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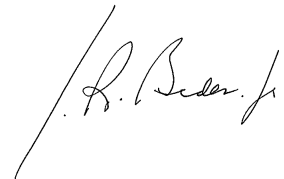
Presidential Determination No. 2022–24 of September 23, 2022

The President

**Terminating the Designation of Afghanistan as a Major Non-NATO Ally****Memorandum for the Secretary of State**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 517 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2321k) (the “Act”), I hereby terminate the designation of Afghanistan as a Major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act (22 U.S.C. 2751 *et seq.*).

You are authorized and directed to publish this determination in the *Federal Register*.



THE WHITE HOUSE,  
*Washington, September 23, 2022*



# Rules and Regulations

Federal Register

Vol. 87, No. 191

Tuesday, October 4, 2022

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

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

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### 2 CFR Part 700

RIN 0412-AB01

#### USAID Grant Regulations: Removing the Program Income Restriction on For-Profit Entities

**AGENCY:** U.S. Agency for International Development.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Agency for International Development (USAID) is issuing a final rule amending its grant regulations to remove a prohibition on for-profit entities from adding program income to a Federal award. This change allows any USAID assistance recipient—whether nonprofit or for-profit—to add program income earned by the recipient to the Federal award. This will align USAID’s approach to program income with other Federal agencies.

**DATES:** Effective November 3, 2022.

**FOR FURTHER INFORMATION CONTACT:** Lyudmila Bond, USAID/M/OAA/P, 202-285-8319, or [policymailbox@usaid.gov](mailto:policymailbox@usaid.gov) for clarification of content or information pertaining to status or publication schedules. All communications regarding this rule must cite RIN No. 0412-AB01.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

USAID published a proposed rule on June 17, 2022 (87 FR 36411), to amend 2 CFR part 700 to allow any USAID assistance recipient—whether nonprofit or for-profit—to use the “addition method” for managing program income under a Federal award, aligning USAID’s approach to program income with the U.S. Government-wide approach. The public comment period closed on August 16, 2022.

##### B. Discussion and Analysis

Only one respondent submitted a public comment in response to the proposed rule. USAID reviewed the comment, but it was outside of the scope of the rule. As a result, no changes were made to the final rule.

##### C. Regulatory Considerations and Determinations

###### 1. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 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). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

###### 2. Regulatory Flexibility Act

The rule will not have an impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Therefore, an Initial Regulatory Flexibility Analysis has not been performed.

###### 3. Paperwork Reduction Act

The rule does not establish a new collection of information that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

##### List of Subjects in 2 CFR Part 700

Grant programs, Grants administration.

For the reasons discussed in the preamble, USAID amends 2 CFR part 700 as set forth below:

## PART 700—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for 2 CFR part 700 continues to read as follows:

**Authority:** Sec. 621, Public Law 87-195, 75 Stat 445, (22 U.S.C. 2381) as amended, E.O. 12163, Sept 29, 1979, 44 FR 56673; 2 CFR 1979 Comp., p. 435.

### § 700.13 [Amended]

■ 2. Amend § 700.13 by removing and reserving paragraph (a)(2).

**Mark Anthony Walther,**  
*Chief Acquisition Officer.*

[FR Doc. 2022-21500 Filed 10-3-22; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2021-0651; Special Conditions No. 25-799-SC]

#### Special Conditions: Airbus Model A321neo XLR Airplane; Flight-Control Surface Awareness and Mode Annunciation

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

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Airbus Model A321neo XLR airplanes. The 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 a fly-by-wire system requiring flight-control surface-position awareness and flight-control system mode-change alerting to the flight crew. 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 Airbus on October 4, 2022. Send comments on or before November 18, 2022.

**ADDRESSES:** Send comments identified by Docket No. FAA-2021-0651 using any of the following methods:

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

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

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

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

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

*Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of these special conditions. Send submissions containing CBI to Troy Brown, Performance and Environment Section, AIR-625, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 1801 S Airport Rd., Wichita, KS 67209-2190; telephone

and fax 405-666-1050; email [troy.a.brown@faa.gov](mailto:troy.a.brown@faa.gov). Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for these special conditions.

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

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

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

#### Comments Invited

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

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

#### Background

On September 16, 2019, Airbus applied for an amendment to Type Certificate No. A28NM to include the new Model A321neo XLR airplanes. These airplanes are twin-engine, transport-category airplanes with seating for 244 passengers and a maximum takeoff weight of 222,000 pounds.

#### Type Certification Basis

Under the provisions of 14 CFR 21.101, Airbus must show that the Model A321neo XLR airplanes meet the applicable provisions of the regulations listed in Type Certificate No. A28NM, 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 A321neo XLR airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified 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 A321neo XLR airplanes 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 § 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 A321neo XLR airplanes will incorporate the following novel or unusual design feature:

A fly-by-wire system requiring flight-control surface-position awareness and flight-control system mode-change alerting to the flight crew.

#### Discussion

With a response-command type flight-control system and no direct coupling from cockpit controller to control surface, the pilot is not aware of actual surface position utilized to fulfill the requested demand. Some unusual flight conditions, arising from atmospheric conditions, or airplane or engine failures, may result in full or nearly full surface deflection. Unless the flight crew is made aware of excessive deflection or impending control-surface limiting, piloted or auto-flight system control of the airplane might be inadvertently continued in such a manner as to cause loss of control or other unsafe stability or performance characteristics.

These special conditions also address flight-control-system mode annunciation. Suitable mode

annunciation must be provided to the flightcrew for events that significantly change the operating mode of the system but do not merit the classic “failure warning.”

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

### Applicability

As discussed above, these special conditions apply to Airbus Model A321neo XLR airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

### Conclusion

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

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

### Authority Citation

The authority citation for these special conditions is as follows:

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

### The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A321neo XLR airplanes.

In addition to the requirements of § 25.143, the following special condition applies:

1. The flight-control system must indicate to the flight crew when the primary control means is near the limit of control authority.

In addition to the requirements of §§ 25.671 and 25.672, the following special condition applies:

2. If the flight-control system has multiple modes of operation, the system must alert the flight crew when the airplane enters any mode that significantly changes or degrades the normal handling or operational characteristics of the airplane.

Issued in Kansas City, Missouri, on September 28, 2022.

**Patrick R. Mullen,**

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

[FR Doc. 2022–21451 Filed 10–3–22; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2022–1160; Project Identifier MCAI–2021–01291–T; Amendment 39–22179; AD 2022–19–10]**

**RIN 2120–AA64**

### Airworthiness Directives; Airbus SAS Airplanes

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A321–251N, A321–251NX, A321–252NX, A321–253N, A321–253NX, and A321–271NX airplanes. This AD was prompted by a determination that the quick release pin that is installed on the upper attachment of certain Smart HS–L41 and Smart HS–L42 lavatories is too short to lock on the bracket. This AD requires replacement of the quick release pin installed on the upper attachment of affected lavatories, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective October 19, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 19, 2022.

The FAA must receive comments on this AD by November 18, 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](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

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

- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material 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](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](http://easa.europa.eu). You may find this IBR material on the EASA website at [ad.easa.europa.eu](http://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 [www.regulations.gov](http://www.regulations.gov) by searching for and locating Docket No. FAA–2022–1160.

### Examining the AD Docket

You may examine the AD docket at [regulations.gov](http://www.regulations.gov) by searching for and locating Docket No. FAA–2022–1160; 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 AD, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

### FOR FURTHER INFORMATION CONTACT:

Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email [Vladimir.Ulyanov@faa.gov](mailto:Vladimir.Ulyanov@faa.gov).

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2022–1160; Project Identifier MCAI–2021–01291–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, 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 final rule 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 [www.regulations.gov](http://www.regulations.gov), including any personal information you provide. The

agency will also post a report summarizing each substantive verbal contact received about this final rule.

**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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3229; email [Vladimir.Ulyanov@faa.gov](mailto:Vladimir.Ulyanov@faa.gov). Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0263, dated November 19, 2021 (EASA AD 2021-0263) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A321-251N, A321-251NX, A321-252NX, A321-253N, A321-253NX, and A321-271NX airplanes.

This AD was prompted by a determination that the quick release pin that is installed on the upper attachment of certain Smart HS-L41 and Smart HS-L42 lavatories is too short to lock on the bracket. The FAA is issuing this AD to address the possibility that the quick release pin can slip out unintentionally under certain load conditions, which could lead to consequent movement of the lavatory, possibly resulting in injuries to flight attendants or

passengers. See the MCAI for additional background information.

**Related Service Information Under 1 CFR Part 51**

EASA AD 2021-0263 specifies procedures for replacing the quick release pin on the upper attachment of the affected lavatories, and installing the label and ID card.

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 this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI described above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

**Requirements of This AD**

This AD requires accomplishing the actions specified in EASA AD 2021-0263 described previously, except for any differences identified as exceptions in the regulatory text of this 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, EASA AD 2021-0263 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2021-0263 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021-0263 does not mean that operators need comply only with that

section. For example, where the AD requirement refers to "all required actions and compliance times," compliance with this AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2021-0263. Service information required by EASA AD 2021-0263 for compliance will be available at [regulations.gov](https://www.regulations.gov) by searching for and locating Docket No. FAA-2022-1160 after this AD is published.

**FAA's Justification and Determination of the Effective Date**

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for "good cause," finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the forgoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

**Regulatory Flexibility Act (RFA)**

The requirements of the RFA do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without notice and comment, RFA analysis is not required.

**Costs of Compliance**

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

**ESTIMATED COSTS FOR REQUIRED ACTIONS**

	Labor cost	Parts cost	Cost per product
1 work-hour × \$85 per hour = \$85 .....		(*)	\$85

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

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866, and
- (2) Will not affect intrastate aviation in Alaska.

#### List of Subjects in 14 CFR Part 39

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

#### The Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2022–19–10 Airbus SAS:** Amendment 39–22179; Docket No. FAA–2022–1160; Project Identifier MCAI–2021–01291–T.

#### (a) Effective Date

This airworthiness directive (AD) is effective October 19, 2022.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus SAS Model A321–251N, A321–251NX, A321–252NX, A321–253N, A321–253NX, and A321–271NX airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2021–0263, dated November 19, 2021 (EASA AD 2021–0263).

#### (d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

#### (e) Unsafe Condition

This AD was prompted by a determination that the quick release pin that is installed on the upper attachment of certain Smart HS–L41 and Smart HS–L42 lavatories is too short to lock on the bracket. The FAA is issuing this AD to address the possibility that the quick release pin can slip out unintentionally under certain load conditions, which could lead to consequent movement of the lavatory, possibly resulting in injuries to flight attendants or passengers.

#### (f) Compliance

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

#### (g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2021–0263.

#### (h) Exceptions to EASA AD 2021–0263

(1) Where EASA AD 2021–0263 refers to its effective date, this AD requires using the effective date of this AD.

(2) The actions specified in paragraph (2) of EASA AD 2021–0263 are not required by this AD.

(3) The "Remarks" section of EASA AD 2021–0263 does not apply to this AD.

#### (i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight

Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

#### (j) Related Information

For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3229; email [Vladimir.Ulyanov@faa.gov](mailto:Vladimir.Ulyanov@faa.gov).

#### (k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2021–0263, dated November 19, 2021.

(ii) [Reserved]

(3) For EASA AD 2021–0263, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](http://easa.europa.eu). You may find this EASA AD on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration

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

Issued on September 8, 2022.

**Christina Underwood,**

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

[FR Doc. 2022-21442 Filed 10-3-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 220929-0203]

RIN 0694-A199

#### Additions of Entities to the Entity List

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** In response to the Russian Federation's (Russia's) further invasion of Ukraine on February 24, 2022, the illegal and unjustifiable basis of which has been furthered by its illegal purported annexation of regions of Ukraine, the Department of Commerce is amending the Export Administration Regulations (EAR) by adding 57 entities under 57 entries to the Entity List. These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. Of these 57 entities, 56 will be listed on the Entity List under the destination of Russia and one will be listed under the destination of the Crimea Region of Ukraine.

**DATES:** This rule is effective on September 30, 2022.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730-774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United

States. The EAR impose additional license requirements on, and limits the availability of, most license exceptions for exports, reexports, and transfers (in-country) when listed entities are parties to the transaction. The license review policy for each listed entity is identified in the "License Review Policy" column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that added the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

##### Additions to the Entity List

The ERC determined to add the Russian Institute of Radio Navigation and Time to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of Russia's military. This activity is contrary to U.S. national security and foreign policy interests under § 744.11(b) and this entity qualifies as a military end user under § 744.21(g) of the EAR. This entity will receive a footnote 3 designation because the ERC has determined that it is a Russian 'military end user' in accordance with § 744.21. A footnote 3 designation subjects this entity to the Russia/Belarus-Military End User Foreign Direct Product (FDP) Rule, detailed in § 734.9(g). This entity is added with a license requirement for all items subject to the EAR, which may be overcome by License Exception GOV under § 740.11(b)(2) and (e). This entity is added with a license review policy of denial for all items subject to the EAR other than food and medicine designated as EAR99 and for items for U.S. Government-supported use in the International Space Station (ISS). License applications for these transactions will be reviewed on a case-by-case basis.

The ERC determined to add the Federal Technical Regulation and Metrology Agency; the Federal State Budgetary Institution of Science P.I. K.A. Valiev RAS of the Ministry of

Science and Higher Education of Russia; the Federal State Unitary Enterprise All-Russian Research Institute of Physical, Technical and Radio Engineering Measurements; the Institute of Physics Named After P.N. Lebedev of the Russian Academy of Sciences; the National Research Center Kurchatov Institute; the Institute of Solid-State Physics of the Russian Academy of Sciences; and the Rzhzanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of the Russian military, as well as their involvement in the development of quantum computing technologies, which would further enable Russia's malicious cyber activities, or are otherwise important to Russia in developing advanced production and development capabilities. These activities are contrary to U.S. national security and foreign policy interests under § 744.11(b). These seven entities are being added with a license requirement for all items subject to the EAR and a license review policy of denial.

The ERC determined to add 49 Russian institutes or companies, as set forth in the list below, to the Entity List for acquiring and attempting to acquire U.S.-origin items in support of Russia's military. This activity is contrary to national security and foreign policy interests under § 744.11(b). These entities will receive footnote 3 designations because the ERC has determined that they are Russian 'military end users' in accordance with § 744.21. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User Foreign Direct Product (FDP) Rule, detailed in § 734.9(g). These entities are added with a license requirement for all items subject to the EAR. They are added with a license review policy of denial for all items subject to the EAR other than food and medicine designated as EAR99, license applications for which will be reviewed on a case-by-case basis. The entities are: A. Lyulki Experimental-Design Bureau; A. Lyulki Science and Technology Center; AO Aviaagregat; Central Aerohydrodynamic Institute; Closed Joint Stock Company Turborus; Federal Autonomous Institution Central Institute of Engine-Building N.A. P.I. Baranov; Federal State Budgetary Institution National Research Center Institute n.a. NE Zhukovsky; Federal State Unitary Enterprise State Scientific-Research Institute for Aviation Systems; Joint Stock Company 121 Aviation Repair Plant; Joint Stock Company 123

Aviation Repair Plant; Joint Stock Company 218 Aviation Repair Plant; Joint Stock Company 360 Aviation Repair Plant; Joint Stock Company 514 Aviation Repair Plant; Joint Stock Company 766 UPTK; Joint Stock Company Aramil Aviation Repair Plant; Joint Stock Company Aviaremont; Joint Stock Company Flight Research Institute N.A. M.M. Gromov; Joint Stock Company Metallist Samara; Joint Stock Company Moscow Machinebuilding Enterprise named after V.V. Chernyshev; Joint Stock Company NII Steel; Joint Stock Company Remdizel; Joint Stock Company Special Industrial and Technical Base Zvezdochka; Joint Stock Company STAR; Joint Stock Company Votkinsk Machine Building Plant; Joint Stock Company Yaroslavl Radio Factory; Joint Stock Company Zlatoustovsky Machine Building Plant; Limited Liability Company Center for Specialized Production OSK Propulsion; Lytkarino Machine-Building Plant; Moscow Aviation Institute; Moscow Institute of Thermal Technology; Omsk Motor-Manufacturing Design Bureau; Open Joint Stock Company 170 Flight Support Equipment Repair Plant; Open Joint Stock Company 20 Aviation Repair Plant; Open Joint Stock Company 275 Aviation Repair Plant; Open Joint Stock Company 308 Aviation Repair Plant; Open Joint Stock Company 32 Repair Plant of Flight Support Equipment; Open Joint Stock Company 322 Aviation Repair Plant; Open Joint Stock Company 325 Aviation Repair Plant; Open Joint Stock Company 680 Aircraft Repair Plant; Open Joint Stock Company 720 Special Flight Support Equipment Repair Plant; Open Joint Stock Company Volgograd Radio-Technical Equipment Plant; Public Joint Stock Company Agregat; Salute Gas Turbine Research and Production Center; Scientific-Production Association Vint of Zvezdochka Shipyard; Scientific Research Institute of Applied Acoustics; Siberian Scientific-Research Institute of Aviation N.A. S.A. Chaplygin; Software Research Institute; Subsidiary Sevastopol Naval Plant of Zvezdochka Shipyard; and Tula Arms Plant. Subsidiary Sevastopol Naval Plant of Zvezdochka Shipyard will be listed under the destination of the Crimea Region of Ukraine; all others will be listed under the destination of Russia.

For the reasons described above, this final rule adds the following 57 entities under 57 entries to the Entity List and includes, where appropriate, aliases:

#### Crimea Region of Ukraine

- Subsidiary Sevastopol Naval Plant of Zvezdochka Shipyard.

#### Russia

- A. Lyulki Experimental-Design Bureau,
- A. Lyulki Science and Technology Center,
- AO Aviaagregat,
- Central Aerohydrodynamic Institute,
- Closed Joint Stock Company Turborus,
- Federal Autonomous Institution Central Institute of Engine-Building N.A. P.I. Baranov,
- Federal State Budgetary Institution of Science P.I. K.A. Valiev RAS of the Ministry of Science and Higher Education of Russia,
- Federal State Budgetary Institution National Research Center Institute n.a. NE Zhukovsky,
- Federal State Unitary Enterprise All-Russian Research Institute of Physical, Technical and Radio Engineering Measurements,
- Federal State Unitary Enterprise State Scientific-Research Institute for Aviation Systems,
- Federal Technical Regulation and Metrology Agency,
- Institute of Physics Named After P.N. Lebedev of the Russian Academy of Sciences,
- Institute of Solid-State Physics of the Russian Academy of Sciences,
- Joint Stock Company 121 Aviation Repair Plant,
- Joint Stock Company 123 Aviation Repair Plant,
- Joint Stock Company 218 Aviation Repair Plant,
- Joint Stock Company 360 Aviation Repair Plant,
- Joint Stock Company 514 Aviation Repair Plant,
- Joint Stock Company 766 UPTK,
- Joint Stock Company Aramil Aviation Repair Plant,
- Joint Stock Company Aviaremont,
- Joint Stock Company Flight Research Institute N.A. M.M. Gromov,
- Joint Stock Company Metallist Samara,
- Joint Stock Company Moscow Machinebuilding Enterprise named after V.V. Chernyshev,
- Joint Stock Company NII Steel,
- Joint Stock Company Remdizel,
- Joint Stock Company Special Industrial and Technical Base Zvezdochka,
- Joint Stock Company STAR,
- Joint Stock Company Votkinsk Machine Building Plant,
- Joint Stock Company Yaroslavl Radio Factory,
- Joint Stock Company Zlatoustovsky Machine Building Plant,
- Limited Liability Company Center for Specialized Production OSK Propulsion,

- Lytkarino Machine-Building Plant,
- Moscow Aviation Institute,
- Moscow Institute of Thermal Technology,
- National Research Center Kurchatov Institute,
- Omsk Motor-Manufacturing Design Bureau,
- Open Joint Stock Company 20 Aviation Repair Plant,
- Open Joint Stock Company 32 Repair Plant of Flight Support Equipment,
- Open Joint Stock Company 170 Flight Support Equipment Repair Plant,
- Open Joint Stock Company 275 Aviation Repair Plant,
- Open Joint Stock Company 308 Aviation Repair Plant,
- Open Joint Stock Company 322 Aviation Repair Plant,
- Open Joint Stock Company 325 Aviation Repair Plant,
- Open Joint Stock Company 680 Aircraft Repair Plant,
- Open Joint Stock Company 720 Special Flight Support Equipment Repair Plant,
- Open Joint Stock Company Volgograd Radio-Technical Equipment Plant,
- Public Joint Stock Company Agregat,
- Russian Institute of Radio Navigation and Time,
- Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences,
- Salute Gas Turbine Research and Production Center,
- Scientific-Production Association Vint of Zvezdochka Shipyard,
- Scientific Research Institute of Applied Acoustics,
- Siberian Scientific-Research Institute of Aviation N.A. S.A. Chaplygin,
- Software Research Institute, and
- Tula Arms Plant.

#### Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on September 30, 2022, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR).

### Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act of 2018 (ECRA) (50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

### Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classifications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 33,133 hours. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this rule.

3. This rule does not contain policies with federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

#### PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

**Authority:** 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 15, 2021, 86 FR 52069 (September 17, 2021); Notice of November 10, 2021, 86 FR 62891 (November 12, 2021).

