized approach to integrate nonclinical and clinical information for proarrhythmia risk assessment to streamline drug development and provide clarity on regulatory decision making. This guidance finalizes the draft guidance of the same title issued in September 2020.

DATES: The announcement of the guidance is published in the **Federal Register** on August 29, 2022.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2020–D–1791 for ''E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper

submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Devi Kozeli, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4183, Silver Spring, MD 20993–0002, 301–796–1128; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–5259.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers.'' The guidance was prepared under the auspices of ICH. ICH has the mission of achieving greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, standardized marketing application submissions, and made many other improvements in the quality of global drug development and manufacturing and the products available to patients.

The six Founding Members of the ICH are FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. Additionally, the Membership of ICH has expanded to include other regulatory authorities and industry associations from around the world (*https://www.ich.org/*).

ICH works by involving technical experts from both regulators and industry parties in detailed technical harmonization work and the application of a science-based approach to harmonization through a consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In the **Federal Register** of September 30, 2020 (85 FR 61753), FDA published a notice announcing the availability of a draft guidance entitled ''E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers.'' The notice gave interested persons an opportunity to submit comments by November 30, 2020.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in February 2022.

This guidance finalizes the draft guidance issued on September 30, 2020. The guidance contains revised Q&As about the ICH guidance for industry ''E14 Clinical Evaluation of the QT/QTc Interval Prolongation and Proarrhythmic Potential for Non-Antiarrhythmic Drugs'' and new Q&As about the ICH guidance for industry ''S7B Nonclinical Evaluation of the Potential for Delayed Ventricular Repolarization (QT Interval Prolongation) by Human Pharmaceuticals'' that provide recommendations on considerations for an integrated risk assessment combining nonclinical and clinical data—in particular, at later stages of drug development when clinical data are available. For ICH E14, revised Q&As provide recommendations for how an integrated nonclinical and clinical risk assessment can be particularly valuable under scenarios when a sufficiently high multiple of maximum therapeutic exposure cannot be achieved (ICH E14 Q&A Q12 (5.1)); and under scenarios where a placebo-controlled comparison is not possible, safety considerations preclude administering supratherapeutic doses to obtain high clinical exposures and/or safety or tolerability prohibit the use of the product in healthy participants (ICH E14 Q&A Q13 (6.1)). For ICH S7B, new

Q&As provide recommendations on an integrated risk assessment and how it can inform the design of clinical investigations and the interpretation of their results (ICH S7B Q&As Q17 (1.1) and Q18 (1.2)); best-practice considerations for in vitro (ICH S7B Q&As Q 19 (2.1) to Q23 (2.5)) and in vivo (ICH S7B Q&As Q24 (3.1) to Q28 (3.5)) studies; and principles for proarrhythmia models, including in silico (ICH S7B Q&As Q30 (4.1) and 4.2). The guidance is intended to provide a harmonized approach to integrate nonclinical and clinical information for proarrhythmia risk assessment to streamline drug development and provide clarity on regulatory decision making.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This guidance represents the current thinking of FDA on ''E14 and S7B Clinical and Nonclinical Evaluation of QT/QTc Interval Prolongation and Proarrhythmic Potential—Questions and Answers.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information for submitting investigational new drug applications are approved under OMB control number 0910–0014. The collections of information for submitting new drug applications are approved under OMB control number 0910–0001. The collections of information for submitting biologics license applications are approved under OMB control number 0910–0338.

II. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances.*

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18515 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–1562]

E11A Pediatric Extrapolation; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''E11A Pediatric Extrapolation.'' The draft guidance was prepared under the auspices of the International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH). The draft guidance provides a comprehensive and systematic approach to the use of pediatric extrapolation during drug development. The draft guidance also discusses study designs and statistical methodologies, including modeling and simulation, that can be utilized to develop and implement a pediatric extrapolation approach. The draft guidance is intended to provide recommendations for the use of pediatric extrapolation during drug development, which, when used appropriately, can increase the efficiency of pediatric drug development and accelerate the availability of safe and effective drugs approved for use in children.

DATES: Submit either electronic or written comments on the draft guidance by October 28, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–1562 for ''E11A Pediatric Extrapolation.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' are publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on

https://www.regulations.gov. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Lynne Yao, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5412, Silver Spring, MD 20993–0002, 301–796–2141, *Lynne.Yao@fda.hhs.gov.*

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–5259, *Jill.Adleberg@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''E11A Pediatric Extrapolation.'' The draft guideline was prepared under the auspices of ICH. ICH has the mission of achieving greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, standardized marketing application submissions, and made many other improvements in the quality of global drug development and manufacturing and the products available to patients.

The six Founding Members of the ICH are FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. Additionally, the Membership of ICH has expanded to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by involving technical experts from regulators and industry parties in detailed technical harmonization work and the application of a science-based approach to harmonization through a consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In April 2022, the ICH Assembly endorsed the draft guideline entitled ''E11A Pediatric Extrapolation'' and agreed that the guideline should be made available for public comment. The draft guideline is the product of the Efficacy Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Efficacy Expert Working Group.

The draft guidance provides a comprehensive and systematic approach to the use of pediatric extrapolation during drug development. The guidance also discusses study designs and statistical methodologies, including modeling and simulation, that can be utilized to develop and implement a pediatric extrapolation approach. The intent of the guidance is to provide recommendations for the use of pediatric extrapolation during drug development, which, when used appropriately, can increase the efficiency of pediatric drug development and accelerate the availability of safe and effective drugs approved for use in children.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent the current thinking of FDA on ''E11A Pediatric Extrapolation.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521) is not required for this guidance. The previously approved collections of information are subject to review by OMB under the PRA. The collections of information for submitting investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information for submitting new drug applications have been approved under OMB control number 0910–0001. The collections of information for submitting biologics license applications have been approved under OMB control number 0910–0338. The collection of information for implementation of improved and efficient approaches to clinical trial design have been approved under OMB control number 0910–0843.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents,* or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances.*

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18517 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0895]

Notice of Approval of Product Under Voucher: Material Threat Medical Countermeasure Priority Review Voucher

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the approval of a product redeeming a priority review voucher. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the 21st Century Cures Act, authorizes FDA to award priority review vouchers to sponsors of a material threat medical countermeasure application that meets certain criteria upon approval of such application. FDA is required to publish notice of the issuance of priority review vouchers as well as the approval of products redeeming a priority review voucher. FDA has determined that the application for MOUNJARO (tirzepatide) injection, approved May 13, 2022, meets the redemption criteria.

FOR FURTHER INFORMATION CONTACT: Elizabeth Sadove, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–8515 (this is not a toll-free number), email: *EUA.OCET@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under section 565A of the FD&C Act (21 U.S.C. 360bbb–4a), which was added by section 3086 of the 21st Century Cures Act (Pub. L. 114–255), FDA will report the issuance of material threat medical countermeasure priority review vouchers and the approval of products for which a voucher was redeemed. FDA has determined that the application for MOUNJARO (tirzepatide) injection, approved May 13, 2022, meets the redemption criteria.

For further information about the Material Threat Medical Countermeasure Priority Review Voucher Program and for a link to the full text of section 565A of the FD&C Act, go to *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/21st-century-cures-act-mcm-related-cures-provisions.* For further information about MOUNJARO (tirzepatide) injection, go to the ''Drugs@FDA'' website at *https://www.accessdata.fda.gov/scripts/cder/daf/.*

Dated: August 23, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0335]

Authorization of Emergency Use of a Biological Product During the COVID–19 Pandemic; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) under the Federal Food, Drug, and Cosmetic Act (FD&C Act) for use during the COVID–19 pandemic. FDA has issued one Authorization for a biological product as requested by Novavax, Inc. The Authorization contains, among other things, conditions on the emergency use of the authorized product. The Authorization follows the February 4, 2020, determination by the Secretary of Health and Human Services (HHS) that there is a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves a novel (new) coronavirus. The virus, now named SARS–CoV–2, causes the illness COVID–19. On the basis of such determination, the Secretary of HHS declared on March 27, 2020, that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID–19 pandemic, pursuant to the FD&C Act, subject to the terms of any authorization issued under that section. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is effective as of July 13, 2022.

ADDRESSES: Submit written requests for a single copy of the EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the Authorization may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT: Michael Mair, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4340, Silver Spring, MD 20993–0002, 301–796–8510 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) allows FDA to strengthen public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help ensure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives (among other criteria).

II. Criteria for EUA Authorization

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological,

or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces, including personnel operating under the authority of title 10 or title 50, U.S. Code, of attack with (A) a biological, chemical, radiological, or nuclear agent or agents; or (B) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to U.S. military forces; [1] (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security pursuant to section 319F–2 of the Public Health Service (PHS) Act (42 U.S.C. 247d–6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Under section 564(h)(1) of the FD&C Act, revisions to an authorization shall be made available on the internet website of FDA. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use in an actual or potential emergency when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), 512, or 515 of the FD&C Act (21 U.S.C. 355, 360(k), 360b, and 360e) or section 351 of the PHS Act (42 U.S.C. 262), or conditionally approved under section 571 of the FD&C Act (21 U.S.C. 360ccc). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances), FDA [2] concludes: (1) that an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) the product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; (4) in the case of a determination described in section 564(b)(1)(B)(ii) of the FD&C Act, that the request for emergency use is made by the Secretary of Defense; and (5) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act.

[1] In the case of a determination by the Secretary of Defense, the Secretary of HHS shall determine within 45 calendar days of such determination, whether to make a declaration under section 564(b)(1) of the FD&C Act, and, if appropriate, shall promptly make such a declaration.

[2] The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

III. The Authorization

The Authorization follows the February 4, 2020, determination by the Secretary of HHS that there is a public health emergency that has a significant potential to affect national security or the health and security of U.S. citizens living abroad and that involves a novel (new) coronavirus. The virus, now named SARS–CoV–2, causes the illness COVID–19. Notice of the Secretary's determination was provided in the **Federal Register** on February 7, 2020 (85 FR 7316). On the basis of such determination, the Secretary of HHS declared on March 27, 2020, that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID–19 pandemic, pursuant to section 564 of the FD&C Act, subject to the terms of any authorization issued under that section. Notice of the Secretary's declaration was provided in the **Federal Register** on April 1, 2020 (85 FR 18250). Having concluded that the criteria for issuance of the Authorization under section 564(c) of the FD&C Act are met, FDA has issued the authorization for the emergency use of a biological product during the COVID–19 pandemic. On July 13, 2022, FDA issued an EUA to Novavax, Inc. for the biological product Novavax COVID–19 Vaccine, Adjuvanted, subject to the terms of the Authorization. The initial Authorization, which is included below in its entirety after section IV of this document (not including the authorized versions of the fact sheets and other written materials), provides an explanation of the reasons for issuance, as required by section 564(h)(1) of the FD&C Act. Any subsequent reissuance of the Authorization can be found on FDA's web page at: *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization.*

IV. Electronic Access

An electronic version of this document and the full text of the Authorization is available on the internet at: *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization.*

BILLING CODE 4164–01–P

July 13, 2022

Novavax, Inc.
Attention: Ms. Kathleen Callahan
21 Firstfield Rd
Gaithersburg, MD 20878

Dear Ms. Callahan:

This letter is in response to a request from Novavax, Inc. that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of the Novavax COVID-19 Vaccine, Adjuvanted for the prevention of Coronavirus Disease 2019 (COVID-19) for individuals 18 years of age and older, as described in the Scope of Authorization (Section II) of this letter, pursuant to Section 564 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act or the Act) (21 U.S.C. 360bbb-3).

On February 4, 2020, pursuant to Section 564(b)(1)(C) of the Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves the virus that causes COVID-19.[1] On the basis of such determination, the Secretary of HHS on March 27, 2020, declared that circumstances exist justifying the authorization of emergency use of drugs and biological products during the COVID-19 pandemic, pursuant to Section 564 of the Act, subject to terms of any authorization issued under that section.[2]

The Novavax COVID-19 Vaccine, Adjuvanted is for active immunization to prevent COVID-19 caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in individuals 18 years of age and older. The vaccine contains a recombinant spike (rS) protein, and saponin-based adjuvant, Matrix-M. The Novavax COVID-19 Vaccine, Adjuvanted is an investigational vaccine not licensed for any indication.

FDA reviewed safety and efficacy data from an ongoing phase 3 trial in which participants 18 years of age and older were randomized 2:1 to receive two doses of Novavax COVID-19 Vaccine, Adjuvanted or placebo, 3 weeks apart. This study includes pre-crossover and post-crossover periods. In the pre-crossover period, 19,735 participants received Novavax COVID-19 Vaccine, Adjuvanted and 9,847 received saline placebo. In the post-crossover period, 6,416

[1] U.S. Department of Health and Human Services, Determination of a Public Health Emergency and Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3. February 4, 2020.

[2] U.S. Department of Health and Human Services, Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3, 85 FR 18250 (April 1, 2020).

participants received Novavax COVID-19 Vaccine, Adjuvanted and 15,298 received saline placebo. Of participants who received two doses of Novavax COVID-19 Vaccine, Adjuvanted in the pre-crossover period (n=19,111), 78% had a follow-up duration of at least 2 months (median = 2.5 months) after Dose 2. Of the participants who received two doses of Novavax COVID-19 Vaccine, Adjuvanted in the post-crossover period (n= 6,346), 99% had a follow-up duration of at least 2 months (median = 4.4 months) after the last dose. FDA's review considered the safety and effectiveness data as they relate to the request for emergency use authorization, and did not identify specific safety concerns that would preclude issuance of an EUA. FDA's analysis of the efficacy data from 25,657 participants 18 years of age and older who did not have evidence of SARS-CoV-2 infection through 6 days after the second dose and who had a median follow-up of 2.5 months after Dose 2 during the pre-crossover period shows that the vaccine was 90.4% effective (95% confidence interval (CI): 83.8%, 94.3%) in preventing PCR-confirmed symptomatic mild, moderate, or severe COVID-19 occurring at least 7 days after Dose 2. Based on these data, and the review of manufacturing information regarding product quality and consistency, it is reasonable to believe that the Novavax COVID-19 Vaccine, Adjuvanted may be effective. Additionally, it is reasonable to conclude, based on the totality of the scientific evidence available, that the known and potential benefits of the Novavax COVID-19 Vaccine, Adjuvanted outweigh its known and potential risks for the prevention of COVID-19 in individuals 18 years of age and older. Finally, on June 7, 2022, the Vaccines and Related Biological Products Advisory Committee voted in agreement with this conclusion.

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of the Novavax COVID-19 Vaccine, Adjuvanted for the prevention of COVID-19 as described in the Scope of Authorization section of this letter (Section II) and subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of the Novavax COVID-19 Vaccine, Adjuvanted, for the prevention of COVID-19 when administered as described in the Scope of Authorization (Section II) meets the criteria for issuance of an authorization under Section 564(c) of the Act, because:

1) SARS-CoV-2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;

2) Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the Novavax COVID-19 Vaccine, Adjuvanted may be effective in preventing COVID-19, and that, when used under the conditions described in this authorization, the known and potential benefits of the Novavax COVID-19 Vaccine, Adjuvanted when used to prevent COVID-19 outweigh its known and potential risks; and

3) There is no adequate, approved, and available alternative[3] to the emergency use of the Novavax COVID-19 Vaccine, Adjuvanted to prevent COVID-19.[4]

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited as follows:

- Novavax, Inc. will supply the Novavax COVID-19 Vaccine, Adjuvanted through authorized distributor(s)[5] to emergency response stakeholders[6] as directed by the U.S. government, including the Centers for Disease Control and Prevention (CDC) and/or other designee, for use consistent with the terms and conditions of this EUA;
- The Novavax COVID-19 Vaccine, Adjuvanted covered by this authorization will be administered by vaccination providers[7] and used only to prevent COVID-19 in

[3] Although Spikevax (COVID-19 Vaccine, mRNA) and Comirnaty (COVID-19 Vaccine, mRNA) are approved to prevent COVID-19 in individuals within the scope of the Novavax COVID-19 Vaccine, Adjuvanted authorization, there are not sufficient quantities of approved vaccine available for distribution to this population in its entirety at the time of reissuance of this EUA. In addition, this vaccine may be an alternative for individuals for whom the approved mRNA COVID-19 vaccines are contraindicated.

[4] No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

[5] "Authorized Distributor(s)" are identified by Novavax, Inc. or, if applicable, by a U.S. government entity, such as the Centers for Disease Control and Prevention (CDC) and/or other designee, as an entity or entities allowed to distribute authorized Novavax COVID-19 Vaccine, Adjuvanted.

[6] For purposes of this letter, "emergency response stakeholder" refers to a public health agency and its delegates that have legal responsibility and authority for responding to an incident, based on political or geographical boundary lines (e.g., city, county, tribal, territorial, State, or Federal), or functional (e.g., law enforcement or public health range) or sphere of authority to administer, deliver, or distribute vaccine in an emergency situation. In some cases (e.g., depending on a state or local jurisdiction's COVID-19 vaccination response organization and plans), there might be overlapping roles and responsibilities among "emergency response stakeholders" and "vaccination providers" (e.g., if a local health department is administering COVID-19 vaccines; if a pharmacy is acting in an official capacity under the authority of the state health department to administer COVID-19 vaccines). In such cases, it is expected that the conditions of authorization that apply to emergency response stakeholders and vaccination providers will all be met.

[7] For purposes of this letter, "vaccination provider" refers to the facility, organization, or healthcare provider licensed or otherwise authorized by the emergency response stakeholder (e.g., non-physician healthcare professionals, such as nurses and pharmacists pursuant to state law under a standing order issued by the state health officer) to administer or provide vaccination services in accordance with the applicable emergency response stakeholder's official COVID-19 vaccination and emergency response plan(s) and who is enrolled in the CDC COVID-19 Vaccination Program. If the vaccine is exported from the United States, a "vaccination provider" is a provider that is authorized to administer this vaccine in accordance with the laws of the country in which it is administered. For purposes of this letter, "healthcare provider" also refers to a person authorized by the U.S. Department of Health and Human Services (e.g., under the PREP Act Declaration for Medical Countermeasures against COVID-19) to administer FDA-authorized COVID-19 vaccine (e.g., qualified pharmacy technicians and State-authorized pharmacy interns acting under the supervision of a qualified pharmacist). See, e.g., HHS. *Fourth Amendment to the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19 and Republication of the Declaration*. 85 FR 79190 (December 9, 2020).

individuals ages 18 and older with a two-dose primary series given 3 weeks apart; and
- The Novavax COVID-19 Vaccine, Adjuvanted may be administered by a vaccination provider without an individual prescription for each vaccine recipient.

Product Description

The Novavax COVID-19 Vaccine, Adjuvanted is supplied as a suspension in multi-dose vials. The Novavax COVID-19 Vaccine, Adjuvanted does not contain a preservative.

The primary series is two doses (0.5 mL each) given 3 weeks apart.

Each 0.5 mL dose of the Novavax COVID-19 Vaccine, Adjuvanted is formulated to contain 5 mcg of SARS-CoV-2 recombinant spike (rS) protein and 50 mcg Matrix-M adjuvant. The Matrix M adjuvant is composed of Fraction-A (42.5 mcg) and Fraction-C (7.5 mcg) of saponin extracts from the soapbark tree, *Quillaja saponaria* Molina. Each dose of the Novavax COVID-19 Vaccine, Adjuvanted also includes the following ingredients: cholesterol (30.5 mcg), phosphatidylcholine (23 mcg), potassium dihydrogen phosphate (3.85 mcg), potassium chloride (2.25 mcg), disodium hydrogen phosphate dihydrate (14.7 mcg), disodium hydrogen phosphate heptahydrate (2.465 mg), sodium dihydrogen phosphate monohydrate (0.445 mg), sodium chloride (8.856 mg), and polysorbate 80 (0.05 mg) in sterile Water for Injection. The pH is adjusted with sodium hydroxide or hydrochloric acid.

The manufacture of the authorized Novavax COVID-19 Vaccine, Adjuvanted is limited to those facilities identified and agreed upon in Novavax Inc.'s request for authorization.

The Novavax COVID-19 Vaccine, Adjuvanted vial label and carton labels are clearly marked for "Emergency Use Authorization." The Novavax COVID-19 Vaccine, Adjuvanted is authorized to be distributed, stored, further redistributed, and administered by emergency response stakeholders when packaged in the authorized manufacturer packaging (i.e., vials and cartons), despite the fact that the vial and carton labels may not contain information that otherwise would be required under the FD&C Act.

The Novavax COVID-19 Vaccine, Adjuvanted is authorized for emergency use with the following product-specific information required to be made available to vaccination providers and recipients, respectively (referred to as "authorized labeling"):

- Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers): Emergency Use Authorization (EUA) of the Novavax COVID-19 Vaccine, Adjuvanted to Prevent Coronavirus Disease 2019 (COVID-19)

- Fact Sheet for Recipients and Caregivers: Emergency Use Authorization (EUA) of the Novavax COVID-19 Vaccine, Adjuvanted to Prevent Coronavirus Disease 2019 (COVID-19)

I have concluded, pursuant to Section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the Novavax COVID-19 Vaccine, Adjuvanted, when used to prevent COVID-19 and used in accordance with this Scope of Authorization (Section II), outweigh its known and potential risks.

I have concluded, pursuant to Section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the Novavax COVID-19 Vaccine, Adjuvanted may be effective in preventing COVID-19 when used in accordance with this Scope of Authorization (Section II), pursuant to Section 564(c)(2)(A) of the Act.

Having reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, I have concluded that the Novavax COVID-19 Vaccine, Adjuvanted (as described in this Scope of Authorization (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the Novavax COVID-19 Vaccine, Adjuvanted under this EUA must be consistent with, and may not exceed, the terms of the Authorization, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section III). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1), the Novavax COVID-19 Vaccine, Adjuvanted is authorized to prevent COVID-19 in individuals 18 years of age and older as described in the Scope of Authorization (Section II) under this EUA, despite the fact that it does not meet certain requirements otherwise required by applicable federal law.

III. Conditions of Authorization

Pursuant to Section 564 of the Act, I am establishing the following conditions on this authorization:

Novavax, Inc. and Authorized Distributor(s)

A. Novavax, Inc. and authorized distributor(s) will ensure that the authorized Novavax COVID-19 Vaccine, Adjuvanted is distributed, as directed by the U.S. government, including CDC and/or other designee, and the authorized labeling (i.e., Fact Sheets) is made available to vaccination providers, recipients, and caregivers, consistent with the terms of this letter.

B. Novavax, Inc. and authorized distributor(s) will ensure that appropriate storage and cold chain is maintained until delivered to emergency response stakeholders' receipt sites.

C. Novavax, Inc. will ensure that the terms of this EUA are made available to all relevant stakeholders (e.g., emergency response stakeholders, authorized distributors, and vaccination providers) involved in distributing or receiving the authorized Novavax COVID-19 Vaccine, Adjuvanted. Novavax, Inc. will provide to all relevant stakeholders a copy of this letter of authorization and communicate any subsequent

amendments that might be made to this letter of authorization and its authorized labeling.

D. Novavax, Inc. may develop and disseminate instructional and educational materials (e.g., video regarding vaccine handling, storage/cold-chain management, preparation, disposal) that are consistent with the authorized emergency use of the vaccine as described in the letter of authorization and authorized labeling, without FDA's review and concurrence, when necessary to meet public health needs during an emergency. Any instructional and educational materials that are inconsistent with the authorized labeling are prohibited.

E. Novavax, Inc. may request changes to this authorization, including to the authorized Fact Sheets for the Novavax COVID-19 Vaccine, Adjuvanted. Any request for changes to this EUA must be submitted to the Office of Vaccines Research and Review (OVRR)/Center for Biologics Evaluation and Research (CBER). Such changes require appropriate authorization prior to implementation.[8]

F. Novavax, Inc. will report to Vaccine Adverse Event Reporting System (VAERS):
- Serious adverse events (irrespective of attribution to vaccination);
- Cases of Multisystem Inflammatory Syndrome in adults; and
- Cases of COVID-19 that result in hospitalization or death, that are reported to Novavax, Inc.

These reports should be submitted to VAERS as soon as possible but no later than 15 calendar days from initial receipt of the information by Novavax, Inc.