■ 2. Supplement No. 4 to part 744 is amended:

■ a. Under CRIMEA REGION OF UKRAINE, by adding, in alphabetical order, an entry for “Subsidiary Sevastopol Naval Plant of Zvezdochka Shipyard”; and

■ b. Under RUSSIA, by adding, in alphabetical order, entries for “A. Lyulki Experimental-Design Bureau;” “A. Lyulki Science and Technology Center;” “AO Aviaagregat;” “Central Aerohydrodynamic Institute;” “Closed Joint Stock Company Turborus;” “Federal Autonomous Institution Central Institute of Engine-Building N.A. P.I. Baranov;” “Federal State Budgetary Institution of Science P.I. K.A. Valiev RAS of the Ministry of Science and Higher Education of Russia;” “Federal State Budgetary Institution National Research Center Institute n.a. NE Zhukovsky;” “Federal State Unitary Enterprise All-Russian Research Institute of Physical, Technical and Radio Engineering Measurements;” “Federal State Unitary Enterprise State Scientific-Research Institute for Aviation Systems;” “Federal Technical Regulation and Metrology Agency;” “Institute of Physics Named After P.N. Lebedev of the Russian Academy of Sciences;” “Institute of Solid-State Physics of the Russian Academy of Sciences;” “Joint Stock Company 121 Aviation Repair Plant;” “Joint Stock Company 123 Aviation Repair Plant;” “Joint Stock Company 218 Aviation Repair Plant;” “Joint Stock Company

360 Aviation Repair Plant;” “Joint Stock Company 514 Aviation Repair Plant;” “Joint Stock Company 766 UPTK.;” “Joint Stock Company Aramil Aviation Repair Plant;” “Joint Stock Company Aviaremont;” “Joint Stock Company Flight Research Institute N.A. M.M. Gromov;” “Joint Stock Company Metallist Samara;” “Joint Stock Company Moscow Machinebuilding Enterprise named after V.V. Chernyshev;” “Joint Stock Company NII Steel;” “Joint Stock Company Remdizel;” “Joint Stock Company Special Industrial and Technical Base Zvezdochka;” “Joint Stock Company STAR;” “Joint Stock Company Votkinsk Machine Building Plant;” “Joint Stock Company Yaroslavl Radio Factory;” “Joint Stock Company Zlatoustovskiy Machine Building Plant;” “Limited Liability Company Center for Specialized Production OSK Propulsion;” “Lytkarino Machine-Building Plant;” “Moscow Aviation Institute;” “Moscow Institute of Thermal Technology;” “National Research Center Kurchatov Institute;” “Omsk Motor-Manufacturing Design Bureau;” “Open Joint Stock Company 20 Aviation Repair Plant;” “Open Joint Stock Company 32 Repair Plant of Flight Support Equipment;” “Open Joint Stock Company 170 Flight Support Equipment Repair Plant;” “Open Joint Stock Company 275 Aviation Repair Plant;” “Open Joint Stock Company 308 Aviation Repair Plant;” “Open Joint Stock Company 322 Aviation Repair Plant;” “Open Joint Stock Company 325 Aviation Repair Plant;” “Open Joint Stock Company 680 Aircraft Repair Plant;” “Open Joint Stock Company 720 Special Flight Support Equipment Repair Plant;” “Open Joint Stock Company Volgograd Radio-Technical Equipment Plant;” “Public Joint Stock Company Agregat;” “Russian Institute of Radio Navigation and Time;” “Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences;” “Salute Gas Turbine Research and Production Center;” “Scientific-Production Association Vint of Zvezdochka Shipyard;” “Scientific Research Institute of Applied Acoustics;” “Siberian Scientific-Research Institute of Aviation N.A. S.A. Chaplygin;” “Software Research Institute;” and “Tula Arms Plant”.

The additions read as follows:

#### Supplement No. 4 to Part 744—Entity List

\* \* \* \* \*



Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
CRIMEA REGION OF UKRAINE.	<p>Subsidiary Sevastopol Naval Plant of Zvezdochka Shipyard, a.k.a., the following two aliases: —Sevastopol Naval Plant; <i>and</i> —Sevastopol Naval Plant N.A. Sergo Ordzhonikidze.</p> <p>13 Geroyev Sevastopolya Street, Sevastopol, Crimea, 299001, Ukraine.</p>	<p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)</p>	<p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p>	<p>87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.</p>
*	*	*	*	*
RUSSIA .....	<p>A. Lyulki Experimental-Design Bureau, a.k.a., the following three aliases: —A. Lyulki OKB; —FL A. Lyulki OKB; <i>and</i> —A. Lyulki Experimental-Design Bureau Branch of UEC-UMPO.</p> <p>8 Kasatkin Street, Building 8, Moscow 129301, Russia.</p> <p>A. Lyulki Science and Technology Center, a.k.a., the following two aliases: —FL NTTs A. Lyulki; <i>and</i> —Branch of UEC-Saturn A. Lyulki Science and Technology Center.</p> <p>13 Kasatkin Street, Moscow, 129301, Russia.</p> <p>AO Aviaagregat, 1 Shukovskogo Street, Zhukovskiy, Moscow Oblast, 140196, Russia.</p>	<p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)</p> <p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)</p>	<p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p> <p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p>	<p>87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.</p> <p>87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.</p> <p>87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.</p>
*	*	*	*	*
	<p>Central Aerohydrodynamic Institute, a.k.a., the following one alias: —TsAGI.</p> <p>1 Zhukovskogo Street, Zhukovsky, Moscow Oblast, 140180, Russia.</p>	<p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)</p>	<p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p>	<p>87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.</p>
*	*	*	*	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Closed Joint Stock Company Turborus, a.k.a., the following one alias: —Turborus ZAO.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND DATE OF PUBLICATION IN THE FEDERAL REGISTER].
	179 Prospect Lenina, Rybinsk, Rybinsk Region, Yaroslavl Oblast 152907, Russia.			
	Federal Autonomous Institution Central Institute of Engine-Building N.A. P.I. Baranov, a.k.a., the following two aliases: —Central Institute of Aviation Motors; <i>and</i> , —CAIM.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	2 Aviation Motoes Street, Moscow, 111116, Russia.			
	Federal State Budgetary Institution of Science P.I. K.A. Valiev RAS of the Ministry of Science and Higher Education of Russia, a.k.a., the following three aliases: —FTIAN IM K.A. Valiev RAS; —FTI RAS; <i>and</i> —FTIAN.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	34 Nakhimovski Prospekt, Moscow, 117218, Russia; <i>and</i> 36 Nakhimovsky Prospekt, Moscow, 117218, Russia.			
	Federal State Budgetary Institution National Research Center Institute n.a. N.E. Zhukovsky, a.k.a., the following one alias: —Zhukovsky National Research Institute.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	7 Viktorenko Street, Moscow, 125319, Russia, <i>and</i> , 1 Zhukovskogo Street, Zhukovsky, Moscow Oblast, 140180, Russia.			
	Federal State Unitary Enterprise All-Russian Research Institute of Physical, Technical and Radio Engineering Measurements, a.k.a., the following one alias: VNIIFTRI. Mendeleevo Village, Mendeleevo, Moscow Oblast, 141570, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Federal State Unitary Enterprise State Scientific-Research Institute for Aviation Systems, a.k.a., the following one alias: —GosNIIAS.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	7 Viktorenko Street, Moscow, 125167, Russia.			

Country	Entity	License requirement	License review policy	Federal Register citation
	Federal Technical Regulation and Metrology Agency, a.k.a., the following alias: —Rosstandart. 10 Naberezhnaya Presnenskaya, Street 2, Floor 7, Moscow, 123112, Russia; <i>and</i> 10 Presnenskaya Embankment, Building 2 (IQ Block), Moscow, 123112, Russia. * * *	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Institute of Physics Named After P.N. Lebedev of the Russian Academy of Sciences, a.k.a., the following four aliases: —Lebedev Physical Institute; —LPI RAS; —Lebedev Physical Institute; <i>and</i> —FIAN. 53 Leninsky Prospekt, Moscow, 119991, Russia. * * *	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Institute of Solid-State Physics of the Russian Academy of Sciences, a.k.a., the following three aliases: —ISSP; —Institute of Solid-State Physics of the Academy of Sciences SSSR; <i>and</i> —Federal State Budgetary Institution of Science Institute of Solid-State Physics N.A. Yu. A. Osipyan of the Russian Academy of Sciences. 2 Akademika Osipyana Street, Chernogolovka, Moscow Region, 142432, Russia. * * *	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Joint Stock Company 121 Aviation Repair Plant, a.k.a., the following one alias: —121 ARZ.  10 Pochtovaya Street, Room 203, Stary Gorodok, Odintsovo District, Moscow Oblast, 143079, Russia. * * *	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Joint Stock Company 123 Aviation Repair Plant, a.k.a., the following one alias: —123 ARZ.  Mkr Gorodok, Staraya Russa, Starorussky District, Novgorod Oblast, 175201, Russia. * * *	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Joint Stock Company 218 Aviation Repair Plant, a.k.a., the following one alias: —218 ARZ.  7a Grigorina Street, Gatchina, Gatchinsky Region, Leningrad Oblast 188307, Russia. * * *	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company 360 Aviation Repair Plant, a.k.a., the following one alias: —360 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
Joint Stock Company 514 Aviation Repair Plant, a.k.a., the following one alias: —514 ARZ. ....	13V Zabaikalsk Street, Ryazan, Ryazan Oblast, 390015, Russia. For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e)	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022..	
	121 Chelyuskintsev Street, Rzhev, Tver Oblast, 172383, Russia. Joint Stock Company 766 UPTK. 1 Institutskaya Street, Nakhabino, Krasnogorsk District, Moscow Region, 143432, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	* * * * *	* * * * *	* * * * *	* * * * *
	Joint Stock Company Aramil Aviation Repair Plant, a.k.a., the following one alias: —AARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Garnizon Street, Aramil, Sysertsky Region, Sverdlovsk Oblast. 624000, Russia. Joint Stock Company Aviaremont, a.k.a., the following one alias: —Aviaremont.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	17 Rossolimo Street, Building 2, Floor 4, Section V, Rooms 11–28, Moscow, 119021, Russia.			
	* * * * *	* * * * *	* * * * *	* * * * *
	Joint Stock Company Flight Research Institute N.A. M.M. Gromov, a.k.a., the following one alias: —FRI Gromov.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	2A Garnaeva Street, Zhukovsky, Moscow Oblast, 140180, Russia.			
	* * * * *	* * * * *	* * * * *	* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Metallist Samara, a.k.a., the following one alias: —Metallist Samara.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	278 Promyshlennost Street, Samara, Samara Oblast, 443023, Russia.	*	*	*
	Joint Stock Company Moscow Machinebuilding Enterprise named after V.V. Chernyshev, a.k.a., the following one alias: —MMP V.V. Chernyshev.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	7 Vishnevaya Street, Moscow 125362, Russia.	*	*	*
	Joint Stock Company NII Steel, a.k.a., the following one alias: —Scientific Research Institute of Steel.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	81A Dubninskaya, Moscow, 127411, Russia.	*	*	*
	Joint Stock Company Remdizel, 40 Menzelinsky Tract, Naberezhnyye Cheliny, Republic of Tatarstan, 423800, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	*	*	*	*
	Joint Stock Company Special Industrial and Technical Base Zvezdochka, a.k.a., the following one alias: —SPTB Zvezdochka.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	2/7 Komsomolskaya Street, Polyarnyy, Murmansk Oblast 184650, Russia.	*	*	*
	Joint Stock Company STAR, a.k.a., the following two aliases: —UEC-STAR; <i>and</i> —JSC STAR.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	140a Kuybyshev Street, Perm, Perm Krai, 614990, Russia, <i>and</i> , 93 Komsomol Prospect, GSP, Perm 614990, Russia.	*	*	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Votkinsk Machine Building Plant, 2 Kirov Street, Votkinsk, Udmert Republic, 427430, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	* * *	*	*	*
	Joint Stock Company Yaroslavl Radio Factory, a.k.a., the following two aliases: — PJSC Yaroslavl Radioworks; and — YRZ.  13 Margolina Street, Yaroslavl, 150010, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Joint Stock Company Zlatoustovsky Machine Building Plant, a.k.a. the following one alias: —JSC Zlatmash.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	1 Parkovy Proezd, Zlatoust, Chelyabinsk Region, 456227, Russia.	*	*	*
	Limited Liability Company Center for Specialized Production OSK Propulsion, a.k.a., the following one alias: —OSK Propulsion.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	3 Galerny Proezd, Letter A, Pomesch. 75, Gavan Vn. Ter. G. Municipal Okrug, Saint Petersburg, 199226, Russia.	*	*	*
	Lytkarino Machine-Building Plant, a.k.a., the following one alias: —Branch of UEC—UMPO Lytkarino Machine-Building Plant.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Turaevo Promzona, Building 9, Lytkarino, Moscow Oblast 140080, Russia.	*	*	*
	Moscow Aviation Institute, a.k.a., the following one alias: —MAI.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	4 Volokolamskoe Shosse, Moscow 125993, Russia.	*	*	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Moscow Institute of Thermal Technology, a.k.a., the following one alias: —MITT.  10/1 Berezovaya Alleya, Moscow, 127273, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	National Research Center Kurchatov Institute, a.k.a., the following two aliases: —The Kurchatov Institute; <i>and</i> —NITs Kurchatovsky Institute. 1 Akademika Kurchatova Square, Moscow, 123182, Russia.	For all items subject to the EAR (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Omsk Motor-Manufacturing Design Bureau, a.k.a., the following four aliases: —FL UEC-Saturn—OMKB; —Omsk Engine Design Bureau; —Branch of PAO UEC-Saturn Omsk Motor-Manufacturing Design Bureau; <i>and</i> —Omskoe mashinstroitel'noe KB. 163 Lenin avenue, Yaroslavl region, Rybinsk, 152903, Russia <i>and</i> 3 Okruzhnaya Road, Omsk, Omsk Oblast, 644021, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Open Joint Stock Company 20 Aviation Repair Plant, a.k.a., the following one alias: —20 ARZ.  11 Gatchinskoye Shosse, Pushkin, Saint Petersburg, 196603, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Open Joint Stock Company 32 Repair Plant of Flight Support Equipment, a.k.a., the following one alias: —32 RZ SOP.  10 Gospitalnaya Street, Spassk-Dalny, Primorsky Krai, 692243, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	Open Joint Stock Company 170 Flight Support Equipment Repair Plant, a.k.a., the following one alias: —170 RZ SOP.  2 Meditsinskaya Street, Nizhny Novgorod, Nizhny Novgorod Oblast, 603104, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.

Country	Entity	License requirement	License review policy	Federal Register citation
	Open Joint Stock Company 275 Aviation Repair Plant, a.k.a., the following one alias: —275 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	141 Imeno Dzhherzhinskogo Street, Krasnodar, Krasnodar Krai, 350051, Russia.			
	Open Joint Stock Company 308 Aviation Repair Plant, a.k.a., the following one alias: —308 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	118–V Lezhnevskaya Street, Ivanovo, Ivanov Oblast, 153035, Russia.			
	Open Joint Stock Company 322 Aviation Repair Plant, a.k.a., the following one alias: —322 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	5 Zhukovskogo Street, Vozdvizhenka, Ussuriyskiy district, Primorsky Krai, 692557, Russia.			
	Open Joint Stock Company 325 Aviation Repair Plant, a.k.a., the following one alias: —325 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	42 Tsiolkovskogo Street, Taganrog, Rostov Oblast, 347916, Russia.			
	Open Joint Stock Company 680 Aircraft Repair Plant, a.k.a., the following one alias: —680 ARZ.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	2a Bazarnaya Street, Apartment 2, Belogorsk, Amur Oblast, 676853, Russia.			
	Open Joint Stock Company 720 Special Flight Support Equipment Repair Plant, a.k.a., the following one alias: —720 RZ SOP.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	6 Krasnoarmeyskaya Street, Roslavl, Roslavl'skiy Region, Smolensk Oblast, 216507, Russia.			
	*	*	*	*



Country	Entity	License requirement	License review policy	Federal Register citation
	Open Joint Stock Company Volgograd Radio-Technical Equipment Plant, a.k.a., the following one alias: —VZ RTO.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	60 Novodvinskaya Street, Volgograd, Volgograd Oblast, 400010, Russia.	*	*	*
	Public Joint Stock Company Agregat, a.k.a., the following one alias: —PJSC Agregat.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	1 Pushkin Street, Sim, Ashinsk Region, Chelyabinsk Oblast, 456020, Russia.	*	*	*
	Russian Institute of Radio Navigation and Time, a.k.a., the following one alias: —RIRT.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.) This license requirement may be overcome by License Exception GOV under § 740.11(b)(2) and (e).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99 and for items for U.S. Government supported use in the International Space Station (ISS), which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER October 4, 2022.
	120 Obukhovskoy Oborony, Prospekt (Avenue), Letter EC, St. Petersburg, 192012, Russia, and 19 Staraya Basmanaya Street, Building 12, Moscow, 105066, Russia.	*	*	*
	Rzhanov Institute of Semiconductor Physics, Siberian Branch of Russian Academy of Sciences, a.k.a., the following two aliases: —IPP SB RAS; and —Institute of Semiconductor Physics IM A.V. Rzhanov.	For all items subject to the EAR. (See § 744.11 of the EAR.)	Policy of denial .....	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	13 Prospekt Akademika Lavrentyeva, Novosibirsk, Novosibirsk Oblast, 630090, Russia; and 13 Lavrentiev Avenue, Novosibirsk, 630090, Russia.	*	*	*
	Salute Gas Turbine Research and Production Center, 16 Prospect Budennogo, Moscow 105118, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	*	*	*	*

Country	Entity	License requirement	License review policy	Federal Register citation
	Scientific-Production Association Vint of Zvezdochka Shipyard, a.k.a., the following two aliases: —SPU Vint; <i>and</i> —NPO Vint.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	11 Novinsky Boulevard, Moscow, 121099, Russia.			
	Scientific Research Institute of Applied Acoustics, a.k.a., the following one alias: —NIIPA.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	9/7A 9 May Street, Dubna, Moscow Oblast, 141981, Russia.			
	Siberian Scientific-Research Institute of Aviation N.A. S.A. Chaplygin, a.k.a., the following one alias: —SibNIA.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	21 Polzunova Street, Novosibirsk, Novosibirsk Oblast, 630051, Russia.			
	Software Research Institute, a.k.a., the following two aliases: —JSC Research Institute of Software Tools; <i>and</i> —JSC NII PS.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	22 Politekhnikeskaya Street, Lit N, St. Petersburg, 194021, Russia.			
	Tula Arms Plant, a.k.a., the following four aliases: —Tula; —Tula Arsenal; —Imperial Tula Arms Plant; <i>and</i> —JSC Tulsky Oruzheiny Zavod.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR.)	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	87 FR [INSERT FR PAGE NUMBER AND October 4, 2022.
	1 Sovetskaya Street, Tula, 300041, Russia.			

\* \* \* \* \*

**Matthew S. Borman,**  
Deputy Assistant Secretary for Export  
Administration.

[FR Doc. 2022-21520 Filed 9-30-22; 11:15 am]

BILLING CODE 3510-JT-P

## FEDERAL TRADE COMMISSION

### 16 CFR Part 1

#### Procedures for Review of Final Civil Sanctions Imposed Under the Horseracing Integrity and Safety Act

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** To implement the Horseracing Integrity and Safety Act of 2020, the Federal Trade Commission issues a final rule to establish procedures for the review by an Administrative Law Judge of final civil sanctions imposed by the Horseracing Integrity and Safety Authority and the review by the Commission of the decision of the Administrative Law Judge.

**DATES:** This rule is effective on October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** Austin King (202-326-3166), Associate General Counsel for Rulemaking, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on Horseracing Integrity and Safety Act

The Horseracing Integrity and Safety Act of 2020 (“Act”),<sup>1</sup> enacted on December 27, 2020, directs the Federal Trade Commission (“Commission”) to oversee the activities of a private, self-regulatory organization called the Horseracing Integrity and Safety Authority (“Authority”).

The Act, in 15 U.S.C. 3058, provides for the review of final civil sanctions imposed by the Authority against covered persons for violations of the Authority’s safety, performance, and anti-doping and medication control rules. The violations are determined through a disciplinary process governed by 15 U.S.C. 3057(c). Under 15 U.S.C. 3058(b), an Administrative Law Judge reviews the final civil sanction de novo after conducting a hearing. Under 15 U.S.C. 3058(c), the Commission may review the decision of the Administrative Law Judge on its own initiative or by granting the application

of the Authority or a person aggrieved by that decision. The Commission’s existing procedural rules in part 3 for practice before an Administrative Law Judge and review by the Commission, which pertain to competition and consumer protection matters prosecuted by Commission complaint counsel, provide useful guidance but do not address the new type of practice provided for in the Act, in which the Commission is not a party but is instead reviewing activities and decisions by the Authority.

Accordingly, the Commission, through this final rule, adds a new subpart T to part 1 of its Rules of Practice to establish procedures and standards for the review of final civil sanctions imposed by the Authority.

##### II. Contents of the Final Rule

###### A. Section 1.145—Submission of Notice of Civil Sanctions

The Act, in 15 U.S.C. 3058(a), requires the Authority to “promptly submit to the Commission notice” of a “final civil sanction” the Authority has imposed against a “covered person”<sup>2</sup> for a violation of “the rules or standards of the Authority.”<sup>3</sup> The notice is to be provided in a format specified by the Commission. The final rule describes the contents of the notice, defines “promptly” as within two days, and specifies the manner of submission.

###### B. Section 1.146—Review of Civil Sanctions by an Administrative Law Judge

The Act requires an Administrative Law Judge to conduct a de novo review of the final civil sanction imposed by the Authority when an application for review, filed either by the Commission or by the person subject to the sanction, is filed within 30 days of submission of the notice of the sanction to the Commission.<sup>4</sup> The Act does not grant the Administrative Law Judge the discretion to refuse to conduct such a review.