G. Novavax, Inc. must submit to Investigational New Drug application (IND) number 22430 periodic safety reports at monthly intervals in accordance with a due date agreed upon with the Office of Biostatistics and Pharmacovigilance (OBPV)/CBER, beginning after the first full calendar month after authorization. Each periodic safety report is required to contain descriptive information which includes:
- A narrative summary and analysis of adverse events submitted during the reporting interval, including interval and cumulative counts by age groups, special populations (e.g., pregnant women), and adverse events of special interest;
- A narrative summary and analysis of vaccine administration errors, whether or not associated with an adverse event, that were identified since the last reporting interval;
- Newly identified safety concerns in the interval; and

[8] The following types of revisions may be authorized without reissuing this letter: (1) changes to the authorized labeling; (2) non-substantive editorial corrections to this letter; (3) new types of authorized labeling, including new fact sheets; (4) new carton/container labels; (5) expiration dating extensions; (6) changes to manufacturing processes, including tests or other authorized components of manufacturing; (7) new conditions of authorization to require data collection or study. All changes to the authorization require review and concurrence from OVRR. For changes to the authorization, including the authorized labeling, of the type listed in (3), (6), or (7), review and concurrence is also required from the Preparedness and Response Team (PREP)/Office of the Center Director (OD)/CBER and the Office of Counterterrorism and Emerging Threats (OCET)/Office of the Chief Scientist (OCS).

- Actions taken since the last report because of adverse experiences (for example, changes made to Healthcare Providers Administering Vaccine (Vaccination Providers) Fact Sheet, changes made to studies or studies initiated).

H. No changes will be implemented to the description of the product, manufacturing process, facilities, or equipment without notification to and concurrence by the Agency.

I. All manufacturing facilities will comply with Current Good Manufacturing Practice requirements.

J. Novavax, Inc. will submit to the EUA file Certificates of Analysis (CoA) for each drug product lot at least 48 hours prior to vaccine distribution. The CoA will include the established specifications and specific results for each quality control test performed on the final drug product lot.

K. Novavax, Inc. will submit to the EUA file quarterly manufacturing reports that include a listing of all drug substance and srug product lots produced after issuance of this authorization. This report must include lot number, manufacturing site, date of manufacture, and lot disposition, including those lots that were quarantined for investigation or those lots that were rejected. Information on the reasons for lot quarantine or rejection must be included in the report. The first report is due October 13, 2022.

L. Novavax, Inc. and authorized distributor(s) will maintain records regarding release of Novavax COVID-19 Vaccine, Adjuvanted for distribution (i.e., lot numbers, quantity, release date).

M. Novavax, Inc. and authorized distributor(s) will make available to FDA upon request any records maintained in connection with this EUA.

N. Novavax, Inc. will conduct post-authorization observational studies to evaluate the association between Novavax COVID-19 Vaccine, Adjuvanted and a pre-specified list of adverse events of special interest, including myocarditis and pericarditis, along with deaths and hospitalizations, and severe COVID-19. The study population should include individuals administered the authorized Novavax COVID-19 Vaccine, Adjuvanted under this EUA in the general U.S. population (18 years of age and older), populations of interest such as healthcare workers, pregnant women, immunocompromised individuals, subpopulations with specific comorbidities. The studies should be conducted in large scale databases with an active comparator. Novavax, Inc. will provide protocols and status update reports to the IND 22430 with agreed-upon study designs and milestone dates.

Emergency Response Stakeholders

O. Emergency response stakeholders will identify vaccination sites to receive authorized Novavax COVID-19 Vaccine, Adjuvanted and ensure its distribution and

administration, consistent with the terms of this letter and CDC's COVID-19 Vaccination Program.

P. Emergency response stakeholders will ensure that vaccination providers within their jurisdictions are aware of this letter of authorization, and the terms herein and any subsequent amendments that might be made to the letter of authorization, instruct them about the means through which they are to obtain and administer the vaccine under the EUA, and ensure that the authorized labeling [i.e., Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers) and Fact Sheet for Recipients and Caregivers] is made available to vaccination providers through appropriate means (e.g., e-mail, website).

Q. Emergency response stakeholders receiving authorized Novavax COVID-19 Vaccine, Adjuvanted will ensure that appropriate storage and cold chain is maintained.

Vaccination Providers

R. Vaccination providers will administer the vaccine in accordance with the authorization and will participate and comply with the terms and training required by CDC's COVID-19 Vaccination Program.

S. Vaccination providers will provide the Fact Sheet for Recipients and Caregivers to each individual receiving vaccination and provide the necessary information for receiving their second dose.

T. Vaccination providers administering the Novavax COVID-19 Vaccine, Adjuvanted must report the following information associated with the administration of the Novavax COVID-19 Vaccine, Adjuvanted of which they become aware to VAERS in accordance with the Fact Sheet for Healthcare Providers Administering Vaccine (Vaccination Providers):
- Vaccine administration errors whether or not associated with an adverse event
- Serious adverse events (irrespective of attribution to vaccination)
- Cases of Multisystem Inflammatory Syndrome in adults
- Cases of COVID-19 that result in hospitalization or death

Complete and submit reports to VAERS online at https://vaers.hhs.gov/reportevent.html. The VAERS reports should include the words "Novavax COVID-19 Vaccine, Adjuvanted EUA" in the description section of the report. More information is available at vaers.hhs.gov or by calling 1-800-822-7967. To the extent feasible, report to Novavax, Inc. by contacting 1-844-668-2829 or by providing a copy of the VAERS form to Novavax, Inc.; Fax: 1-888-988-8809.

U. Vaccination providers will conduct any follow-up requested by the U.S. government, including CDC, FDA, or other designee, regarding adverse events to the extent feasible given the emergency circumstances.

V. Vaccination providers will monitor and comply with CDC and/or emergency response stakeholder vaccine management requirements (e.g., requirements concerning obtaining, tracking, and handling vaccine) and with requirements concerning reporting of vaccine administration data to CDC.

W. Vaccination providers will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to CDC, and FDA for inspection upon request.

Conditions Related to Printed Matter, Advertising, and Promotion

X. All descriptive printed matter, advertising, and promotional material, relating to the use of the Novavax COVID-19 Vaccine, Adjuvanted shall be consistent with the authorized labeling, as well as the terms set forth in this EUA, and meet the requirements set forth in section 502(a) and (n) of the FD&C Act and FDA implementing regulations.

Y. All descriptive printed matter, advertising, and promotional material relating to the use of the Novavax COVID-19 Vaccine, Adjuvanted clearly and conspicuously shall state that:

- This product has not been approved or licensed by FDA, but has been authorized for emergency use by FDA, under an EUA to prevent Coronavirus Disease 2019 (COVID-19) for use in individuals 18 years of age and older; and
- The emergency use of this product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of the medical product under Section 564(b)(1) of the FD&C Act unless the declaration is terminated or authorization revoked sooner.

Condition Related to Export

Z. If the Novavax COVID-19 Vaccine, Adjuvanted is exported from the United States, conditions C, D, and O through Y do not apply, but export is permitted only if 1) the regulatory authorities of the country in which the vaccine will be used are fully informed that this vaccine is subject to an EUA and is not approved or licensed by FDA and 2) the intended use of the vaccine will comply in all respects with the laws of the country in which the product will be used. The requirement in this letter that the authorized labeling (i.e., Fact Sheets) be made available to vaccination providers, recipients, and caregivers in condition A will not apply if the authorized labeling (i.e., Fact Sheets) are made available to the regulatory authorities of the country in which the vaccine will be used.

Page 10 – Novavax, Inc.

IV. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of drugs and biological products during the COVID-19 pandemic is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

/s/

Jacqueline A. O'Shaughnessy, Ph.D.
Acting Chief Scientist
Food and Drug Administration

Enclosures

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18527 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2022–D–1527]

M12 Drug Interaction Studies; International Council for Harmonisation; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''M12 Drug Interaction Studies.'' The draft guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The draft guidance provides general recommendations on how to evaluate the pharmacokinetic drug interaction potential mediated via enzyme and transporter for investigational drugs. The draft guidance harmonizes the regional requirements on in vitro and clinical evaluation of drug-drug interactions for a more consistent approach in design, conduct, and interpretation of enzyme and transporter-mediated interaction during the development of an investigational drug. The draft guidance is intended to decrease the risk of adverse events, sometimes leading to hospital admissions or reduced treatment efficacy.

DATES: Submit either electronic or written comments on the draft guidance by September 28, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2022–D–1527 for ''M12 Drug Interaction Studies.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the

claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: *Regarding the guidance:* Kellie Reynolds, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2134, Silver Spring, MD 20993–0002, 301–796–1594, *Kellie.Reynolds@fda.hhs.gov.*

Regarding the ICH: Jill Adleberg, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6364, Silver Spring, MD 20993–0002, 301–796–5259, *Jill.Adleberg@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''M12 Drug Interaction Studies.'' The draft guidance was prepared under the auspices of ICH. ICH has the mission of achieving greater regulatory harmonization worldwide to ensure that safe, effective, high-quality medicines are developed, registered, and maintained in the most resource-efficient manner.

By harmonizing the regulatory requirements in regions around the world, ICH guidelines have substantially reduced duplicative clinical studies, prevented unnecessary animal studies, standardized the reporting of important safety information, standardized marketing application submissions, and made many other improvements in the quality of global drug development and manufacturing and the products available to patients.

The six Founding Members of the ICH are the FDA; the Pharmaceutical Research and Manufacturers of America; the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; and the Japanese Pharmaceutical Manufacturers Association. The Standing Members of the ICH Association include Health Canada and Swissmedic. Additionally, the Membership of ICH has expanded to include other regulatory authorities and industry associations from around the world (refer to *https://www.ich.org/*).

ICH works by involving technical experts from both regulators and industry parties in detailed technical harmonization work and the application of a science-based approach to harmonization through a consensus-driven process that results in the development of ICH guidelines. The regulators around the world are committed to consistently adopting these consensus-based guidelines, realizing the benefits for patients and for industry.

As a Founding Regulatory Member of ICH, FDA plays a major role in the development of each of the ICH guidelines, which FDA then adopts and issues as guidance for industry. FDA's guidance documents do not establish legally enforceable responsibilities. Instead, they describe the Agency's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

In May 2022, the ICH Assembly endorsed the draft guideline entitled ''M12 Drug Interaction Studies'' and agreed that the guideline should be made available for public comment. The draft guideline is the product of the Multidisciplinary Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Multidisciplinary Expert Working Group.

The draft guidance provides general recommendations on how to evaluate the pharmacokinetic drug interaction potential mediated via enzyme and transporter for investigational drugs. The draft guideline harmonizes the regional requirements on in vitro and clinical evaluation of drug-drug interactions for a more consistent approach in design, conduct, and interpretation of enzyme and transporter-mediated interaction during the development of an investigational drug. It is intended to decrease the risk of adverse events, sometimes leading to hospital admissions or reduced treatment efficacy.

This draft guidance has been left in the original ICH format. The final guidance will be reformatted and edited to conform with FDA's good guidance practices regulation (21 CFR 10.115) and style before publication. The draft guidance, when finalized, will represent the current thinking of FDA on ''M12 Drug Interaction Studies.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

FDA tentatively concludes that this draft guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.regulations.gov, https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs*, or *https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances*, or *https://www.fda.gov/regulatory-information/search-fda-guidance-documents.*

Dated: August 22, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–18521 Filed 8–26–22; 8:45 am]

BILLING CODE 4164–01–P

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(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee on Research on Women's Health.

The meeting will be held as a virtual meeting and open to the public. 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 meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

Name of Committee: Advisory Committee on Research on Women's Health.

Date: October 18, 2022.

Time: 9:30 a.m. to 4:00 p.m.

Agenda: ORWH Director's Report; Presentation from the Director of the National Institute of Environmental Health Sciences (NIEHS); Panel discussing the environmental effects on the health of women; Presentation on the content areas for the FY2024–2028 Strategic Plan on Research on the Health of Women; e-Learning course demonstration; and ORWH concept clearance.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Samia Noursi, Ph.D., Associate Director, Science Policy, Planning, and Analysis, Office of Research on Women's Health, National Institutes of Health, 6707 Democracy Blvd., Room 402, Bethesda, MD 20892, 301–496–9472 *samia.noursi@nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meetings. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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 Institute's/Center's home page: *https://orwh.od.nih.gov/*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, 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)

Dated: August 23, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18474 Filed 8–26–22; 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 Initial Review Group; Career Development For Early Career Investigators Study Section.

Date: October 13–14, 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 on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carmen Moten, Ph.D., MPH, Scientific Review Officer, National Institutes of Health, NCI Center to Reduce Cancer Health Disparities, 6116 Executive Boulevard, Suite 602, Bethesda, MD 20892, 301–496–8589, *CMOTEN@MAIL.NIH.GOV*.

Information is also available on the Institute's/Center's home page: *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)

Dated: August 23, 2022,

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18477 Filed 8–26–22; 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 Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; CTSA Training Grants Review.

Date: September 13–14, 2022.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1037, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Carol (Chang-Sook) Kim, Ph.D., Scientific Review Administrator, Office of Grants Management and Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1037, Bethesda, MD 20892, (301) 402–1744, *carolko@mail.nih.gov*.

Name of Committee: National Center for Advancing Translational Sciences Special Emphasis Panel; CTSA Resource Center Review.

Date: October 14, 2022.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Center for Advancing Translational Sciences, National Institutes of

Health, 6701 Democracy Boulevard, Suite 1037, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jing Chen, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Suite 1037, Bethesda, MD 20892, *chenjing@mail.nih.gov*, (301) 827–3268.

(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)

Dated: August 24, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18530 Filed 8–26–22; 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 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 Center for Advancing Translational Sciences Special Emphasis Panel; NCATS CTSA UM1 Review Special Emphasis Panel.

Date: September 28–29, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, National Institutes of Health, 6701 Democracy Boulevard, Room 1037, Bethesda, MD 20892, (301) 402–4938, *henriquv@mail.nih.gov*.

(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)

Dated: August 24, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–18533 Filed 8–26–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7056–N–28]

60-Day Notice of Proposed Information Collection: FHA Lender Approval, Annual Renewal, Periodic Updates and Required Reports by FHA Approved Lenders, OMB Control No.: 2502–0005

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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 28, 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, REE, 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* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. 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 available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA Lender Approval, Annual Renewal, Periodic Updates and Required Reports by FHA-Approved Lenders.

OMB Approval Number: 2502–0005.

OMB Expiration Date: October 31, 2022.

Type of Request: Revision.

Form Number: Online form, with no corresponding number.

Description of the need for the information and proposed use: This revision incorporates the requirements of 2 CFR 25, and 2 CFR 170, requiring all entities currently conducting or seeking to do business with the federal government must have a Unique Entity Identifier (UEI) registered in GSA's System of Award Management. Collection of the UEI is vital to HUD's compliance with the Federal Funding Accountability and Transparency Act of 2006 (FFATA) and Digital Accountability and Transparency Act of 2014.

Respondents:

Estimated Number of Respondents: 2,421.

Estimated Number of Responses: 2,430.

Frequency of Response: Annual/Periodic.

Average Hours per Response: 1 hour.

Total Estimated Burden: 2,421.[1]

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity

[1] Each year of the 2,421 respondents approximately 9 respondents are expected to not meet all eligibility requirements. These respondents must also submit an ''unable to certify'' report which requires further review before they may proceed. The result is 2,430 total responses from 2,421 respondents.

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 collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Julia R. Gordon,

Assistant Secretary for Housing—FHA Commissioner.

[FR Doc. 2022–18573 Filed 8–26–22; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–WSFR–2022–N046; FVWF97820900000–XXX–FF09W13000 and FVWF54200900000–XXX–FFO9W13000; OMB Control Number 1018–0088]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), we, the U.S. Fish and Wildlife Service (Service), are proposing to revise a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before September 28, 2022.

ADDRESSES: Send your comments on the information collection request (ICR) before the close of the comment period listed under **DATES** to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control No. 1018–0088 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. 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. You may also view the ICR at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA, 44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

On April 26, 2022, we published a **Federal Register** notice (87 FR 24584) with a 60-day public comment period soliciting comments on this collection of information. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the **Federal Register** notice at *https://www.regulations.gov* (Docket No. FWS–HQ–WSFR–2022–0035) to provide the public with an additional method to submit comments (in addition to the typical *Info_Coll@fws.gov* email and U.S. mail submission methods). We received the following comments in response to that notice:

Comment 1: Email comment from Jean Public received April 26, 2022: The commenter did not address the information collection requirements.

Agency Response to Comment 1: No response required.

Comment 2: Letter (submitted via email) from Holly Huchko, Endangered Species Act Program Specialist/Sport Fish Restoration Coordinator for the State of Oregon Department of Fish and Wildlife, received May 17, 2022:

The data provided in the National FHWAR Survey is used by the Oregon Department of Fish and Wildlife when working with their partners and public. It has also been the source of the freshwater/saltwater split calculation for their fishing management funding. Collecting information through mail and digital format properly reaches their angling and hunting constituents.

Agency Response to Comment 2: The methodology for the 2022 FHWAR survey is responsive to the needs identified in this comment. Oregon and other coastal States will continue to receive data on the number of freshwater/saltwater anglers within their respective States, free of cost. The 2022 FHWAR survey responses will also be fielded in mail, telephone, and web modes.

Comment 3: Comment submitted on June 23, 2022, via *Regulations.gov* (FWS–HQ–WSFR–2022–0035–0002) from Friends of Animals:

Wildlife watchers should be a source of funding for the U.S. Fish and Wildlife Service, in addition to hunters and anglers and boaters. Quantifying wildlife watching participation and expenditures will enable the appropriate management of non-consumptive wildlife-related recreation and funding. Birdwatching questions should be asked during all three waves of data collection.

Agency Response to Comment 3: Birding has always been a subset of all wildlife watching in this Survey; we include people who bird in our total wildlife watching estimates. After the 2022 questionnaire was finalized for the screening and Wave 1 interview, we decided birding warranted its own participation estimate. With this submission, we are putting the birding participation questions back in. We won't have clearance until Wave 3 at the earliest. The Survey is not part of/involved in the funding source for the Service.

Comment 4: Comment submitted on June 26, 2022, via *Regulations.gov* (FWS–HQ–WSFR–2022–0035–0003) from Anonymous:

The commenter did not address the information collection requirements.

Agency Response to Comment 4: No response required.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again inviting the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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 publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The information collected for the National Survey of Fishing, Hunting and Wildlife-Associated Recreation (FHWAR) assists the Fish and Wildlife Service in administering the Wildlife and Sport Fish Restoration grant programs. The 2022 FHWAR survey will provide up-to-date information on the uses and demands for wildlife-related recreation resources and a basis for developing and evaluating programs and projects to meet existing and future needs.

We collect the information in conjunction with carrying out our responsibilities under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777–777m) and the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669–669i). Under these acts, as amended, we provide approximately $1 billion in grants annually to States for projects that support sport fish and wildlife management and restoration, including:

- Improvement of fish and wildlife habitats,
- Fishing and boating access,
- Fish stocking, and
- Hunting and fishing opportunities.

We also provide grants for aquatic education and hunter education, maintenance of completed projects, and research into problems affecting fish and wildlife resources. These projects help to ensure that the American people have adequate opportunities for fish and wildlife recreation. We conduct the survey about every 5 years. The 2022 FHWAR survey will be the 14th conducted since 1955. We sponsor the survey at the States' request, which is made through the Association of Fish and Wildlife Agencies. We contract with the National Opinion Research Center (NORC) at the University of Chicago, which collects the information using internet, telephone, or mail-in paper-and-pencil instrument (PAPI).

Respondents are invited to take the survey with a mailed letter. NORC will select a sample of sportspersons and wildlife watchers from a household screen and conduct three detailed interviews during the survey year. The survey collects information on the number of days of participation, species of animals sought, and expenditures for trips and equipment. Information on the characteristics of participants includes age, income, sex, education, race, and State of residence. The Wave 3 Freshwater/Saltwater Ratio Questionnaire is designed to get freshwater and saltwater fishing data for coastal states. The Service's Wildlife and Sportfish Restoration Program is required to divide fishing management funds according to the ratio of freshwater and saltwater anglers in each coastal state.

Federal and State agencies use information from the survey to make policy decisions related to fish and wildlife restoration and management. Participation patterns and trend information help identify present and future needs and demands. Land management agencies use the data on expenditures and participation to assess the value of wildlife-related recreational uses of natural resources. Wildlife-related recreation expenditure information is used to estimate the impact on the economy and to support the dedication of tax revenues for fish and wildlife restoration programs.

Proposed Revisions

The 2022 FHWAR does not currently include the questions on birdwatching participation and days of participation that had been asked in previous rounds of the FHWAR. However, due to high interest in the birdwatching data, we are submitting an amendment to add these questions to the survey. These questions will be included in Wave 3 and will ask about participation in birdwatching and days of participation for the 12-month reference period of 2022. The sample will not be affected and will be the same across modes.

Below are the questions we will add to the Wave 3 wildlife watching questionnaire:

- Last year (from January 1 to December 31, 2022), did you closely observe or try to identify birds around your home, meaning the area within a 1-mile radius of your home?
- Last year (from January 1 to December 31, 2022), on how many days did you closely observe or try to identify birds around your home?
- Last year (from January 1 to December 31, 2022), on your wildlife watching trips or outings within the United States, did you closely observe birds?
- Last year (from January 1 to December 31, 2022), on how many days did you closely observe birds on your wildlife watching trips or outings within the United States?

Title of Collection: National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (FHWAR).

OMB Control Number: 1018–0088.

Form Number: None.

Type of Review: Revision of a currently approved information collection.

Respondents/Affected Public: Individuals/households.

Respondent's Obligation: Voluntary.

Frequency of Collection: Screener data collection was conducted from January through March 2022. The first detailed sportsperson and wildlife-watcher interviews was conducted in May 2022. The second detailed interviews will be conducted in September 2022. The third and final detailed interviews will be conducted in January 2023.

Total Estimated Annual Nonhour Burden Cost: None.

Activity	Estimated number of household responses	Median completion time per response (minutes)	Estimated burden hours *
2022 Screener Survey:			
Screener: web	27,639	9	4,146
Screener: phone	1,000	15	250
Screener: PAPI	31,361	10	5,227

Activity	Estimated number of household responses	Median completion time per response (minutes)	Estimated burden hours *
2022 Wave 1 Survey:			
Wave Questionnaires: web	43,068	13	9,331
Wave Questionnaires: phone	833	22	305
Wave Questionnaires: PAPI	6,972	14	1,627
2022 Wave 2 Survey:			
Wave Questionnaires: web	32,173	13	6,971
Wave Questionnaires: phone	833	22	305
Wave Questionnaires: PAPI	3,645	14	851
2022 Wave 3 Survey:			
Wave Questionnaires: web	46,773	13	10,134
Wave Questionnaires: phone	950	22	348
Wave Questionnaires: PAPI	11,811	14	2,756
Wave 3 Fishing-Only Questionnaire	13,500	3	675
Grand Total	220,558		42,926

* Rounded.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2022–18497 Filed 8–26–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R3–ES–2022–0091; FXES11140300000–223]

Endangered and Threatened Wildlife; Receipt of Habitat Conservation Plan and Applications for Incidental Take Permits for Bat Species in MI, MN, and WI; Availability of Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments and information.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received three separate applications for incidental take permits (ITPs) under the Endangered Species Act from the Michigan Department of Natural Resources (DNR), Minnesota DNR, and Wisconsin DNR. If approved, the permits would authorize incidental take of the Indiana bat, northern long-eared bat, little brown bat, and tricolored bat. The applicants also have jointly submitted the *Lake States Forest Management Bat Habitat Conservation Plan* (HCP). We make available for public comment the applicants' HCP and announce the availability of a draft environmental assessment, which has been prepared in response to the permit applications in accordance with the requirements of the National Environmental Policy Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these documents.

DATES: We will accept comments received or postmarked on or before September 28, 2022.

ADDRESSES:

Document availability: Electronic copies of the documents this notice announces, along with public comments received, will be available online in Docket No. FWS–R3–ES–2022–0091 at *https://www.regulations.gov.*

Comment submission: In your comment, please specify whether your comment addresses the proposed HCP, draft EA, any combination of the aforementioned documents, or other supporting documents. You may submit written comments by one of the following methods:

- *Online: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–R3–ES–2022–0091.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–R3–ES–2022–0091; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB/3W; Falls Church, VA 22041–3803.

For more information, see Availability of Public Comments in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Scott Hicks, Field Supervisor, Michigan Ecological Services Field Office, by email at *scott_hicks@fws.gov,* or by telephone at 517–351–2555; or Andrew Horton, Regional HCP Coordinator, by email at *andrew_horton@fws.gov,* or by telephone at 612–713–5337.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received three separate applications from the Michigan Department of Natural Resources (DNR), Minnesota DNR, and Wisconsin DNR for incidental take permits (ITPs) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicants also have jointly submitted the *Lake States Forest Management Bat Habitat Conservation Plan* (HCP) in support of each of their ITP applications. We make available for public comment the applicants' HCP and announce the availability of a draft environmental assessment, which has been prepared in response to the permit applications, in accordance with the requirements of the National Environmental Policy Act. We request public comment on the application and associated documents.

All three State DNRs have requested 50-year ITPs. The Michigan DNR is applying for an ITP for take of Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), and little brown bat (*Myotis lucifugus*), while the Minnesota DNR and Wisconsin DNR are each applying for ITPs that include take coverage for the northern long-eared bat, tricolored bat, and little brown bat. For each State, implementation of the habitat conservation plan (HCP) would be specific for their respective incidental take for the Indiana bat,

northern long-eared bat, tricolored bat, and little brown bat (covered species).

The applicants conduct habitat and forest management activities statewide within their jurisdictions, and the requested ITPs will cover the continuation of the following activities: timber harvest and related forest management practices; forest-related road and trail construction, maintenance, and use; prescribed fire; and implementation of the HCP conservation strategy. Covered lands for the Lake States HCP include all forestlands occurring within the States of Michigan, Minnesota, and Wisconsin that are not owned or managed by the Federal government. Collectively, covered lands consist of approximately 46 million acres (ac), which include forested State DNR lands (9 million ac), county and municipal forestlands (5 million ac), and other non-Federal lands (32 million ac). The applicants jointly have prepared a habitat conservation plan that describes the continued habitat and forest management operations and measures that the applicants would implement to avoid, minimize, and mitigate incidental take of the covered species. The HCP proposes to protect and sustainably manage 9.2 million ac of covered species habitat over the course of the requested 50-year permit term, and has dedicated annual enhancement of 15,460 ac of Indiana bat summer habitat in Michigan; 146,400 ac of northern long-eared bat summer habitat in the Lake States; 92,367 ac of tricolored bat summer habitat in the Lake States; and 146,400 ac of little brown bat summer habitat in the Lake States. In addition, management and enhancement activities will occur annually on other non-Federal forestlands located on private or county/municipal lands through certificates of inclusion. For Indiana bats, these activities are anticipated on 23,011 ac in Michigan; for northern long-eared bats, on 370,354 ac in the Lakes States; for tricolored bats, on 206,139 ac in the Lake States; and for little brown bats, on 372,427 acres in the Lake States. We also announce the availability of a draft environmental assessment (EA), which has been prepared in response to the permit applications in accordance with the requirements of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*).

Background

Section 9 of the ESA and its implementing regulations prohibit the ''take'' of animal species listed as endangered or threatened. Take is defined under the ESA as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect [listed animal species,] or to attempt to engage in such conduct'' (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (16 U.S.C. 1539). Regulations governing incidental take permits for endangered and threatened species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32. Impacts to plants do not fall under the definition of ''take''; therefore, the Service cannot authorize incidental take of plants. However, the Service cannot issue an ITP that would jeopardize the continued existence or adversely modify the designated critical habitat of any listed species.

Applicants' Proposed Project

The applicants request a 50-year ITP to take the four bat species. The applicants determined that take is reasonably certain to occur incidental to enactment of forest and habitat management activities in their respective States within 47 million ac of covered species habitat. The proposed conservation strategy in the applicants' proposed HCP is designed to avoid, minimize, and mitigate the impacts of habitat and forest management on the covered species. The biological goals and objectives are to minimize potential take of the four covered species through minimization measures and to provide habitat conservation measures for the covered species to offset any impacts from implementation of habitat and forest management activities. Based on estimated annual take rates, the estimated level of lethal take from the proposed permit term for Michigan is 2 Indiana bats, 99 northern long-eared bats, 386 little brown bats, and 1 tricolored bat. For Minnesota, the estimated level of lethal take from the proposed permit term is 40 northern long-eared bats, 78 little brown bats, and 1 tricolored bat. For Wisconsin, the estimated level of lethal take from the proposed permit term is 21 northern long-eared bats, 320 little brown bats, and 3 tricolored bats. To offset the impacts of the taking of the covered bat species, the applicants propose to avoid habitat loss-related impacts from habitat and forest management by instituting avoidance measures during the management process, such as avoiding certain activities during the active maternity season, and to implement species habitat protection, enhancement, or restoration. Beneficial and net effects of the conservation strategy include the successful management of forests, which protect potential habitat for bats; site-level maintenance and promotion of roost trees and foraging habitat; the protection and management of covered species' habitat; the protection and enhancement of caves; and other specific measures that minimize or avoid effects to the covered species.

National Environmental Policy Act

The issuance of an ITP is a Federal action that triggers the need for compliance with NEPA. We prepared a draft EA that analyzes the environmental impacts on the human environment resulting from two alternatives: a no-action alternative and the applicants' proposed action.

Next Steps

The Service will evaluate the permit applications and the comments received to determine whether the applications meet the requirements of section 10(a) of the ESA. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of the proposed take. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(l)(B) of the ESA have been met. If met, the Service will issue the requested ITPs to the applicants.

Request for Public Comments

The Service invites comments and suggestions from all interested parties on the proposed HCP, draft EA, and supporting documents during a 30-day public comment period (see **DATES**). In particular, information and comments regarding the following topics are requested:

1. The effects that implementation of any alternative could have on the human environment;

2. Whether or not the significance of the impact on various aspects of the human environment has been adequately analyzed;

3. Any threats to the Indiana bat, northern long-eared bat, little brown bat, and tricolored bat that may influence their populations over the life of the ITP that are not addressed in the proposed HCP or EA;

4. Whether the conservation measures outlined in the HCP are sufficient to offset impacts over a 50-year duration; and

5. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

Availability of Public Comments

You may submit comments by one of the methods shown under **ADDRESSES**. We will post on *https://www.regulations.gov* all public comments and information received electronically or via hardcopy. All comments received, including names and addresses, will become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR 46).

Lori Nordstrom,

Assistant Regional Director, Ecological Services.

[FR Doc. 2022–18496 Filed 8–26–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX21ED00CPN00; OMB Control Number 1028–0119/Renewal]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; EROS Registration Service

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is proposing a renewal of an information collection.

DATES: Interested persons are invited to submit comments on or before September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192, or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0119 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this Information Collection Request (ICR), contact Ryan Longhenry by email at *rlonghenry@usgs.gov,* or by telephone at 605–594–6179. 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. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the PRA, we provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 22, 2022 (87 FR 37356). No comments were received in response to this notice.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you may ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: The USGS proposes to collect general demographic information about public users who download products from USGS user interfaces. This information helps address Congressional, OMB, and DOI inquiries regarding common data uses and affiliations, along with other questions used to justify maintaining the free distribution of USGS land remote sensing data. The information collected in the database includes the names, affiliations, addresses, email addresses, and telephone numbers of individuals. The information is gathered to facilitate the reporting of demographic data for use of USGS applications. Demographic data is also used to make decisions on future functional requirements within the system.

The information is stored on an internal encrypted database. In some cases, contact information is required in order to notify the customer regarding data availability. Email information is also utilized for two-factor authentication. The registration system does not derive new data and does not create new data through aggregation.

PII is not used as search criteria. Access to the information is governed by the least privileged access methodology. Authorized individuals with specifically granted access to the Privacy Act data can retrieve only by account number or order number Personal data is encrypted while stored in the database. Contact ID is generated when account is created.

Title of Collection: EROS Registration Service.

OMB Control Number: 1028–0119.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Federal Agencies, state, tribal, and non-government individuals who have requested USGS products from USGS distribution applications are covered in

this system. The system has only one category for individuals.

Total Estimated Number of Annual Respondents: Approximately 335,000 respondents on an annual basis.

Total Estimated Number of Annual Responses: Approximately 335,000 respondents on an annual basis.

Estimated Completion Time per Response: We estimate that it will take 2 minutes per response to submit the requested information.

Total Estimated Number of Annual Burden Hours: 11,167.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Non-hour Burden Cost: There are no ''non-hour cost'' burdens associated with this collection of information.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the PRA (44 U.S.C. 3501, *et seq.*).

John M. Hahn,

Acting USGS EROS Center Director.

[FR Doc. 2022–18545 Filed 8–26–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the National Marine Sanctuaries Act

On August 23, 2022, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Florida in the lawsuit entitled *United States* v. *Utility Board of the City of Key West, Florida,* Civil Action No. 4:22–cv–10070–JLK.

The Consent Decree resolves claims against the Utility Board of the City of Key West, Florida (d/b/a Keys Energy Services), Michels Corporation, and Michels Power, Inc. for recovery of damages under the National Marine Sanctuaries Act, 16 U.S.C. 1443(a)(1), arising from utility work relating to Keys Energy Services Line 4 conducted near Rockland Key, Florida, between October 14 and December 20, 2017 that destroyed sea grasses in the Florida Keys National Marine Sanctuary. The proposed Consent Decree resolves the claim for $1,800,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Utility Board of the City of Key West, Florida,* D.J. Ref. No. 90–5–1–1–12301. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the 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 $4.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Lori Jonas,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–18542 Filed 8–26–22; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Gamma Radiation Surveys

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA uses this information to evaluate the effectiveness of a mine operator's protection program in demonstrating compliance with the radiation standards. Gamma radiation occurs where radioactive materials are present. Natural sources include uranium and other radioactive elements found in rocks, soils, and ground water. Gamma radiation hazards may also be found near radiation sources in surface and underground mines operations using X-ray machines, weightometers, nuclear gauges and diffraction units. Such gauges contain radioactive materials and are mounted outside tanks, pipes, bins, hoppers or other types of vessels; gamma rays measure the level and density of liquids, slurries or solids.

Regulations 30 CFR 57.5047 requires records be kept of cumulative individual gamma radiation exposure to ensure that annual exposure does not exceed 5 Rems. It is intended to protect the health of workers in mines with radioactive ores. Currently, there are three radioactive ore mines in the United States: one active facility and two non-producing underground uranium mines. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 4, 2022 (87 FR 26374).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Gamma Radiation Surveys.

OMB Control Number: 1219–0039.

Affected Public: Businesses or other for-profits institutions.

Total Estimated Number of Respondents: 3.

Total Estimated Number of Responses: 3.

Total Estimated Annual Time Burden: 6 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–18508 Filed 8–26–22; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Apprenticeship Evidence-Building Portfolio Evaluation

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Chief Evaluation Office (CEO)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Chief Evaluation Office of the U.S. Department of Labor commissioned the high priority Apprenticeship Evidence-Building Portfolio evaluation contract to build evidence on apprenticeship, including apprenticeship models, practices, and partnership strategies in high-growth occupations and industries. DOL's initiatives to expand access to apprenticeship opportunities support the Presidential Executive Order ''Expanding Apprenticeships in America.'' The portfolio of initiatives addressed by the evaluation includes the Scaling Apprenticeship Through Sector-Based Strategies grants, Closing the Skills Gap grants, Youth Apprenticeship Readiness grants, and other DOL investments. The Urban Institute and its partners Mathematica Policy Research and Capital Research Corporation were contracted to conduct the study of these efforts. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 2, 2021 (86 FR 7881).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–CEO.

Title of Collection: Apprenticeship Evidence-Building Portfolio Evaluation.

OMB Control Number: 1290–0NEW.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 173.

Total Estimated Number of Responses: 173.

Total Estimated Annual Time Burden: 235 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior PRA Analyst.

[FR Doc. 2022–18509 Filed 8–26–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pell Grants and the Payment of Unemployment Benefits to Individuals in Approved Training

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open

for Public Comments'' or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Mara Blumenthal by telephone at 202–693–8538, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Federal Unemployment Tax Act (FUTA) Section 3304(a)(8) contained in Public Law 111–5, enacted February 17, 2009, authorizes this information collection. The Department of Labor, collaborating with the Department of Education who administers the Pell Grant program, seeks to enable individuals who are interested in increasing their skills to have the opportunity to engage in job training to obtain industry-recognized credentials while receiving Unemployment Insurance (UI) benefits. To support these jobseekers, the DOL is encouraging States UI agencies and American Job Centers (AJCs) as third-party disseminators to work together to notify unemployed individuals of their potential eligibility for Pell Grants. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 11, 2022 (87 FR 1438).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Pell Grants and the Payment of Unemployment Benefits to Individuals in Approved Training.

OMB Control Number: 1205–0NEW.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 112,360.

Total Estimated Annual Time Burden: 561,800 hours.

Total Estimated Annual Other Costs Burden: $12,985.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Dated: August 19, 2022.

Mara Blumenthal,

Senior PRA Analyst.

[FR Doc. 2022–18507 Filed 8–26–22; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (22–062)]

Heliophysics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Heliophysics Advisory Committee (HPAC). This Committee functions in an advisory capacity to the Director, Heliophysics Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the science community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, September 20, 2022, 1:00 p.m.–6:00 p.m., and Wednesday, September 21, 2022, 11:00 a.m.–3:00 p.m., Eastern Time.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public. The meeting will take place telephonically and via WebEx. Any interested person must use a touch-tone phone to participate in this meeting. To join by telephone, the numbers are: 1–929–251–9612 or 1–415–527–5035, on both days.

On Tuesday, September 20, the WebEx link is *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=m6b3fb1149bc9e9b96a195e55b3afdd9f* and the meeting number is 2762 406 1300 and on Wednesday, September 21, the WebEx link is *https://nasaenterprise.webex.com/nasaenterprise/j.php?MTID=mabcc62f04bce09d14330b457a7e67f4d* and the meeting number is 2764 161 7655. The password is HPACfall2022# (case sensitive) for each day.

The agenda for the meeting includes the following topic:

- Heliophysics Program Annual Performance Review According to the Government Performance and Results Act Modernization Act
- Heliophysics Division Update.

FOR FURTHER INFORMATION CONTACT: Mrs. KarShelia Kinard, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, or *karshelia.kinard@nasa.gov.*

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2022–18506 Filed 8–26–22; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

STEM Education Advisory Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: STEM Education Advisory Panel (#2624).

Date and Time:

September 29, 2022; 10:00 a.m.–5:30 p.m. (EDT)

September 30, 2022; 10:00 a.m.–3:00 p.m. (EDT)

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314/Virtual.

All visitors must register at least 48 hours before the meeting. To attend this meeting in listen-in only mode, send your request to *stemedadvisory@nsf.gov.* The final meeting agenda will be posted to: *https://www.nsf.gov/ehr/advisory.jsp.*

Type of Meeting: Part-Open.

Contact Person: Keaven Stevenson, Directorate Administrative Coordinator, Room C 11044, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Contact

Information: 703–292–8663/*kstevens@nsf.gov.*

Purpose of Meeting: To provide advice and recommendations to the Committee on Science, Technology, Engineering, and Mathematics Education (CoSTEM).

Agenda: STEM Education Advisory Panel agenda attached. Please check the website for any additional updates prior to the meeting at *https://nsf.gov/ehr/STEMEdAdvisory.jsp.*

Reason for Closing: During closed portions of this meeting the panel will review and discuss a draft government report. This discussion must be kept confidential. These matters are exempt under 5 U.S.C. 552b(c), (9)(B) of the Government in the Sunshine Act.

Dated: August 24, 2022.

Crystal Robinson,

Committee Management Officer.

STEM Education Advisory Panel

September 29–30, 2022

Agenda

Thursday, September 29, 2022 (All Times are EDT)

10:00 a.m.–10:30 a.m. Welcoming Remarks
10:30 a.m.–11:30 a.m. Equitable Data Working Group
11:30 a.m.–11:45 a.m. Break
11:45 a.m.–2:05 p.m. Executive Session (Closed)
2:05 p.m.–2:20 p.m. Break
2:20 p.m.–5:30 p.m. Executive Session (Closed)

Friday, September 30, 2022 (All Times are EDT)

10:00 a.m.–10:15 a.m. Welcoming Remarks
10:15 a.m.–11:00 a.m. Discussion with CoSTEM Leadership
11:00 a.m.–11:45 a.m. FC–STEM/IWG Updates
11:45 a.m.–12:00 p.m. Break
12:00 p.m.–1:15 p.m. Other NSTC/CoSTEM Efforts
1:15 p.m.–1:45 p.m. Update on next CoSTEM Strategic Plan
1:45 p.m.–2:00 p.m. Break
2:00 p.m.–3:00 p.m. Closing Remarks

[FR Doc. 2022–18510 Filed 8–26–22; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request; National Science Foundation Request for Proposals

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to reinstate, with changes, this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by October 28, 2022 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite E7400, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: United States Antarctic Program (USAP) Climate Survey.

OMB Approval Number: 3145–0260.

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to reinstate with revisions an information collection for three years. The primary purpose of this reinstatement is to identify and study the perceptions and perspectives of USAP participants located in Antarctica. The surveys address attitudes and concerns that will help NSF work with program participants and participating organizations to instill positive changes.

Proposed Project: In accordance with presidential memo 6646 the NSF manages the US Antarctic Program including occupation of three year-round stations located on the Antarctic continent. NSF is committed to a workplace and community that fosters a climate free from sexual assault and harassment. NSF has recently completed a Sexual Assault/Harassment Prevention and Response (SAHR) program which requires reinstatement of this information collection.

Use of the Information: Disseminating a climate survey ensures accurate baseline data that will allow NSF to monitor SAHPR program progress, course correct efforts, and objectively demonstrate successes.

Burden on the Public: The Foundation estimates that an average of 1,180 respondents are expected to complete the request per year for a total of (580) burden hours annually.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) 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.

Dated: August 24, 2022.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2022–18576 Filed 8–26–22; 8:45 am]

BILLING CODE 5555–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings; Audit Committee Meeting

TIME & DATE: 1:00 p.m., Thursday, September 8, 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: Audit Committee 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. FY21 External Audit—BDO
III. Sunshine Act Approval of Executive (Closed) Session
IV. Executive Session with Chief Audit Executive

V. Action Item Finance—Accounts Payable/ACH Transactions (NetSuite) FY21
VI. Internal Audit Status Reports
a. Internal Audit Reports Awaiting Management's Response
b. Internal Audit Performance Scorecard
c. FY22 Plan Projects' Activity Summary as of Aug 8, 2022
d. Implementation of Internal Audit Recommendations
VII. Tracking Open Recommendations
a. Dependent on other IT Projects
b. Dependent on Identity Access Management (IAM)
VIII. Adjournment

CONTACT PERSON FOR MORE INFORMATION:

Lakeyia Thompson, Special Assistant, (202) 524–9940; *Lthompson@nw.org.*

Lakeyia Thompson,

Special Assistant.

[FR Doc. 2022–18673 Filed 8–25–22; 11:15 am]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0159]

Maintenance, Testing, and Replacement of Vented Lead Acid Storage Batteries for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG–1401, ''Maintenance, Testing, and Replacement of Vented Lead Acid Storage Batteries for Production and Utilization Facilities''. This DG is the proposed Revision 4 to Regulatory Guide (RG) 1.129. RG 1.129 describes methods that are acceptable to the NRC staff pertaining to the maintenance, testing, and replacement of vented lead acid storage batteries in production and utilization facilities.

DATES: Submit comments by September 28, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0159. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

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: James Steckel, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1026, email: *James.Steckel@nrc.gov;* and Brian Correll, Region IV, U.S. Nuclear Regulatory Commission, Arlington, Texas 76011–4511, telephone: 817–200–1565, email: *Brian.Correll@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2022–0159, when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0159.

• *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.* DG–1401, ''Maintenance, Testing, and Replacement of Vented Lead Acid Storage Batteries for Production and Utilization Facilities,'' is available in ADAMS under Accession No. ML22026A441. The staff is also issuing for public comment a draft regulatory analysis for DG–1401 under ADAMS Accession No. ML22026A443.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2022–0159 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 *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe 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.

The DG, entitled ''Maintenance, Testing, and Replacement of Vented Lead Acid Storage Batteries for Production and Utilization Facilities,'' is temporarily identified by its task number, DG–1401.

Production and utilization facilities licensed under part 50 and part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) are required to optimize the life and performance of installed vented lead acid storage batteries used for standby power

applications to perform safety functions under applicable service conditions, including design-basis events. This revision (Revision 4) provides updated state-of-the-art technical information regarding the maintenance, testing, and replacement of vented lead acid storage batteries.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of DG–1401, if finalized, would not constitute backfitting as that term is defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; would not constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' As explained in DG–1401, applicants and licensees are not required to comply with the positions set forth in DG–1401.

IV. 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 24, 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. 2022–18526 Filed 8–26–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0217]

Monitoring Criteria and Methods To Calculate Occupational Radiation Doses

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 8.34, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses.'' This revised guidance is an approach that is acceptable to the staff of the NRC for monitoring and determining the dose to occupationally exposed individuals.

It provides updated criteria and methods to calculate occupational radiation doses to demonstrate compliance with the NRC regulations and it reflects current generally accepted methods and procedures available for radiation protection.

DATES: Revision 1 to RG 8.34 is available on August 29, 2022.

ADDRESSES: Please refer to Docket ID NRC–2021–0217 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–2021–0217. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov*. For technical questions, contact the 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 problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov*. The 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 Public Document Room (PDR), Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

Revision 1 to RG 8.34 and the regulatory analysis may be found in ADAMS under Accession Nos. ML22132A083 and ML21068A161, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Steven Garry, Office of Nuclear Reactor Regulation, telephone: 301–415–2766, email: *Steven.Garry@nrc.gov,* and Harriet Karagiannis, Office of Nuclear Regulatory Research, telephone: 301–415–2493, email: *Harriet.Karagiannis@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. Regulatory guides were developed to describe and make available to the public information and methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The NRC is issuing Revision 1 of RG 8.34 to describe an approach that is acceptable to the staff of the NRC for calculating the total effective dose equivalent as the sum of the effective dose equivalent (for external exposures) and the committed dose equivalent for internal exposures. In addition, it includes the following guidance:

- performing prospective dose evaluations to determine the need for required monitoring to meet the occupational dose monitoring requirements of section 20.1502 of title 10 of the *Code of Federal Regulations* (10 CFR),
- monitoring of unplanned, unintended doses,
- monitoring dose from hot particles or contamination on or near the skin,
- defining the term ''dosimetry processing'' and explaining when there are requirements for processing by an accredited National Voluntary Laboratory Accreditation Program processor,
- assessing dose from intakes of radioactive material by wound injuries, and
- calculating soluble uranium intakes

II. Additional Information

The NRC published a notice of the availability of DG–8060 to RG 8.34 (ADAMS Accession No. ML21068A160), in the **Federal Register** on December 17, 2021 (86 FR 71676) for a 45-day public comment period. The public comment period was scheduled to close on January 31, 2022, however, in response to a public request, the NRC decided to extend the public comment period until March 2, 2022 (87 FR 4059), to allow more time for members of the public to

develop and submit their comments. Public comments on DG–8060 and the staff responses to the public comments are available in ADAMS under Accession No. ML22117A049.

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 this RG to be a major rule as defined in the Congressional Review Act.

IV. Backfitting, Forward Fitting, and Issue Finality

RG 8.34, Revision 1, will provide updated guidance for reactor and non-reactor applicants and licensees regarding acceptable methods for calculating radiation doses. Issuance of RG 8.34, Revision 1 would not constitute backfitting, as that term is defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; constitute forward fitting, as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52.

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 24, 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. 2022–18525 Filed 8–26–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2022–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 5, 12, 19, 26, October 3, 10, 2022. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html*.

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov*.

MATTERS TO BE CONSIDERED:

Week of September 5, 2022

There are no meetings scheduled for the week of September 5, 2022.

Week of September 12, 2022—Tentative

There are no meetings scheduled for the week of September 12, 2022.

Week of September 19, 2022—Tentative

Monday, September 19, 2022

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 26, 2022—Tentative

There are no meetings scheduled for the week of September 26, 2022.

Week of October 3, 2022—Tentative

There are no meetings scheduled for the week of October 3, 2022.