Although the Act requires the Administrative Law Judge to conduct a

de novo review of the final civil sanction imposed by the Authority, it does not specify the standard of review or level of deference the Administrative Law Judge should apply to the factual findings supporting the sanction or the application of governing law to those facts. The Act empowers the Commission to “specify by rule” the manner in which the Administrative Law Judge conducts the hearing and requires that the rule “conform to section 556 of title 5.”<sup>5</sup>

The record established through the Authority’s internal disciplinary hearing process under 15 U.S.C. 3057(c) and the Authority’s implementing Rule Series 8300, which the Commission approved, is consistent with the due process guarantees of the Administrative Procedure Act, 5 U.S.C. 556. As the Commission previously recognized:

Rule Series 8300 sets forth seven specific rule provisions detailing the processes by which substantive violations are adjudicated, appealed, and punished. These provisions address the requirements of 15 U.S.C. 3057(c)(2)(B)–(F), such as hearing procedures, standards for burdens of proof, presumptions, evidentiary rules, appeals, and confidentiality and public reporting of decisions, as well as the overarching requirement of § 3057(c)(3) that there be “adequate due process, including impartial hearing officers or tribunals commensurate with the seriousness of the alleged . . . violation and the possible civil sanctions.”<sup>6</sup>

For example, Authority Rule 8340, based on the requirements in 15 U.S.C. 3057(c)(2), provides that the initial hearing before the Racetrack Safety Committee or the Authority’s Board allow “a full presentation of evidence,”<sup>7</sup> including testimony taken under oath,<sup>8</sup> the admission of hearsay evidence only with sufficient reliability,<sup>9</sup> and the application of privilege rules.<sup>10</sup> At such hearings, each “party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such limited cross-examination as may be required for a

<sup>5</sup> 15 U.S.C. 3058(b)(2)(B) (citing Administrative Procedure Act).

<sup>6</sup> Fed. Trade Comm’n, Order Approving the Enforcement Rule Proposed by the Horseracing Integrity and Safety Authority, at 15–16 (Mar. 25, 2022) (“Order Approving Enforcement Rule”) (ellipses in original), <https://perma.cc/H9SJ-F9WA>.

<sup>7</sup> See Fed. Trade Comm’n, Notice of HISA Enforcement Proposed Rule, 87 FR 4023, 4030 (Jan. 26, 2022) (proposing Rule 8340(g)), <https://www.federalregister.gov/documents/2022/01/26/2022-01663/hisa-enforcement-rule>.

<sup>8</sup> *Id.* (proposing Rule 8340(e)).

<sup>9</sup> *Id.* (proposing Rule 8340(g)) (“The Board or the Racetrack Safety Committee may admit hearsay evidence if it determines the evidence is of a type that is commonly relied on by reasonably prudent people.”).

<sup>10</sup> See *id.*

<sup>2</sup> The Act, in 15 U.S.C. 3051(6), defines “covered person” to “mean[] all trainers, owners, breeders, jockeys, racetracks, veterinarians, persons (legal and natural) licensed by a State racing commission and the agents, assigns, and employees of such persons and other horse support personnel who are engaged in the care, training, or racing of covered horses.”

<sup>3</sup> Although section 3058(a) refers to final civil sanctions imposed by the Authority “for a violation committed . . . pursuant to the rules or standards of the Authority,” 15 U.S.C. 3058(a) (emphasis added), the Act elsewhere empowers the Authority only to impose civil sanctions for “rule violations.” 15 U.S.C. 3057(d)(1). Accordingly, the final rule uses the language of “rule violations” and not “standards.”

<sup>4</sup> See 15 U.S.C. 3058(b)(1).

<sup>1</sup> 15 U.S.C. 3051 through 3060.

full and true disclosure of the facts.”<sup>11</sup> The initial decision may be appealed to the Board of the Authority,<sup>12</sup> which may accept, reject, or modify the initial decision; remand the matter for further proceedings; or “[c]onduct further proceedings on the matter as appropriate, including . . . in extraordinary circumstances and at the Board’s discretion, the taking of additional testimony before the Board under oath.”<sup>13</sup> The Commission recognized that these procedures represent the “essential hallmarks of due process” and “with the sliding-scale approach to discipline evidenced in its proposals, the Authority’s Enforcement proposed rule provides ‘adequate due process’ that is ‘commensurate’ with the available sanctions.”<sup>14</sup>

Consistent with the de novo review for civil sanctions provided by section 3058(b) and the due process protections reflected in 5 U.S.C. 556, and in furtherance of judicial economy and efficiency, the Commission therefore determines that the hearing record established before the Authority should be relied upon by the Administrative Law Judge to the extent possible. This record may be supplemented—but not supplanted, except in atypical circumstances—by facts adduced at a hearing before the Administrative Law Judge.

Accordingly, the Commission’s rule establishes hearing procedures for three distinct circumstances. First, if the factual record developed before the Authority is uncontested and considered complete by the parties, the Administrative Law Judge will not hold an evidentiary hearing and will rely on the factual record developed before the Authority to make a de novo assessment of the final civil sanction; in such cases, the hearing will consist of the parties’ submission of proposed findings of fact and conclusions of law, briefing, and, at the discretion of the Administrative Law Judge, oral argument.

Second, if the parties do not contest the factual record before the Authority but show good cause to supplement it, the Administrative Law Judge will conduct an evidentiary hearing presumptively lasting no more than 8 hours for each party requesting

supplementation (but which may be extended for good cause by the request of a party or on the Administrative Law Judge’s own initiative) and will consider the same argument and briefing materials described above to make a de novo assessment of the final civil sanction. If the Administrative Law Judge or the Commission seek supplementation of the record, the body seeking supplementation will issue an order describing the requested evidence and the procedures for holding the hearing before the Administrative Law Judge.

Third, if the person aggrieved by the final civil sanction makes a proffer of weighty, probative, and substantial evidence and compelling argument to support its contention that the disciplinary process before the Authority failed to comply with the procedures required under 15 U.S.C. 3057(c) or implementing rules approved by the Commission, or that it otherwise lacked adequate due process, the person may seek an extended evidentiary hearing before the Administrative Law Judge to supplement—or, if warranted, to supplant—the record developed before the Authority; in such cases, the Authority will have an opportunity to show that the final civil sanction it imposed was not the result of inadequate due process.

#### *C. Section 1.147—Review by the Commission of the Decision of the Administrative Law Judge*

The Act provides that the Commission may review the decision of the Administrative Law Judge on its own motion or by granting an application for review filed by the Authority or the person aggrieved by the decision issued by the Administrative Law Judge.<sup>15</sup> During the review, the Commission or one of the parties may seek consideration of additional evidence. The decision whether to grant an application for review lies entirely within the Commission’s discretion.

The Commission does not review directly the civil sanction remedy imposed by the Authority. Rather, the Commission reviews de novo the factual findings and conclusions of law made by the Administrative Law Judge.<sup>16</sup>

#### *D. Section 1.148—Stay of Proceedings*

Under 15 U.S.C. 3058(d), the initiation of a review by an Administrative Law Judge or the Commission will not itself stay the sanction imposed by the Authority. Rather, to stay the sanction, the person

aggrieved by the sanction must first move for a stay before the Administrative Law Judge, who will grant the application when it satisfies the traditional four-prong balancing test governing stays: (1) the likelihood of the applicant’s success on review; (2) whether the applicant will suffer irreparable harm if a stay is not granted; (3) the degree of injury to other parties or third parties if a stay is granted; and (4) whether the stay is in the public interest.<sup>17</sup>

If the Administrative Law Judge denies the application for a stay, the person aggrieved by the sanction may move immediately to seek a stay before the Commission, which will grant a stay if it concludes the party has satisfied its burden that a stay is warranted under the traditional four-part test. A person aggrieved by the decision of the Administrative Law Judge may also seek a stay from the Commission if the Commission has decided to review the decision of the Administrative Law Judge.

#### *E. Section 1.149—Adoption of Miscellaneous Rules*

Part 4 of the Commission’s Rules of Practices sets forth miscellaneous rules, including those related to appearances, time, and service, that are adopted by express reference, with minor modifications for a part 1 review proceeding.

### **III. Rulemaking Requirements**

Because this final rule relates solely to agency procedure and practice, publication for notice and comment is not required under the Administrative Procedure Act.<sup>18</sup> For this reason, the requirements of the Regulatory Flexibility Act are also inapplicable.<sup>19</sup> Likewise, the final rule does not modify any Commission collections of information within the meaning of the Paperwork Reduction Act.<sup>20</sup>

#### **List of Subjects in 16 CFR Part 1**

Administrative practice and procedure.

For the reasons set forth in the preamble, the Federal Trade Commission amends title 16, chapter I, subchapter A of the Code of Federal Regulations as follows:

### **PART 1—GENERAL PROCEDURES**

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

<sup>17</sup> See *Hilton v. Braunkskill*, 481 U.S. 770, 776 (1987).

<sup>18</sup> 5 U.S.C. 553(b).

<sup>19</sup> 5 U.S.C. 601(2), 604(a).

<sup>20</sup> 44 U.S.C. 3501 through 3521.

<sup>11</sup> *Id.* (proposing Rule 8340(h)).

<sup>12</sup> *Id.* (proposing Rule 8350(a), (b)). The Board applies a deferential standard of review to the initial decision. See Rule 8350(f) (“The Board shall uphold the decision unless it is clearly erroneous or not supported by the evidence or applicable law.”).

<sup>13</sup> *Id.* (proposing Rule 8350(g)).

<sup>14</sup> Order Approving Enforcement Rule, at 27–28 (citing 15 U.S.C. 3057(c)(3)).

<sup>15</sup> 15 U.S.C. 3058(c).

<sup>16</sup> 15 U.S.C. 3058(c)(3)(B).

**Authority:** 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 552; 5 U.S.C. 601 note.

■ 2. Add subpart T to read as follows:

**Subpart T—Procedures for Review of Final Civil Sanctions Imposed under the Horseracing Integrity and Safety Act**

Sec.

- 1.145 Submission of notice of civil sanctions.
- 1.146 Review of civil sanction by an Administrative Law Judge.
- 1.147 Review by the Commission of the decision of the Administrative Law Judge.
- 1.148 Stay of proceedings.
- 1.149 Adoption of miscellaneous rules.

**Authority:** 15 U.S.C. 3058.

**§ 1.145 Submission of notice of civil sanctions.**

(a) *Requirement to file.* If the Horseracing Integrity and Safety Authority (Authority) imposes a final civil sanction under 15 U.S.C. 3057(d) for a covered person's violation of a rule of the Authority, the Authority must submit notice of the sanction to the Federal Trade Commission (Commission) no later than two days after the sanction has been issued for the sanction to be enforceable.

(b) *Format and procedure for submission of notice.* The notice submitted to the Commission must:

- (1) Be emailed to the Secretary of the Commission (Secretary) at *electronicfilings@ftc.gov*;
- (2) Contain the subject line "HISA Civil Sanction Notice";
- (3) Clearly indicate that it relates to a civil sanction imposed on a covered person resulting from a violation of an Authority rule;
- (4) Include contact information for an employee at the Authority responsible for communications regarding review of the civil sanction;
- (5) Be sent in portable document format (or .PDF) or such other format as the Secretary may permit;
- (6) Contain only public information; and
- (7) Be served the same day upon the person aggrieved by the sanction in accordance with 16 CFR 4.4(b) as made applicable to review proceedings under this part.

**§ 1.146 Review of civil sanction by an Administrative Law Judge.**

(a) *Application for review.* An application for review of a final civil sanction imposed by the Authority may be filed by the Commission or by the person aggrieved by the civil sanction. Any such application must: be filed within 30 days of the submission of the

notice of civil sanctions under § 1.145; state the civil sanction imposed; include a copy of the final Authority decision imposing the sanction; and be served on the Authority (and, if filed by the Commission, served on the aggrieved person) in accordance with 16 CFR 4.4(b) as made applicable to review proceedings in this part.

(1) *Application by aggrieved person.* An application filed by an aggrieved person also must state in no more than 1,000 words the reasons for challenging the sanction and whether the person requests an evidentiary hearing conducted by the Administrative Law Judge; if a hearing is requested, the applicant must state whether the hearing is sought to supplement or to contest facts in the record found by the Authority. Each issue must be plainly and concisely stated. Further, the applicant must provide support for each issue raised, citing to the Authority's record when assignments of error are based on the record, and citing to the principal legal authorities the applicant relies upon, whether statutes, regulations, cases, or other authorities. Except for good cause shown, no assignment of error by the aggrieved party may rely on any question of fact or law not presented to the Authority. Within 10 days of being served with the application, the Authority may file a response limited to no more than 1,000 words stating the reasons the sanction should be upheld and whether an evidentiary hearing conducted by the Administrative Law Judge is either unnecessary, or necessary to supplement or to contest facts in the record found by the Authority.

(2) *Application by the Commission.* When the Commission on its own initiative files an application, the application must identify matters that the Commission finds material to the Administrative Law Judge's review of the civil sanction imposed by the Authority, whether or not raised by the aggrieved person or the Authority. Notice to the parties of the opportunity for further factual development of the record through an evidentiary hearing conducted by the Administrative Law Judge under paragraph (c) of this section shall be given when the Commission believes that supplementation of the record would significantly aid the decisional process.

(b) *Nature of review by the Administrative Law Judge.* Under 15 U.S.C. 3058(b)(2)(A), the Administrative Law Judge must determine when reviewing matters under this subpart:

(1) Whether the person has engaged in such acts or practices, or has omitted such acts or practices, as the Authority

has found the person to have engaged in or omitted. In making this determination, the Administrative Law Judge may rely on the factual record developed before the Authority and may supplement that record by evidence presented in an administrative hearing under paragraph (c) of this section;

(2) Whether such acts, practices, or omissions are in violation of the Horseracing Integrity and Safety Act, 15 U.S.C. 3051 through 3060, or the rules of the Authority as approved by the Commission. The Administrative Law Judge will make this determination de novo; and

(3) Whether the final civil sanction of the Authority was arbitrary, capricious, an abuse of discretion, prejudicial, the result of a conflict of interest, or otherwise not in accordance with law. The Administrative Law Judge will make this determination de novo.

(c) *Administrative hearings—(1) Duties and powers of the Administrative Law Judge and rights of the parties.* (i) The Administrative Law Judge has the duty and is granted the necessary powers to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. To effectuate those goals, the hearing conducted by the Administrative Law Judge under 15 U.S.C. 3058(b)(2)(B) shall include (but is not limited to):

- (A) Administering oaths and affirmations;
- (B) Issuing orders requiring answers to questions;
- (C) Compelling admissions, upon request of a party or on its own initiative;
- (D) Ruling upon offers of proof and receiving evidence;
- (E) Regulating the course of the hearing;
- (F) Holding conferences for settlement, simplification of the issues, or other proper purposes;
- (G) Ruling on procedural and other motions; and
- (H) Issuing a decision.

(ii) All parties are entitled to the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing consistent with 5 U.S.C. 556.

(2) *The factual record.* In reviewing the final civil sanction and decision of the Authority, the Administrative Law Judge may rely in full or in part on the factual record developed before the Authority through the disciplinary process under 15 U.S.C. 3057(c) and disciplinary hearings under Authority Rule Series 8300. The record may be supplemented by an evidentiary hearing

conducted by the Administrative Law Judge to ensure each party receives a fair and impartial hearing. Within 20 days of the filing of an application for review, based on the application submitted by the aggrieved party or by the Commission and on any response by the Authority, the Administrative Law Judge will assess whether:

- (i) The parties do not request to supplement or contest the facts found by the Authority;
- (ii) The parties do not seek to contest any facts found by the Authority, but at least one party requests to supplement the factual record;
- (iii) At least one party seeks to contest any facts found by the Authority;
- (iv) The Commission, if it filed the application for review, seeks supplementation of the record; or
- (v) In the Administrative Law Judge's view, the factual record is insufficient to adjudicate the merits of the review proceeding.

(3) *Hearings for which neither a party nor the Commission requests to supplement or contest the facts found by the Authority and whose record the Administrative Law Judge deems sufficient.* When neither a party nor the Commission requests to supplement or alter the factual record before the Authority, and the Administrative Law Judge has not determined the factual record is insufficient, the factual record will be deemed closed, and no evidentiary hearing will be held. In such cases, the administrative hearing conducted by the Administrative Law Judge will be limited to briefing by the parties, unless the Administrative Law Judge elects to hear oral argument. Within 30 days of the application for review, each party will concurrently file with the Secretary for consideration by the Administrative Law Judge proposed findings of fact, conclusions of law, and a proposed order, together with a supporting legal brief providing the party's reasoning. Such filings, limited to 7,500 words, must be served on the other party and contain references to the record and authorities on which they rely. Reply findings of fact, conclusions of law, and briefs, limited to 2,500 words, may be filed by each party within 10 days of service of the initial filings.

(4) *Hearings for which no party contests facts found by the Authority but at least one party or the Commission seeks to supplement the record or for which the Administrative Law Judge determines that supplementation is necessary.* When a party or the Commission seeks to supplement the record, or when the Administrative Law Judge determines the factual record is

insufficient, the factual record developed before the Authority will be considered the initial record before the Administrative Law Judge. The record will be supplemented by evidence presented in a hearing before the Administrative Law Judge.

(i) The Administrative Law Judge will conduct an evidentiary hearing lasting no more than 8 hours for each party or the Commission seeking supplementation. The hearing may be extended by request of a party, the Commission, or on the Administrative Law Judge's own initiative, for good cause. When a party seeks to supplement the record, the hearing will be limited to:

(A) An opening statement by the party requesting supplementation of no more than 15 minutes;

(B) Direct examination by the party requesting supplementation, with opportunity for cross-examination by the other party; and

(C) The admission of documentary evidence. When the Administrative Law Judge or the Commission seek supplementation of the record, the Administrative Law Judge or the Commission may issue an order allowing the consideration of additional evidence, describing the additional evidence sought, and prescribing the procedures for holding the hearing before the Administrative Law Judge.

(ii) Within 30 days of the hearing's conclusion, each party will concurrently file with the Secretary for consideration by the Administrative Law Judge proposed findings of fact, conclusions of law, and a proposed order, and a supporting legal brief explaining the party's reasoning. Such filings, limited to 7,500 words, must be served upon the other party and contain references to the record and authorities on which they rely. Reply briefs, limited to 2,500 words, may be filed by each party within 10 days of service of the initial filings.

(iii) The Administrative Law Judge must hear closing statements from the parties within 10 days of the date on which reply briefs are due if either party, in its reply brief, requests the opportunity to make a closing statement.

(5) *Hearings in which a party seeks to supplant facts found by the Authority.*

(i) In an application for review, an aggrieved person may request an extended hearing before the Administrative Law Judge to supplant facts found by the Authority. The extended hearing may last up to 40 hours. To receive an extended hearing, the aggrieved person must make a proffer of weighty, probative, and

substantial evidence and compelling argument in support of its contention that the disciplinary process before the Authority failed to comply with the requirements of 15 U.S.C. 3057(c) or of the Authority's Rule Series 8300, or that prejudicial errors, procedural irregularities, or conflicts of interest were present in, or committed during, the Authority's proceeding and resulted in a failure to provide the "adequate due process" required under section 3057(c)(3). Extended hearings are disfavored and granted only in these circumstances. For applications for review in which applicants request an extended hearing, the total application is limited to 2,500 words (instead of the ordinary 1,000 words).

(ii) The Authority may file a response to the request for an extended hearing within 10 days of being served with the application for review, limited to 2,500 words (instead of the ordinary 1,000 words). The Authority may, in its response, elect to concede that the contention of procedural inadequacy has substantial evidence in support of it. Presented with such a concession, the Administrative Law Judge must order the final civil sanction set aside without prejudice and remand the matter to the Authority.

(iii) The Administrative Law Judge will issue a decision resolving the request for an extended hearing within 10 days of the date on which the Authority's response is due. If the request for an extended hearing is granted in part or in full, the extended hearing will be limited to the same elements listed in paragraph (c)(4) of this section, adjusted as deemed necessary by the Administrative Law Judge.

(iv) The final factual record will consist of:

(A) Those facts found by the Authority that, in the determination of the Administrative Law Judge, were found in a process that was consistent with 15 U.S.C. 3057(c), the Authority's Rule Series 8300, and adequate due process; as well as

(B) Any new facts adduced at the hearing and found by the Administrative Law Judge.

(6) *Evidence*—(i) *Burden of proof.* The burden of proof is on the Authority to show, by a preponderance of the evidence, that the covered person has violated a rule issued by the Authority, but the proponent of any factual proposition is required to sustain the burden of proof with respect thereto.

(ii) *Admissibility.* Only relevant, material, and reliable evidence will be admitted. Evidence, even if relevant, may be excluded if its probative value

is substantially outweighed by the danger of unfair prejudice or confusion of the issues, or if the evidence would be misleading, cause undue delay, waste time, or present duplicative evidence. Evidence that constitutes hearsay may be admitted if it is relevant, material, and bears satisfactory indicia of reliability.

(iii) *Presentation of evidence.* A party is entitled to present its case or defense by sworn oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as, in the discretion of the Administrative Law Judge, may be required for a full and true disclosure of the facts. The Administrative Law Judge must exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to make the presentation effective for the ascertainment of the truth while avoiding needless consumption of time and to protect witnesses from harassment or undue embarrassment.

(iv) *Adverse witnesses.* Adverse parties, or officers, agents, or employees thereof, and any witnesses who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling them.