Week of October 10, 2022—Tentative

Tuesday, October 11, 2022

10:00 a.m. NRC All Employees Meeting (Public Meeting) (Contact: Anthony DeJesus: 301–287–9219)

Additional Information: The meeting will be held at the Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Thursday, October 13, 2022

9:00 a.m. Strategic Programmatic Overview of the Operating Reactors and New Reactors Business Lines (Public Meeting) (Contact: Jennie Rankin, 301–415–1530)

Additional Information: The meeting will be held in the Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov*.

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: August 24, 2022.

For the Nuclear Regulatory Commission.

Monika G. Coflin,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2022–18612 Filed 8–25–22; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483; NRC–2022–0139]

Union Electric Company, dba Ameren Missouri, Callaway Plant, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) prepared under the National Environmental Policy Act of 1969 (NEPA) and NRC's regulations. This EA summarizes the results of the NRC staff's environmental review, which evaluates the potential environmental impacts of granting exemptions from NRC regulations and issuing an associated license amendment in response to a request from the Union Electric Company, doing business as (dba) Ameren Missouri (Ameren, the licensee) for Renewed Facility Operating License NPF–30, for the Callaway Plant, Unit No. 1 (Callaway). Specifically, the licensee is seeking a license amendment and regulatory exemptions that would, if granted, allow the licensee to use both a deterministic and risk-informed approach to address safety issues discussed in Generic Safety Issue (GSI)–191, ''Assessment of Debris Accumulation in PWR [Pressurized Water Reactor] Sump Pump Performance'' and to close Generic

Letter (GL) 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors.'' The NRC staff is issuing a final EA and finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document is available on August 29, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0139 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–2022–0139. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mahesh Chawla, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8371, email: *Mahesh.Chawla@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering a request to grant certain regulatory exemptions and issue a license amendment for Renewed Facility Operating License NPF–30, issued to Ameren, for Callaway, located in Callaway County, Missouri. The regulatory exemptions and associated license amendment, if granted, would allow Ameren to incorporate the use of a risk-informed approach to address safety issues discussed in GSI–191 and respond to GL 2004–02. Pursuant to Section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments,'' the NRC has prepared an EA summarizing the findings of the NEPA review of the proposed action. The NRC concluded that the proposed action will have no significant environmental impact. In accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the proposed licensing actions and is issuing a FONSI.

The NRC established GSI–191 to determine whether the transport and accumulation of debris from a loss-of-coolant accident (LOCA) in the PWR containment structure would impede the operation of the emergency core cooling system (ECCS) or containment spray system (CSS). A LOCA within the containment structure is assumed to be caused by a break in the primary coolant loop piping. Water discharged from the pipe break and debris would collect on the containment structure floor and within the containment emergency sump. During this type of accident, the ECCS and CSS would initially draw cooling water from the refueling water storage tank. However, realigning the ECCS pumps to the containment emergency sump would provide long-term cooling of the reactor core. Therefore, successful long-term cooling depends on the ability of the containment emergency sump to provide adequate flow to the residual heat removal (RHR) recirculation pumps for extended periods of time.

One of the concerns addressed by the implementation of GSI–191 is that debris material, such as insulation installed on piping and components, within the containment structure, could be dislodged by a jet of high-pressure water and steam during the LOCA. Water, along with debris, would accumulate at the bottom of the containment structure and flow towards the emergency sump pumps. Insulation and other fibrous debris material could block the emergency sump screens and suction strainers, which in turn could prevent the ability of the containment emergency sump to provide adequate water flow to the RHR pumps (for more information, see NUREG–0897, ''Containment Emergency Sump Performance: Technical Finding Related to Unresolved Safety Issue A–43,'' Revision 1).

The NRC issued GL 2004–02 to address this safety concern by requesting PWR licensees, pursuant to 10 CFR 50.54(f), to use an NRC-approved methodology to perform a ''mechanistic evaluation of the potential for the adverse effects of post-accident debris blockage and operation with debris-laden fluids to impede or prevent the recirculation functions of the ECCS and CSS following all postulated accidents for which the recirculation of these systems is required'' and submit this information to the NRC for evaluation.

In 2012, the NRC staff developed options for resolution of GSI–191, which are discussed in SECY–12–0093, ''Closure Options for Generic Safety Issue 191, Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance,'' dated July 9, 2012. The licensee has proposed to use both a deterministic method, with plant-specific testing, and a risk-informed approach to demonstrate compliance with 10 CFR 50.46, ''Acceptance criteria for emergency core colling systems for light-water nuclear power reactors,'' and 10 CFR part 50, appendix A, General Design Criteria (GDC) 35, ''Emergency core cooling,'' GDC 38, ''Containment heat removal,'' and GDC 41, ''Containment atmosphere cleanup,'' and to resolve GSI–191 for Callaway. Because, historically, the NRC staff has not allowed licensees to use a risk-informed approach to show compliance with the requirements of 10 CFR 50.46, the licensee requested exemptions from 10 CFR 50.46(a)(1) and GDC 35, 38, and 41, as well as an amendment to the associated technical specifications to allow the use of a risk-informed approach to resolve GSI–191. If approved, the proposed action would not authorize any modifications within the containment structure, physical changes to the ECCS, or other modifications to the plant. Rather, the proposed action would only allow the use of an alternate methodology to show compliance with the regulations that require the ECCS and CSS function during certain LOCA events.

II. Environmental Assessment

Description of the Proposed Action

The proposed action as requested by the licensee is to grant certain regulatory exemptions and amend Facility Operating License NPF–30. The regulatory exemptions would allow

Ameren to change the licensing basis LOCA analysis identified in the updated final safety analysis report to use a risk-informed approach to address safety issues discussed in GSI–191 and to close GL 2004 02. If approved, no physical modifications to the nuclear plant or changes to reactor operations involving the ECCS would be required. The proposed action is in response to the licensee's application dated March 31, 2021, as supplemented by letters dated May 27, 2021; July 22, 2021; August 23, 2021; October 7, 2021; January 27, 2022; March 8, 2022; and May 26, 2022.

Need for the Proposed Action

The proposed action is needed because, as the holder of Renewed Facility Operating License No. NPF–30, Ameren is expected to address the safety issues discussed in GSI–191 and to close GL 2004–02 for Callaway. Consistent with SECY–12–0093, the licensee chose an approach, which requires, in part, that Ameren request that the NRC amend the renewed facility operating license and grant certain regulatory exemptions for Callaway.

Environmental Impacts of the Proposed Action

Callaway is located on an approximately 7,354-acre (2,976 hectare) site in Callaway County, Missouri, approximately 10 miles (16 kilometers) southeast of Fulton, Missouri, and 80 miles (129 kilometers) west of the St. Louis metropolitan area.

Callaway consists of a single four-loop Westinghouse PWR unit. The reactor core of the unit heats water, which is pumped to four steam generators, where the heated water is converted to steam. The steam is then used to turn turbines, which are connected to electrical generators that produce electricity. A simplified drawing of a PWR can be viewed at *https://www.nrc.gov/reactors/pwrs.html.*

The reactor, steam generators, and other components are housed in a concrete and steel containment structure (building). The containment structure is a reinforced concrete cylinder with a concrete slab base and hemispherical dome. A welded steel liner is attached to the inside face of the concrete shell to ensure a high degree of leak tightness. In addition, the 4-foot (1.2-meter)-thick concrete walls of the containment structure serve as a radiation shield. Additional information on the plant structures and systems, as well as the environmental impact statement for license renewal, can be found in NUREG–1437, Supplement 51, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Supplement 51 Regarding Callaway Plant, Unit 1: Final Report.''

Radiological and non-radiological impacts on the environment that may result from granting the regulatory exemptions and issuing the license amendment are summarized in the following sections.

Non-Radiological Impacts

No changes would be made to structures or land use within the Callaway site as a result of the proposed action, and non-radiological liquid effluents or gaseous emissions would not change. In addition, the license amendment and regulatory exemptions would not result in any changes to the use of resources or create any new environmental impacts. Therefore, there would be no non-radiological impacts to environmental resources or any irreversible and irretrievable commitments.

Since granting the regulatory exemptions and issuing the license amendment would not result in environmental effects, there would be no non-radiological cumulative impact.

Radiological Impacts

Radioactive Gaseous and Liquid Effluents and Solid Waste

Callaway uses waste treatment systems to collect, process, recycle, and dispose of gaseous, liquid, and solid wastes that contain radioactive material in a safe and controlled manner within NRC and Environmental Protection Agency (EPA) radiation safety standards.

The license amendment and regulatory exemptions, if granted, would not require any physical change to the nuclear plant or reactor operations; therefore, there would be no changes to the plant radioactive waste treatment systems. A detailed description of the Callaway radioactive waste handling and disposal activities is presented in chapter 2.1.2 of Supplement 51 to NUREG–1437.

Radioactive Gaseous Effluents

The objectives of the Callaway gaseous waste management system (GWMS) are to process and control the release of radioactive gaseous effluents into the environment to be within the requirements of 10 CFR 20.1301, ''Dose limits for individual members of the public,'' and to be consistent with the as low as reasonably achievable (ALARA) dose objectives set forth in Appendix I to 10 CFR part 50. The GWMS is designed so that radiation exposure to plant workers is within the dose limits in 10 CFR 20.1201, ''Occupational dose limits for adults.''

Granting the regulatory exemptions and issuing the license amendment would not require any physical changes to the nuclear plant or reactor operations that would affect the release of radioactive gaseous effluents into the environment; therefore, there would be no changes to the GWMS. The existing equipment and plant procedures that control radioactive releases to the environment would continue to be used to maintain radioactive gaseous releases within the dose limits in 10 CFR 20.1301 and the ALARA dose objectives in Appendix I to 10 CFR part 50.

Radioactive Liquid Effluents

The function of the Callaway liquid waste processing system (LWPS) is to collect and process radioactive liquid wastes to reduce radioactivity and chemical concentrations to levels acceptable for discharge to the environment or to recycle the liquids for use in plant systems. The principal objectives of the LWPS are to collect liquid effluents (wastes) that may contain radioactive material and to maintain sufficient processing capability so that liquid waste may be discharged to the environment below the regulatory limits in 10 CFR 20.1301 and consistent with the ALARA dose objectives in Appendix I to 10 CFR part 50. The liquid effluent is routed through a monitor that measures the radioactivity and can automatically terminate the release in the event radioactivity exceeds predetermined levels. The liquid effluent is discharged from the plant into the Missouri River via a pipeline.

Granting the regulatory exemptions and issuing the license amendment would not require any physical change to the nuclear plant or reactor operations; therefore, there would be no changes to the LWPS. The existing equipment and plant procedures that control radioactive releases to the environment will continue to be used to maintain radioactive liquid releases within the dose limits in 10 CFR 20.1301 and the ALARA dose objectives in Appendix I to 10 CFR part 50.

Radioactive Solid Wastes

The function of the Callaway solid waste processing system (SWPS) is to process, package, and store the solid radioactive wastes generated by nuclear plant operations until they are shipped off site to a vendor for further processing or for permanent disposal at a licensed burial facility, or both. The storage areas have restricted access and

shielding to reduce radiation rates to plant workers. The principal objectives of the SWPS are to package and transport the waste in compliance with NRC regulations in 10 CFR part 61, ''Licensing Requirements for Land Disposal of Radioactive Waste,'' and 10 CFR part 71, ''Packaging and Transportation of Radioactive Material,'' and the U.S. Department of Transportation regulations in 49 CFR parts 170 through 179; and to maintain the dose limits in 10 CFR 20.1201, 10 CFR 20.1301, and Appendix I to 10 CFR part 50.

The existing equipment and plant procedures that control radioactive solid waste handling would continue to be used to maintain exposures within the dose limits in 10 CFR 20.1201, 10 CFR 20.1301, and 10 CFR part, 50 appendix I. Therefore, there will be no changes to the SWPS and issuing the license amendment and granting the regulatory exemptions will not result in any physical changes to the nuclear plant or reactor operations that would affect the release of radioactive solid wastes into the environment.

Occupational Radiation Doses

The license amendment and regulatory exemptions, if granted, would not require any physical change to the nuclear plant or changes to reactor operations; therefore, there would be no change to any in-plant radiation sources. In addition, no new operator actions would be implemented that could affect occupational radiation exposure. The licensee's radiation protection program monitors radiation levels throughout the nuclear plant to establish appropriate work controls, training, temporary shielding, and protective equipment requirements so that worker doses remain within the dose limits in 10 CFR part 20, ''Standards for Protection Against Radiation,'' subpart C, ''Occupational Dose Limits.'' The license amendment and regulatory exemptions would not change radiation levels within the nuclear plant and, therefore, there would be no increased radiological impact to the workers.

Offsite Radiation Dose

The primary sources of offsite dose to members of the public from Callaway are radioactive gaseous and liquid effluents. As discussed previously, there would be no change to the operation of Callaway radioactive GWMS and LWPS or their ability to perform their intended functions. Also, there would be no change to the Callaway radiation monitoring system and procedures used to control the release of radioactive effluents in accordance with radiation protection standards in 10 CFR 20.1301, 40 CFR part 190, ''Environmental Radiation Protection Standards for Nuclear Power Operations,'' and the ALARA dose objectives in appendix I to 10 CFR part 50.

Based on this information, the offsite radiation dose to members of the public would not change and would continue to be within regulatory limits. Therefore, the license amendment and regulatory exemptions would not change offsite dose levels and, consequently, there would be no significant health effects from the proposed action.

Design-Basis Accidents

Design-basis accidents at Callaway, are evaluated by both the licensee and the NRC to ensure that the unit would continue to withstand the spectrum of postulated accidents without undue hazard to the public health and safety and to ensure the protection of the environment.

Separate from its environmental review, the NRC is evaluating the licensee's technical and safety analyses provided in support of the proposed action. The results of the NRC staff's safety review and conclusion will be documented in a publicly available safety evaluation. The NRC staff must conclude in its safety evaluation that taking the proposed action will (1) provide reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) provide reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) not be inimical to the common defense and security or to the health and safety of the public. The NRC will not take the proposed action absent such a safety conclusion.

Radiological Cumulative Impacts

The radiological dose limits for protection of the public and plant workers have been developed by the NRC and the EPA to address the cumulative impact of acute and long-term exposure to radiation and radioactive material. These dose limits are codified in 10 CFR part 20 and 40 CFR part 190.

Cumulative radiation doses are required to be within the limits set forth in the regulations cited in the previous paragraph. The license amendment and exemptions would not require physical changes to the plant or changes to plant activities; in-plant radiation sources would not change and offsite radiation dose to members of the public would not change. Therefore, the NRC staff concludes that there would be no significant cumulative radiological impact from the proposed action.

Radiological Impacts Summary

Based on these evaluations, the license amendment and exemptions would not result in any significant radiological impacts. Therefore, the safety evaluation must conclude that the proposed action will (1) provide reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) provide reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) not be inimical to the common defense and security or to the health and safety of the public. The NRC would not take the proposed action absent such a safety conclusion.

Environmental Impacts of the Alternatives to the Proposed Action

As discussed earlier, licensees have options for responding to GL 2004–02 and for demonstrating compliance with 10 CFR 50.46. Consistent with these options and as an alternative to the proposed action, the licensee could choose to remove and replace insulation within the reactor containment building. This alternative would require the physical removal and disposal of significant amounts of insulation from a radiation area within the reactor containment building, and the installation of new insulation less likely to impact sump performance.

The removal of the existing insulation from the containment building would generate radiologically contaminated waste. Ameren estimated that approximately 5,500 cubic feet (6.6 tons) of fiberglass insulation would have to be removed from the Callaway containment. The removed insulation would require special handling and packaging so that it could be safely transported from the site. The licensee would likely use existing facilities to process and store this material until it could be transported to a low-level radioactive or hazardous waste disposal site. Energy (fuel) would be expended to transport the insulation and land would be expended at the disposal site.

The removal of the old insulation and installation of new insulation would expose workers to radiation. Based on planning documents prepared in 2010, Ameren estimated that the expected total dose for replacing insulation in Callaway, would be between 350 and 400 person-rem. This estimate was considered in line with estimates from

other utilities impacted by this same issue. Ameren also indicated that this initial estimate would now likely be higher due to the intervening 12 years of continuous plant operation. The NRC reviewed NUREG–0713, Volume 41, ''Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities: Fifty-Second Annual Report,'' and determined that Ameren's average baseline collective radiation exposure is approximately 22 person-rem. The additional 350 to 400-plus person-rem collective exposure would be shared across the entire work force involved with removing and reinstalling insulation. In SECY–12–0093, the NRC staff attempted to develop a total occupational dose estimate for the work involved in insulation removal and replacement associated with GSI–191. Due to uncertainties in the scope of work required to remove and replace insulation at a specific nuclear plant and other site-specific factors such as source term and hazardous materials, the NRC staff was unable to estimate the total occupational dose associated with this work. However, dose estimates were provided by the Nuclear Energy Institute (NEI) in a letter to the NRC dated March 30, 2012, based on information collected on occupational radiation exposures that have been, or could be, incurred during insulation removal and replacement. In the letter, NEI noted similar difficulties in estimating the potential amount of radiation exposure, but provided a ''per unit'' estimate of between 80 and 525 person-rem. Given uncertainties in the scope of work and other nuclear plant-specific factors such as source term and hazardous materials, the NRC staff found no basis to conclude that the NEI estimates were unreasonable. Accordingly, because Ameren's estimate of potential additional radiation exposure resulting from the alternative approach of removing and replacing insulation is consistent with the NEI estimated range, the NRC staff considers Ameren's estimate to be reasonable.

As stated in the ''Occupational Radiation Doses'' section of this document, Ameren's radiation protection program monitors radiation levels throughout the nuclear plant to establish appropriate work controls, training, temporary shielding, and protective equipment requirements so that worker doses are expected to remain within the dose limits in 10 CFR 20.1201.

In addition, as stated in the ''Offsite Radiation Dose'' section of this document, Ameren also has a radiation monitoring system and procedures in place to control the release of radioactive effluents in accordance with radiation protection standards in 10 CFR 20.1301, 40 CFR part 190, and the ALARA dose objectives in appendix I to 10 CFR part 50. Therefore, radiation exposure to members of the public would be maintained within the NRC dose criteria in 10 CFR 20.1301, 40 CFR part 190, and the ALARA dose objectives of appendix I to 10 CFR part 50.

Based on this information, impacts to members of the public from removing and replacing insulation within the reactor containment building would not be significant. However, impacts to plant workers and the environment from implementing this alternative would be greater than implementing the proposed action.

Alternative Use of Resources

The proposed action would not involve the use of any different resources (*e.g.,* water, air, land, nuclear fuel) not previously considered in NUREG–1437, Supplement 51.

Agencies and Persons Consulted

In accordance with its stated policy, on June 27, 2022, the NRC staff consulted with the State of Missouri official, Mr. Aaron Schmidt, regarding the environmental impact of the proposed action. The State of Missouri official has not provided any comments on the EA and FONSI.

III. Finding of No Significant Impact

The licensee requested to amend Renewed Facility Operating License No. NPF–30 to grant exemptions for Callaway, from certain requirements of 10 CFR 50.46(a)(1) and 10 CFR part 50, appendix A, GDC 35, 38, and 41. This proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological or non-radiological impacts. It would also not result in any changes to radioactive effluents or emissions, exposures to nuclear plant workers and members of the public, or any changes to radiological and non-radiological impacts to the environment.

Consistent with 10 CFR 51.21, the NRC conducted an environmental review of the proposed action. Based on the EA included in Section II of this notice and incorporated by reference in this FONSI, the NRC staff finds that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined there is no need to prepare an environmental impact statement for the proposed action.

The NRC staff's evaluation considered the information provided in the licensee's application as supplemented, and the NRC staff's review of related environmental documents. Section IV of this notice lists documents related to the proposed action and includes information on the availability of the documents, including the related environmental document NUREG–1437, Supplement 51, which provides the latest environmental review of current operations and description of environmental conditions at Callaway.

This FONSI and other related environmental documents may be examined, and/or copied for a fee, at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly available records are also accessible online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

IV. Availability of Documents.

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
U.S. Nuclear Regulatory Commission. Generic Letter 2004–02: ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors,'' dated September 13, 2004.	ML042360586
U.S. Nuclear Regulatory Commission. NUREG–0897, ''Containment Emergency Sump Performance: Technical Findings Related to Unresolved Safety Issue A–43, Revision 1, October 1985.	ML112440046
Ameren Missouri. Letter ULNRC–06526, ''Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02,'' dated March 31, 2021.	ML21090A184 (package).

Document	ADAMS accession No.
Ameren Missouri. Letter ULNRC–06664, ''Supplement to Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02 (LDCN 19–0014),'' dated May 27, 2021.	ML21147A222
Ameren Missouri. Letter ULNRC–06651, ''Supplement to Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02 (LDCN 19–0014),'' dated July 22, 2021.	ML21203A192 (package).
Ameren Missouri. Letter ULNRC–06683, ''Transmittal of Documents Identified from NRC Audit of License Amendment Request Regarding Risk-Informed Approach to Closure of Generic Safety Issue 191 (EPID L–2021–LLA–0059),'' dated August 23, 2021.	ML21237A135 (package).
Ameren Missouri. Letter ULNRC–06692, ''Third Supplement to Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02 (LDCN 19–0014),'' dated October 7, 2021.	ML21280A378 (package).
Ameren Missouri. Letter ULNRC–06690, ''Fourth (Post-Audit) Supplement to Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02 (LDCN 19–0014),'' dated January 27, 2022.	ML22027A804 (package).
Ameren Missouri. Letter ULNRC–06721, ''Fifth (Post-Audit) Supplement to Request for License Amendment and Regulatory Exemptions for a Risk-Informed Approach to Address GSI–191 and Respond to GL 2004–02 (LDCN 19–0014),'' dated March 8, 2022.	ML22068A027 (package).
Ameren Missouri. Letter ULNRC–06735, ''Response to Request for Additional Information Regarding Request for License Amendment and Regulatory Exemptions for Risk-Informed Approach to Address GSI–191 and Respond to Generic Letter 2004–02,'' dated May 26, 2022.	ML22146A337 (package).
Nuclear Energy Institute. GSI–191 Dose Estimates, dated March 30, 2012	ML12095A319
SECY–12–0093, ''Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance,'' dated July 9, 2012.	ML121320270 (package).
SRM–SECY–12–0093, ''Staff Requirements—SECY–12–0093—Closure Options for Generic Safety Issue—191, Assessment of Debris Accumulation on Pressurized-Water Reactor Sump Performance,'' dated December 14, 2012.	ML12349A378
U.S. Nuclear Regulatory Commission. NUREG–1437, Supplement 51, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Supplement 51 Regarding Callaway Plant, Unit 1: Final Report,'' October 2014.	ML14289A140
U.S. Nuclear Regulatory Commission. NUREG–0713, Volume 41, ''Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities 2019: Fifty-Second Annual Report,'' April 2022.	ML22111A013

Dated: August 23, 2022.

For the Nuclear Regulatory Commission.

Siva P. Lingam,

Project Manager, Plant Licensing Branch IV, Division of Operator Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–18498 Filed 8–26–22; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval of information collection.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, with modifications, under the Paperwork Reduction Act, of a collection of information for Annual Reporting under OMB control number 1212–0057, which expires on June 30, 2025. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before October 28, 2022.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov*. Refer to OMB control number 1212–0057 in the subject line.
- *Mail or Hand Delivery:* Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101.

Commenters are strongly encouraged to submit public comments electronically. PBGC expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable.

All submissions must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to OMB control number 1212–0057. Comments received will be posted without change to PBGC's website, *www.pbgc.gov,* including any personal information provided. Do not submit comments that include any personally identifiable information or confidential business information.

Copies of the collection of information may be obtained by writing to Disclosure Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, or calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Karen Levin (*levin.karen@pbgc.gov*), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, 202–229–3559. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Annual reporting to the Internal Revenue Service (IRS), the Employee Benefits Security Administration (EBSA), and the Pension Benefit Guaranty Corporation (PBGC) is required by law for most employee benefit plans. For example, section 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) requires annual reporting to PBGC for pension plans covered by title IV of ERISA. To accommodate these filing requirements, IRS, EBSA, and PBGC have jointly promulgated the Form 5500 Series, which includes the

Form 5500 Annual Return/Report of Employee Benefit Plan and the Form 5500–SF Short Form Annual Return/Report of Small Employee Benefit Plan.

The collection of information has been approved by OMB under control number 1212–0057 through June 30, 2025. PBGC intends to request that OMB extend its approval, with modifications, for three years. 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.

PBGC is proposing modifications to the 2023 Schedule R (Retirement Plan Information) and to the 2023 Schedule SB (Single-Employer Defined Benefit Plan Actuarial Information), and to their related instructions, as described below.

Schedule R

PBGC is proposing modifications to line 19 of Schedule R and its instructions, a line that applies to all defined benefit plans (except DFEs) that have 1,000 or more participants. Currently, such plans must provide a breakdown of plan assets in line 19a by reporting the percent of assets held in five categories of investments. PBGC is proposing to reconfigure the categories as shown below:

Current	Proposed
Stock	Public Equity.
Investment-Grade Debt.	Private Equity.
High-Yield Debt	Investment-Grade Debt and Interest-Rate Hedging Assets.
Real Estate	High-Yield Debt.
Other	Real Assets.
	Cash or Cash Equivalents.
	Other.

In addition, for certain investments, PBGC is proposing to modify the instructions to clarify how certain atypical investments should be categorized for this purpose. For example, as currently drafted, it is not clear whether cash equivalents should be included in ''Investment Grade Debt'' or in ''Other''. Similarly, it is not clear whether infrastructure investments should be included in the ''Real Estate'' or the ''Other'' category. By expanding the list of categories and modifying the instructions, the more detailed information will be reported consistently which will enable PBGC to better model important characteristics of plan portfolios.

PBGC is also proposing to modify the instructions for line 19a so that the percentages reported reflect the asset allocation as of the end of the plan year instead of the beginning of the plan year. Having more recent information will lead to better projections and more accurate analysis by PBGC, and because the Form 5500 isn't due until several months after the end of the plan year, this change should not create any timing issues for filers.

In addition, PBGC is proposing changes to line 19b (average duration) and its instructions, and to eliminate line 19c (method used to determine the duration reported in line 19b). Under modified line 19b, applicable filers would be required to check a box to indicate the average duration of the plan's combined investment-grade debt and interest-rate hedging assets portfolio, thereby replacing the current requirement to check the box that shows the average duration of the plan's combined investment-grade and high yield debt portfolio. The average duration ranges were also adjusted from 3-year periods to 5-year periods. Line 19c currently asks for the duration measure used to calculate line 19b. Because the alternative duration measures do not provide meaningfully different results, eliminating line 19c will not hinder PBGC's modelling results.

Schedule SB

PBGC is proposing modifications to Schedule SB, line 6 (Target Normal Cost) and its instructions, to address a possible, albeit unlikely, situation in which line 6c (Target Normal Cost) reported on Schedule SB would not be consistent with IRS regulation and statute if lines 6a and 6b were determined in accordance with the current line 6 instructions. This situation would arise only if (1) a plan requires mandatory employee contributions and (2) the mandatory contributions for the plan year exceed the present value of benefits accruing during the plan year. PBGC's proposed changes to lines 6a and 6c of the instructions, and to line 6c of the Form, will rectify this situation by clarifying the amount to be reported in line 6a and by detailing that line 6c requires the sum of lines 6a and 6b, ''reduced (but not below zero) by any mandatory employee contributions expected to be made during the plan year.''

In addition, PBGC is proposing to change the current instructions for the Schedule SB, line 26b attachment (projected benefit payments), to provide that, in situations where a plan assumes some, or all, benefits are paid in a lump sum, but uses the annuity substitution rule (26 CFR 1.430(d)–1(f)(4)(iii)(B)) to determine the funding target, the attachment may show projected benefits payable in the annuity form instead of in the form assumed for valuation purposes, as indicated in the current instructions. PBGC notes that the instructions for the current line 26b attachment, which was added for the 2022 plan year, suggest that for such plans, the benefit projection be based on a different form of payment than what was used to determine the funding target.

PBGC estimates that it will receive approximately 25,000 Form 5500 and Form 5500–SF filings per year under this collection of information for the 2023 Form 5500 Series. PBGC further estimates that the total annual burden of this collection of information for the Form 5500 Series, attributable to PBGC, will be 17,743 hours and that there will be no cost burden.

PBGC is soliciting public comments to—

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Issued in Washington, DC, by

Hilary Duke,

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

[FR Doc. 2022–18572 Filed 8–26–22; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2019–224; Docket No. CP2021–33; Docket No. MC2022–101; Docket No. CP2022–105]

Notice Initiating Docket(S) for Recent Postal Service Negotiated Service Agreement Filings

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the

Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2019–224; *Filing Title:* USPS Notice of Amendment to Priority Mail Express, Priority Mail & First-Class Package Service Contract 66, Filed Under Seal; *Filing Acceptance Date:* August 23, 2022; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 31, 2022.

2. *Docket No(s).:* CP2021–33; *Filing Title:* USPS Notice of Amendment to Parcel Select Contract 39, Filed Under Seal; *Filing Acceptance Date:* August 23, 2022; *Filing Authority:* 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 31, 2022.

3. *Docket No(s).:* MC2022–101 and CP2022–105; *Filing Title:* USPS Request to Add Priority Mail Contract 758 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 23, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin Clendenin; *Comments Due:* August 31, 2022.

This Notice will be published in the **Federal Register**.

Issued: August 24, 2022.

Erica A. Barker,

Secretary.

[FR Doc. 2022–18547 Filed 8–26–22; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95579; File No. SR–NYSENAT–2022–15]

Self-Regulatory Organizations; NYSE National, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule To Change the Name of Its Business Conduct Committee

August 23, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on August 8, 2022, NYSE National, Inc. (''NYSE National'' 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 change the name of its ''Business Conduct Committee'' to the ''Hearing Board.'' The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to change the name of its ''Business Conduct Committee'' (''BCC'') to the ''Hearing Board.'' The change will require amendments to the Sixth Amended and Restated Bylaws of the Exchange (''Bylaws'') and Rules 10.9120(v) (Definitions), 10.9217(b) (Violations Appropriate for Disposition Under Rule 10.9216(b)), and 10.9232 (Criteria for Selection of Panelists and Replacement Panelists). Only the committee's name would change, and there would be no other change to the Bylaws and rules with respect to the committee.

Pursuant to the Bylaws, the BCC is a committee of the Board and presides over all disciplinary proceedings in accordance with the rules and as may be specified in its charter. In turn, the rules mandate that the Board appoint the BCC annually and set the requirements for the BCC's composition.[4] The rule further provide that the Chief Hearing Officer selects the members of hearing panels from the BCC, and the role of the hearing panels in adjudicating individual disciplinary proceedings.[5]

Starting in 2013, the Exchange and its self-regulatory organization affiliates (together with the Exchange, the ''NYSE Exchanges'') [6] have adopted rules relating to investigation, discipline, and sanctions, and other procedural rules, based on the rules of the Financial

[4] *See* Rule 10.9232.

[5] *See, e.g.,* Rules 10.9231 (Appointment by the Chief Hearing Officer of Hearing Panel or Extended Hearing Panel or Replacement Hearing Officer), 10.9232, and 10.9268 (Decision of Hearing Panel or Extended Hearing Panel). Chief Hearing Officer is defined in Rule 10.9120(c).

[6] The other NYSE Exchanges are the New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE Arca, Inc. (''NYSE Arca'') and NYSE Chicago, Inc. (''NYSE Chicago'').

Industry Regulatory Authority.[7] As a result, the NYSE Exchanges all have disciplinary committees that play substantially the same role and are subject to the same or substantially similar rules as the BCC.[8] The Exchange now proposes to conform the legacy name of its disciplinary committee with such other committees.

In order to implement the change, the Exchange proposes to amend the Exchange Bylaws as follows.

• The first sentence of Article V, Section 5.1 (Number of Committees) lists the committees of the Board. The Exchange proposes to exchange the reference to the BCC with a reference to the Hearing Board, in alphabetical order, as follows (deletion in brackets, addition in italics):

The committees of the Board shall consist of [a Business Conduct Committee,] a Committee for Review, *a Hearing Board,* a Nominating Committee, a Regulatory Oversight Committee, and such other committees as may be from time to time established by the Board.

• In Section 5.9 (Business Conduct Committee), ''Business Conduct Committee'' would be replaced with ''Hearing Board'' in the title and body of the section.

• In a non-substantive change, the Exchange proposes to amend the title of the Bylaws to reflect that they are the ''Seventh Amended and Restated Bylaws of NYSE National, Inc.''

In addition, the Exchange proposes to amend the rules of the Exchange as follows.

• The Exchange proposes to delete the final sentence of the definition of ''Panelist'' in Rule 10.9120(v). The text of the sentence states that Hearing Panel members will be drawn from the BCC. Under the proposed change, that sentence would not be required, because revised Rule 10.9232 would state that each Panelist ''shall be a member of the Exchange Hearing Board,'' making the previous statement redundant. The proposed deletion would make the definition the same as the definition of ''Panelist'' in the rules of the NYSE Arca and NYSE Chicago,[9] and, apart from the cross references, the same as the definition in the rules of the NYSE and NYSE American.[10]

• Current Rule 10.9217(b) (Violations Appropriate for Disposition Under Rule 10.9216(b)) would be amended to replace the reference to the BCC with a reference to the Hearing Board.[11]

• ''BCC'' would be replaced with ''Hearing Board'' in Rule 10.9232. The other NYSE Exchanges use ''hearing board,'' but capitalizing ''Hearing Board'' would be consistent with proposed Article V, Section 5.1 of the Bylaws, which would capitalize the name of the committee. Otherwise, the revised text would be consistent with the same provision in the rules of the NYSE, NYSE American, NYSE Arca, and NYSE Chicago.[12]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[13] in general, and furthers the objectives of Section 6(b)(1)[14] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[15] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Changing the name of the BCC to ''Hearing Board'' would make the name of the Exchange's disciplinary committee consistent with those of the other NYSE Exchanges, each of which has a hearing board with the same responsibilities and functions. The Exchange believes that this change would contribute to the orderly operation of the Exchange and would enable the Exchange to be so organized as to have the capacity to carry out the purposes of the Exchange Act and comply with the provisions of the Exchange Act by its members and persons associated with members, because the BCC plays substantially the same role, and is subject to the same or substantially similar rules, as the other NYSE Exchanges' hearing boards.[16] The proposed name change therefore would increase conformity in the committee names, reflecting the similarity among the committees themselves. For the same reason, the Exchange believes that the proposed change would protect investors and the public interest.

The Exchange also believes that the greater consistency among the names of the NYSE Exchanges' hearing boards would promote the maintenance of a fair and orderly market and the protection of investors and the public interest by removing any confusion that may result from the Exchange's disciplinary committee being called the BCC, given that NYSE Arca has a business conduct committee, also referred to as the ''BCC,'' that is subject to different rules and has a distinct function and authority than the NYSE National BCC.[17]

The proposed change would reduce redundancy by deleting the final sentence of the definition of ''Panelist'' in Rule 10.9120(v), which states that Hearing Panel members will be drawn from the BCC. Under the proposed change, that sentence would not be

[7] *See* Exchange Act Release Nos. 69045 (March 5, 2013), 78 FR 15394 (March 11, 2013) (SR–NYSE–2013–02); 77241 (February 26, 2016), 81 FR 11311 (March 3, 2016) (SR–NYSEMKT–2016–30); 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018) (SR–NYSENat–2018–02); 85639 (April 12, 2019), 84 FR 16346 (April 18, 2019) (SR–NYSEArca–2019–15); and 95020 (June 1, 2020), 87 FR 35034 (June 8, 2022) (SR–NYSECHX–2022–10).

[8] The differences between the rules are largely attributable to the NYSE Exchanges' distinct membership structures and use of terminology, as well as the fact that not all of the NYSE Exchanges have a trading floor. *See* 83 FR 23968, *supra* note 7, at 23973; *see, e.g.,* NYSE Rule 9231; NYSE American Rule 9231; NYSE Arca Rule 10.9231; and NYSE Chicago Rule 9231.

[9] *See* NYSE Arca Rule 10.9120(v) (Definitions) and NYSE Chicago Rule 9120(v) (Definitions).

[10] The NYSE and NYSE American definitions reference the Rule 9200 Series, Rule 9550 Series, and Rule 9800 Series instead of the Rule 10.9200 Series, the Rule 10.9550 Series, and the Rule 10.9800 Series. *See* NYSE Rule 9120(v) (Definitions) and NYSE American Rule 9120(v) (Definitions). *See also* 83 FR 23968, *supra* note 7, at 23973 (noting the difference between the Exchange and NYSE American rules).

[11] Rule 10.9217(b) incorporates the requirement in previous Rule 8.15(c) that if a person or organization fined pursuant to the Rule pays the fine, such payment is deemed a waiver of any right to a disciplinary proceeding under the Rule 10.9000 Series and of any right to review of the matter by the BCC, Committee for Review, or the Board. *See id.,* at 23973 (noting that Rule 10.9217 is a merger of NYSE American Rule 9217 and Rule 8.15).

[12] *See* NYSE Rule 9232 (Criteria for Selection of Panelists and Replacement Panelists); NYSE American Rule 9232 (Criteria for Selection of Panelists and Replacement Panelists); NYSE Arca Rule 10.9232 (Criteria for Selection of Panelists and Replacement Panelists); and NYSE Chicago Rule 10.9232 (Criteria for Selection of Panelists and Replacement Panelists).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(1).

[15] 15 U.S.C. 78f(b)(5).

[16] Starting in 2013, the NYSE Exchanges have adopted rules relating to investigation, discipline, and sanctions, and other procedural rules, based on the rules of the Financial Industry Regulatory Authority. *See* note 7, *supra.*

[17] *See, e.g.,* NYSE Arca Rules 3.2(B)(2) (Exchange Committees), 10.3 (Ex Parte Communications), 10.4 (Complaints), and 10.12 (Minor Rule Plan). *See also* 84 FR 16346, *supra* note 7, at 16356.

required, because revised Rule 10.9232 would state that each Panelist ''shall be a member of the Exchange Hearing Board,'' thereby making any previous statement redundant. The change would streamline and increase the clarity of the rules, which would contribute to the orderly operation of the Exchange and be beneficial to both investors and the public interest.

For the same reasons, the proposed amendments would remove impediments to and perfect the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public could more easily navigate and understand the Exchange Bylaws and rules. The Exchange further believes that the proposed amendments would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency and clarity, thereby reducing potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The proposed rule change is not intended to address competitive issues but rather is concerned solely with the name of the disciplinary committee of the Exchange. Because the only proposed change would be to the name of the committee, there would be no other change to the Bylaws and rules governing the BCC, including those regarding its appointment, composition, or jurisdiction.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [18] and Rule 19b–4(f)(6) thereunder.[19] Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[20]

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) [21] 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.* Please include File Number SR–NYSENAT–2022–15 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–NYSENAT–2022–15. 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–NYSENAT–2022–15 and should be submitted on or before September 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18500 Filed 8–26–22; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A)(iii).

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 15 U.S.C. 78s(b)(2)(B).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 1, 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 25, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–18726 Filed 8–25–22; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95584; File No. SR–NYSEARCA–2022–54]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.31–E

August 23, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 10, 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 and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31–E to add Commentary .03 providing for the temporary suspension of the Discretionary Pegged Order. The proposed rule change is available on the Exchange's website at *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.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31–E to add Commentary .03 relating to Discretionary Pegged Orders.

Rule 7.31–E(h)(3) provides that the Discretionary Pegged Order is a non-displayed order type that is pegged to the same side of the PBBO. The price of a Discretionary Pegged Order automatically adjusts as the PBBO moves, and a Discretionary Pegged Order will exercise the least amount of discretion necessary to trade with contra-side interest. A Discretionary Pegged Order will not exercise discretion if the PBBO is determined to be unstable via a quote instability calculation that assesses the probability of a change to the PBB or PBO, thereby offering protection against unfavorable executions during periods of quote instability.

The Exchange proposes to add Commentary .03 to Rule 7.31–E to provide that the Exchange will temporarily suspend use of the Discretionary Pegged Order beginning on August 10, 2022. Proposed Commentary .03 would also provide that the Exchange will file a proposed rule change providing for the end of the suspension period and provide notice of the end of the suspension period by Trader Update. The Exchange proposes this change to provide clarity in its Rules regarding the unavailability of the Discretionary Pegged Order for a temporary period.

The Exchange would be able to implement the proposed rule change beginning on August 10, 2022, upon effectiveness of this proposed rule change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5),[6] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, and remove impediments to, and perfect the mechanism of, a free and open market and a national market system by updating Exchange rules to specify that the Discretionary Pegged Order would be unavailable to ETP Holders for a temporary period and that the Exchange will file a proposed rule change providing for the end of the suspension period and provide notice of the end of such period by Trader Update.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed change would not address any competitive issue but would 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 by updating Rule 7.31–E to provide for the temporary suspension of the Discretionary Pegged Order, thereby providing clarity in Exchange rules

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

regarding the unavailability of an order type.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6)[11] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[12] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange asked that the Commission waive the 30 day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of the 30-day operative delay would permit the Exchange to promptly provide notice in its Rules of the unavailability of the Discretionary Pegged Order and further evaluate the impact on system performance. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[13]

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day prefiling requirement in this case.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2022–54 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–2022–54. 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 such 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–2022–54 and should be submitted on or before September 19, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18502 Filed 8–26–22; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–95581; File No. SR–NYSEARCA–2022–31]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Rule 6.64P–O

August 23, 2022.

I. Introduction

On May 20, 2022, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify NYSE Arca Rule 6.64P–O regarding the automated process for both opening and reopening trading in a series on the Exchange's Pillar trading technology, as described below. The proposed rule change was published for comment in the **Federal Register** on May 27, 2012.[3] On June 24, 2022, pursuant to Section 19(b)(2) of the Act,[4] the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed change.[5] The Commission has received

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 94959 (May 23, 2022), 87 FR 32203 (May 27, 2022) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 95150 (Jun. 24, 2022), 87 FR 39141 (Jun. 30, 2022).

no comments on the proposed rule change.

This order institutes proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to modify NYSE Arca Rule 6.64P–O regarding the automated process for both opening and reopening trading in a series on the Exchange on Pillar as set forth below.[7]

Current Pillar Auction Process [8]

The Exchange states that NYSE Arca Rule 6.64P–O(d) sets forth the Auction Process.[9] Per NYSE Arca Rule 6.64P–O(d)(1), once the Exchange receives the Auction Trigger for a series,[10] the Auction Process begins and the Exchange sends a Rotational Quote [11] to both OPRA and proprietary data feeds indicating that the Exchange is in the process of transitioning from a pre-open state to continuous trading for that series. Per NYSE Arca Rule 6.64P–O(d)(2), once a Rotational Quote has been sent, the Exchange conducts an Auction,[12] provided ''there is both a Legal Width Quote and, if applicable, Market Maker quotes with a non-zero offer in the series'' within the Opening Timer(s), per NYSE Arca Rule 6.64P–O(d)(3).[13] The Exchange deems the Legal Width Quote requirement satisfied if the Calculated NBBO (described below) for the series is uncrossed, contains a non-zero offer, and has a spread that does not exceed a maximum differential that is determined by the Exchange on a class basis and announced by Trader Update.[14] The Calculated NBBO is comprised of the highest bid and lowest offer among all Market Maker quotes and the ABBO during the Auction Process.[15] A Calculated NBBO does not require both Market Maker quotes and ABBO to be present, and may be composed of Market Maker quotes only, of the ABBO only, or a combination thereof.

The Exchange states that, if the foregoing requirements are met (*i.e.,* per NYSE Arca Rule 6.64P–O(d)(2)), the Exchange will conduct an Auction that will either result in a trade or in a quote depending on whether there is (or is not) Matched Volume [16] that can trade at or within the Auction Collars.[17] If there is Matched Volume that can trade at or within the Auction Collars, the Auction will result in a trade at the Indicative Match Price.[18] However, if there is no Matched Volume that can trade at or within the Auction Collars, the Auction will instead result in a quote and the Exchange transitions to continuous trading as set forth in NYSE Arca Rule 6.64P–O(f).[19]

Finally, the Exchange states that, per NYSE Arca Rule 6.64P–O(d)(4), unless otherwise specified by Trader Update, for the first ninety seconds of the Auction Process (inclusive of the thirty-second Opening MMQ Timer(s)), if there is no Legal Width Quote, the Exchange will not conduct an Auction, even if there is Matched Volume, *i.e.,* the series will not open. After the first ninety seconds of the Auction Process, if there is no Matched Volume and the Calculated NBBO is wider than the Legal Width Quote, is not crossed, and does not contain a zero offer, the Exchange will first cancel any Market Orders and MOO Orders and then transition the option series to continuous trading per NYSE Arca Rule 6.64P–O(f).[20] Thus, per NYSE Arca Rule 6.64P–O(d)(4)(A), if after the first ninety seconds of the Auction Process there is Matched Volume but the other elements of this provision are satisfied, the series will not open and will remain unopened and the Exchange will not transition to continuous trading until the earlier of (i) a Legal Width Quote is established and an Auction can be conducted; (ii) the series can be opened as provided for in paragraph (d)(4)(A); (iii) the series is halted; or (iv) the end of Core Trading Hours.[21] The Exchange states that a series that does not meet the requirements of NYSE Arca Rule 6.64P–O(d)(4)(A) may thus be delayed in opening until one of the conditions set forth in NYSE Arca Rule 6.64P–O(d)(4)(B) occur.

Proposed Change to Auction Process [22]

The Exchange states that waiting for market conditions to change before transitioning to continuous trading per the current Pillar Rule may result in missed execution opportunities for eligible interest submitted to the Exchange during the pre-open state. The Exchange further states that this potential (indefinite) delay is inconsistent with the Exchange's intention of providing a timely and efficient Auction Process. As such, the Exchange proposes to modify NYSE Arca Rule 6.64P–O. In short, the Exchange proposes that after the first ninety seconds of the Auction Process, the Exchange would conduct an Auction of marketable interest based on the spread of the then-current market conditions (*i.e.,* a Calculated NBBO that is uncrossed with a non-zero offer), provided that if the Calculated NBBO exceeds the Legal Width Quote differential established per NYSE Arca Rule 6.64P–O(a)(10)(C) the Exchange would cancel any Market Orders or

[6] 15 U.S.C. 78s(b)(2)(B).

[7] NYSE Arca Rule 6.64P–O (the ''Pillar Rule'') covers the opening and reopening of option series, which process the Exchange states is identical on the Pillar trading platform. As such, the Exchange states it will refer to the ''opening'' of a series herein. The Exchange completed its migration to Pillar on July 28, 2022. *See NYSE Arca Trader Update,* available at *https://www.nyse.com/trader-update/history#110000440092.*

[8] *See* Notice, *supra* note 3, 87 FR at 32204.

[9] ''Auction Process'' refers to the process that begins when the Exchange receives an Auction Trigger for a series and ends when the Auction is conducted. *See* NYSE Arca Rule 6.64P–O(a)(5).

[10] ''Auction Trigger'' refers to the information disseminated by the Primary Market in the underlying security that triggers the Auction Process for a series to begin. *See* NYSE Arca Rule 6.64P–O(a)(7).

[11] ''Rotational Quote'' refers to the highest Market Maker bid and lowest Market Maker offer on the Exchange when the Auction Process begins and such a Rotational Quote will be updated (for price and size) during the Auction Process. *See* NYSE Arca Rule 6.64P–O(a)(13).

[12] ''Auction'' refers to the opening or reopening of a series for trading either with or without a trade. *See* NYSE Arca Rule 6.64P–O(a)(1).

[13] *See* NYSE Arca Rule 6.64P–O(d)(2). NYSE Arca Rule 6.64P–O(d)(3) specifies the parameters of the Opening MMQ Timers, which the Exchange states are designed to encourage (but not require) any Market Maker(s) assigned to an option series to submit Legal Width Quotes in connection with the Auction Process. The Exchange proposes a non-substantive change of ''30'' to ''thirty'' regarding the Opening MMQ Timer(s), which the Exchange states would add clarity and internal consistency to the rule. *See* Notice, *supra* note 3, 87 FR at 32004 n. 4.

[14] *See* NYSE Arca Rule 6.64P–O(a)(10)(A)–(C). The maximum spread differential for a given series or class of options may be modified by a Trading Official. *See* NYSE Arca Rule 6.64P–O(a)(10)(C).

[15] *See* NYSE Arca Rule 6.64P–O(a)(8) (defining Calculated NBBO).

[16] ''Matched Volume'' refers to the number of buy and sell contracts that can be matched at the Indicative Match Price, excluding IO Orders. *See* NYSE Arca Rule 6.64P–O(a)(11). An Imbalance Offset Order (''IO Order'') is a Limit Order that is to be traded only in an Auction. *See* NYSE Arca Rule 6.62P–O(c)(3).