(v) *Objections.* Objections to evidence must be timely and must briefly state the grounds relied upon. The transcript must not include argument or debate thereon except as ordered by the Administrative Law Judge. Rulings on all objections must appear in the record.

(7) *In camera treatment of material.* (i) A party or third party may obtain *in camera* treatment for material, or portions thereof, offered into evidence only by motion to the Administrative Law Judge. The Administrative Law Judge has the authority to order such material, whether admitted or rejected, be placed *in camera* only after finding that its public disclosure will likely result in a clearly defined, serious injury to the party requesting *in camera* treatment or after finding that the material constitutes sensitive personal information. "Sensitive personal information" includes, but is not limited to, an individual's Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver's license number, state-issued identification number, passport number, date of birth (other than year), and any sensitive health information identifiable by individual, such as an individual's medical records.

(ii) Material made subject to an *in camera* order will be kept confidential and not placed on the public record.

Parties must not disclose information that has been granted *in camera* status or is subject to confidentiality protections pursuant to a protective order in the public version of proposed findings, briefs, or other documents. Parties who seek to use material obtained from a third party subject to confidentiality restrictions must show that the third party has been given at least 10 days' notice of the proposed use of such material.

(d) *Decision by the Administrative Law Judge—(1) When filed.* The Administrative Law Judge must file a decision within 30 days of closing statements or, if no closing statements are ordered, within 30 days of the date on which reply findings of fact, conclusions of law, and briefs are due. The Administrative Law Judge may extend this time period for up to 30 days for good cause. The decision must be filed within 60 days of the conclusion of the administrative hearing.

(2) *Content.* The decision by the Administrative Law Judge must be based on a consideration of the whole record relevant to the issues decided and must be supported by reliable and probative evidence. The decision must include a statement of findings of fact (with specific page references to principal supporting items of evidence in the record) and conclusions of law, explaining the reasons for the decision, and an appropriate order. Rulings containing information granted *in camera* status must be issued such that only counsel for the parties receive an unredacted confidential version of the ruling and that only a version of the ruling redacting confidential information is placed on the public record.

(3) *Disposition.* In the decision, the Administrative Law Judge may:

(i) Affirm, reverse, modify, set aside, or remand for further proceedings, in whole or in part, the final civil sanction of the Authority; and

(ii) Make any finding or conclusion that, in the judgment of the Administrative Law Judge, is proper and based on the record.

(4) *Final decision; waiver upon Commission review.* A decision by the Administrative Law Judge will constitute the final decision of the Commission subject to judicial review under 5 U.S.C. 704 without further proceedings unless a notice or an application for review to the Commission is timely filed under § 1.147. Any objection to any ruling by the Administrative Law Judge or to any finding, conclusion, or a provision of the order in the decision of the

Administrative Law Judge that is not made a part of an appeal to the Commission will be deemed to have been waived.

#### § 1.147 Review by the Commission of the decision of the Administrative Law Judge.

(a) *Notice of review by the Commission.* The Commission may on its own motion review any decision of an Administrative Law Judge issued under § 1.146 by providing written notice to the Authority and any other party within 45 days of the issuance of the decision. The order will set forth the scope of such review and the issues to be considered and will set a briefing schedule. If no party has filed an application for the Commission to review the decision of the Administrative Law Judge and the Commission does not initiate a review on its own motion, the decision of the Administrative Law Judge becomes the final decision of the Commission for purposes of 5 U.S.C. 704 without the need for further agency proceedings 46 days after its issuance.

(b) *Application for review and response—(1) Timing.* The Authority or a person aggrieved by the decision of the Administrative Law Judge under § 1.146 may petition the Commission for review of such decision by filing an application for review with the Secretary of the Commission within 30 days of the issuance of the decision.

(2) *Contents of application and response.* (i) The application must specify the party or parties against whom the appeal is taken and specify the decision and order or parts thereof appealed from. The application, limited to 1,000 words, must provide the reasons it should be granted by addressing the matters the Commission considers in determining whether to grant the application under paragraph (b)(4)(i) of this section. Unless the application is denied, the applicant must perfect its application by filing its opening brief consistent with the requirements in paragraph (c)(3)(i) of this section.

(ii) Any other party to the matter may respond to the application no later than 10 days after it is filed by providing the reasons, limited to 1,000 words, it should not be granted by addressing the matters the Commission considers in determining whether to grant the application under paragraph (b)(4)(i) of this section.

(3) *Effect of denial of application for review.* If an application for review is denied, the decision of the Administrative Law Judge becomes the final decision of the Commission for

purposes of 5 U.S.C. 704 without the need for further agency proceedings.

(4) *Discretion of the Commission*—(i) *In general.* A decision whether to grant an application for review is subject to the sole discretion of the Commission. The Commission will issue an order resolving an application for its review as expeditiously as possible. The Commission may decide to grant review of only one issue or any subset of all the issues raised in the application for review.

(ii) *Matters to be considered.* In determining whether to grant an application for review, in full or in part, the Commission considers whether the application makes a reasonable showing that:

(A) A prejudicial error was committed in the conduct of the proceeding before the Administrative Law Judge; or

(B) The decision involved:

(1) An erroneous application of the anti-doping and medication control or racetrack safety rules approved by the Commission; or

(2) An exercise of discretion or a decision of law or policy that warrants review by the Commission.

(c) *Nature of review on the merits*—(1) *Standard of review.* The Commission reviews de novo the factual findings and conclusions of law made by the Administrative Law Judge.

(2) *Consideration of additional evidence.* In those cases in which the Commission believes it requires additional information or evidence before issuing a final decision, the Commission, in its discretion, may withhold issuing its decision until it obtains additional information or evidence.

(i) *Order by Commission.* The Commission may issue on its own motion an order allowing the consideration of additional evidence and prescribing the procedures for doing so.

(ii) *Motion by a party.* A party may file a motion to have the Commission consider additional evidence at any time before the issuance of a decision by the Commission. The motion must show, with particularity, that:

(A) Such additional evidence is material; and

(B) There were reasonable grounds for failure to submit the evidence previously.

(iii) *Commission determination.* Upon motion by a party, the Commission may:

(A) Accept or hear additional evidence itself; or

(B) Remand the proceeding to the Administrative Law Judge for the consideration of additional evidence.

(3) *Briefing schedule*—(i) *Opening brief.* If the Commission grants an

application for review, the applicant must perfect its application by filing its opening brief, limited to 7,500 words (without leave of the Commission), within 30 days of the Commission's order granting the application for review. The opening brief must contain, in the following order:

(A) A subject index of the matter in the brief, with page references, and a table of cases with page references;

(B) A concise statement of the case, which includes a statement of facts relevant to the issues submitted for review, and a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief;

(C) A list of the questions presented on appeal that the Commission has agreed to hear;

(D) The argument, clearly presenting the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and the legal or other material relied upon; and

(E) A proposed order for the Commission's consideration.

(ii) *Answering brief.* The opposing party may respond to the opening brief by filing an answering brief, limited to 7,500 words (without leave of the Commission), within 30 days of service of the opening brief. The answering brief must contain a subject index, with page references, and a table of cases with page references, as well as arguments in response to the applicant's appeal brief.

(iii) *Reply brief.* The applicant may file a reply to an answering brief within 14 days of service of the answering brief. The reply brief, limited to 2,500 words, must be limited to rebuttal of matters in the answering brief and must not introduce new material. The Commission will not consider new arguments or matters raised in reply briefs that could have been raised earlier in the principal briefs. No further briefs may be filed except by leave of the Commission.

(iv) *Word count limitation.* The word count limitations in this section include headings, footnotes, and quotations, but do not include the cover, table of contents, table of citations or authorities, glossaries, statements with respect to oral argument, any addendums containing statutes, rules or regulations, any certificates of counsel, and any proposed form of order.

Extensions of word count limitations are disfavored and will only be granted when a party can make a strong showing that undue prejudice would result from complying with the existing limit.

(4) *Oral argument.* Oral arguments will be held in all cases on review to the Commission unless the Commission orders otherwise or upon request of any party made at the time of filing of its brief. Unless the Commission orders otherwise, argument will be held within 30 days of the deadline for filing reply briefs and will be limited to 20 minutes per side.

(5) *Decision*—(i) *Timing.* The Commission will issue its final decision within 30 days of oral argument or, if no argument is held, within 30 days of the deadline for the filing of reply briefs. The Commission may extend this time period by up to 30 days for good cause.

(ii) *Content; resolution.* The Commission will include in its decision a statement of the reasons or bases for its action and any concurring and dissenting opinions. Based on its decision, the Commission may:

(A) Affirm, reverse, modify, set aside, or remand for further proceedings before the Administrative Law Judge, in whole or in part, the decision of the Administrative Law Judge; and

(B) Make any finding or conclusion that, in the judgment of the Commission, is proper and based on the record.

#### § 1.148 Stay of proceedings.

(a) *In general.* Review by an Administrative Law Judge or by the Commission under this subpart will not operate as a stay of a final civil sanction of the Authority unless the Administrative Law Judge or the Commission orders such a stay.

(b) *Application for a stay*—(1) *Before the Administrative Law Judge.* A person subject to a final civil sanction imposed by the Authority may apply to the Administrative Law Judge for a stay of all or part of that sanction pending review by the Administrative Law Judge. Any application for a stay is limited to 1,000 words, must be filed concurrently with the application for review of the sanction, and must be served on the Authority in accordance with the provisions of 16 CFR 4.4(b) that are applicable to service in review proceedings under this part. The Authority may file an opposition, limited to 1,000 words, within 7 days of being served with the application for a stay. The Administrative Law Judge must resolve the stay application within 10 days of the date on which the Authority's opposition is due.

(2) *Before the Commission*—(i) *Expedited application for a stay.* The party aggrieved by the sanction and denied a stay by the Administrative Law Judge under paragraph (b)(1) of this section may file an expedited



application for a stay with the Commission within 3 days of the Administrative Law Judge's denial. An expedited application for a stay is limited to 1,000 words and must be served on the Authority in accordance with the provisions of 16 CFR 4.4(b) that are applicable to service in review proceedings under this part. The Authority may file an opposition, limited to 1,000 words, within 3 days of service of the expedited application. The application and opposition should address the factors in paragraph (d) of this section the Commission considers in resolving a stay application. The Commission will issue its decision on the stay application as soon as practicable.

(ii) *Application for a stay after the Commission decides to review the Administrative Law Judge's decision.* If the Commission grants the application for review of the decision of the Administrative Law Judge, or orders review of the decision on its own motion, the person subject to the sanction may apply to the Commission for a stay of the sanction pending the Commission's decision. In this circumstance, the aggrieved person may seek a stay of the sanction before the Commission a second time under this paragraph (b)(2)(ii) even if the person was previously denied an expedited application for a stay under paragraph (b)(2)(i) of this section. The application for a stay, limited to 1,000 words, must be filed within 7 days of the Commission's order granting the application for review or ordering review under § 1.147(a), and must be served on the Authority in accordance with the provisions of 16 CFR 4.4(b) that are applicable to service in review proceedings under this part. The Authority may file an opposition, limited to 1,000 words, within 7 days of being served with the stay application.

(c) *Content of stay application and opposition.* An application for a stay of the sanction, and any opposition to the application, must provide the reasons a stay is or is not warranted by addressing the factors described in paragraph (d) of this section, and the facts relied upon, and may include supporting affidavits or other sworn statements, and a copy of the relevant portions of the record.

(d) *Factors considered in deciding a stay application.* The parties, the Administrative Law Judge, and the Commission must address the following factors, in advocating for or against, or in resolving, a stay application:

- (1) The likelihood of the applicant's success on review;
- (2) Whether the applicant will suffer irreparable harm if a stay is not granted;

(3) The degree of injury to other parties or third parties if a stay is granted; and

(4) Whether the stay is in the public interest.

#### § 1.149 Adoption of miscellaneous rules.

Part 4 of this subchapter is adopted into this subpart and governs proceedings under this subpart, and, within §§ 4.2 and 4.4, references to "part 3" shall include this subpart.

By direction of the Commission.

**April J. Tabor,**

*Secretary.*

[FR Doc. 2022-20785 Filed 10-3-22; 8:45 am]

**BILLING CODE 6750-01-P**

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## DEPARTMENT OF EDUCATION

### 34 CFR Chapter II

[Docket ID ED-2022-OESE-0094]

#### **Final Priorities, Requirements, and Definitions—Mental Health Service Professional Demonstration Grant Program**

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Final priorities, requirements, and definitions.

**SUMMARY:** The Department of Education (Department) announces final priorities, requirements, and definitions under the Mental Health Service Professional Demonstration Grant Program (MHSP), Assistance Listing Number 84.184X. We may use one or more of these priorities, requirements, and definitions for competitions in fiscal year (FY) 2022 and later years. These final priorities, requirements, and definitions are designed to allow the Department to provide competitive grants to support and demonstrate innovative partnerships between one or more high need local educational agencies (LEAs) (as defined in this notice,) or a State educational agency (SEA) on behalf of one or more high-need LEAs, and an eligible Institution of Higher Education (eligible IHEs) (as defined in this notice) to train school-based mental health services providers (services providers) for employment in schools and local educational agencies (LEAs). The goal of the program is to increase the number and diversity of high-quality, trained providers available to address the shortages of mental health services professionals in schools served by high-need LEAs.

**DATES:** These priorities, requirements, and definitions are effective November 3, 2022.

**FOR FURTHER INFORMATION CONTACT:** Tawanda Avery, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E357, Washington, DC 20202. Telephone: (202) 987-1782. Email: [Mental.Health@ed.gov](mailto:Mental.Health@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Summary**

*Purpose of This Regulatory Action:* As defined by the Centers for Disease Control and Prevention (CDC), "Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood."<sup>1</sup>

Support for the mental health of children and youth advances educational opportunities by creating conditions where students can fully engage in learning. The Novel Coronavirus Disease 2019 (COVID-19) pandemic presented additional challenges to the well-being of children and youth. The disruption to routines, relationships, and the learning environment for many has led to increased stress and trauma, social isolation, and anxiety that can have both immediate and long-term adverse impacts on the physical, social, emotional, and academic well-being of children and youth.

These final priorities, requirements, and definitions aim to address these challenges by increasing the number of school-based mental health services providers in high-need LEAs, increasing the number of services providers from diverse backgrounds or from the communities they serve, and ensuring that all services providers are trained in inclusive practices, including supporting services providers in ensuring access to services for children and youth who are English learners.

*Summary of the Major Provisions of This Regulatory Action:* Through this regulatory action, we establish four priorities, program and application requirements, and definitions. You may find further details on these provisions in the Final Priorities, Final

<sup>1</sup> Centers for Disease Control and Prevention. [www.cdc.gov/mentalhealth/learn/index.htm](http://www.cdc.gov/mentalhealth/learn/index.htm). Accessed on September 17, 2022.

Requirements and Final Definitions sections of this notice.

*Costs and Benefits:* The final priorities, requirements, and definitions will impose minimal costs on entities that seek assistance through the MHSP program. Application submissions and participation in this program are voluntary. The Secretary believes that the costs imposed on applicants by the final priorities are limited to paperwork burden related to preparing an application for an MHSP grant competition that uses one or more of the final priorities. Because the costs of carrying out activities will be paid for with program funds, the costs of implementation will not be a burden for any eligible applicants, including small entities. We believe that the benefits of this regulatory action outweigh any associated costs because it will result in the submission of a greater number of high-quality discretionary grant applications likely to result in the achievement of program objectives.

*Purpose of Program:* The MHSP program provides competitive grants to support and demonstrate innovative partnerships to train school-based mental health services providers (as defined in section 4102 of the Elementary and Secondary Education Act of 1965, as amended (ESEA)) for employment in schools and LEAs. The goal of this program is to increase the number and diversity of high-quality, trained providers to address the shortages of mental health services professionals in schools served by high-need LEAs. The partnerships must include (1) one or more high-need LEAs or a State educational agency (SEA) on behalf of one or more high-need LEAs and (2) one or more eligible IHEs. Partnerships must provide opportunities to place postsecondary education graduate students in school-based mental health fields into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training necessary to complete their degree or obtain a credential as a school-based mental health services provider. In addition to the placement of graduate students, grantees may also use these funds to develop mental health career pathways as early as secondary school, through career and technical education opportunities, or through paraprofessional support degree programs at local community or technical colleges.

*Program Authority:* 20 U.S.C. 7281. We published a notice of proposed priorities, requirements, and definitions (NPP) in the **Federal Register** on August 2, 2022 (87 FR 47159). The NPP

contained background information and our reasons for proposing the priorities, requirements, and definitions. As discussed in the *Analysis of Comments and Changes* section, we made substantive changes to Priorities 1–3, we added a fourth priority, and we made both substantive and editorial changes to the application requirements and definitions.

*Public Comment:* In response to our invitation in the NPP, 12 parties submitted comments that, in total, addressed all of the proposed priorities, requirements, and definitions. One comment was not relevant to the proposed priorities, requirements, or definitions and is not included in the discussions below. We do not address general comments that raise concerns not directly related to the proposed priorities, requirements, or definitions. Generally, we do not address technical and other minor changes, or suggested changes that the law does not authorize us to make under the applicable statutory authority. However, we made a change to clarify a technical error in the NPP where we used two different terms in two definitions that are intended to be linked. Specifically, we are replacing “low-income families” with “low-income backgrounds” in the definition of “high-need LEA.” This change provides consistency with the use of the term “low-income backgrounds” in the definitions of “high-need school” and “students/children from low-income backgrounds.”

*Analysis of Comments and Changes:* An analysis of the comments and of any changes in the proposed priorities, requirements, and definitions follows.

#### General Comments

*Comment:* Many commenters expressed general support for the program.

*Discussion:* We appreciate this support and the efforts commenters made to submit comments.

*Changes:* None.

*Comment:* Three commenters provided general comments. One commenter, a current grantee, described current grant work, asked for an extension to the grant period, and suggested informing applicants during the application process about the performance measures we would expect grantees to meet under the program. Another commenter asked if LEAs could apply for a grant under this program as well as under the School-Based Mental Health Services (SBMH) Grant Program. A third commenter asked that we allow grantees to use funds to support the expansion of a young adult peer

recovery support workforce and to include peer support providers and recovery specialists.

*Discussion:* The Department appreciates hearing about current grantee successes. Extension requests should be discussed with the Federal project officer. Additionally, the Department will publish the performance measures for the MHSP program in the notice inviting applications for any competition.

LEAs may apply to both the MHSP and SBMH competitions so long as they are considered an “eligible applicant” and meet all requirements described in the application requirements, and the projects (e.g., activities and participants) are distinct from one another.

The Department agrees with the need for a variety of support services and the value of peer support providers. To the extent the young adult peer recovery support providers are postsecondary education graduate students in school-based mental health fields, the school-based mental health services partnership can place these individuals into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training necessary to complete their degree or credential as a school-based mental health services provider.

*Changes:* None.

#### Priorities

*Comment:* There were several general comments of support for the priorities. In addition, one commenter asked if funds could be used to support tuition and other fees for students. Another commenter suggested adding evidence-based approaches related to trauma-informed care and learner-centered approaches. This same commenter suggested adding the ability to partner with nonprofit organizations. Three commenters suggested adding the following new priorities: a new priority to increase the capacity of current personnel through training focused on attending to mental health needs; prioritizing services to underserved students and students with disabilities; and requiring LEAs or SEAs to prioritize Historically Black Colleges and Universities (HBCUs), Minority-Serving Institutions (MSIs), and Tribal Colleges and Universities (TCUs) when establishing partnerships.

*Discussion:* The Department appreciates the comment about support services. Support services including tuition, paid internships, transportation, childcare, and other costs necessary to carry out grant activities, such as background check fees, can be

supported and are encouraged under these grants, especially to support individuals from low-income backgrounds who are pursuing careers as school-based mental health services providers.

We do not think it is necessary to prescribe specific practices, such as trauma-informed care and learner-centered approaches. We believe that applicants should propose the evidence-based strategies that they believe will best meet their training needs and accomplish the goals of their projects.

The Department does not believe it is necessary to add language specific to nonprofit organizations. Nonprofit organizations are included under community agencies, which are included in application requirement (e)(2).

In response to the suggestions for new priorities, the Department agrees that partnerships with HBCUs, MSIs, and TCUs would be beneficial to increasing credentialed services providers to serve in high-need LEAs and schools. We added a new priority for applicants that are either HBCUs, MSIs, or TCUs, or for LEA applicants that propose a partnership with these institutions.

The Department does not think it is necessary to add a priority for services for underserved students and students with disabilities. This program focuses on increasing the number of credentialed school-based mental health services providers in high-need LEAs, which we believe already includes most underserved students given the indicators of poverty, small and rural schools, and student-to-provider ratios.

Additionally, while the Department agrees with the importance of increasing the skills of all personnel to better address mental health needs, the focus of this program is to increase the number of credentialed services providers, not to provide general training to all personnel.

*Changes:* We added a new priority for projects that will be implemented by or in partnership with HBCUs, MSIs, or TCUs to emphasize their role as valuable partners.

*Comment:* One commenter recommended changes to Priority 1 to better align the priority with the stated purpose of the grant and the terminology used by SEAs and IHEs. The commenter also suggested conforming edits to application requirements (c) and (d) and the definition of “eligible IHE.”

*Discussion:* We agree with the recommended changes and added language to specify that graduate students must be in a school-based mental health services field. We also

deleted the word “license” and revised the priority to specify that training, credit hours, field work, internships or related training must be in support of a degree or credential with the purpose of increasing the number of school-based mental health services providers.

*Changes:* We revised Priority 1 to specify that we are referring to school-based mental health services fields of study, to delete “license,” and to require that the training must be in support of a degree or credential with the purpose of increasing the number of school-based mental health services providers. We also made conforming edits to application requirements (c) and (d), and the definition of “eligible IHE.”