[17] ''Auction Collar'' refers to the price collar thresholds for the Indicative Match Price for an Auction, with the upper Auction Collar being the offer of the Legal Width Quote and the lower Auction Collar being the bid of the Legal Width Quote, provided that if the bid of the Legal Width Quote is zero, the lower Auction Collar will be one MPV above zero for the series. And, if there is no Legal Width Quote, the Auction Collars will be published in the Auction Imbalance Information as zero. *See* NYSE Arca Rule 6.64P–O(a)(2).

[18] *See* NYSE Arca Rule 6.64P–O(d)(2)(A). ''Indicative Match Price'' refers to the price at which the maximum number of contracts can be traded in an Auction, including the non-displayed quantity of Reserve Orders and excluding IO Orders, subject to the Auction Collars. If there is no Legal Width Quote, the Indicative Match Price included in the Auction Imbalance Information will be calculated without Auction Collars. *See* NYSE Arca Rule 6.64P–O(a)(9).

[19] *See* NYSE Arca Rule 6.64P–O(d)(2)(B).

[20] *See* NYSE Arca Rule 6.64P–O(d)(4)(A).

[21] *See* NYSE Arca Rule 6.64P–O(d)(4)(B).

[22] *See* Notice, *supra* note 3, 87 FR at 32204.

MOO Orders before conducting the Auction.

As further proposed, marketable Limit Orders would trade in the Auction bound by the Calculated NBBO (*i.e.,* the highest bid and lowest offer among all Market Maker quotes and the ABBO), which executions may be earlier and more efficient than afforded under the current Pillar Rule. If there is no marketable interest after such cancelation, the Exchange would open on a quote.[23]

The Exchange states that the proposed change to the Pillar Rule (the details of which are described below) would promote competitive liquidity by allowing series to open at then current market prices and would promote a fair and orderly opening process by improving the speed and efficiency of the Auction Process without impairing price discovery.

First, the Exchange proposes to codify existing rule text into the defined phrase the ''initial Auction Process time period'' in proposed NYSE Arca Rule 6.64P–O(a)(5)(i). As proposed, the initial Auction Process time period would mean, ''unless otherwise specified by Trader Update, the first ninety seconds after the commencement of the Auction Process,'' which definition the Exchange states simply codifies (and relocates) identical text that appears in the preamble of both sentences in NYSE Arca Rule 6.64P–O(d)(4).[24] The Exchange states that this proposed change is non-substantive and would streamline and add clarity to the existing rule.[25]

Next, the Exchange proposes to modify the definition of Legal Width Quote, including by leveraging the newly defined ''initial Auction Process time period.'' NYSE Arca Rule 6.64P–O(a)(10)(C) provides that, to be deemed a Legal Width Quote, the spread of the Calculated NBBO may not exceed a maximum differential that is determined by the Exchange on a class basis and announced by Trader Update.[26]

The Exchange states that, by rule, the Exchange has discretion to establish for each option class the maximum allowable spread of the Calculated NBBO within which the Exchange will conduct an Auction, provided that the other elements of a Legal Width Quote are met.[27] The Exchange states that nothing in NYSE Arca Rule 6.64P–O(a)(10)(C) precludes the Exchange from establishing one set of Calculated NBBO spreads for the first ninety seconds of the Auction Process and a second (wider) set of Calculated NBBO spreads for any time after the first ninety seconds. The Exchange states, however, that, in the interest of clarity and for the avoidance of potential confusion, the Exchange proposes to expand the definition of Legal Width Quote (rather than modify by Trader Update) in the Pillar Rule to provide that ''after the initial Auction Process time period, the Exchange will not impose limits for the maximum differential for the spread between the Calculated NBBO.'' [28]

The Exchange states that, although adopting proposed NYSE Arca Rule 6.64P–O(a)(10)(D) is consistent with its authority under the Pillar Rule to determine the maximum allowable Calculated NBBO spread to qualify a series as having a Legal Width Quote, the proposed rule change would make clear that the Exchange would no longer impose these established spread limits (as announced by Trader Notice per NYSE Arca Rule 6.64P–O(a)(10)(C)) after the initial Auction Process time period. The Exchange states that this rule change would add clarity and transparency to the Auction Process to the benefit of all market participants.[29] The Exchange further states that, because the Auction Process, including the Auction Collars, the presence of Matched Volume, and the determination of the Indicative Match Price, are dependent upon a Calculated NBBO that qualifies as a Legal Width Quote, the Exchange proposes that any Auction conducted consistent with proposed 6.64P–O(a)(10)(D) would follow the current Auction Process except as described below.[30]

The Exchange proposes to amend NYSE Arca Rule 6.64P–O(d)(4) regarding the conduct of an Auction after the conclusion of the initial Auction Process time period (*i.e.,* after the first ninety seconds).[31] The Exchange states that, as noted herein, the Pillar functionality (per NYSE Arca Rule 6.64P–O(d)(4)(A)) permits a series to open based on a ''wide'' Calculated NBBO (that is uncrossed with a non-zero offer), but only if there is no Matched Volume, which requirement the Exchange states may delay openings and result in missed execution opportunities.[32] To address what the Exchange views as unintended potential delay, the Exchange proposes that after the initial Auction Process time period and consistent with proposed paragraph (a)(10)(D) of this rule (which removes the limit on the maximum allowable Calculated NBBO spread), the Exchange would conduct an Auction regardless of Matched Volume as long as the Calculated NBBO is not crossed, and does not contain a zero offer.[33] The Exchanges states that this proposed functionality would allow marketable Limit Orders to execute in the Auction, which may result in certain option series opening earlier than are opened under the current rule and increase execution opportunities for Limit Orders at then-current market prices.[34]

[23] As described further below, the Exchange states that, consistent with NYSE Arca Rule 6.64P–O(d)(2)(B), an Auction conducted per proposed NYSE Arca Rule 6.64P–O(d)(4)(A) would open on a quote if there is no Matched Volume).

[24] *See* proposed NYSE Arca Rule 6.64P–O(a)(5)(I). *See also* NYSE Arca Rule 6.64P–O(d)(4) (providing that ''[u]nless otherwise specified by Trader Update, for the first ninety seconds of the Auction Process . . . .'' and ''[n]inety seconds after the Auction Process begins:'').

[25] *See id. See* proposed NYSE Arca Rule 6.64P–O(d)(4)(A) (replacing reference to the first ninety-seconds after the Auction Process with the proposed definition of the ''initial Auction Process time period,'' which the Exchange states would add clarity and internal consistency to the Rule, making it easier to navigate and comprehend).

[26] *See* NYSE Arca Rule 6.64P–O(a)(10)(C) (which the Exchanges states provides that a Trading Official may establish maximum differentials for one or more series or classes of options, which differ from those established by the Exchange).

[27] To qualify as a Legal Width Quote, the Calculated NBBO must also be uncrossed and must contain a non-zero offer, which requirements the Exchange states are not being modified by this rule change. *See* NYSE Arca Rule 6.64P–O(a)(10)(A)–(B).

[28] *See* proposed NYSE Arca Rule 6.64P–O(a)(10)(D).

[29] The Exchange states that, similar to the Exchange, other options exchanges have rules granting them broad discretion to modify the opening parameters for each option series, which modifications are disseminated or announced to market participants over data feeds or trader notice. *See* Notice, *supra* note 3, 87 FR at 32205 n. 24.

[30] *See* NYSE Arca Rule 6.64P–O(d)(2)(A)–(B) (describing the process of opening a series with a trade or a quote depending on whether there is Matched Volume).

[31] *See* proposed NYSE Arca Rule 6.64P–O(d)(4) (which the Exchange states includes the aforementioned non-substantive change to refer to the newly defined ''initial Auction Process time period'' rather than the first ninety seconds after the Auction Process). The Exchange states it is not altering Auction functionality for the initial Auction Process time period. *See* Notice, *supra* note 3, 87 FR at 32205 n. 26.

[32] *See* proposed NYSE Arca Rule 6.64P–O(d)(4)(B) (setting forth the necessary market conditions to open a series that has not opened per paragraph (d)(4) of the Pillar Rule). The Exchange states that, if the Exchange opens a series per NYSE Arca Rule 6.64P–O(d)(4)(A), it first cancels any Market Order or MOO Orders before conducting an Auction and transitioning to continuous trading. *See* Notice, *supra* note 3, 87 FR at 32005 n. 27.

[33] *See* proposed NYSE Arca Rules 6.64P–O(d)(4)(A), 6.64P–O(a)(10)(D).

[34] *See* proposed NYSE Arca Rules 6.64P–O(d)(4)(A), 6.64P–O(a)(10)(D). *See also* NYSE Arca Rule 6.64P–0(a)(9)(A) (providing, in relevant part, that ''the Indicative Match Price would not be lower (higher) than the highest (lowest) price of a Limit Order to buy (sell) ranked Priority 2—Display Orders that is eligible to participate in the Auction''). In addition, the Exchange proposes to remove as inapplicable the text in current NYSE

Continued

The Exchange states that, although Limit Orders would be eligible to execute based on this proposed functionality, whether a Market Order or MOO Order may participate in the proposed Auction depends on the width of the market at the time of the Auction. Specifically, as proposed, if the Calculated NBBO spread is wider than the differential established per paragraph (a)(10)(C) of this rule, the Exchange would cancel Market Orders and MOO Orders before conducting the Auction, which proposed handling the Exchange states is consistent with the current Pillar Rule.[35] Conversely, as proposed, and consistent with the current Pillar Rule, Market Orders and MOO Orders are not canceled and will participate in an Auction that is based on a Calculated NBBO that is less than or equal to the Calculated NBBO spread limit established per NYSE Arca Rule 6.64P–O(a)(10)(C).[36] As further proposed, after the cancelation of any Market Orders or MOO Orders as applicable, the Auction Process will proceed consistent with paragraph (d)(2)(A)–(B) of this rule and the Exchange will execute Matched Volume (if any) to the extent possible before transitioning to continuous trading.[37]

The Exchange states that, taken together, the proposed changes to NYSE Arca Rules 6.64P–O(a)(10)(D) and (d)(4) would allow any series that has not opened by the end of the initial Auction Process time period the ability to open based on a Legal Width Quote derived from then-market conditions. As such, the Exchange proposes to modify NYSE Arca Rule 6.64P–O(d)(4)(B) to update the cross-reference from paragraph (d)(4)(A) to paragraph (d)(4) and to eliminate as superfluous paragraph (d)(4)(B)(ii), which refers to waiting until ''the series can be opened as provided for in paragraph (d)(4)(A).'' [38] The Exchange believes these proposed conforming changes are necessary given that the proposed changes to 6.64P–O(a)(10)(D) (removing the limit on the Calculated NBBO spread to qualify as Legal Width Quote) and (d)(4)(A) (addressing the conduct of an Auction after the initial Auction Process time period under the expanded definition of Legal Width Quote) render paragraph (d)(4)(B)(ii) of the rule unnecessary.

The Exchange states that it is not making any changes to the requirements to conduct an Auction during the initial Auction Process time period, and that the proposed changes relate solely to those series that remain unopened after the conclusion of the initial Auction Process time period because the Calculated NBBO spread is too wide. The Exchange states that the initial Auction Process time period affords market participants sufficient opportunity to absorb available pricing information, including Market Makers that are generally responsible for pricing the market. The Exchange states that, if the Calculated NBBO remains wide by the end of the initial Auction Process time period, the Exchange believes it is unlikely to tighten if the Exchange were to further delay the opening of a series. The Exchange states it has observed that on a typical trading day, in the current system, nearly 98% of all series are opened by 9:32 a.m. Eastern Time. As such, the Exchange states it anticipates that the majority of series would be opened within ninety seconds of the Auction Process and would not be impacted by the proposed rule change. However, for the minority of option series that have not opened within the first ninety seconds, the Exchange states that it is necessary and appropriate to allow such series to open based on prices consistent with then-current market conditions, provided the Calculated NBBO for the series is not crossed, and does not contain a zero offer.

The Exchange states that the proposed modification to the Auction Process would continue to protect Market Orders and MOO Orders from being executed (by cancelling such orders before conducting the proposed Auction) when the Calculated NBBO spread exceeds the spread differential established per current NYSE Arca Rule 6.64P–O(a)(10)(C) before conducting the proposed Auction. In addition, the Exchange states that the proposed modification would allow any eligible Limit Orders to be executed in the proposed Auction, bound by the Calculated NBBO. According to the Exchange, the Calculated NBBO (even if wide) represents the best-priced quotes by Market Makers (which participants generally are responsible for pricing the market) and/or the ABBO, the presence of which indicates that another market has opened.[39]

The Exchange further states that, consistent with current functionality (and with the approved Pillar Rule), the Exchange would not permit any opening transactions to trade through any better-priced interest on any Away Market, even it is permitted to do so.[40] Rather, because interest in the Auction would not trade outside of the Calculated NBBO (which defines the then-current market for the series), any Limit Orders executed in the proposed Auction would, bound by Auction collars, would trade at a price that is equal to or better than the price(s) available at other exchanges.[41] Per NYSE Arca Rule

Arca Rule 6.64P–O(d)(4)(A) indicating that the ''Auction is not intended to end with a trade, but it may result in a trade even if there is no Legal Width Quote if orders or quotes arrive during the period when the Exchange is evaluating the status of orders and quotes'' as well as text indicating that the Exchange would ''transition to continuous trading as described in paragraph (f) of this Rule.'' *See* proposed NYSE Arca Rule 6.64P–O(d)(4)(A).

[35] *See* NYSE Arca Rule 6.64P–O(d)(4)(A)(i) (providing that Market Orders and MOO Orders are cancelled ''[a]ny time a series is opened or reopened when there is no Legal Width Quote,'' *i.e.,* when the Calculated NBBO exceeds the maximum allowable spread limit set forth in NYSE Arca Rule 6.64P–O(a)(10)(C)'').

[36] *See id.* The Exchange states that, to avoid potential confusion regarding the distinct handling of Market Orders and MOO Orders under proposed NYSE Arca Rule 6.64P–O(d)(4)(A) depending upon whether an Auction is conducted based on a Calculated NBBO spread that is in compliance with NYSE Arca Rule 6.64P–O(a)(10)(C) or with proposed NYSE Arca Rule 6.64P–O(a)(10)(D), the Exchange has intentionally avoided reference to the presence of a Legal Width Quote in the proposed Rule. *See, e.g.,* proposed NYSE Arca Rule 6.64P–O(d)(4)(A); Notice, *supra* note 3, 87 FR at 32206 n. 31.

[37] *See, e.g.,* NYSE Arca Rule 6.64P–O(d)(2)(A)–(B) (providing that ''[i]f there is Matched Volume that can trade at or within the Auction Collars, the Auction will result in a trade at the Indicative Match Price'' or, ''[i]f there is no Matched Volume that can trade at or within the Auction Collars,'' the Auction will not result in a trade and the Exchange will transition to continuous trading as described in paragraph (f) of this Rule and the Auction will result in a quote'').

[38] *See* proposed NYSE Arca Rules 6.64P–O(d)(4)(A)–(B). The Exchange also proposes conforming changes to re-number the remaining paragraphs in light of the proposed deletion, which the Exchange states would add clarity and internal consistency to the rule. *See* Notice, *supra* note 3, 87 FR at 32006 n. 33.

[39] The Exchanges states that options exchanges have varying opening processes and have made separate determinations on what constitutes individual, reasonable opening market widths. The Exchange further states that, if other options exchanges opened a series with a market width, it is reasonable to open the series for trading on the Exchange as well (as orders submitted to other exchanges may be trading at those widths). *See* Notice, *supra* note 3, 87 FR at 32206 n. 34.

[40] The Exchange states that, although the intermarket linkage rules exempt from trade-through liability trades occurring during the opening process, the Exchange would continue to restrict transactions occurring at the open to the NBBO. *See, e.g.,* NYSE Arca Rule 6.94–O(b)(2) (exempting from trade-through liability those transactions that ''traded through a Protected Quotation being disseminated by an Eligible Exchange during a trading rotation''). A ''Protected Quotation'' is the Best Bid or Best Offer disseminated by OPRA and displayed by an Eligible Exchange. *See* NYSE Arca Rule 6.92–O(15)–(16). *See also* Notice, *supra* note 3, 87 FR at 32206 n. 35.

[41] *See, e.g.,* NYSE Arca Rule 6.64P–O(b)(2)(A) (A) (providing that, '[i]f there is Matched Volume that can trade at or within the Auction Collars, the Auction will result in a trade at the Indicative Match Price); NYSE Arca Rule 6.64–O(a)(3), (9), and (11) (defining Auction Collars, Indicative Match Price, and Matched Volume, respectively). *See also* Notice, *supra* note 3, 87 FR at 32206 n. 36.

6.64P–O(f)(3)(A), any interest remaining after such Action is then evaluated for potential routing prior to being posted to the Consolidated Book. Further, the Exchange states that there are other price protections available to limit the risk of executions at a wider market price.[42] Thus, the Exchange believes that the risk of an extreme execution based on the Calculated NBBO available after the initial Auction Process time period may be mitigated for the aforementioned reasons. The Exchange believes that, on balance, the benefits to market participants of having the series open earlier outweighs this mitigated risk.

Finally, the Exchange also proposes to modify the requirements to open a series during the initial Auction Process time period for option series with two or more assigned Market Makers, per NYSE Arca Rule 6.64P–O(d)(3)(C). The Exchange states that, per NYSE Arca Rule 6.64P–O(3)(C)(i), if there are two or more Market Makers assigned to a series, the Exchange will conduct the Auction, without waiting for the Opening MMQ Timer to end, as soon as there is both a Legal Width Quote and at least two assigned Market Makers have submitted a quote with a non-zero offer. Per NYSE Arca Rule 6.64P–O(3)(C)(ii), if at least two Market Makers assigned to a series have not submitted a quote with a non-zero offer by the end of the Opening MMQ Timer, the Exchange will begin a second Opening MMQ Timer. The Exchange proposes to modify these provisions to provide that the Exchange would require that at least two quotes with non-zero offers be submitted during the Opening MMQ Timer, which quotes may be sent by one or more Market Makers.[43]

The Exchange states that the proposed change continues to encourage (but not require) Market Makers to participate at the open, which may increase the availability of Legal Width Quotes in more series, thereby allowing more series to open in a timely manner. The Exchange states that expanding the opportunities for each Market Maker to enter the market—whether by each Market Maker submitting one quote or a single Market Maker submitting two quotes—could result in the depth of liquidity that market participants have come to expect in options with multiple assigned Market Makers, and a more stable trading environment. The Exchange states that the proposed rule change would provide more flexibility in terms of how market depth is achieved (*i.e.,* based on quotes from a single Market Maker as opposed to two) and may result in a more timely and efficient opening process. Further, the Exchange states that the proposed change may increase the availability of Legal Width Quotes in more series and would add clarity and transparency to Exchange rules.

Other Exchange Rules: Proposed Non-Substantive or Clarifying Changes [44]

The Exchange also proposes to make several clarifying or non-substantive changes to certain of its rules. First, the Exchange proposes to modify paragraph (c) of NYSE Arca Rule 6.37–O (Obligations of Market Makers) regarding ''Unusual Conditions—Auctions'' to add an open parenthesis in the cross reference to NYSE Arca Rule 6.64P–O(a)(10).[45] The Exchange states that this proposed change would correct an inadvertent omission and would add clarity and transparency to Exchange rules.

Next, the Exchange proposes to correct several cross-references in NYSE Arca Rule 6.62P–O (Orders and Modifiers). The Exchange proposes to update the reference in NYSE Arca Rule 6.62P–O(e)(3)(C)(ii) regarding Day ISO ALO Orders to correctly cross-reference paragraphs (e)(2)(C)–(F) (rather than to paragraphs (e)(2)(C)–(G)) to cover the processing of such ALO Orders once resting.[46] The Exchange states that the proposed change would correct an inadvertent error adding clarity and transparency to Exchange rules. Similarly, the Exchange proposes to update the reference in NYSE Arca Rule 6.62P–O(h)(6)(B) to correctly cross-reference the defined term Complex Order, which is set forth in NYSE Arca Rule 6.62P–O(f) (rather than paragraph (e)).[47] The Exchanges states that the proposed change would correct an inadvertent error adding clarity and transparency to Exchange rules.

III. Proceedings To Determine Whether To Approve or Disapprove SR–NYSEARCA–2022–31 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act [48] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[49] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 6(b)(5) of the Act [50] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.[51] As discussed above, the Exchange is proposing to modify NYSE Arca Rule 6.64P–O regarding the automated process for both opening and reopening trading in a series on the Exchange on Pillar. The Commission has concerns about whether the auction process, as currently proposed, raises the potential risk of the auction resulting in a trade execution at an extreme price and whether the Exchange has in place

[42] *See, e.g.,* NYSE Arca Rule 6.41P–O(a)(1), (b) (regarding the Arbitrage Check, which the Exchange states is applied pre-open). The Exchange states that the price protection mechanisms it employs during continuous trading are based on the NBBO, or Auction Prices as applicable; NYSE Arca Rule 6.41P–O(c)(4)(B) (regarding the Intrinsic Value Check); NYSE Arca Rule 6.62P–O(a)(4)(A) (regarding Limit Order Price Protection); and NYSE Arca Rule 6.62P–O(a)(4)(B) (regarding Trading Collars). *See also* Notice, *supra* note 3, 87 FR at 32207 n. 37.

[43] *See* proposed NYSE Arca Rule 6.64P–O(d)(2) (providing that ''[o]nce a Rotational Quote has been sent, the Exchange will conduct an Auction when there is both a Legal Width Quote and, if applicable, Market Maker quotes with a non-zero offer in the series (subject to the Opening MMQ Timer(s) requirements in paragraph (d)(3) of this Rule'')) and NYSE Arca Rule 6.64P–O(d)(3)(C)(i) (providing that ''[t]he Exchange will conduct the Auction, without waiting for the Opening MMQ Timer to end, as soon as there is both a Legal Width Quote and at least two quotes with a non-zero offer submitted by assigned Market Maker(s)'') and (d)(3)(C)(ii) (providing that ''[i]f the Exchange has not received at least two quotes with a non-zero offer from any Market Maker(s) assigned to a series by the end of the Opening MMQ Timer, the Exchange will begin a second Opening MMQ Timer''). *See also* Notice, *supra* note 3, 87 FR at 32207 n. 38.

[44] *See* Notice, *supra* note 3, 87 FR at 15.

[45] *See* proposed NYSE Arca Rule 6.37–O(c).

[46] *See* proposed NYSE Arca Rule 6.62P–O(e)(3)(C)(ii).

[47] *See* proposed NYSE Arca Rule 6.62P–O(h)(6)(B).

[48] 15 U.S.C. 78s(b)(2)(B).

[49] *Id.*

[50] 15 U.S.C. 78f(b)(5).

[51] *See id.*

sufficient measures to protect against or mitigate the potential execution of investor orders in the auction at such a price.

Under the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations thereunder . . . is on the self-regulatory organization ['SRO'] that proposed the rule change.'' [52] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,[53] and any failure of an SRO to provide this information may result in the Commission not having sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rule and regulations.[54]

For these reasons, the Commission believes it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B0 of the Exchange Act [55] to determine whether the proposal should be approved or disapproved.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is consistent with Section 6(b)(5) or any other provision of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act, any request for an opportunity to make an oral presentation.[56]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change should be approved or disapproved by September 19, 2022. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by October 3, 2022. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, which are set forth in the Notice,[57] and any other issues raised by the proposed rule change under the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2022–31 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–2022–31. 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–2022–31 and should be submitted on or before September 19, 2022. Rebuttal comments should be submitted by October 3, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2022–18501 Filed 8–26–22; 8:45 am]

BILLING CODE 8011–01–P

[52] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[53] *See id.*

[54] *See id.*

[55] 15 U.S.C. 78s(b)(2)(B).

[56] Section 19(b)(2) of the Act grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by an SRO. *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing and Urban Affairs to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[57] *See supra* note 3.

[58] 17 CFR 200.30–3(a)(57).

DEPARTMENT OF STATE

[Public Notice: 11841]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Edward Hopper's New York'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Edward Hopper's New York'' at the Whitney Museum of American Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of

Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–18524 Filed 8–26–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11838]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Modigliani Up Close'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Modigliani Up Close'' at The Barnes Foundation, Philadelphia, Pennsylvania, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–18522 Filed 8–26–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11839]

International Joint Commission Invites Public Comment on Lake Champlain-Richelieu River Flood Study Final Report

ACTION: Notice of public hearing on Lake Champlain-Richelieu River Flood Study Final Report.

SUMMARY: The International Joint Commission (IJC) announced today that it is inviting public comment on the final report of its International Lake Champlain-Richelieu River Study Board's (LCRRSB) Flood Study Final Report. The study explores the causes, impacts, risks, and solutions for flooding in Lake Champlain and the Richelieu River. Comments will be accepted at public hearings, webinars, and by mail, email and on-line through September 30, 2022. The LCRRSB's full report can be found on the IJC website at: *www.ijc.org/lcrr.*

FOR FURTHER INFORMATION CONTACT: Christina Chiasson (Ottawa) (613) 293–1031 at *christina.chiasson@ijc.org* or Kevin Bunch (Washington, DC) (202) 632–2014 at *kevin.bunch@ijc.org.*

SUPPLEMENTARY INFORMATION:

September 7–8, 2022, Public Hearings on LCRRSB's Flood Study Final Report

Date: September 7, 2022.

Time: 6:00 p.m.–8:00 p.m. EST.

Location: Royal Military College Saint-Jean, Auditorium Vanier, 15 Rue Jacques-Cartier Nord, Saint-Jean-sur-Richelieu, Quebec.

Date: September 8, 2022.

Time: 6:00 p.m.–8:00 p.m. EST.

Location: Hotel Vermont, Juniper Room, 41 Cherry St. Burlington, Vermont.

The International Joint Commission will receive comments in person at the public hearings. Public input is essential to the Commission's consideration of potential recommendations to the Governments of the United States and Canada.

For more information on the upcoming virtual webinars, visit *www.ijc.org/lcrr.*

The LCRRSB study findings and recommendations cover four key themes:

- Reduction in water levels via structural mitigation measures
- Effects on impeding flows during floods of existing and additional wetlands in the basin
- Enhancements to flood forecasting and flood response in the basin
- Floodplain management best practices and lessons learned in other watersheds

The LCRRSB was established by the IJC in 2016 to assist in responding to a reference by the governments of the United States and Canada under Article IX of the Boundary Waters Treaty. The reference was precipitated by major flooding in the Lake Champlain-Richelieu River basin in 2011. The basin forms in the United States between New York and Vermont, with much of Lake Champlain forming a border between the two states. The northern part of Lake Champlain crosses into Quebec, where it flows into the Richelieu River. The Richelieu River in turn joins with the St. Lawrence River near Montréal and continues flowing east to the Atlantic Ocean.

The governments requested the IJC to coordinate the full completion of Option B under the under the 2013 IJC Plan of Study. As part of this reference, the IJC was asked to evaluate the causes and impacts of the 2011 flooding, and to make recommendations to mitigate future flood risks in the basin.

IJC recommendations to the two federal governments under Article IX of the Boundary Waters Treaty are not binding and not to be considered decisions of the two governments.

The main study recommendations include:

1. That selective excavation of the riverbed near Saint-Jean-sur-Richelieu, Quebec combined with the construction of a submerged weir would reduce high water levels during floods and would have the added benefit of raising water levels on Lake Champlain during dry years. A moderate diversion of high flows through the Chambly Canal could also be considered for additional flood-reduction benefits.

2. The preservation of existing wetland areas, which can minimize water levels during floods while also stabilizing water levels during droughts in the basin.

3. The governments are encouraged to operationalize the improved modeling and forecasting tools and coherent risk assessment systems and support/maintain them after the Study. The agencies responsible for flood forecasting in the basin should continue collaboration and make available forecasting data so that forecasts on both sides of the border are of the highest possible quality and are accompanied by a concerted and consistent cross-border interpretation.

4. Improving floodplain mapping for the use of emergency managers and enhancing communication campaigns

around flood risk in the basin. The Board also recommended that jurisdictions in the basin review their floodplain management policies through the lens of making these areas more resilient for possible future floods.

The full study board report and recommendations can be found at *www.ijc.org/lcrr.*

The International Joint Commission was established under the Boundary Waters Treaty of 1909 to help the United States and Canada prevent and resolve disputes over the use of the waters the two countries share. The Commission's responsibilities include investigating and reporting on issues of concern when asked by the governments of the two countries. For more information, visit the IJC website at ijc.org.

Susan E. Daniel,

Secretary, U.S. Section, International Joint Commission, Department of State.

[FR Doc. 2022–18503 Filed 8–26–22; 8:45 am]

BILLING CODE 4710–14–P

DEPARTMENT OF STATE

[Public Notice: 11842]

Bureau of Political-Military Affairs; Administrative Debarment Under the International Traffic in Arms Regulations Involving Ryan Adams, Marc Baier, and Daniel Gericke

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed administrative debarment under the International Traffic in Arms Regulations (ITAR) on Ryan Adams, Marc Baier, and Daniel Gericke.

DATES: Debarment imposed as of August 29, 2022.

FOR FURTHER INFORMATION CONTACT: Jae E. Shin, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632–2107.

SUPPLEMENTARY INFORMATION: Section 127.7(c)(2) of the ITAR authorizes the Assistant Secretary of State for Political-Military Affairs to debar any person who has been found pursuant to part 128 of the ITAR to have committed a violation of the Arms Export Control Act (AECA) or when such violation is of such character as to provide a reasonable basis for the Directorate of Defense Trade Controls to believe that the violator cannot be relied upon to comply with the AECA or ITAR in the future. Such debarment prohibits the subject from participating directly or indirectly in the export of defense articles or defense services for which a license or other approval is required by the ITAR.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see, *e.g.,* § 120.1(c) and (d), § 126.7, § 127.1(c), and § 127.11(a)). The Department of State will not consider applications for licenses or requests for approvals that involve any debarred person.

Between January 2016 and November 2019, Ryan Adams, Marc Baier, and Daniel Gericke (''Respondents'') were employed by DarkMatter Group (DarkMatter), a privately held technology and cyber services company headquartered and organized in the United Arab Emirates (UAE) that furnished cyber services to the UAE government. Prior to working at DarkMatter, a foreign corporation registered in the UAE, Respondents were employed by CyberPoint International LLC (CyberPoint) a U.S.-based company that furnished cyber services to the UAE government pursuant to ITAR licenses or other approvals, including technical assistance agreements. CyberPoint and DarkMatter were competitors, and in late 2015 and early 2016, the UAE government transitioned its contracts for cyber services from CyberPoint to DarkMatter. During this time period, DarkMatter hired certain U.S.-person former managers of CyberPoint, including Respondents.

Respondents possessed computer network exploitation (CNE) expertise that included the development, maintenance, deployment, and operation of software and hardware designed to obtain unauthorized access to electronic devices and accounts. Respondents used their CNE expertise to provide and support CNE services to persons and entities in the UAE and the UAE government on behalf of DarkMatter.

Among their other activities, Respondents created certain zero-click computer hacking and intelligence gathering systems that Respondents specially designed, developed, maintained, and operated to allow its users access to tens of millions of devices for the UAE government's intelligence purposes. The services Respondents performed in connection with the relevant systems constituted furnishing defense services under U.S. Munitions List (USML) Category XI(d) because: (a) the relevant systems were electronic systems, equipment, or software that were specially designed for intelligence purposes that collect, survey, monitor, exploit, analyze, or produce information from the electromagnetic spectrum as described in USML Category XI(b); and (b) Respondents assisted foreign persons in the use, design, development, engineering, production, modification, testing, maintenance, processing, or operation of the relevant systems. Respondents did not have a license or other approval to furnish such ITAR-controlled defense services.

As a result of these violations, on July 7, 2022 (Adams and Baier) and August 5, 2022 (Gericke), the Department of State and Respondents entered into Consent Agreements that administratively debarred Respondents until July 7, 2025 and August 5, 2025, respectively, and pursuant to order of the Assistant Secretary for Political-Military Affairs they are administratively debarred. Reinstatement after July 7, 2025 and August 5, 2025 is not automatic but contingent on full compliance with the terms of the July 7, 2022 and August 5, 2022, Consent Agreements and evidence that the underlying problems that gave rise to the violations have been corrected. At the end of the debarment period, Respondents may apply for reinstatement. Until licensing privileges are reinstated, Respondents will remain administratively debarred.

This notice is provided to make the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and law enforcement concerns.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is highly discretionary,

it is excluded from review under the Administrative Procedure Act.

Kevin E. Bryant,

Acting Director, Office of Directives Management, Department of State.

[FR Doc. 2022–18504 Filed 8–26–22; 8:45 am]

BILLING CODE 4710–25–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36622 (Sub-No. 1)]

Evansville Western Railway, Inc.—Temporary Trackage Rights Exemption—Illinois Central Railroad Company

On August 16, 2022, the Evansville Western Railway, Inc. (EVWR), filed a request under 49 CFR 1180.2(d)(8) for an additional extension of the temporary overhead trackage rights previously granted in this docket over an approximately 11.7-mile rail line owned by Illinois Central Railroad Company, between Sugar Camp, Ill., at milepost 61.9, and Dial, Ill., at milepost 73.6 (the Line).

EVWR was authorized to acquire these trackage rights over the Line by notice of exemption served in Docket No. FD 36622 on June 8, 2022, and published in the **Federal Register** on June 13, 2022 (87 FR 35,846). These trackage rights were extended in a decision served in this subdocket on July 15, 2022, and published in the **Federal Register** on July 20, 2022 (87 FR 43,369). The purpose of the trackage rights is to allow EVWR to load unit coal trains at the Pond Creek Mine near Dial until EVWR's service at the Sugar Camp Mine can be restored following the mine's closure due to a mine fire and the unrelated relocation of long wall mining equipment. The rights were scheduled to expire on the earlier of (i) August 15, 2022, or (ii) the re-opening of the Sugar Camp Mine ''with sufficient production to fulfill the required requested loadings of unit trains of coal.'' *Evansville W. Ry.—Temporary Trackage Rights Exemption—Ill. Cent. R.R.,* FD 36622 (Sub-No. 1), slip op. at 2 (STB served July 15, 2022). EVWR now seeks to further extend the temporary trackage rights until the earlier of (i) August 31, 2022, or (ii) the reopening of the Sugar Camp Mine ''with sufficient production to fulfill the required requested loadings of unit trains of coal.'' (August 16 Pleading 4.)

Under 49 CFR 1180.2(d)(8), the parties may, prior to the expiration of the relevant period, file a request for a renewal of the temporary rights for an additional period of up to one year, including the reasons for the extension. Otherwise, no authorization from the Board is necessary for carriers to discontinue temporary trackage rights as of the specified expiration date. EVWR states that the Sugar Camp Mine is expected to remain inoperable for several more weeks and that an extension of the temporary trackage rights will allow it to continue service to its shippers by loading unit coal trains at the Pond Creek Mine until EVWR's service at the Sugar Camp Mine can be restored. EVWR filed a copy of an executed amendment to the temporary trackage rights agreement with its request for an extension.

EVWR did not request the extension before the rights expired on August 15. However, given the short period between expiration of the rights and the request for renewal, the emergency nature of the trackage rights given the fire at the Sugar Camp Mine, and the need to minimize any interruption of rail service, the Board finds good cause to waive the provisions of 49 CFR 1180.2(d)(8) to the extent that they would prohibit an extension of the temporary trackage rights here, and to permit EVWR to seek an extension after the brief expiration of the temporary trackage rights here.

Should EVWR require a further extension, EVWR should make every effort to account for the full period EVWR anticipates will be needed for the Sugar Camp Mine to reopen, so that still further requests will not be necessary. In addition, in light of the Board's regulations, and to ensure continued service without interruption, EVWR is reminded to submit any further extension request *before* expiration of the temporary trackage rights granted here to allow for the Board's timely consideration of the request.

In accordance with 49 CFR 1180.2(d)(8), EVWR's temporary trackage rights over the Line will be extended and will expire on or before August 31, 2022, as explained above. The employee protective conditions imposed in the June 8, 2022 notice remain in effect. Notice of the extension will be published in the **Federal Register**.

It is ordered:

1. EVWR's temporary overhead trackage rights are extended and will expire on the earlier of (i) August 31, 2022, or (ii) the reopening of the Sugar Camp Mine with sufficient production to fulfill the required requested loadings of unit trains of coal.

2. The provisions of 49 CFR 1180.2(d)(8) are waived to the extent that they would prohibit an extension of the temporary trackage rights here.

3. Notice will be published in the **Federal Register**.

4. This decision is effective on its service date.

Decided: August 23, 2022.

By the Board, Board Members Fuchs, Hedlund, Oberman, Primus, and Schultz.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2022–18505 Filed 8–26–22; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2022–0012]

Request for Written Comments Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written comments.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) invites interested persons to submit written comments to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO). Due to the COVID–19 situation, the TPSC will foster public participation via written questions and written responses relating to the written comments received by the TPSC rather than an in-person hearing. This notice includes the schedule for submission of comments, questions and responses.

DATES:

September 28, 2022 at 11:59 p.m. EDT: Deadline for submission of written comments.

October 12, 2022 at 11:59 p.m. EDT: Deadline for the TPSC to pose written questions on written comments.

October 26, 2022 at 11:59 p.m. EDT: Deadline for submission of commenters' responses to written questions from the TPSC.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* (*Regulations.gov*) The instructions for submitting written submissions are in sections III and IV below. The docket number is USTR–2022–0012. For alternatives to online submissions, contact Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395–2974 before transmitting a submission and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395–2974 for procedural questions concerning written submissions. Direct all other questions to Alex Martin at (202) 395–3900 or Arthur Tsao at (202) 395–3150.

SUPPLEMENTARY INFORMATION:

I. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106–286) (22 U.S.C. 6951), USTR is required to submit, on or about December 11 of each year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, the TPSC is soliciting public comments. You can find last year's report on USTR's website at *https://ustr.gov/sites/default/files/files/Press/Reports/2021USTR%20Report CongressChinaWTO.pdf.*

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. You can find the Protocol and Working Party Report on the WTO website at *http://docsonline.wto.org* (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

II. Topics on Which the TPSC Seeks Information

The TPSC invites written comments on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

a. Trading rights.

b. Import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses).

c. Export regulation.

d. Internal policies affecting trade (*e.g.,* subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports).

e. Intellectual property rights (including intellectual property rights enforcement).

f. Services.

g. Rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations) and status of legal reform.

h. Other WTO commitments.

USTR requests small businesses (generally defined by the Small Business Administration as firms with fewer than 500 employees) or organizations representing small business members that submit comments to self-identify as such, so that we may be aware of issues of particular interest to small businesses. In addition, given the United States' view that China should be held accountable as a full participant in, and beneficiary of, the international trading system, USTR requests that interested persons specifically identify unresolved compliance issues that warrant review and evaluation by USTR.

III. Public Participation

Due to the COVID–19 situation, the TPSC will foster public participation via written submissions rather than an in-person hearing on China's compliance with the commitments made in connection with its accession to the WTO. In accordance with the schedule set out in the Dates section above, USTR invites written comments from the public. The TPSC will review the written comments and may pose written clarifying questions to the commenters. The TPSC will post the written questions on the public docket, other than questions that include properly designated business confidential information (BCI). USTR will send questions that include properly designated BCI to the relevant commenters by email and will not post these questions on the public docket. Written responses to questions that contain BCI must follow the procedures in section IV below.

IV. Requirements for Submissions

Persons submitting written comments must do so in English and must identify on the first page of the submission 'Comments Regarding China's WTO Compliance.' The submission deadline is September 28, 2022 at 11:59 p.m. EDT. USTR strongly encourages commenters to make online submissions, using *Regulations.gov.* To submit comments via *Regulations.gov,* enter docket number USTR–2022–0012 on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled 'comment'. For further information on using *Regulations.gov,* please consult the resources provided on the website by clicking on 'How to Use *Regulations.gov* on the bottom of the home page.

Regulations.gov allows users to submit comments by filling in a type comment field, or by attaching a document using the 'upload file' field. USTR prefers that you provide submissions in an attached document and, in such cases, that you write 'see attached' in the 'type comment' field, on the online submission form. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'type comment' field. At the beginning of the submission, include the following text: (1) 2022 China WTO Compliance Report; (2) your organization's name; and (3) whether the document is a comment or an answer to a TPSC question.

An interested party requesting that USTR treat information contained in a submission as BCI must certify that the information is business confidential. For any comments submitted electronically containing BCI, the file name of the business confidential version should begin with the characters 'BCI. You must clearly mark any page containing BCI with 'BUSINESS CONFIDENTIAL' at the top of that page. Filers of submissions containing BCI also must submit a public version of their comments that USTR will place in the docket for public inspection. The file name of the public version should begin with the character 'P.' Follow the 'BCI' and 'P' with the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges that you file submissions through *Regulations.gov.* You must make any alternative arrangements with Spencer Smith at *Spencer.L.Smith2@ustr.eop.gov* or (202) 395–2974 in advance of the relevant deadline.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments at *Regulations.gov* by entering docket number USTR–2022–0012 in the search field on the home page. General information concerning

USTR is available at *https://www.ustr.gov.*

William Shpiece,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2022–18570 Filed 8–26–22; 8:45 am]

BILLING CODE 3290–F2–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–0034]

Port Authority Trans-Hudson's Request To Amend Its Positive Train Control Safety Plan and Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on August 16, 2022, the Port Authority Trans-Hudson (PATH) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP). As this RFA may involve a request for FRA's approval of proposed material modifications to an FRA-certified positive train control (PTC) system, FRA is publishing this notice and inviting public comment on the railroad's RFA to its PTCSP.

DATES: FRA will consider comments received by September 19, 2022. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES:

Comments: Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for the host railroad that filed this RFA to its PTCSP is Docket No. FRA–2010–0034. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/train-control/ptc/ptc-annual-and-quarterly-reports.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal and train control system. Accordingly, this notice informs the public that, on August 16, 2022, PATH submitted an RFA to its PTCSP for its Communication Based Train Control System (CBTC) and that RFA is available in Docket No. FRA–2010–0034.

Interested parties are invited to comment on PATH's RFA to its PTCSP by submitting written comments or data. During FRA's review of this railroad's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA to its PTCSP at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. 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.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.* To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2022–18574 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; General Motors, LLC

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the General Motors, LLC's (GM) petition for exemption from the Federal Motor Vehicle Theft Prevention Standard (theft prevention standard) for its Buick Envision line beginning in model year (MY) 2023. The petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard.

DATES: The exemption granted by this notice is effective beginning with the 2023 model year.

FOR FURTHER INFORMATION CONTACT: Carlita Ballard, Office of International Policy, Fuel Economy, and Consumer Programs, NHTSA, West Building, W43–439, NRM–310, 1200 New Jersey Avenue SE, Washington, DC 20590. Ms. Ballard's phone number is (202) 366–5222. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. chapter 331, the Secretary of Transportation (and the National Highway Traffic Safety Administration (NHTSA) by delegation) is required to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. NHTSA promulgated regulations at 49 CFR part 541 (theft prevention standard) to require parts-marking for specified passenger motor vehicles and light trucks. Pursuant to 49 U.S.C. 33106, manufacturers that are subject to the parts-marking requirements may petition the Secretary of Transportation for an exemption for a line of passenger motor vehicles equipped with an antitheft device as standard equipment that the Secretary decides is likely to be as effective in

reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. In accordance with this statute, NHTSA promulgated 49 CFR part 543, which establishes the process through which manufacturers may seek an exemption from the theft prevention standard.

49 CFR 543.5 provides general submission requirements for petitions and states that each manufacturer may petition NHTSA for an exemption of one vehicle line per model year. Among other requirements, manufacturers must identify whether the exemption is sought under section 543.6 or section 543.7. Under section 543.6, a manufacturer may request an exemption by providing specific information about the antitheft device, its capabilities, and the reasons the petitioner believes the device to be as effective at reducing and deterring theft as compliance with the parts-marking requirements. Section 543.7 permits a manufacturer to request an exemption under a more streamlined process if the vehicle line is equipped with an antitheft device (an ''immobilizer'') as standard equipment that complies with one of the standards specified in that section.[1]

Section 543.8 establishes requirements for processing petitions for exemption from the theft prevention standard. As stated in section 543.8(a), NHTSA processes any complete exemption petition. If NHTSA receives an incomplete petition, NHTSA will notify the petitioner of the deficiencies. Once NHTSA receives a complete petition the agency will process it and, in accordance with section 543.8(b), will grant the petition if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541.

Section 543.8(c) requires NHTSA to issue its decision either to grant or to deny an exemption petition not later than 120 days after the date on which a complete petition is filed. If NHTSA does not make a decision within the 120-day period, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year.[2] Exemptions granted under part 543 apply only to the vehicle line or lines that are subject to the grant and that are equipped with the antitheft device on which the line's exemption was based, and are effective for the model year beginning after the model year in which NHTSA issues the notice of exemption, unless the notice of exemption specifies a later year.

Sections 543.8(f) and (g) apply to the manner in which NHTSA's decisions on petitions are to be made known. Under section 543.8(f), if the petition is sought under section 543.6, NHTSA publishes a notice of its decision to grant or deny the exemption petition in the **Federal Register** and notifies the petitioner in writing. Under section 543.8(g), if the petition is sought under section 543.7, NHTSA notifies the petitioner in writing of the agency's decision to grant or deny the exemption petition.

This grant of petition for exemption considers General Motors, LLC's (GM) petition for its Buick Envision vehicle line beginning in MY 2023.

I. Specific Petition Content Requirements Under 49 CFR 543.6

Pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention,* GM petitioned for an exemption for its specified vehicle line from the parts-marking requirements of the theft prevention standard, beginning in MY 2023. GM petitioned under 49 CFR 543.6, *Petition: Specific content requirements,* which, as described above, requires manufacturers to provide specific information about the antitheft device installed as standard equipment on all vehicles in the line for which an exemption is sought, the antitheft device's capabilities, and the reasons the petitioner believes the device to be as effective at reducing and deterring theft as compliance with the parts-marking requirements.

More specifically, section 543.6(a)(1) requires petitions to include a statement that an antitheft device will be installed as standard equipment on all vehicles in the line for which the exemption is sought. Under section 543.6(a)(2), each petition must list each component in the antitheft system, and include a diagram showing the location of each of those components within the vehicle. As required by section 543.6(a)(3), each petition must include an explanation of the means and process by which the device is activated and functions, including any aspect of the device designed to: (1) facilitate or encourage its activation by motorists; (2) attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; (3) prevent defeating or circumventing the device by an unauthorized person attempting to enter a vehicle by means other than a key; (4) prevent the operation of a vehicle which an unauthorized person has entered using means other than a key; and (5) ensure the reliability and durability of the device.[3]

In addition to providing information about the antitheft device and its functionality, petitioners must also submit the reasons for their belief that the antitheft device will be effective in reducing and deterring motor vehicle theft, including any theft data and other data that are available to the petitioner and form a basis for that belief,[4] and the reasons for their belief that the agency should determine that the antitheft device is likely to be as effective as compliance with the parts-marking requirements of part 541 in reducing and deterring motor vehicle theft. In support of this belief, the petitioners should include any statistical data that are available to the petitioner and form the basis for the petitioner's belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles of the same, or a similar, line which have parts marked in compliance with Part 541.[5]

The following sections describe GM's petition information provided pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention.* To the extent that specific information in GM's petition is subject to a properly filed confidentiality request, that information was not disclosed as part of this notice.[6]

II. GM's Petition for Exemption

In a petition originally dated July 21, 2021 and re-submitted on May 5, 2022, GM requested an exemption from the parts-marking requirements of the theft prevention standard for the Buick

[1] 49 CFR 543.7 specifies that the manufacturer must include a statement that their entire vehicle line is equipped with an immobilizer that meets one of the flowing standards:

(1) The performance criteria (subsections 8 through 21) of C.R.C, c. 1038.114, Theft Protection and Rollaway Prevention (in effect March 30, 2011), as excerpted in appendix A of [part 543];

(2) National Standard of Canada CAN/ULC–S338–98, Automobile Theft Deterrent Equipment and Systems: Electronic Immobilization (May 1998);

(3) United Nations Economic Commission for Europe (UN/ECE) Regulation No. 97 (ECE R97), Uniform Provisions Concerning Approval of Vehicle Alarm System (VAS) and Motor Vehicles with Regard to Their Alarm System (AS) in effect August 8, 2007; or

(4) UN/ECE Regulation No. 116 (ECE R116), Uniform Technical Prescriptions Concerning the Protection of Motor Vehicles Against Unauthorized Use in effect on February 10, 2009.