*Comment:* One commenter suggested clarifying in Priority 2 that diversity is more than racial and ethnic diversity.

*Discussion:* The Department agrees with the commenter; however, we believe applicants are best suited to determine what diversity is in the context of their proposed projects.

*Changes:* We revised Priority 2 to include a parenthetical that describes the different aspects of diversity that could be considered.

*Comment:* We received two comments on Priority 3. Both offered their support of the priority. One of the two also suggested adding the term “evidence-based” as a descriptor to “pedagogical practices” and adding a definition of “evidence-based.”

*Discussion:* The Department agrees that this change strengthens the priority and will support higher quality projects.

*Changes:* We revised Priority 3 and added reference to the definition of “evidence-based” in section 8101 of the ESEA.

*Comments:* One comment suggested adding to Proposed Priority 3 a requirement for IHEs to detail how the existing graduate preparation program(s) prepares graduates to provide inclusive practices in the school setting.

*Discussion:* We appreciate this comment and agree that this addition will clarify how applicants are expected to address the priority.

*Changes:* We revised Priority 3 to state that applicants must provide a description of how their preparation program will prepare services providers to provide inclusive practices and to create culturally and linguistically inclusive and identity-safe environments for students.

#### *Application Requirements*

*Comment:* Four commenters suggested adding new application requirements. One commenter suggested requiring a plan for periodic evaluation of effectiveness and improvement. A

second commenter suggested requiring applicants to describe how school leaders will be included in providing feedback on implementation. Two other commenters recommended requiring applicants to submit disaggregated data for providers and students to determine the impact of the program. One of the two commenters specifically suggested data on diversity (racial, ethnic, and LGBTQ+ identity and linguistic diversity) of existing providers and how it compares with students.

*Discussion:* The Department appreciates the commenters’ desire to understand the performance of individual projects as well as the program overall. When inviting applications for this program, we will consider for each competition whether to add selection criteria that require applicants to describe their plan for project evaluation including performance feedback and periodic assessment of progress. In addition, the Department will work with successful applicants post-award to develop and implement effective evaluation plans. The Department agrees that including the feedback of school leaders could enhance implementation efforts; however, we believe applicants should propose feedback loops that best meet the structure of the project, which may include school leaders, if appropriate. The Department agrees with the importance of disaggregating data to determine the impact of the program on disparities in access to mental health services but we do not think an application requirement is necessary. Rather, we encourage applicants to propose objectives that best represent the intended outcomes of the project (which may include data disaggregated by profession and student) for consideration by peer reviewers. Further, we are developing our evidence-building strategy, which will include considerations of equitable access to mental health services.

*Changes:* None.

*Comment:* One commenter requested the Department consider non-graduate pathways to increase school-based mental health services providers in the application requirements.

*Discussion:* Establishing non-graduate pathways is an allowable activity applicants can include in their applications. The Department encourages applicants to engage in activities such as grow your own programs that promote and recruit potential school-based mental health services providers into the profession as early as secondary school and support their interest and training to obtain a degree and State credential. However,

the goal of the program is to train graduate students in school-based mental health services fields and to place them in high-need LEAs. Therefore, non-graduate pathways activities must be in support of, and in addition to, the training and placement of graduate students required to meet the priority.

*Changes:* None.

*Comment:* The Department received three comments on application requirement (b). All three commenters suggested requiring additional data to more fully convey the nature and magnitude of the program. One commenter suggested requiring applicants to disaggregate ratios by students based on race, gender, disability, and other identifiers, as well as requiring at least one additional data set such as LEA-level or school-level demographic data, school climate data, or descriptions of barriers to hiring and retaining services providers. The second commenter suggested requiring the perspectives of school leaders in describing the nature and magnitude of the problem. The final commenter recommended requiring applicants to report on substance use and misuse data.

*Discussion:* We appreciate these recommendations; however, we do not believe it is necessary to require applicants to disaggregate ratios or to include at least one of the other data sets listed in application requirement (b) as part of their application. Rather, we believe applicants, in addressing the application requirement and responding to the selection criteria, should include the data they think best describes the nature and magnitude of the problem, which may include the suggested data listed in requirement (b).

*Changes:* None.

*Comment:* Two commenters provided comments on application requirement (c). One commenter recommended adding a requirement to include school leaders in the plan for enhancing LEA capacity. The second commenter suggested including requirements for trauma-informed and whole learner practices.

*Discussion:* The Department agrees with the importance and value of including school leader perspectives, and we encourage applicants to incorporate their voices as appropriate. We believe it is stronger to embed this engagement in the requirement for a memorandum of understanding (MOU), memorandum of agreement (MOA), or letter of agreement, as reflected in application requirement (d).

The Department also appreciates the importance of training teachers in

trauma-informed practices and strategies for supporting the whole learner. However, as stated previously, we encourage the applicant partnerships to determine what best meets their needs and we decline to prescribe specific approaches.

*Changes:* None.

*Comment:* Three commenters commented on application requirement (e). Two commenters suggested including additional collaboration partners. One of these commenters suggested nonprofit organizations and the other suggested the Department-funded Regional Education Laboratories (REL) and the Comprehensive Centers (CC). The second commenter also suggested requiring collaboration with the RELs and CCs to evaluate the effectiveness of these grants. The third commenter suggested broadening (e)(1) given the small number of local professional organizations available for collaboration. Additionally, this commenter questioned whether it is appropriate for applicants focused on training services providers to also collaborate with local mental health and other community agencies and requested clarification of the kinds of collaboration with these entities that would meet the purpose of the grant.

*Discussion:* We appreciate these thoughtful comments. Section (e)(2) already references community organizations, which includes nonprofit organizations; therefore, we are not proposing any changes in response to this comment. Additionally, applicants are encouraged to collaborate with the RELs and CCs as well as other Federally-funded technical assistance centers in accordance with the language in (e)(2) as appropriate, however, we do not see a need to require this specific collaboration over others.

The Department agrees with the suggestion to broaden the list of entities with which applicants can collaborate for the reasons stated by the commenter. We also think it is appropriate to make similar changes to section (e)(2) for the same reasons. However, we do not believe it is necessary to add language clarifying the kinds of collaboration. For application requirement (e), applicants must propose any one of four activities listed and are not required to coordinate specifically with local mental health or other community agencies. However, we are encouraging more field-based, practical training in these grants which may include knowledge of, and work with, community agencies.

*Changes:* We broadened section (e)(1) to require that applicants coordinate with at least one national, State, or local professional organization. We also

broadened (e)(2) to include national, State, or local.

*Comment:* Two commenters suggested clarifying who is involved in the process of identifying students for mental health services under application requirement (f). One of the two commenters suggested requiring the perspectives and needs of school leaders as well as the engagement of parents and families. The other commenter recommended ensuring that only qualified professionals identify students for mental health services. This same commenter recommended requiring applicants to describe their process for ensuring that identified students are not excluded from schools and classrooms and the recourse students and families have if they disagree with the identification for services.

One of the two commenters also expressed support for requiring applicants to describe how they will ensure services are evidence-based and inclusive.

Another commenter recommended including homelessness in the list of characteristics for inclusion.

*Discussion:* The Department agrees that it is important for school leaders as well as other educators to be involved in identifying students for mental health supports and that the professionals identifying students and determining support needs must be qualified. However, we note that all educators and staff should know the process for identifying students and be able to refer students who may need additional mental health supports to the appropriate professionals. School and LEA professionals, in consultation with families as appropriate, make determinations regarding the supports and services a student needs to fully participate in the learning environment. We also remind applicants that section 4001(a) of the ESEA applies to this program. Therefore, any entity receiving MHSP funds must obtain prior written, informed consent from the parent of any child who is under 18 years of age to participate in any mental health assessment or service funded under the program. We also appreciate the recommendation to include students experiencing homelessness in the list of characteristics for inclusion and agree this is an important group of students to include.

*Changes:* We revised requirement (f) to clarify that identification for mental health services must be done by qualified personnel in consultation with educators, school leaders, parents, and families. We also added homelessness to the characteristics listed.

### Definitions

*Comment:* One commenter asked the Department to consider providers of services for substance use and misuse as part of the mental health workforce. The same commenter recommended including a definition of “diverse backgrounds” to clarify the focus of our efforts in Priority 2.

*Discussion:* We appreciate the commenter’s suggestions and agree that providers of services for substance use and misuse may be considered school-based mental health services providers to the extent they meet the definition in the ESEA.

Given the breadth of diversity that exists across LEAs nationwide, we decline the recommendation to add a definition for this term. Applicants may set diversity goals based on, for example, district or community demographics. We also added more detail to Priority 2 to demonstrate the range of diversity we anticipate being considered among applicants.

*Changes:* We revised Priority 2 to include additional detail about diverse backgrounds that reflect the communities, identities, races, ethnicities, abilities, and cultures of the students in the high-need LEAs, including underserved students.

*Comment:* Two commenters offered considerations for the definition of “eligible IHEs.” One of the two commenters recommended limiting the definition to Section 101 institutions under the Higher Education Act of 1965 (HEA). The other commenter supported the base definition but suggested changes to paragraphs (a) and (d). Specifically, in regard to school psychology, the commenter recommended referencing specific accrediting bodies and also suggested deleting the language about a State licensing or certification examination in school-based psychology noting that a specific exam in this field does not exist. Regarding paragraph (d), the commenter noted that the inclusion of school nurses goes against the Joint Explanatory Statement for the FY 2022 Appropriations Act which specifically stated that Congress does not intend for MHSP funds to include school nurses because their needs are addressed elsewhere in the Federal budget. The commenter also disagreed with the Department’s proposal to consider behavioral health aides and clinical psychologists under contract with LEAs to be “another school-based mental health field” stating that there are no graduate programs of study to become a behavioral health aide and that clinical psychology alone is not sufficient to

qualify someone as a school-based mental health services provider.

*Discussion:* Regarding the comment on “limiting the definition to Section 101 institutions,” “eligible IHEs” are those institutions that meet the requirements of Section 101(a) of the HEA—that is, educational institutions that are public or private, nonprofit institutions and that meet the other requirements of the provision. Section 8101(29) of the ESEA expressly provides that the term “institution of higher education” as referenced in the ESEA has the same meaning given that term in section 101(a) of the HEA except as otherwise provided in the ESEA. Given that the MHSP program is established under Title IV, Part F of the ESEA (the school safety national activities authority) and the authority does not “otherwise provide” a different IHE definition, the applicable definition of “institution of higher education” is “an educational institution in any State that is . . . a public or other nonprofit institution” and otherwise meets the requirements of section 101(a). We decline to reference specific credentialing entities given that credentialing is a State determination. The Department appreciates the commenter identifying potential inconsistencies between the definition of “eligible IHE” and the Joint Explanatory Statement for the FY 2022 Appropriations Act. To align the definition with congressional intent about the scope of available funds, we revised paragraph (d) of the definition to exclude school nurses. Also, we recognize there is variation in the education and training requirements for behavioral health aides and clinical psychologists. In order to meet the purpose of training personnel to provide school-based mental health services, we revised paragraph (d) to say that other school-based mental health fields of study may be included to the extent they result in a State credential to deliver school-based mental health services.

*Changes:* We revised paragraphs (a)–(d) of the definition of “eligible IHE” to align the definition with changes referenced previously about credentialing. We will also adopt the HEA Section 101 definition of IHE when publishing the notice inviting applications. We also revised paragraph (d) of the definition to exclude school nurses and to specify that other school-based mental health fields of study are included to the extent they prepare students for a State credential to deliver school-based mental health services.

*Comment:* Two commenters suggested additional indicators for demonstrating

that an LEA meets the definition of “high-need LEA.” One suggested adding indicators that the Department proposed for the SBMH program. The other commenter suggested specifying in the definition of “high-need LEA” that there is a high underserved student-to-provider-ratio.

*Discussion:* The Department declines the suggestion to add indicators from the SBMH program to the definition of “high-need LEA.” We intentionally use a different indicator for this program because the focus of this program is on increasing the number of services providers for underserved students in high-poverty schools or small and rural schools. We also believe the current indicators of poverty, small and rural schools, and high student to provider ratios are sufficient to focus this program on underserved students without over-limiting eligibility.

*Changes:* None.

*Comment:* One commenter suggested adding an indicator about traumatic events or adverse childhood experiences to the definition of “high-need school.”

*Discussion:* We do not believe adding these indicators is necessary. The current indicators are based on poverty in order to focus the program on underserved students.

*Changes:* None.

*Comment:* Two commenters suggested changes to the definition of “school-based mental health partnerships.” One of the two commenters suggested clarifying that eligible IHEs include HBCUs, MSIs, and TCUs. The second commenter suggested including school leaders in the creation of the partnership.

*Discussion:* The Department agrees that calling out HBCUs, MSIs, and TCUs as IHE partners supports the Department’s overarching goal of increasing the number of services providers from diverse backgrounds. The Department also agrees that engaging leaders at all levels of the project in the creation of the partnership will lead to a stronger partnership. However, rather than revise the definition of “school-based mental health partnership,” we believe it is more effective to incorporate the leader role in the MOU, MOA, or letter of agreement.

*Changes:* We added a reference to HBCUs, MSIs, and TCUs in paragraph (b) of the definition of “school-based mental health partnerships”. For clarity, we also cite, in the rule text, the specific authority for the definition of each entity. We also revised application requirement (d) to emphasize the engagement of leaders when developing the MOU, MOA, or letter of agreement.

## Final Priorities

### *Priority 1—Expand Capacity of High-Need LEAs.*

Projects that propose to expand the capacity of high-need LEAs (as defined in this notice) in partnership with eligible IHEs (as defined in this notice) to train school-based mental health services providers (as defined in this notice), with the goal of expanding the number of these professionals available to address the shortages of school-based mental health services providers in high-need schools.

To meet this priority, the applicant must propose a school-based mental health partnership (as defined in this notice) to place the IHE's graduate students in school-based mental health services fields into high-need schools served by the participating high-need LEAs for the purpose of completing required field work, credit hours, internships, or related training necessary to complete their degree or obtain a credential as a school-based mental health services provider.

### *Priority 2—Increase the Number of Qualified School-Based Mental Health Services Providers in High-Need LEAs Who Are from Diverse Backgrounds or from Communities Served by the High-Need LEAs.*

Projects that propose to increase the number of qualified school-based mental health services providers in high-need LEAs who are from diverse backgrounds (*i.e.*, backgrounds that reflect the communities, identities, races, ethnicities, abilities, and cultures of the students in the high-need LEA, including underserved students) or who are from communities served by the high-need LEAs.<sup>2</sup>

Applicants must describe how their proposal to increase the number of school-based mental health services providers who are from diverse backgrounds or who are from the communities served by the high-need LEA will help increase access to mental health services for students within the high-need LEA and best meet the mental health needs of the diverse populations of students to be served.

### *Priority 3—Promote Inclusive Practices.*

Projects that propose to provide evidence-based (as defined in section 8101 of the ESEA) pedagogical practices in mental health services provider preparation programs or professional development programs that are inclusive with regard to race, ethnicity,

culture, language, disability, and for students who identify as LGBTQI+, and that prepare school-based mental health services providers to create culturally and linguistically inclusive and identity-safe<sup>3</sup> environments for students when providing services.

Applicants must describe how their proposal to provide evidence-based pedagogical practices in mental health services provider preparation programs or professional development programs will prepare school-based mental health services providers to provide inclusive practices and to create culturally and linguistically inclusive and identity-safe environments for students when providing services.

### *Priority 4—Partnerships with HBCUs, TCUs, and other MSIs.*

Applicants that propose to implement their projects by or in partnership with one or more of the following entities:

- (1) Historically Black Colleges and Universities (as defined in 34 CFR 608.2).
- (2) Tribal Colleges and Universities (as defined in section 316(b)(3) of the HEA).

- (3) Minority-Serving Institutions (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA).

#### *Types of Priorities:*

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

**Absolute priority:** Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

**Competitive preference priority:** Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)) or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

**Invitational priority:** Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

<sup>3</sup> An identity-safe environment is a place where every student feels physically and emotionally safe. Perceptions of safety often differ across different groups of students, and each intervention and support measure should be designed to ensure the safety and belonging of all students.

## Final Requirement

The following are application requirements for this program. We may apply one or more of these requirements in any year in which the program is in effect.

### *Eligible Applicants:*

Eligible applicants for this program are high-need LEAs, SEAs on behalf of one or more high-need LEAs, and IHEs. High-need LEA applicants and SEA applicants on behalf of one or more high-need LEAs must propose to work in partnership with an eligible institution of higher education (eligible IHE), which may include institutions that serve diverse learners such as an HBCU (as defined in 34 CFR 608.2), TCU (as defined in section 316(b)(3) of the HEA), or other MSI (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA). Eligible IHE applicants must propose to work in partnership with one or more high-need LEAs or an SEA.

### *Application Requirements:*

(a) *Identification of schools to be served by the proposed project.*

Applicants must identify or describe how they will identify the high-need schools to be served in each high-need LEA that is part of the school-based mental health partnership.

(b) *A description of the nature and magnitude of the problem.*

Applicants must describe how the lack of school-based mental health services providers is specifically affecting students in the high-need schools to be served by project activities. Applicants must describe the nature of the problem for the LEA, based on, but not limited to, the most recent available ratios of school-based mental health services providers to students enrolled in the schools in each high-need LEA that is part of the school-based mental health partnership (in the aggregate and disaggregated by profession (*e.g.*, school social workers, school psychologists, and school counselors)). The description may also include LEA and school-level demographic data, including chronic absenteeism and discipline data, school climate surveys, school violence/crime data, data related to suicide rates, and descriptions of barriers to hiring and retaining services providers in the LEA.

(c) *A plan to enhance LEA capacity to provide mental health services to students.*

Applicants must describe the specific activities they will conduct to expand and improve LEA capacity to provide mental health services to students in high-need LEAs and ensure that

<sup>2</sup> All strategies to increase the diversity of providers must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964.

students receive appropriate, evidence-based (as defined in section 8101 of the ESEA), and culturally and linguistically inclusive mental health services. To meet this requirement, the applicant must propose a school-based mental health partnership (as defined in this notice) established for the purpose of placing the IHE's graduate students in school-based mental health fields into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training as applicable for the degree or credential program of each student. If the applicant intends to establish a program that directly benefits an individual graduate student, such as through a stipend or tuition credit, the applicant must describe its approach to implementing a service obligation for such graduate student as a school-based mental health services provider in a high-need LEA commensurate with the level of support the graduate student receives.

(d) *A memorandum of understanding (MOU), a memorandum of agreement (MOA), or letter of agreement between the LEA or SEA, and the IHE.*

Applicants must include with their application an MOU, MOA, or letter of agreement that is signed by the authorized representatives of the LEA or SEA, and the IHE. The MOU, MOA, or letter of agreement must provide details regarding the roles and responsibilities of each entity in the partnership, and include a description of how the partnership will place graduate students into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training necessary to complete their degree or obtain a credential as a school-based mental health services provider. Additionally, SEA and LEA applicants must describe in the MOU, MOA, or letter of agreement how leaders across all levels of the project will be engaged in the implementation and evaluation of the project. The MOU, MOA, or letter of agreement must also include the estimated number of mental health services providers that will be placed into employment in high-need schools and high-need LEAs on an annual basis.

(e) *A plan for collaboration and coordination with related Federal, State, and local initiatives.*

Applicants must propose a plan that describes one or more of the following:

(1) How they will collaborate with at least one national, State, or local professional organization (to include a regional professional organization, if appropriate), such as a school social worker association, school psychologist

association, or school counselor association;

(2) The activities to be carried out in coordination with the national, State, or local mental health, public health, child welfare, and other community agencies, which may include school-based health centers, to achieve the plan goals and objectives of establishing a pipeline program to train and expand the capacity of school-based mental health services providers in high-need LEAs;

(3) How they will leverage other available Federal, State, and local resources to achieve project goals and objectives and sustain investments beyond the budget period. Applicants must identify these other available resources and describe how they will be used to promote success across programs; and

(4) How they will use the MHSP funds to expand and enhance existing efforts or put in place new measures to increase the number of qualified school-based mental health services providers to be employed by eligible schools and LEAs qualified to provide school-based mental health services.

Evidence of collaboration and coordination described in paragraphs (e)(1) and (2) must be provided through letters of support or MOAs/MOUs from State or local organizations or agencies, where applicable.

(f) *A description of the process to identify students for mental health services.*

Applicants must describe the specific process and activities they will use to ensure students in high-need LEAs who need school-based mental health services are properly identified, assessed, and provided the appropriate school-based mental health services by qualified personnel in consultation with educators, including school leaders, and parents and families, as appropriate. To meet this requirement, applicants must also describe how they will ensure that services are evidence-based and inclusive with regard to race, ethnicity, culture, language, disability, homelessness, and for students who identify as LGBTQI+, and are accessible to all. Further, applicants must describe how LEAs will engage parents and families for the purposes of raising awareness about the availability of services and connecting students to services.

#### Final Definitions

The Department establishes definitions of "eligible institution of higher education," "high-need LEA," "high-need school," "school-based mental health partnership," and "students/children from low-income

backgrounds," for use in this program. We may apply the definitions in any year in which this program is in effect.

*Eligible institution of higher education* means an institution of higher education that offers a program of study that leads to a master's degree or other graduate degree—

(a) In school psychology that prepares students in such program for a State credential as a school psychologist;

(b) In school counseling that prepares students in such program for a State credential in school counseling;

(c) In school social work that prepares students in such program for a State credential in school social work;

(d) In another school-based mental health field that prepares students in such program for a State credential to deliver school-based mental health services; or

(e) In any combination of study described in paragraphs (a) through (d).