[2] 49 U.S.C. 33106(d).

[3] 49 CFR 543.6(a)(3).

[4] 49 CFR 543.6(a)(4).

[5] 49 CFR 543.6(a)(5).

[6] 49 CFR 512.20(a).

Envision vehicle line beginning with MY 2023.

In its petition, GM provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Buick Envision vehicle line. Key components of the antitheft device include a PASS-Key III+ controller, integrated within the body control module (BCM), engine control module (ECM), an electronically-coded ignition key, a radio frequency (RF) receiver, three passive low frequency antennas, and a diagram of the locations of the components. GM stated that the PASS-Key III+ immobilizer device is designed to be active at all times without direct intervention by the vehicle operator.

Pursuant to Section 543.6(a)(3), GM explained that its PASS-Key III+ system is activated immediately after the ignition has been turned off and the key has been removed and deactivation of the antitheft device occurs automatically when the engine is started.

GM stated that the Buick Envision vehicle line will be installed with the PASS-Key III+ as standard equipment on its entire vehicle line. GM stated that with its ''keyless'' ignition system, an electronic key fob performs normal remote keyless entry functions and communicates with the vehicle without direct owner intervention. Specifically, during operation of the vehicle, when the owner presses the engine start/stop switch, the vehicle transmits a randomly generated challenge and vehicle identifier within the passenger compartment of the vehicle via three low-frequency antennas, controlled by the passive antenna module. The electronic key receives the data and if the vehicle identifier matches that of the vehicle, the electronic key will calculate the response to the vehicle using the challenge and secret information shared between the key and the vehicle. The electronic key then transmits the response via a radio frequency channel to a vehicle mounted receiver, conveying the information to the PASS-Key III+ control module. The PASS-Key III+ control module compares the received response with an internally calculated response. If the values match, the device will allow the vehicle to enter functional modes and transmit a fixed code pre-release password to the engine controller over the serial data bus, and enable computation and communication of a response to any valid challenge received from the engine controller. If a valid key is not detected, the system will not transmit a fixed code pre-release password to the engine controller and fuel will not be delivered to the engine and the starter will not be enabled, so the vehicle will be immobilized.

As required in section 543.6(a)(3)(v), GM provided information on the reliability and durability of its proposed device as required by section. To ensure reliability and durability of the device, GM followed its own standards in assessing reliability and conducted tests to validate the integrity, durability and reliability of the PASS-Key III+ device, including tests for high temperature storage, low temperature storage, thermal shock, humidity, frost, salt fog, flammability and others. GM further stated that the design and assembly processes of the PASS-Key III+ subsystem and components are validated for 10 years of vehicle life and 150,000 miles of performance.

GM believes that its antitheft device will be as effective as or more effective than the parts-marking requirement in reducing and deterring vehicle theft, and in accordance with 49 CFR 543.6(a)(5), GM referenced data provided by the American Automobile Manufacturers Association (AAMA) in support of the effectiveness of GM's PASS-Key devices in reducing and deterring motor vehicle theft, and stated that the PASS-Key III+ device has been designed to enhance the functionality and theft protection provided by its first, second and third generation PASS-Key, PASS-Key II, and PASS-Key III devices. Specifically, GM stated that data which provide the basis for GM's confidence that the PASS-Key III+ system will be effective in reducing and deterring motor vehicle theft are contained in the response of the American Automobile Manufacturers Association (AAMA) to Docket 97–042; Notice I (NHTSA Request for Comments on its preliminary Report to Congress on the effects of the Anti Car Theft Act of 1992 and the Motor Vehicle Theft Law Enforcement Act of 1984). In the Report to Congress, AAMA stated the more recent antitheft systems are more effective in reducing auto theft.

GM also stated that theft rate data have indicated a decline in theft rates for vehicle lines equipped with comparable devices that have received full exemptions from the parts-marking requirements. GM stated that the theft rate data, as provided by the Federal Bureau of Investigation's National Crime Information Center (NCIC) and compiled by the agency, show that theft rates are lower for exempted GM models equipped with the PASS-Key-like systems than the theft rates for earlier models with similar appearance and construction that were parts-marked.

GM stated that the theft rate data from NHTSA's vehicle theft rate search were used to plot the Chevrolet Equinox theft rate for the available years 2005–2014. GM stated that the Equinox is an SUV of similar size which is equipped with the PASS-Key III+ system. GM also stated that the theft rate dropped after the parts-marking exemption was granted in 2009.

GM believes that the agency should find that inclusion of PASS-Key III+ as standard equipment on the 2023 Buick Envision vehicle line is sufficient to qualify this vehicle line for full exemption from 49 CFR part 541 requirements. This belief is supported not only by GM's proven success in reducing the theft rates of its carlines, but also by the high value the agency itself places on ''passive activation'' as a functional dimension of theft deterrent systems.

Based on the performance of the PASS-Key, PASS-Key II, and PASS-Key III devices on other GM models, and the advanced technology utilized in PASS-Key III+, GM believes that the PASS-Key III+ device will be more effective in deterring theft than the parts-marking requirements of 49 CFR part 541.

III. Decision to Grant the Petition

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.8(b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541. The agency finds GM has provided adequate reasons for its belief that the antitheft device for its vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard. This conclusion is based on the information GM provided about its antitheft device. NHTSA believes, based on GM's supporting evidence, the antitheft device described for its vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard.

The agency concludes that GM's antitheft device will provide four of the five types of performance features listed in section 543.6(a)(3):[7] promoting

[7] See, *e.g.,* 70 FR 74107 (Dec. 14, 2005). NHTSA has previously concluded that the lack of a visual or audio alarm has not prevented some antitheft

Continued

activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.8(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If GM decides not to use the exemption for its requested vehicle line, the manufacturer must formally notify the agency. If such a decision is made, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if GM wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.8(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, section 543.10(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in the exemption.''

The agency wishes to minimize the administrative burden that section 543.10(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if GM contemplates making any changes, the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

devices from being effective protection against theft, where the theft data indicate a decline in theft rates for vehicle lines that have been equipped with devices similar to that what the petitioner is proposing to use.

For the foregoing reasons, the agency hereby grants in full GM's petition for exemption for the Buick Envision vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with its MY 2023 vehicles.

Issued under authority delegated in 49 CFR 1.95, 501.5 and 501.8.

Milton E. Cooper,

Director, Rulemaking Operations.

[FR Doc. 2022–18528 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0028]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Evaluation of the Model Minimum Uniform Crash Criteria Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a new information collection.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes a new information collection to survey a national sample of law enforcement and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on March 29, 2022. NHTSA received two comments. As explained in this document, neither of the comments necessitates revisions to the information collection or burden estimates.

DATES: Comments must be submitted on or before September 28, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection, including suggestions for reducing burden, should be submitted to the Office of Management and Budget at *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection, select ''Currently under Review—Open for Public Comment'' or use the search function.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact John Siegler, National Center for Statistic and Analysis (NSA–221), (202) 366–1268, National Highway Traffic Safety Administration, W55–233, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on March 29, 2022 (87 FR 18065).

Title: Evaluation of the Model Minimum Uniform Crash Criteria Program.

OMB Control Number: New.

Form Number:

Type of Request: New Information collection.

Type of Review Requested: Regular.

Length of Approval Requested: Three years.

Summary of the Collection of Information: NHTSA is authorized by 49 U.S.C. 30182 and 23 U.S.C. 403 to collect data on motor vehicle traffic crashes to aid in the identification of issues and the development, implementation, and evaluation of motor vehicle and highway safety countermeasures.

The MMUCC guideline identifies a minimum set of motor vehicle crash data variables and their attributes that States should consider collecting and including in their State crash data systems. MMUCC is a voluntary, minimum set of standardized data variables for describing motor vehicle traffic crashes. MMUCC promotes data uniformity within the highway safety community by creating a foundation for State crash data systems to provide the information necessary to improve highway safety. The crash data is used to identify issues, determine highway safety messages and strategic communication campaigns, optimize the location of selective law enforcement, inform decision-makers of needed highway safety legislation, and

evaluate the impact of highway safety countermeasures. NHTSA developed MMUCC with the Governors Highway Safety Association in 1998 and have regularly updated the guidelines together, with the most recent fifth edition published in 2017.

NHTSA is seeking approval to conduct a voluntary national survey of active law enforcement officers. The purpose of the survey would be to solicit officers' judgement about collecting the crash data variables described in the current fifth edition of the Model Minimum Uniform Crash Criteria (MMUCC) Guideline (DOT HS 812 433, July 2017) as well as to test officers' abilities to accurately collect both existing MMUCC variables and proposed new or modified variables.

First, NHTSA will hire a contractor to contact police chiefs within the 397 sampling units used by NHTSA's Crash Reporting Sampling System (CRSS) to request the nomination of four law enforcement officers in their department who collect crash data to participate in the study. Specifically, NHTSA is requesting the police chiefs to provide personally identifiable information (PII) about the nominated law enforcement officers, including names and contact information (email, phone, and address) so that NHTSA can contact these officers to administer a survey on MMUCC data elements and arrange payment of an honorarium.

Second, NHTSA will send the officers who were nominated to participate in this study a unique link to one of two online surveys, which will examine the feasibility of collecting the MMUCC crash data. The surveys will collect limited information about each respondent including the State where they work as a law enforcement officer, the extent of their training for collecting crash data, and the number of years the respondents have completed crash reports. The surveys will collect information about respondents' beliefs and abilities to accurately collect crash data according to the MMUCC guidelines. The surveys will ask respondents to rate the difficulty of accurately collecting specific MMUCC data elements, assess respondents ability to collect information using MMUCC data elements for fictitious crash scenarios, and ask for suggestions on how MMUCC data elements can be improved.

Description of the Need for the Information and Proposed Use of the Information: States' adoption of MMUCC variables has been slow and inconsistent. Currently the variables collected on State's police crash reports alignment to MMUCC variables is less than 50 percent, NHTSA intends to conduct this information collection to learn why the alignment rate is so low. Before embarking on the sixth edition of MMUCC, NHTSA seeks to assess the feasibility of collecting the data variables in MMUCC and to identify problematic data variables and other factors that impede States from adopting the MMUCC variables.

To assess the ability of law enforcement officers to accurately collect MMUCC crash data variables, NHTSA will conduct an electronic survey of a national sample of law enforcement officers who complete crash reports. The survey will ask respondents to review fictitious crash scenarios and collect the MMUCC data variables. In addition, law enforcement officers will be asked about their confidence to accurately collect MMUCC data variables and to provide suggestions for improving each data variable as needed. Examples of the types of crash data variables in MMUCC that law enforcement will be asked about include Direction of Travel, Sequence of Events, Type of Intersection, and Restraint System Use. The information collected will allow NHTSA to identify data variables in MMUCC that officers might interpret differently. The results will inform deliberations about the content of the next edition of MMUCC. A summary of this research will be published as an appendix to the next edition of MMUCC.

60-Day Notice: NHTSA published a 60-day notice in the **Federal Register** on March 29, 2022 (87 FR 18065), requesting comments on NHTSA's intention to request approval from the Office of Management and Budget (OMB) for a new information collection to survey a national sample of law enforcement officers on their knowledge and understanding of MMUCC. NHTSA received two comments on the 60-day notice. One organization, Trucking with the Schmitt's, asked about the expense of the data collection and recommended data to collect for crashes involving commercial motor vehicles. The National Association of Mutual Insurance Companies (NAMIC) wrote a letter in support of NHTSA's proposed collection of information, stating that the information collection is necessary and appropriate and that it believes that the information collected will have significant practical utility. Neither of the comments necessitate a revision of the scope of the information collection or the estimates of the annual cost or burden hours. NHTSA notes that this information collection only seeks information to better understand why alignment to current MMUCC variables is low and how to improve alignment. Therefore, considering additional data variables regarding CMV is outside the scope of this ICR. NHTSA also notes that the estimated cost to the Federal government associated with this information collection is $441,852.74.

Affected Public: Law enforcement.

Estimated Number of Respondents: NHTSA will send a short letter to 397 chief police officers to request they identify four police officers within their department to participate in the MMUCC survey. The total sample is 1,985 (397 police chiefs + 1,588 police officers).

Frequency: NHTSA plans to conduct this data collection once to prepare for the sixth edition of MMUCC.

Number of Responses: 1,985.

Estimated Total Annual Burden Hours: To calculate the hour burden and labor Costs associated with submitting the Evaluation of the Model Minimum Uniform Crash Criteria, NHTSA looked at wage estimates for Front Line Supervisors of Police and Detectives and Police and Sheriff's Patrol Officers who complete crash forms. NHTSA estimates the total opportunity costs associated with these burden hours by looking at the average wage for (1) Front line Supervisors of Police and Detectives and (2) Police and Sheriff's Patrol Officers. The Bureau of Labor Statistics (BLS) estimates that the average hourly wage for Front line Supervisors of Police and Detectives (BLS Occupation Code 33–1012) [1] is $46.72 and Police and Sheriff's Patrol Officers (BLS Occupation code 33–3051) is $33.66.[2] The Bureau of Labor Statistics estimates that wages represent 62.2 percent of total compensation for State and local government workers, on average.[3] Therefore, NHTSA estimates the hourly labor costs to be $75.11($46.72/.622) for Supervisors of Police and Sheriff's Patrol Officers and $54.12 ($33.66/622) for Police and Sheriff's Patrol Officers. NHTSA estimates that it will take about 10 minutes (0.17 of an hour) for the police chiefs to nominate four law enforcement officers who investigate motor vehicle crashes, resulting in 67.49 (0.17×397)

[1] See May 2020 National Occupational Employment and Wage Estimates. National Estimates for First-Line Supervisors of Police and Detectives. Available at *https://www.bls.gov/oes/2020/may/oes331012.htm* (accessed July 1, 2021).

[2] See May 2020 National Occupational Employment and Wage Estimates. National Estimates for Police and Sheriff's Patrol Officers. Available at *https://www.bls.gov/oes/2020/may/oes333051.htm* (accessed July 1, 2021).

[3] Employer Costs for Employee Compensation—March 2020, *https://www.bls.gov/news.release/archives/ecec_06182020.pdf.* Accessed 12/21/2021.

hours for 397 police chiefs. From pilot testing the survey instruments with six former law enforcement officers who work at NHTSA, the agency estimates that it will take the law enforcement officers one hour to complete the survey. Therefore, 1,588 hours for 1,588 law enforcement officers. NHTSA estimates the total hourly compensation cost for police chiefs to be $5,069.17 ($75.11 × 67.49 hours). NHTSA estimates the total hourly compensation cost for law enforcement officers to be $85,942.56 ($54.12 × 1,588 hours). Table 1 provides a summary of the estimated burden hours and labor costs associated with those respondents.

TABLE 1—BURDEN ESTIMATES

	Responses	Estimated burden per response	Average hourly labor cost	Labor cost per response	Total burden hours	Total labor costs
Police Chiefs nomination of law enforcement officer for study participation.	397	0.17 hour (10 minutes)	$75.11	$12.76	67.49	$5,069.17
Survey of Law Enforcement Officers	1,588	1 hour	54.12	54.12	1,588.00	85,942.56
Total	1,985	.....	.....	.....	1,655.49	91,011.73

Estimated Total Annual Burden Cost: This collection is not expected to result in any increase in costs to respondents other than the opportunity cost associated with the burden hours. Both the police chiefs who will nominate respondents and the law enforcement officers completing the survey on MMUCC possess the information needed to complete each survey.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Chou-Lin Chen,

Associate Administrator for the National Center for Statistics and Analysis.

[FR Doc. 2022–18492 Filed 8–26–22; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2022–0043; Notice No. 2022–06]

Hazardous Materials: Request for Information on Electronic Hazard Communication Alternatives; Extension of Comment Period

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Request for information; extension of comment period.

SUMMARY: On July 11, 2022, PHMSA announced a request for information seeking input on the potential use of electronic communication as an alternative to current, physical documentation requirements for hazard communication. In this notice, PHMSA is extending the comment period from September 9, 2022, until October 24, 2022.

DATES: Interested persons are invited to submit comments on or before October 24, 2022. Comments received after that date will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by the Docket Number PHMSA–2022–0043 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and Docket Number (PHMSA–2022–0043) for this notice. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

Docket: For access to the dockets to read background documents or comments received, go to *https://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES**).

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

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 (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' PHMSA will treat such marked submissions as confidential under FOIA. Submissions containing CBI should be sent to Eamonn Patrick, Standards and Rulemaking Division,

(202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. PHMSA will place any commentary not specifically designated as CBI into the public docket for this notice.

FOR FURTHER INFORMATION CONTACT: Eamonn Patrick, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: PHMSA recently published a notice requesting information [1] on the subject of electronic hazard communication. The notice informed the public that the agency is considering revisions to the Hazardous Materials Regulations and requested information to support development of performance-based standards for electronic communication alternatives to the existing physical, paper-based hazard communication requirements.[2] PHMSA received a request to extend the comment period to allow for additional time for interested persons to respond more fully to the questions presented in the notice. In response to that request, PHMSA is granting the request for an extension and is extending the comment period of the notice by forty-five (45) days, until October 24, 2022. This extension provides the public additional time to provide extensive comments on the request for information.

Signed in Washington, DC, on August 23, 2022, under authority delegated in 49 CFR 1.97.

William S. Schoonover,

Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–18514 Filed 8–26–22; 8:45 am]

BILLING CODE 4910–60–P

[1] 87 FR 41179 (Jul. 11, 2022).

[2] See *https://www.govinfo.gov/content/pkg/FR-2022-07-11/pdf/2022-14655.pdf.*

DEPARTMENT OF VETERANS AFFAIRS

Veterans Rural Health Advisory Committee, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans Rural Health Advisory Committee will hold a teleconference meeting Monday through Wednesday, September 12–14, 2022.

The teleconference zoom link *https://us06web.zoom.us/j/83288267809* and phone number is 1–646–931–3860, Participant Code #: 832 8826 7809. The meeting will convene at 11:00 a.m. (EST) each day and adjourn at 3:00 p.m. (EST). The meeting sessions are open to the public.

The purpose of the Committee is to advise the Secretary of VA on rural health care issues affecting Veterans. The Committee examines programs and policies that impact the delivery of VA rural health care to Veterans and discusses ways to improve and enhance VA access to rural health care services for Veterans.

The agenda will include updates from Department leadership; the Acting Executive Director, VA Office of Rural Health; and the Committee Chair; as well as presentations by subject matter experts on general rural health care access.

Public comments will be received at 3:00 p.m. on September 14, 2022. Interested parties should contact Ms. Judy Bowie, by email at *VRHAC@va.gov,* or by mail at 810 Vermont Avenue NW (12POP7), Washington, DC 20420. Individuals wishing to speak are invited to submit a 1–2-page summary of their comment for inclusion in the official meeting record. Any member of the public seeking additional information should contact Ms. Bowie at the phone number or email address noted above.

Dated: August 24, 2022.

LaTonya L. Small,

Federal Advisory Committee Management Office.

[FR Doc. 2022–18553 Filed 8–26–22; 8:45 am]

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FEDERAL REGISTER PAGES AND DATE, AUGUST

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.

774.....49979

16 CFR

1228.....50929

Proposed Rules:

Ch. I.....47947, 51273

17 CFR

50.....52182

Proposed Rules:

Ch. I.....48092
39.....49559
240.....49930, 51812

18 CFR

Proposed Rules:

1d.....49784
35.....48118

19 CFR

4.....50934

20 CFR

Proposed Rules:

404.....51933

21 CFR

118.....49521
573.....47343, 52681
800.....50568, 50598
801.....50568, 50598
808.....50568, 50598
874.....50568, 50598
1141.....50765

Proposed Rules:

1308.....52712

22 CFR

135.....48444

23 CFR

655.....47921

25 CFR

Proposed Rules:

502.....48613
556.....48613
558.....48613
585.....48615

26 CFR

1.....47931
54.....52618
301.....50240

27 CFR

9.....49986
24.....51880
478.....51249
479.....51249

29 CFR

1956.....50766
2590.....52618

Proposed Rules:

1910.....50803
1926.....50803
1952.....50025
2570.....51299

30 CFR

550.....52443
556.....52443
870.....51904
872.....51904

31 CFR

285.....50246, 51611
542.....47932
560.....47932
587.....47344, 47347, 47348, 50570
589.....47621
591.....47932, 50572
594.....47932

32 CFR

45.....52446
199.....46884
310.....51611

33 CFR

3.....48444
100.....47348, 49522, 49990, 49991, 50250, 50252, 51250, 51908, 52335
117.....49991
165.....46887, 47350, 47352, 47624, 47626, 47935, 47937, 47938, 48444, 49523, 49993, 49994, 49997, 50252, 50253, 50255, 50776, 50935, 51251, 51253, 51257, 51909, 51911, 52335, 52464, 52465, 52467, 52469, 52471, 52682, 52684, 52686
334.....46888

Proposed Rules:

117.....49793, 50276
165.....47381, 47659, 47661, 47949, 48125, 49568, 50278

34 CFR

Ch. II.....50937

Proposed Rules:

Ch. II.....47152, 47159,

36 CFR

2.....47296

38 CFR

17.....47099
38.....50574

Proposed Rules:

17.....51625
61.....46909

39 CFR

Proposed Rules:

3030.....50027
3050.....48127

40 CFR

52.....46890, 47101, 47354, 47630, 47632, 49524, 49526, 49528, 49530, 49997, 50257, 50260, 50261, 50263, 50267, 50778, 50945, 51259, 51262, 51265, 52337, 52473, 52688, 52690
60.....48603, 50952
62.....50269
63.....48603, 52692
81.....49997, 51262, 51265
97.....52473
141.....50575
171.....50953
180.....47634, 51911
300.....50584
372.....47102
721.....47103
723.....47103
1090.....52482

Proposed Rules:

52.....46916, 47663, 47666, 49570, 50028, 50030, 50280, 50593, 50594, 51006, 51016, 51041, 51300, 51631, 51933, 51941, 51944, 51946, 52487
60.....49795
63.....49795, 49796
81.....50030, 52487
180.....47167
300.....50596
372.....48128

41 CFR

102–81.....51915

42 CFR

410.....48609
412.....47038, 48780
413.....47502, 48780
414.....48609
482.....48780
483.....47502
485.....48780
495.....48780
512.....52698

Proposed Rules:

Ch. IV.....46918
433.....51303
437.....51303
438.....47824
440.....47824
457.....51303
460.....47824
493.....52712

43 CFR

49.....47296
8360.....47296

Proposed Rules:

8360.....47669

44 CFR

206.....47359

45 CFR

149.....52618
1330.....50000

Proposed Rules:

80.....47824
84.....47824
86.....47824
91.....47824
92.....47824
147.....47824
155.....47824
156.....47824

47 CFR

64.....47103, 51267, 51920
73.....49769
76.....51267
95.....49771

Proposed Rules:

51.....47673
61.....47673
69.....47673

48 CFR

Ch. 1.....49502, 49503
4.....49502
13.....49502
17.....49502
23.....49502
51.....49502
52.....49502
Ch. 2.....52348
207.....52338
212.....52339, 52342
215.....52484
219.....52348
225.....52339, 52342
252.....52339, 52342
Ch. 28.....47116, 52484

Proposed Rules:

1.....51044
7.....51044
22.....51044
36.....51044
52.....51044

49 CFR

173.....50271
192.....52224
541.....51614
1002.....51922
1249.....47637

Proposed Rules:

40.....47951
191.....52713
192.....52713
195.....52713
385.....48141
391.....50282

50 CFR

17.....51925, 51928
20.....50965
27.....47296
300.....47939, 47944, 48447, 52351
622.....48610
635.....49532
648.....47644, 48447, 48449, 50273
660.....49534, 52353
665.....52704
679.....48449, 48611, 50274, 51004, 51932, 52356, 52485

Proposed Rules:

17.....50804, 51635
18.....50041
218.....49656
224.....46921
648.....47177, 47181, 48617, 49573, 49796, 51955
660.....50824

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov/app/collection/PLAW*. Some laws may not yet be available.

S. 4458/P.L. 117–174
Ensuring the Best Schools for Veterans Act of 2022 (Aug. 26, 2022; 136 Stat. 2104)
Last List August 19, 2022

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