*High-need LEA* means a local educational agency—

(a)(1) For which at least 20 percent of the children served by the agency are children from low-income backgrounds;

(2) That serves at least 10,000 children from low-income backgrounds;

(3) That meets the eligibility requirements for funding under the Small, Rural School Achievement (SRSA) program under section 5211(b) of the ESEA; or

(4) That meets the eligibility requirements for funding under the Rural and Low-Income School (RLIS) program under section 5221(b) of the ESEA; and

(b) For which there is a high student to qualified mental health services provider ratio as compared to other LEAs statewide or nationally.

*High-need school* means a school that, based on the most recent data available, meets at least one of the following:

(a) The school is in the highest quartile of all schools served by an LEA ranked in descending order by percentage of students from low-income backgrounds enrolled in such schools, as determined by the LEA based on one of the following measures of poverty:

(1) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

(2) The percentage of students eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data.

(3) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act.

(4) The percentage of students eligible to receive medical assistance under the Medicaid program.

(5) A composite of two or more of the measures described in paragraphs (a)(1) through (4).

(b) In the case of—

(1) An elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data; or

(2) Any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data.

*School-based mental health partnership* means the formal relationship, established for the purpose of training school-based mental health services providers for employment in schools and LEAs, between—

(a) One or more high-need LEAs or an SEA on behalf of one or more high-need LEAs; and

(b) One or more eligible IHEs, including HBCUs (as defined in 34 CFR 608.2), MSIs (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA), and TCUs (as defined in section 316(b)(3) of the HEA).

*Students/children from low-income backgrounds* means students whose families meet any of the poverty thresholds established in section 1113 of the ESEA for the relevant grade level.

This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This document does not solicit applications. In any year in which we choose to use these priorities, requirements, and definitions, we invite applications through a notice in the **Federal Register**.

## Executive Orders 12866 and 13563

### *Regulatory Impact Analysis*

Under Executive Order 12866, it must be determined whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or

adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action will have an annual effect on the economy of more than \$100 million because approximately \$143 million is available under this program from FY 2022 appropriations actions, and \$100 million is available each year from FY 2023 to FY 2026. Therefore, this final action is “economically significant” and subject to review by OMB under section 3(f)(1) of Executive Order 12866.

Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this final regulatory action and have determined that the benefits justify the costs.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as

user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing these final priorities, requirements, and definitions only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the final priorities, requirements, and definitions are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions. In this regulatory impact analysis (RIA) we discuss the need for regulatory action, the potential costs and benefits, net budget impacts, assumptions, limitations, and data sources, as well as regulatory alternatives we considered.

*Costs and Benefits:* The priorities, requirements, and definitions are necessary for the implementation of MHSP consistent with the requirements established by Congress in the Department of Education Appropriations Act, 2022, and the Explanatory Statement accompanying that Act. It is important to note that implementation of MHSP would almost exclusively confer benefits on the recipients of Federal funds subject to the final priorities, requirements, and definitions, whose voluntary participation in MHSP would entail minimal costs except for those paid with Federal funds, and the Paperwork Reduction Act (PRA) section of this document discusses the burden estimates for preparing an application. This program was established under a statute with broad authority and only non-binding report language establishing program purpose, eligibility, or requirements; consequently, this rulemaking action is necessary to ensure program funds are used for their intended purpose. More specifically, the final priorities,



requirements, and definitions would ensure that the Department may collect from applicants for MHSP funding the information necessary for competitive review of applications by peer reviewers, and to fund high-quality applications that will lead to the implementation of projects consistent with congressional intent. Absent this rulemaking action, there is no alternative means of meeting these objectives.

The specific benefits of establishing a menu of final priorities include ensuring that funds are used consistent with congressional intent and providing flexibility to the Department for supporting multiple strategies designed to address the shortage of mental health services providers in schools. The first strategy, embedded in Final Priority 1, is to focus grant activities on the expansion of school-based mental health services providers in “high-need LEAs.” The definition of high-need LEA, incorporated into these priorities, provides flexibility for an LEA to show need in various ways, including through poverty rates or size. Although the total number of LEAs is large (over 13,000 in school year 2018–19), the available funding will only support a limited number of multiyear projects. Absent the targeting of MHSP funds to high-need LEAs, the program may allocate scarce Federal resources to high-capacity LEAs that already meet the mental health needs of their students. Moreover, ensuring that funds are targeted to high-need LEAs was a requirement of the FY 2019 MHSP competition, and Congress directed the Department, through the Explanatory Statement accompanying the Department of Education Appropriations Act, 2022, to incorporate the same requirement into the FY 2022 MHSP competition.

Final Priority 2 supports a strategy for expanding the workforce of school-based mental health services providers. Currently, the psychology and school counselor workforces are significantly less diverse than the student

population. Increasing the number of qualified school-based mental health services providers who are from diverse backgrounds and from communities served by the high-need LEAs, and who can provide culturally and linguistically appropriate services, would expand not only the numbers of these providers but also provide better access to and improve the quality of mental health services available to students. This priority has the additional benefit of promoting equity for students, in keeping with the Administration’s agenda and the Department’s mission to support equity and excellence.

Final Priority 3 seeks to increase the number of school-based mental health services providers who can provide services that are culturally and linguistically inclusive and who can provide identity-safe environments for students. Given the diversity of the student population, every school-based mental health services provider should be able to implement inclusive practices and be able to provide services to all students. This priority also supports the Administration’s equity agenda and the Department’s mission to support equity and excellence.

Final Priority 4 complements Final Priority 2 by recognizing the role that MSIs, including HBCUs and TCUs, can play in meeting the diversity goals of the MHSP program. Such institutions are uniquely positioned to increase the number of qualified school-based mental health services providers who are from diverse backgrounds and from communities served by the high-need LEAs, and who can provide culturally and linguistically appropriate services to underserved students in high-need schools and LEAs. Finally, Priority 4 can create an incentive for the inclusion of such institutions in the innovative partnerships and pathways supported by the MHSP program.

The Department believes that this final regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and whose costs can generally be covered with grant

funds. As a result, the final priorities, requirements, and definitions would not impose a significant burden, except when an entity voluntarily elects to apply for a grant. Moreover, the Department believes the benefits associated with the grant application would outweigh any associated costs.

The Paperwork Reduction Act (PRA) section of this RIA discusses the burden estimates for preparing an application. The potential benefits of receiving Federal funds under this program to expand the pool of, and hire, school-based mental health services providers outweigh the application costs detailed in the PRA section. The costs of implementing the requirements established in this notice generally can be paid for with grant funds.

**Regulatory Alternatives Considered**

The Department believes that the final priorities, requirements, and definitions in this notice are needed to administer the program effectively. The priorities will enable the Department to administer a competitive grant program consistent with the intent of Congress as expressed in the Explanatory Statement accompanying the Department of Education Appropriations Act, 2022 (Pub. L. 117–103), which provided funding for the program in fiscal year 2022, and the Bipartisan Safer Communities Act (Pub. L. 117–159), which provided additional funding for fiscal years 2022 through 2026.

**Accounting Statement**

As required by OMB Circular A–4 (available at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>), in the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this regulatory action. This table provides our best estimate of the changes in annual monetized transfers as a result of this regulatory action.

Expenditures are classified as transfers from the Federal Government to LEAs and IHEs.

**ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES**

[In millions]

Category	Transfers	
	3 percent	7 percent
Annualized monetized transfers .....	\$108.6	\$108.6
From whom to whom? .....	From the Federal government to LEAs and IHEs.	

### Regulatory Flexibility Act Certification

The Secretary certifies that this final regulatory action does not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this final regulatory action would affect are school districts and IHEs applying for and receiving funds under this program. The Secretary believes that the costs imposed on applicants by the final priorities, requirements, and definitions, would be limited to paperwork burden related to preparing an application and that the benefits of implementing these proposals would outweigh any costs incurred by applicants.

Participation in this program is voluntary. For this reason, the final priorities, requirements, and definitions would impose no burden on small entities in general. Eligible applicants would determine whether to apply for funds and have the opportunity to weigh the requirements for preparing applications, and any associated costs, against the likelihood of receiving funding and the requirements for implementing projects under the program. Eligible applicants most likely would apply only if they determine that the likely benefits exceed the costs of preparing an application. The likely benefits include the potential receipt of a grant as well as other benefits that may accrue to an entity through its development of an application, such as the use of that application to seek funding from other sources to address a shortage in mental health providers.

### Paperwork Reduction Act

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in this notice of final priorities, regulations, and definitions at the end of the affected sections of the requirements.

The final priorities, requirements, and definitions contain information

collection requirements that are approved by OMB. The final priorities, requirements, and definitions do not affect the currently approved data collection. An FY 2022 competition would require applicants to complete and submit an application for Federal assistance using Department standard application forms. We estimate that for the FY 2022 MHSP competition and later competitions, each applicant will spend approximately 40 hours of staff time to address these priorities, requirements, and definitions. We estimate that we will receive approximately 500 applications for these funds. The total number of burden hours for all applicants to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the application is estimated to be 20,000 hours.

*Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register** in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

**James F. Lane,**

*Senior Advisor, Office of the Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office Elementary and Secondary Education.*

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**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter II

[Docket ID ED-2021-OESE-0122]

### Final Priorities, Requirements, and Definitions—School-Based Mental Health Services Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Final priorities, requirements, and definitions.

**SUMMARY:** The Department of Education (Department) announces final priorities, requirements, and definitions under the School-Based Mental Health Services (SBMH) Grant Program, Assistance Listing Number (ALN) 84.184H. We may use one or more of these priorities, requirements, and definitions for competitions in fiscal year (FY) 2022 and later years. These final priorities, requirements, and definitions are designed to direct funds to increase the number of credentialed school-based mental health services providers (as defined in 20 U.S.C. 7112(6)) in local educational agencies (LEAs) with demonstrated need (as defined in this document), in order to meet student mental health needs.

**DATES:** These priorities, requirements, and definitions are effective November 3, 2022.

**FOR FURTHER INFORMATION CONTACT:** Amy Banks, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E357, Washington, DC 20202. Telephone: (202) 453-6704. Email: [OESE.School.Mental.Health@ed.gov](mailto:OESE.School.Mental.Health@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

### SUPPLEMENTARY INFORMATION:

#### Executive Summary

*Purpose of this Regulatory Action:* As defined by the Centers for Disease Control and Prevention (CDC), “Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It

also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood.”<sup>1</sup>

The Novel Coronavirus Disease 2019 (COVID-19) pandemic brought on challenges for children and youth that impacted their overall emotional, psychological, and social well-being and their ability to fully engage in learning. The disruptions in routines, relationships, and the learning environment have led to increased stress and trauma, social isolation, and anxiety.

These final priorities, requirements, and definitions are intended to support the provision of timely and necessary mental health supports to children and youth by (1) increasing the number of credentialed school-based mental health services providers in LEAs with demonstrated need through recruitment and retention-related incentives for school-based mental health services providers; (2) promoting the respecialization and certification of existing mental health services providers to qualify them for work in LEAs with demonstrated need; and (3) increasing the diversity, and cultural and linguistic competency, of school-based mental health services providers, including competency in providing identity-safe services. Summary of the Major Provisions of this Regulatory Action: Through this regulatory action, we establish four priorities, program and application requirements, and definitions.

*Costs and Benefits:* The final priorities, requirements, and definitions will impose minimal costs on entities that receive assistance through the SBMH program. Application submission and participation in this program are voluntary. The Secretary believes that the costs imposed on applicants by the final priorities are limited to paperwork burden related to preparing an application for an SBMH grant competition that uses one or more of the final priorities. Because the costs of carrying out program activities will be paid for with grant funds, the costs of implementation will not impose financial burdens on any eligible applicants, including small entities.

We believe that the benefits of this regulatory action outweigh any associated costs because it will result in the submission of a greater number of high-quality discretionary grant

applications likely to result in the achievement of program objectives.

*Purpose of Program:* The SBMH program provides competitive grants to State educational agencies (SEAs) (as defined in 20 U.S.C. 7801(49)), LEAs (as defined in 20 U.S.C. 7801(30)), and consortia of LEAs to increase the number of credentialed (as defined in this document) school-based mental health services providers providing mental health services to students in LEAs with demonstrated need.

*Program Authority:* 20 U.S.C. 7281. We published a notice of proposed priorities, requirements, and definitions (NPP) in the **Federal Register** on August 2, 2022 (87 FR 47152). The NPP contained background information and our reasons for proposing the priorities, requirements, and definitions. As discussed in the Analysis of Comments and Changes section of this document, we made substantive changes to Priorities 1, 2 and 3. We made both substantive and editorial changes to the application requirements and definitions, and we made minor substantive changes to the Regulatory Impact Analysis (RIA).

*Public Comment:* In response to our invitation in the NPP, 17 parties submitted comments addressing the proposed priorities, as well as the requirements and definitions. We group major issues according to subject. Generally, we do not address technical and other minor changes or suggested changes that the law does not authorize us to make under the applicable statutory authority.

*Analysis of Comments and Changes:* An analysis of the comments and of any changes in the priorities, requirements, and definitions since publication of the NPP follows.

#### General Comments

*Comment:* Several commenters expressed general support for the SBMH program and priorities. One commenter also expressed support for the Department's efforts to expand and make mental health services more inclusive for children, while another commenter offered support for the commitment to building and expanding a diverse and culturally competent school-based mental-health services provider workplace.

*Discussion:* We appreciate the support for the program and for the specific emphasis on creating a more diverse services provider workforce and efforts to promote more inclusive practices within provider preparation programs.

*Changes:* None.

*Comment:* One commenter suggested revising the background section of the

NFP to include an explanation and data to describe the confluence of gun and other community violence, structural racism in the United States, and the COVID-19 pandemic to better substantiate specific aspects of the program.

*Discussion:* We thank the commenter for this suggestion. However, we do not include a background section in the NFP, nor is the background section considered part of the final priorities, requirements, and definitions. Therefore, we are not making any changes in response to this comment.

*Changes:* None.

*Comment:* One commenter suggested encouraging the strategy of using young adult peer support specialists to expand services related to mental health and substance use prevention, early intervention, treatment, and recovery support services.

*Discussion:* We appreciate this comment and agree with the need for substance use and misuse support services. To the extent young adult peer support specialists meet the definition of a school-based mental health services provider, these individuals could be available to provide the specified services to students under the SBMH program.

*Changes:* None.

#### Priorities

*Comment:* Several commenters expressed general support for the priorities. Some commenters suggested additional priorities. For example, one commenter suggested adding a priority related to incorporating trauma-informed care and learner-centered approaches to provider preparation programs. This same commenter also suggested adding a priority for projects that propose to partner with nonprofits with expertise in these same areas.

A second commenter recommended adding a priority or requirement to increase the capacity of school personnel, beyond school-based mental health services providers, to attend to mental health needs.

A third commenter suggested adding a priority or requirement to align systems of support by coordinating mental health services that are provided in and out of school.

A fourth commenter suggested incentivizing applicants to partner with Minority-Serving Institutions (MSIs), Hispanic-Serving Institutions (HSIs), or Historically Black Colleges and Universities (HBCUs)—particularly when the LEA serves high percentages of minority, Hispanic, or Black children and youth.

<sup>1</sup> Centers for Disease Control and Prevention. [www.cdc.gov/mentalhealth/learn/index.htm](http://www.cdc.gov/mentalhealth/learn/index.htm). Accessed on September 17, 2022.

*Discussion:* We do not think it is necessary to add priorities that prescribe specific practices, such as trauma-informed care. We note that these practices are allowable under the program, and we believe that applicants should propose the recruitment, retention, and respecialization strategies that they believe will best accomplish the goals of their projects.

We also do not believe that a stand-alone priority requiring a partnership with a nonprofit is necessary given that community organizations referenced in application requirement (g) include nonprofits, making this type of partnership already permissible.

We agree with the importance of aligning systems of support by coordinating mental health services provided in and out of school. We believe paragraph (g) addresses collaboration of efforts within and outside of school (e.g., collaboration with local and school-based health centers). Nevertheless, we made a small change to (g) to specifically reference “school-based” efforts whereby applicants must describe how they collaborate and coordinate.

We also agree with the importance of partnerships with MSIs (as defined in this notice), but do not agree that further incentives are required to promote such partnerships. However, we revised application requirement (g) to clarify that applicants may propose to collaborate and coordinate with HBCUs (as defined in this notice), MSIs (which include HSIs), and Tribal Colleges and Universities (TCUs) (as defined in this notice) to achieve plan goals and objectives.

*Changes:* We revised application requirement (g) to specifically reference school-based efforts and to reference HBCUs, MSIs, and TCUs as entities with which LEAs may collaborate and coordinate.

*Comment:* One commenter recommended revising Priority 2 to align with the definition of “retention.” Specifically, the commenter suggests using the phrase “stay in their position” in both the priority and the definition to underscore that the goal is for services providers to remain in their position within a school in order for children and youth to have ongoing access to the same services provider, thus increasing the likelihood of realizing the most therapeutic benefit from the services.

*Discussion:* The Department thanks the commenter for this suggestion and agrees it is important to make this change for the reasons stated by the commenter.

*Change:* The Department has revised Priorities 1 and 2 to align the language

with the definition of “retention” and to clarify the intent of the language.

*Comment:* Two commenters suggested revising how we describe respecialization in Priority 3, specifically to require that respecialization plans be developed in collaboration with and endorsed by a relevant state or national professional organization and that references to incremental training in respecialization plans be removed in order to focus respecialization on increasing pathways to meet existing credentialing standards, rather than revising existing standards to be less rigorous.

*Discussion:* We agree with revising the description of respecialization in Priority 3 for the reasons noted by the commenter. And, while we encourage applicants to collaborate with relevant organizations in developing their respecialization plans, only SEAs or other credentialing bodies establish the credentialing requirements for serving as a school-based mental health services provider.

*Changes:* We revised Priority 3 to clarify how we refer to respecialization and the outcome to which respecialization must lead.

*Comment:* One commenter suggested broadening Priority 3 beyond the goal of increasing the number of services providers to also include increasing access to needed training.

*Discussion:* The purpose of this program is to increase the number of school-based mental health services providers. General training that does not lead to a degree or credential as a school-based mental health services provider is not consistent with the purpose of this program.

*Change:* None.

#### *Application Requirements*

*Comment:* Three commenters recommended adding new application requirements. One commenter suggested requiring applicants to describe how they would incorporate school leaders in the development, implementation, and evaluation of the project. The same commenter recommended allowing applicants to reserve a percentage of funding for training teachers and school leaders on general mental health supports, while another commenter suggested requiring that providers be trained in trauma-informed practices. The third commenter recommended requiring grantees to continuously monitor and evaluate their outcomes and noted the importance of planning for these activities at the outset of the grant.

*Discussion:* The Department agrees with the importance of leadership

engagement with the project and will modify requirement (i) (Plan for prompt delivery of services) to require applicants to describe how leaders at each level of the project (including school leaders) will be engaged in the implementation and evaluation of the project.

The Department declines to allow applicants to set aside funding for training on general mental health supports and requiring that providers be trained in trauma-informed approaches. Training that does not lead to a credential as a school-based mental health services provider is not consistent with the purpose of this grant program.

Additionally, the Department does not prescribe specific approaches or practices within this program. Rather, applicants should propose how they will best address the application requirements and selection criteria in order to accomplish the goals of their projects.

Last, the Department agrees with the commenter about the importance of planning for monitoring and evaluation activities at the beginning of a grant. We have added application requirement (d) (Logic model), which requires applicants to describe their theory of action using a logic model that identifies key project components and relevant outcomes.

*Change:* We modified application requirement (h) (Use of grant funds) asking applicants to describe how leaders across all levels of the project will be engaged. We have also added application requirement (d) for a logic model.

*Comment:* One commenter recommended adding an annual reporting requirement for grantees to help measure the extent to which disparities in access to mental health services were reduced.

*Discussion:* The Department appreciates the commenter’s point related to the importance of using data to determine the impact of the program on disparities in access to mental health services. We include performance measures in a grant competition’s notice inviting applications. Additionally, we are developing our evidence-building strategy; that is, our strategy to collect and analyze program data and conduct a program evaluation to share what works with the field, which will include considerations of equitable access to mental health services.

*Change:* None.

*Comment:* Four commenters recommended requiring applicants to include additional data in their description of the importance and

magnitude of the problem in application requirement (c). For example, commenters suggested requiring data on incidents of traumatic events, student substance use, school discipline, and the perspectives and needs of school leaders. Two of the four commenters also suggested requiring disaggregated data by student demographics, and one of these commenters recommended requiring disaggregated data by services provider.

*Discussion:* We appreciate these recommendations; however, we do not believe such additional data are necessary to achieve program purposes. Rather, we encourage applicants, in addressing the application requirement and responding to the selection criteria, to include the data they think best describes the problem they wish to address.

*Change:* None.

*Comment:* One commenter requested the Department to release desired ratios of school-based mental health services providers to students to help LEAs in determining whether they meet the criteria.

*Discussion:* The Department supports the following ratios recommended by national professional associations such as the National Association of School Psychologists: student-to-counselor 250:1, student-to-psychologist 500:1, student-to-social worker 250:1.<sup>2 3 4</sup>

*Change:* None.

*Comment:* One commenter raised concerns about sustainability of the mental health services provider positions after the grant ends given that grant funds can be used to pay for salaries. In response, the commenter suggested that only matching funds be used for salaries. Another commenter suggested adding language to application requirement (h) requiring applicants to address sustainability beyond the life of the grant.

*Discussion:* We believe paying for salaries with grant funds is a key strategy for achieving the goals of the program, so we decline to limit paying for salaries out of matching funds. However, we appreciate the

commenters' concerns about sustainability of projects beyond the life of the grants and agree that applicants should consider at the onset of the grant how they will sustain the project after the budget period ends.

*Change:* The new requirement for a logic model requires applicants to describe how they will sustain the project beyond the life of the grant.

*Comment:* Three commenters suggested revisions to application requirement (f) (Number of providers). Two of the three commenters suggested revising how the Department collects data on the number of services providers in application requirement (f) to ensure that telehealth is considered a method of service delivery and not a substitute for in-person services. The third commenter recommended adding a requirement to submit data on the diversity of the existing and planned new providers and whether it aligns with student demographics.

*Discussion:* The Department agrees with the comment to clarify the language about providers offering telehealth services for the reasons stated by the commenter.

We do not believe, given how broadly diversity can be defined, it is necessary to collect data on the diversity of providers at the outset of the grant. However, we encourage applicants, in addressing application requirement (f) and responding to the selection criteria, to include the data they think best describes their diversity goals.

*Change:* We revised application requirement (f), by clarifying that data on services providers offering telehealth services should be provided if this service delivery method was used.

*Comment:* Four commenters had comments on application requirement (g) (A plan for collaboration). One of the four commenters expressed concern about the difficulties LEAs would have collaborating and coordinating to the degree required in the proposed application requirement. One of the four commenters suggested requiring collaboration with nonprofit organizations, while another commenter suggested adding the Department's Regional Educational Laboratories and Comprehensive Centers to the list of entities with which applicants may coordinate. The fourth commenter stressed that collaboration with colleges and universities looks different than collaboration with professional organizations.

*Discussion:* The Department understands the challenges often associated with coordination and collaboration with other agencies, particularly for small or rural LEAs. To

ease the burden on applicants, we have streamlined and clarified this requirement, while maintaining the overall purpose of coordinating efforts with Federal, State, and local organizations to maximize mental health services. And, while we do not think it is necessary to have a stand-alone requirement to partner with a nonprofit organization, or to call out specific Department-funded technical assistance centers and grantees, we encourage applicants to coordinate with these entities, if appropriate.

*Change:* We revised application requirement (g) by clarifying the requirements for an applicant's plan for collaboration and coordination with related Federal, State, local, and school-based organizations and efforts.

*Comment:* Three commenters expressed concern about the challenges of hiring qualified services providers given current shortages and how these challenges will affect the applicant's ability to address application requirement (i) to provide services immediately.

*Discussion:* The desire is for students to receive mental health supports as soon as reasonably possible. However, we agree that the requirement, as framed in the NPP, may not account fully for the potential impact of current provider shortages and have revised the language to better state the Department's expectations.

*Change:* We revised the title and language of application requirement (i) to clarify that services should start as soon as possible, but no later than 180 days from award.

*Comment:* One commenter recommended requiring applicants to provide, in application requirement (i), their plans to increase the pipeline of individuals seeking recertification or training to become a school-based mental health services provider.

*Discussion:* We appreciate the commenter's suggestion. We anticipate that Priority 3 will accomplish this desired outcome. Additionally, the new requirement in application requirement (d) for a logic model will require applicants to describe how they plan to sustain the project beyond the life of the grant.

*Change:* Added a new application requirement for logic models in application requirement (d).

#### Definitions

*Comment:* Overall, 10 commenters commented on the proposed definitions. One commenter suggested explicitly referencing services providers for substance use disorders as part of the mental health workforce.

<sup>2</sup> "School Counselor Roles and Ratios." American School Counselor Association Home Page. <https://www.schoolcounselor.org/About-School-Counseling/School-Counselor-Roles-Ratios>. Accessed June 29, 2022.

<sup>3</sup> "Research Summary: Shortages in School Psychology." National Association of School Psychologists. <https://www.nasponline.org/research-and-policy/policy-priorities/critical-policy-issues/shortage-of-school-psychologists>. Accessed March 28, 2022.

<sup>4</sup> "NASW Standards for School Social Work Services." National Association of Social Workers. <https://www.socialworkers.org/Practice/School-Social-Work>. Accessed September 8, 2022.

*Discussion:* We appreciate the commenter's suggestion. We do not think any changes are necessary, nor does the Department have the authority to change the definition of school-based mental health services provider in the Elementary and Secondary Education Act of 1965, as amended. Services providers for substance use disorders that meet this definition are allowable under this program.

*Change:* None.

*Comment:* Three commenters recommended omitting the terms and definitions of "certified," "certification," and "licensed" because the commenters believe the terms incorrectly imply that one credential is higher than another. Alternatively, the commenters recommend adopting a revised definition of "credentialed" in lieu of these terms.

*Discussion:* We thank the commenters for this comment and will make these changes. We believe the word "credentialed" is an appropriate umbrella term that captures the various terms States might use as part of their credentialing systems. We also believe the term "credentialed" adequately reflects the meaning of "qualified" services provider and therefore, deleted references to the term "qualified" as well.

*Change:* We removed the definitions of "licensed," "certified," and "certification" and have omitted references to these terms, and the term "qualified," from the purpose of the program, and the priorities, requirements, and definitions.

We also revised the definition of "credentialed" to explicitly state the need for possessing a valid license or certificate awarded by the State or other relevant body.

*Comment:* Five commenters suggested changes to the definition of "respecialization." Four commenters recommended changes to ensure that professionals engaging in school-based mental health service delivery are properly credentialed. Two of the four commenters also recommended requiring development of respecialization plans to include collaboration with and endorsement by a relevant state or national professional organization. A fifth commenter suggested defining the term to mean, in part, that strategies are evidence-based.

*Discussion:* We agree with the importance of ensuring that school-based mental health services providers are properly credentialed and have made revisions accordingly. However, we do not believe it is appropriate to require endorsement of respecialization plans by professional associations, given

that credentialing requirements are established by SEAs or another credentialing body, not specific organizations. Additionally, we decline to define "respecialization" to mean evidence-based strategies, given that this program is part of an effort to build evidence in this area. The use of logic models in this program reflects the approach to evidence that the Department considers to be appropriate in light of the available body of evidence.

*Change:* We made changes to how we refer to "respecialization" in the definition and the outcomes to which respecialization must lead.

*Comment:* One commenter recommended adding a sixth option, related to collaboration with institutions of higher education (IHEs) to expand candidate opportunities, to the list of strategies that applicants can consider for respecialization.

*Discussion:* We do not believe it is necessary to add this sixth option. We encourage partnerships with IHEs to help candidates obtain the desired school-based mental health services credential.

*Change:* None.

*Comment:* One commenter recommended adding language to the respecialization definition about diversification of services providers who are representative of an applicant's student population.

*Discussion:* We agree with the importance of developing a more diverse services provider workforce. Rather than change the definition of respecialization, we think the language added to the definition of "recruitment" regarding recruitment and support of underrepresented populations and the final priority in this notice about increasing the number of services providers who are from diverse backgrounds addresses the commenter's suggestion.

*Change:* None.

*Comment:* Two commenters suggested revising the definition of "recruitment" to include recruitment of underrepresented populations as an incentive for mitigating shortages.

*Discussion:* Recruitment of providers from diverse backgrounds is a priority for this program, and we agree that focusing recruitment in this area is helpful. We believe providing additional supports to underrepresented populations would also be helpful.

*Change:* We have revised the definition of "recruitment" to include recruitment and support of underrepresented populations.

*Comment:* One commenter suggested defining recruitment to mean, in part,

that strategies are evidence-based. The same commenter suggested adding evidence-based strategies to the definition of "retention."

*Discussion:* We decline the recommendation to define "recruitment" and "retention" to mean evidence-based strategies, given that there is not yet a large body of evidence in these areas. We will consider using available funds for evaluation of this program to build this body of evidence.

*Change:* None.

*Comment:* Four entities commented on the definition of "LEA with demonstrated need." One commenter thanked the Department for including instances of community violence and traumatic events in the definition. Another commenter expressed support for the definition and urged the Department to focus on LEAs with demonstrated need because of high rates of community violence, poverty, and suicide. The third commenter requested adding a variable for a significant number of students that have witnessed or experienced a traumatic event. The final commenter recommended a variable specific to school discipline.

*Discussion:* We appreciate the comments we received in support of the definition. We do not believe it is necessary to add a variable for witnessing or experiencing a traumatic event because we generally think such experiences would be covered under the reference to community violence in paragraph (2) or under the reference to adverse childhood experiences in paragraph (3) of the definition. We agree with the comment to include discipline data as a possible variable, given the disproportionate impact discipline policies can have on underserved students.

*Change:* We revised the definition of LEA with demonstrated need to include repeated disciplinary exclusions as an example of an adverse childhood experience.

#### *Regulatory Impact Analysis*

*Comment:* One individual commented on the Regulatory Impact Analysis (RIA). Specifically, the commenter questioned the clarity of the analysis for Priority 3 and suggested that incremental training was not an adequate representation of the needed retraining. The commenter also asked for guidance on documenting financial hardships for SEAs and LEAs.

*Discussion:* We appreciate the commenter's review and comment on this section of the NPP. We revised the RIA to better clarify what we meant about Priority 3.

Additionally, we recognize funding for education is limited in many States. The purpose of SBMH is to provide additional resources to help increase the number of credentialed school-based mental health services providers and help schools recruit and retain such individuals. In order to assist SEAs and LEAs to implement grant activities and reach this goal, we explicitly allow the use of grant funds for administrative costs to offset the financial hardships they may be experiencing.

*Change:* We revised the summary of the potential costs and benefits to clarify what we meant in our description of the benefit of Priority 3.

### Final Priorities

*Priority 1—SEAs Proposing To Increase the Number of Credentialed School-Based Mental Health Services Providers in LEAs With Demonstrated Need.*

To meet this priority, an SEA must propose to increase the number of credentialed school-based mental health services providers by implementing plans that address recruitment (defined in this document) and retention (defined in this document) of services providers in LEAs with demonstrated need. Applicants must propose plans that include both of the following:

(a) Recruitment. An applicant must propose a plan to increase the number of credentialed services providers serving students in LEAs with demonstrated need.

(b) Retention. An applicant must also propose a plan to increase the likelihood that credentialed services providers providing services in LEAs with demonstrated need stay in their position over time.

*Priority 2—LEAs or Consortia of LEAs With Demonstrated Need Proposing To Increase the Number of Credentialed School-Based Mental Health Services Providers.*

To meet this priority, an LEA or consortium of LEAs with demonstrated need must propose measures to increase the number of credentialed school-based mental health services providers, including plans to address the recruitment and retention of credentialed services providers in the LEA(s). Applicants must propose plans that include both of the following:

(a) Recruitment. An applicant must propose a plan to increase the number of credentialed services providers serving students in the LEA(s) with demonstrated need.

(b) Retention. An applicant must also propose a plan to improve the likelihood that credentialed services providers providing services in the

LEA(s) with demonstrated need stay in their position over time.

*Priority 3—SEAs Proposing Respecialization, Professional Retraining, or Other Preparation Plan for Existing Mental Health Services Providers To Qualify Them for Work in LEAs With Demonstrated Need.*

To meet this priority, an applicant must propose a respecialization (defined in this document), professional retraining, or other preparation plan that leads to a state credential as a school psychologist, school social worker, school counselor, or other school-based mental health services provider (as defined in 20 U.S.C. 7112(6)) and that is designed to increase the number of services providers qualified to serve in LEAs with demonstrated need.

*Priority 4—Increasing the Number of Credentialed School-Based Mental Health Services Providers in LEAs With Demonstrated Need Who Are From Diverse Backgrounds or From Communities Served by the LEAs With Demonstrated Need.*

To meet this priority, applicants must propose a plan to increase the number of credentialed school-based mental health services providers in LEAs with demonstrated need who are from diverse backgrounds or who are from communities served by the LEAs with demonstrated need.<sup>5</sup>

Applicants must describe how their proposal to increase the number of school-based mental health services providers who are from diverse backgrounds or who are from the communities served by the LEA with demonstrated need will help increase access to mental health services for students within the LEA with demonstrated need and best meet the mental health needs of the diverse populations of students to be served.

#### Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to

which the application meets the priority (34 CFR 75.105(c)(2)(i)), or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

### Final Requirements

The following are program requirements and several application requirements for this program. We may apply one or more of these requirements in any year in which the program is in effect.

*Eligible Applicants:* One or both of SEAs, as defined in 20 U.S.C. 7801(49), or LEAs, as defined in 20 U.S.C. 7801(30), including consortia of LEAs.

#### Program Requirements:

(a) Applicants that receive an award under this program must ensure that any school-based mental health services provider hired under this grant, including any services provider that offers telehealth services, is qualified by the State to work in an elementary school (as defined in 20 U.S.C. 7801(19)) or secondary school (as defined in 20 U.S.C. 7801(45)).

(b) Applicants that receive an award under this program must ensure that any school-based mental health services provider offering services (including telehealth services) does so in an equitable manner and consistent with the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment (PPRA), the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, as well as all other applicable Federal, State, and local laws and profession-specific ethical obligations.

#### Application Requirements:

(a) Describe the LEAs with demonstrated need designated by the SEA to be served by the proposed project.

SEA applicants must describe the LEAs with demonstrated need designated to benefit from the SBMH program.

(b) Describe how the LEA, or each LEA in the proposed consortium (if applicable), meets the definition of an LEA with demonstrated need.

To meet this requirement, an LEA applicant or the lead LEA submitting an application on behalf of a consortium must describe how the LEA or each LEA

<sup>5</sup> All strategies to increase the diversity of providers must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964.

in the consortium meets the definition of an “LEA with demonstrated need.”

(c) *Describe the importance and magnitude of the problem.*

Applicants must describe the lack of school-based mental health services providers and its effect on students in the LEA(s) to be served by the grant. This must include a description of the nature of the problem for the LEA(s), based on information including, but not limited to, the most recent available ratios of school-based mental health services providers to students enrolled in the LEA(s), or for SEA applicants, the LEAs designated by the SEA to benefit from the SBMH program. These data must be provided in the aggregate and disaggregated by profession (e.g., school social workers, school psychologists, school counselors) as compared to local, State, or national data. The description may also include LEA-level or school-level demographic data (including rates of poverty; rates of chronic absenteeism; the percentage of students involved in the juvenile justice system, experiencing homelessness, or in foster care; and discipline data), school climate surveys, school violence/crime data, data related to suicide rates, and descriptions of barriers to hiring and retaining credentialed school-based mental health services providers in the LEA.

(d) *Logic model.*

The applicant must describe its approach to increase the number of credentialed school-based mental health services providers using a logic model (as defined in 34 CFR 77.1), including the key project components and relevant outcomes (as defined in 34 CFR 77.1). The description should indicate how the proposed approach taken under this program will improve or expand on any previous approaches, how the new approach will address barriers, and how the applicant will sustain the increased number of school-based mental health services providers after the performance period has ended.

(e) *Detailed project budget, including matching funds.*

To promote the sustainability of the school-based mental health services, all applicants must include non-Federal matching funds in one of the following amounts, as determined by the Secretary in the notice inviting applications:

(1) At least 10 percent of their budgets.

(2) At least 15 percent of their budgets.

(3) At least 20 percent of their budgets.

(4) At least 25 percent of their budgets.

Budgets must describe how the applicant will meet the matching

requirement for each budget period awarded under this grant and must indicate the source of the funds, such as State, local, or private resources. The Secretary may consider decreasing or waiving the matching requirement post award, on a case-by-case basis, if an applicant demonstrates a significant financial hardship.

Budgets must also specify the portion of funds that will be used for respecialization, if applicable.

Administrative costs for SEA applicants may not exceed 10 percent of the annual grant award. This includes funding for State-level or LEA-level administrative costs that promote respecialization, if applicable. Administrative costs for applicants that are LEAs and consortia of LEAs may not exceed 5 percent of the annual grant award.

(f) *Number of providers.*

Applicants must include the most recent available data on the number of school-based mental health services providers in the identified LEA(s), disaggregated by profession (e.g., school social workers, school psychologists, school counselors), and the projected number of school-based mental health services providers that will be placed into employment in the identified LEA(s) for each year of the plan using funds from this grant or matching funds. If applicable, applicants should provide data on the current and projected unduplicated numbers of school-based mental health services providers disaggregated by profession (e.g., school social workers, school psychologists, school counselors), offering telehealth services.

(g) *A plan for collaboration and coordination with related Federal, State, and local organizations, and school-based efforts.*

Applicants must propose a plan describing how they will collaborate and coordinate with related Federal, State, and local organizations, and school-based efforts (e.g., professional associations; colleges or universities, including HBCUs, MSIs, and TCUs; local mental health; public health; child welfare; or other community agencies, including school-based health centers), to achieve plan goals and objectives of increasing the number of school-based mental health services providers in LEAs with demonstrated need. The plan must include a description of how such collaboration and coordination will promote program success across multiple programs.

(h) *Use of grant funds to supplement, and not supplant, existing school-based mental health services funds and to*

*expand, not duplicate, efforts to increase the number of providers.*

Applicants must describe how project funds will supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this program.

Applicants must describe how they will use the SBMH program funds to expand, rather than duplicate, existing or new efforts to increase the number of credentialed school-based mental health services providers in LEAs with demonstrated need and how they will integrate existing funding streams and efforts to support the plan.

(i) *Plan for prompt delivery of services to students.*

For SEA applicants, applicants must describe their plan to ensure the prompt delivery of services to students (i.e., as soon as possible, but no later than 180 days from award), including via subgrants to LEAs, as appropriate. For LEA applicants and consortia of LEAs, applicants must describe their plan to ensure the prompt delivery of services to students (i.e., as soon as possible, but no later than 180 days from award). Additionally, SEA and LEA applicants must describe how leaders across all levels of the project will be engaged in the implementation and evaluation of the project.

## Final Definitions

The Department establishes the following definitions of “credentialed,” “LEA with demonstrated need,” “recruitment,” “respecialization,” “retention,” and “telehealth” for use in this program. We may apply these definitions in any year in which this program is in effect.

*Credentialed* means an individual who possesses a valid license or certificate from the SEA or relevant regulatory body as a school psychologist, school counselor, or a school social worker, or other mental health services provider, approved by the State to provide school-based mental health services.

*LEA with demonstrated need* means an LEA that has a significant need for additional school-based mental health services providers based on—

(1) High student to mental health services provider ratios as compared to other LEAs statewide or nationally;

(2) High rates of community violence (including hate crimes), poverty, substance use (including opioid use), suicide, or trafficking; or

(3) A significant number of students who are migratory, experiencing homelessness, have a family member deployed in the military or with a military-service connected disability



(including veterans), have experienced a natural or manmade disaster or a traumatic event, or have other adverse childhood experiences, such as repeated disciplinary exclusions from the learning environment.

*Recruitment* means strategies that help attract and hire credentialed school-based mental health services providers, including by doing at least one of the following:

(1) Providing an annual salary or stipend for school-based mental health services providers who maintain an active national certification.

(2) Providing payment toward the school loans accrued by the school-based mental health services provider.

(3) Creating pathways to grant cross-State credentialing reciprocity for school-based mental health services providers.

(4) Providing incentives and supports to help mitigate shortages. These may include, for example, increasing pay; offering monetary incentives for relocation to high-need areas; providing services via telehealth; creating hybrid roles that allow for leadership, academic, or research opportunities; developing induction programs; developing paid internship programs; focusing on recruitment and support of underrepresented populations; and offering service scholarship programs, such as those that provide grants in exchange for a commitment to serve in the LEA for a minimum number of years.

*Respecialization* means strategies that provide opportunities for professional retraining and alternative pathways to obtain a State credential, aligned with the standards of the relevant professional organization, as a school-based mental health services provider for individuals who hold, at a minimum, a degree in a related field (e.g., special education, clinical psychology, community counseling), including by doing one or more of the following:

(1) Revising, updating, or streamlining requirements for such individuals so that additional training or other requirements focus only on training needed to obtain a credential as a school-based mental health services provider.

(2) Providing a stipend or making a payment to support the training needed to obtain a credential as a school-based mental health services provider.

(3) Offering flexible options for completing training that leads such professionals to meet State credentialing requirements as a school-based mental health services provider.

(4) Establishing a provisional, time limited, and nonrenewable credential to allow individuals seeking respecialization to provide school-based mental health services under the direct supervision of a fully credentialed school-based mental health services provider of the same profession.

(5) Offering other meaningful activities that result in existing mental health services providers obtaining a State credential as a school-based mental health services provider.

*Retention* means strategies to help ensure that credentialed individuals stay in their position to avoid gaps in service and unfilled positions, including by—

(1) Providing opportunities for advancement or leadership, such as career pathways programs, recognition and award programs, and mentorship programs; and

(2) Offering incentives and supports to help mitigate shortages. These may include, for example, increasing pay; making payments toward student loans; offering monetary incentives for relocation to high-need areas; providing services via telehealth; offering service scholarship programs, such as those that provide grants in exchange for a commitment to serve in the LEA for a minimum number of years; and developing paid internship programs.

*Telehealth* means the use of electronic information and telecommunication technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and landline and wireless communications.

This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

**Note:** This notice does not solicit applications. In any year in which we choose to use these priorities, requirements, and definitions, we invite applications through a notice in the **Federal Register**.

### Executive Orders 12866 and 13563

#### Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory

action” as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action will have an annual effect on the economy of more than \$100 million because approximately \$143 million is available under this program from FY 2022 appropriations actions and \$100 million is available each year from FY 2023 to FY 2026. Therefore, this final action is “economically significant” and subject to review by OMB under section 3(f)(1) of Executive Order 12866.

Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this final regulatory action and have determined that the benefits justify the costs.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the

behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing these final priorities, requirements, and definitions only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the priorities, requirements, and definitions are consistent with the principles in Executive Order 13563.

We also have determined that this final regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In this regulatory impact analysis, we discuss the need for regulatory action, the potential costs and benefits, net budget impacts, assumptions, limitations, and data sources, as well as regulatory alternatives we considered.

### Summary of Potential Costs and Benefits

The final priorities, requirements, and definitions are necessary for the implementation of the SBMH program consistent with the requirements established by Congress in the Department of Education Appropriations Act, 2022, and the Explanatory Statement accompanying that Act. The Department believes that implementation of the SBMH program will most exclusively confer benefits on the recipients of Federal funds, while the costs associated with the priorities, requirements and definitions will be minimal. This regulatory action does not impose significant costs on eligible entities as participation in this program is voluntary, and the costs imposed on applicants are limited to paperwork burden related to preparing an application.

This program was established under a statute with broad authority and only nonbinding report language establishing program purpose, eligibility, or requirements; consequently, this rulemaking action is necessary to ensure program funds are used for their intended purpose. More specifically, the final priorities, requirements, and definitions are likely to (1) ensure that the Department collects from applicants for SBMH funding the information necessary for competitive review of applications by peer reviewers, and (2) fund high-quality applications that will lead to the implementation of projects consistent with congressional intent. Absent this rulemaking action, there is no alternative means of meeting these objectives.

The specific benefits of establishing a menu of priorities include ensuring that funds are used consistent with congressional intent and providing flexibility to the Department for supporting multiple strategies designed to address the shortage of school-based mental health services providers. The first strategy, embedded in priorities 1 and 2, is to focus grant activities on hiring additional school-based mental health services providers in LEAs with demonstrated need to increase the number of school-based mental health services providers in schools and LEAs that have the most need for such services. The definition of “LEA with demonstrated need,” incorporated into these priorities, also was crafted to provide flexibility for an LEA to show need through data (ratios of school counselors to students), a description of events or conditions affecting school environment (such as community violence or disasters), or evidence that an applicant will serve students who have or are likely to face adverse childhood experiences. Although the total number of LEAs is high (over 13,000 in school year 2018–19), the available funding will only support a limited number of multiyear projects. Absent the targeting of SBMH funds to LEAs with demonstrated need, the program may allocate scarce Federal resources to high-capacity LEAs that already meet the mental health needs of their students. Moreover, ensuring that funds are targeted to LEAs with demonstrated need was a requirement of the FY 2020 SBMH competition, and Congress directed the Department, through the Explanatory Statement accompanying the Department of Education Appropriations Act, 2022, to incorporate the same requirement into the FY 2022 SBMH competition.

The benefit of including priority 3 is that it supports another strategy for

addressing the shortage of school-based mental health services providers. Requirements for school-based mental health services providers are established by States and generally include the completion of a bachelor’s degree or higher, completion of a practicum, and an internship in a K–12 school, which typically take several years to fulfill. Priority 3 is likely to support States working to establish innovative strategies to expand the pipeline for credentialed mental health providers by establishing pathways for individuals in related fields to attain the credentials to work as school-based mental health services providers. Under this priority, for example, a State might determine that individuals in related fields, such as counseling or social work, would only need professional retraining to qualify as a school-based mental health services provider, rather than a full degree or credentialing program. This strategy has the benefit of reducing the time necessary for credentialing and potentially increasing the number of credentialed mental health providers available for hiring by LEAs, which is the core goal and purpose of the SBMH program. Absent the expanded use of strategies to shorten the time needed to meet the requirements to become a school-based mental health services provider, SBMH grantees may not be able to increase the number of such providers in schools due to the documented shortage of such providers.

The benefit of priority 4 is that it supports another strategy for expanding the workforce of school-based mental health services providers. Currently, the psychology<sup>6</sup> and school counselor<sup>7</sup> workforce is significantly less diverse than the student population.<sup>8</sup> Increasing the number of credentialed school-based mental health services providers from diverse backgrounds and from communities served by LEAs with demonstrated need, and who can provide culturally and linguistically appropriate services, not only would expand the numbers of these providers but also increase access to and improve the quality of mental health services available to students. Further, this priority supports the Administration’s equity agenda<sup>[14]</sup> and the Department’s mission to support equity and excellence.

The Paperwork Reduction Act (PRA) section of this document discusses the

<sup>6</sup> <https://www.apa.org/workforce/data-tools/demographics>.

<sup>7</sup> <https://www.schoolcounselor.org/getmedia/9c1d81ab-2484-4615-9dd7-d788a241beaf/member-demographics.pdf>.

<sup>8</sup> <https://nces.ed.gov/programs/coe/indicator/cge/racial-ethnic-enrollment>.

burden estimates for preparing an application. The potential benefits of receiving Federal funds under this program to expand the pool of and hire school-based mental health services providers will likely outweigh the application costs detailed in the PRA section. The costs of implementing the requirements established in this notice can be paid for with grant funds.

**Regulatory Alternatives Considered**

The Department believes that the final priorities, requirements, and definitions in this document are needed to administer the program effectively. The authorizing statute does not provide

sufficient detail to develop and administer a competitive grant program consistent with the intent of Congress as expressed in the Explanatory Statement accompanying the Department of Education Appropriations Act 2022, which provided funding for the program in FY 2022, or the Bipartisan Safer Communities Act, which provided additional funding for FYs 2022 through 2026. Consequently, absent the final priorities, requirements, and definitions, the Department will not have a sufficient basis for evaluating the quality of applications or ensuring that the program achieves its intended objectives.

**Accounting Statement**

As required by OMB Circular A-4 (available at <https://www.whitehouse.gov/omb/information-for-agencies/circulars/>), in the following table we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this regulatory action. This table provides our best estimate of the changes in annual monetized transfers as a result of this regulatory action.

Expenditures are classified as transfers from the Federal Government to SEAs and LEAs.

ACCOUNTING STATEMENT CLASSIFICATION OF ESTIMATED EXPENDITURES  
[In millions]

Category	Transfers	
	3%	7%
Annualized monetized transfers .....	\$108.6	\$108.6
From whom to whom? .....	From the Federal government to SEAs and LEAs.	

**Regulatory Flexibility Act Certification**

The Secretary certifies that this final regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this final regulatory action would affect are LEAs. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary. Eligible applicants most likely would apply only if they determine that the likely benefits exceed the costs of preparing an application. The likely benefits include the potential receipt of a grant as well as other benefits that may accrue to an entity through its development of an application, such as the use of that application to seek funding from other sources to address a shortage in mental health providers. Therefore, we do not believe that the final priorities, requirements, and definitions would significantly impact small entities

beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

**Paperwork Reduction Act**

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control number assigned to the collection of information in this notice of final priorities, regulations, and definitions at the end of the affected sections of the requirements.

The final priorities, requirements, and definitions contain information collection requirements that are approved by OMB. The final priorities, requirements, and definitions do not affect the currently approved data collection. An FY 2022 competition would require applicants to complete and submit an application for Federal assistance using Department standard application forms. We estimate that for the FY 2022 SBMH competition and later competitions, each applicant will spend approximately 40 hours of staff time to address these priorities, requirements, and definitions. We estimate that we will receive approximately 300 applications for these funds. The total number of burden hours for all applicants to review instructions, search existing data sources, gather and maintain the data

needed, and complete and review the collection of information is estimated to be 12,000 hours.

*Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or

Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**James F. Lane,**

*Senior Advisor, Office of the Secretary Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office Elementary and Secondary Education.*

[FR Doc. 2022-21634 Filed 10-3-22; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2021-0944; FRL-9174-02-R3]

### Air Plan Approval; Delaware; Control of Volatile Organic Compound Emissions From Solvent Cleaning and Drying

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a state implementation plan (SIP) revision submitted by the State of Delaware. These revisions pertain to the reduction of volatile organic compounds (VOC) emissions from cold solvent cleaning operations. EPA is approving these revisions to the Delaware SIP in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on November 3, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2021-0944. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through [www.regulations.gov](http://www.regulations.gov), or please contact the person identified

in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Mallory Moser, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2030. Ms. Moser can also be reached via electronic mail at [Moser.Mallory@epa.gov](mailto:Moser.Mallory@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On June 27, 2022 (87 FR 38044), EPA published a notice of proposed rulemaking (NPRM) for the State of Delaware. In the NPRM, EPA proposed approval of a SIP revision that updates the solvent cleaning control requirements based upon the 2012 Ozone Transport Commission (OTC) Model Rule. The SIP revision was submitted by Delaware on October 13, 2021, requesting that EPA incorporate the Department of Natural Resources and Environmental Control's (DNREC's) revisions to Title 7 of Delaware's Administrative Code (7 DE Admin. Code) 1124 Section 33.0—Solvent Cleaning and Drying into the Delaware SIP (Section 33.0). In response to the NPRM, EPA received one comment on its June 27, 2022, proposed rulemaking, which is addressed below.

##### II. Summary of SIP Revision and EPA Analysis

The SIP revision consists of an amendment to Section 33.0. Specifically, the amendment updates the solvent cleaning control requirements based upon the 2012 Ozone Transport Commission Model Rule.

The OTC, of which Delaware is a member, is an organization established by Congress under the CAA. Among other things, the OTC develops model rules for the member states to use to reduce the emissions of ground level ozone precursors. In 2001 the OTC released the 2001 Model Rule for Solvent Cleaning, (2001 Model Rule). The 2001 Model Rule is that basis for the version of 7 DE Admin. Code 1124, Control of Volatile Organic Compound Emissions, Section 33.0—Solvent Cleaning and Drying that were previously approved in the Delaware SIP.<sup>1</sup> After a release of the Control Techniques Guideline (CTG): Industrial Cleaning Solvents by the EPA in 2006, proposing new VOC limits for solvent

cleaning, the OTC convened a group of experts that suggested a more stringent model rule than what is provided in the CTG and the 2001 Model Rule. The OTC then developed the 2012 Model Rule for Solvent Degreasing. The provisions set forth in Section 33.0, which is based on the 2012 Model Rule, are more stringent than those previously included in the Delaware SIP and form the basis of the regulation we are approving to include in the Delaware SIP in this rule. For instance, the provisions eliminate an existing exemption by adding provisions that apply to owners or operators of a solvent cleaning machine that uses any volume of solvent containing VOC. The provisions also reduce the solvent VOC concentration from 100 percent to 25 grams per liter of non-VOC solution for most applications.

By removing an applicability exemption and decreasing the allowable solvent VOC concentration, the 2012 model rule is expected to decrease emissions of VOCs. This reduction of VOC emissions from solvent cleaning operations will further reduce the formation of ground-ozone because ground-level ozone is formed through the reaction of VOCs and other compounds in the air in the presence of sunlight. High levels of ground-level ozone can cause or worsen difficulty in breathing, asthma and other serious respiratory problems. In addition to improving public health and the environment, decreased emissions of VOCs, and therefore subsequently ground-level ozone, will contribute to the attainment of the ozone national ambient air quality standard (NAAQS). Delaware is amending its SIP to add Section 33.0.

##### III. EPA's Response to Comments Received

EPA provided a 30-day review and comment period for this action in the Proposal. The comment period ended on July 27, 2022. EPA received one comment, which is summarized and addressed below.

*Comment:* The comment requests additional background on the development and interpretation of the "Federal" 2012 OTC model rule in the context of the commenter seeking advice with regard to acquiring a piece of equipment. In addition, the commenter claims there could be an economic impact to businesses if affected devices cannot efficiently operate at the 25 grams per liter criteria set forth in the rule. The commenter speculates using a solvent solution with lower VOC could lead to longer run time of the cleaning devices, which may

<sup>1</sup> See 67 FR 70315 (November 22, 2002).

result in an increase of fugitive emissions. The commenter asks if EPA has certified that the rule does not have a Significant Economic Impact on a Substantial Number of Small Entities (SISNOSE) and if so, if that certification is based on studies that evaluated how effective or ineffective the reduced VOC solution will be for the purposes it is used for (*i.e.* parts cleaning).

*Response:* Initially, the comment is incorrect that the OTC model rule is a Federal rule. As explained by the OTC, the OTC model rules and programs are developed by the OTC (not EPA) and are not effective in an individual state until “taken by the individual states through their own rule adoption processes conforming to their state’s requirements.”<sup>2</sup>

The technical issues raised by the commenter raise issues that appear to be unique to the commenter’s specific interest of how the rule will apply to its acquiring and operating a parts cleaner, are not relevant to EPA’s approval of Section 33.0 as being more stringent than solvent cleaning rules in the current Delaware SIP. EPA therefore does not consider these to be significant adverse comments on this action and consequently EPA will not be responding to the technical implementation questions in this rule. The commenter’s request for SISNOSE information is also not relevant because neither the promulgation of Section 33.0, nor the development of the 2012 Model Rule by the OTC was a Federal rule. Because the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, only applies to Federal rulemakings, neither the OTC or the state of Delaware were required to prepare a SISNOSE for either promulgation of Section 33.0 or the 2012 Model Rule.<sup>3</sup> EPA does not need to prepare a SISNOSE for this rule, because the rule will not have a significant economic impact on a substantial number of small entities since this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those already imposed by state law.

The commenter, while not asserting that EPA should disapprove Section 33.0 as a SIP revision, does however assert that they “have been told that in some types of solvent solutions, too low of a VOC will lead to poor results

regardless of how long the batch is run for. Even if extended operations of degreasers/parts cleaners can be equally effective, it does raise the question in my mind that businesses may end up generating more fugitive emissions by nature of the prolonged device operations (?).” The commenter does not offer any factual support for, or data to back up an increase of fugitive emissions or indicate a baseline from which the commenter believes a baseline should be measured.

Additionally, the commenter does not indicate that the 40.87 tons/year emission reduction calculated by Delaware, and included in the docket for this rule, are incorrect or that Section 33.0 would be less stringent than the rule in the current Delaware SIP.<sup>4</sup> Comments, that are no more than broad assertions that an agency “got it wrong,” do not provide a basis for EPA to change its decision. See, *e.g.*, *International Fabricare Institute v. E.P.A.*, 972 F.2d 384 (D.C. Cir. 1992). Therefore, this comment provides no basis for EPA to change its decision that Section 33.0 is an approvable revision to the Delaware SIP.<sup>5</sup>

#### IV. Final Action

EPA is approving, as a revision, the State of Delaware’s October 13, 2021, SIP submittal reducing VOC emissions from cold solvent cleaning operations.

#### V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Delaware’s solvent cleaning and drying regulation, described in 7 DE Admin. Code 1124 Section 33.0. EPA has made, and will continue to make, these materials generally available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region III Office (please contact the

<sup>4</sup> See the Department Response to Comment 3 in Delaware’s Technical Response Memorandum for more information on Delaware’s emissions reduction calculation.

<sup>5</sup> EPA nevertheless notes that if equipment cannot efficiently operate at the VOC content criteria included in DE’s SIP revision, a higher VOC content concentration for cleaning solution may be used with a VOC capture and control device that would control the VOC air emissions to no more than would be experienced if the cleaning solution were VOC compliant in absence of the capture and control device. See 7 DE Admin Code 1124 Section 33.3.7.3. Therefore, the operator has the option to use lower VOC content cleaning solutions or deploy appropriate control devices. There are several low-VOC solvent studies referenced in Delaware’s technical support document, which can be found in the docket for this rule. These studies identify low VOC solvent alternatives that performed effectively for various industries and were cost effective.

person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA’s approval, and will be incorporated by reference in the next update to the SIP compilation.<sup>6</sup>

#### VI. Statutory and Executive Order Reviews

##### A. General Requirements

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

<sup>6</sup> 62 FR 27968 (May 22, 1997).

<sup>2</sup> See [otcair.org/OTC\\_process.asp](http://otcair.org/OTC_process.asp).

<sup>3</sup> EPA’s approval of Section 33.0 as a revision to the SIP is a Federal rulemaking, however, a SIP approval merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law, which does not trigger obligations under the Regulatory Flexibility Act.

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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

*B. Submission to Congress and the Comptroller General*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

*C. Petitions for Judicial Review*

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 December 5, 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, which pertains to the reduction of VOC emissions from cold solvent cleaning operations in Delaware, 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, Ozone, Volatile organic compounds.

**Adam Ortiz,**  
*Regional Administrator, Region III.*

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.*

**Subpart I—Delaware**

- 2. In § 52.420, the table in paragraph (c) is amended by revising the entry for “Section 33.0” to read as follows:

**§ 52.420 Identification of plan.**  
\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS AND STATUTES IN THE DELAWARE SIP**

State regulation (7 DNREC 1100)	Title/subject	State effective date	EPA approval date	Additional explanation
* * *	* * *	* * *	* * *	* * *
<b>1124 Control of Volatile Organic Compound Emissions</b>				
Section 33.0 .....	Solvent Metal Cleaning and Dry- ing.	08/11/2021	October 4, 2022, [INSERT <b>FED- ERAL REGISTER</b> CITATION].	
* * *	* * *	* * *	* * *	* * *

\* \* \* \* \*  
[FR Doc. 2022-21254 Filed 10-3-22; 8:45 am]  
BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 9**

[PS Docket Nos. 18-261, 17-239; GN Docket No. 11-117; DA 22-952; FR ID 105354]

**Implementing Kari’s Law and RAY BAUM’S Act; Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** On December 5, 2019, the Federal Communications Commission

revised Commission rules. That document incorrectly listed a cross-reference. This document corrects the final regulations.

**DATES:** Effective October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** For additional information, contact Jill Coogan, Attorney Advisor, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-1499 or via email at *Jill.Coogan@fcc.gov*.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Second Erratum, in PS Docket Nos. 18-261, 17-239; GN Docket No. 11-117; DA 22-952, released on September 13, 2022. This document corrects the Commission’s final rules document, published December 5, 2019 (84 FR 66716). This is the second set of corrections. The first

set of corrections was published in the **Federal Register** on February 19, 2020 (85 FR 9390).

On September 13, 2022, the Federal Communications Commission's Office of Managing Director and Public Safety and Homeland Security Bureau published a Second Erratum to correct an erroneous cross-reference in the final rules appendix of FCC 19–76, published in the **Federal Register** on December 5, 2019 (84 FR 66716).

Because this change is editorial and non-substantive, we find good cause to conclude that notice and comment are unnecessary for its adoption. Because this rule change does not require notice and comment, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. *See id.* section 601(2).

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

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

Accordingly, *it is ordered* that, effective on the date of publication of this Second Erratum in the **Federal Register**, § 9.17(a)(1) of the rules *is amended* as set forth herein, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and in sections 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), 553(d)(3).

#### List of Subjects in 47 CFR Part 9

Communications, Communications common carriers, Communications equipment, Internet, Radio, Reporting and recordkeeping requirements, Satellites, Security measures, Telecommunications, Telephone.

Accordingly, 47 CFR part 9 is corrected by making the following correcting amendments:

## PART 9—911 REQUIREMENTS

- 1. The authority citation for part 9 continues to read as follows:

**Authority:** 47 U.S.C. 151–154, 152(a), 155(c), 157, 160, 201, 202, 208, 210, 214, 218, 219, 222, 225, 251(e), 255, 301, 302, 303, 307, 308, 309, 310, 316, 319, 332, 403, 405, 605, 610, 615, 615 note, 615a, 615b, 615c, 615a–1, 616, 620, 621, 623, 623 note, 721, and 1471, and Section 902 of Title IX, Division FF, Pub. L. 116–260, 134 Stat. 1182, unless otherwise noted.

- 2. Amend § 9.17 by revising paragraph (a)(1) to read as follows:

#### § 9.17 Enforcement, compliance date, State law.

(a) \* \* \*

(1) Sections 9.16(a)(1) and (b)(1) and (2) shall be enforced under title V of the Communications Act of 1934, as amended, 47 U.S.C. 501 *et seq.*, except that section 501 applies only to the extent that such section provides for the punishment of a fine.

\* \* \* \* \*

Federal Communications Commission.

**David Furth,**

*Deputy Chief, Public Safety and Homeland Security Bureau.*

[FR Doc. 2022–20750 Filed 10–3–22; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 220510–0113]

RTID 0648–XC370

#### Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries; Inseason Actions #37 Through #45

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

**ACTION:** Inseason modification of 2022 management measures.

**SUMMARY:** NMFS announces nine inseason actions in the 2022 ocean salmon fisheries. These inseason actions modify the recreational and commercial salmon fisheries in the area from the U.S./Canada border to the Oregon/California border.

**DATES:** The effective dates for the inseason actions are set out in this document under the heading Inseason Actions and the actions remain in effect until superseded or modified.

**FOR FURTHER INFORMATION CONTACT:** Shannon Penna at 562–980–4239, Email: *Shannon.Penna@noaa.gov*.

#### SUPPLEMENTARY INFORMATION:

#### Background

The 2022 annual management measures for ocean salmon fisheries (87 FR 29690, May 16, 2022), announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, effective from 0001 hours Pacific Daylight Time (PDT), May 16, 2022, until the effective date of the 2023 management measures, as published in the **Federal Register**. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Chairman of the Pacific Fishery Management Council (Council), and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions).

Management of the salmon fisheries is divided into two geographic areas: north of Cape Falcon (NOF) (U.S./Canada border to Cape Falcon, OR), and south of Cape Falcon (SOF) (Cape Falcon, OR, to the U.S./Mexico border). The actions described in this document affect the NOF commercial and recreational salmon fisheries, as set out under the heading Inseason Action below.

Consultations with the Council Chairperson on these inseason actions occurred on August 17, 2022, August 22, 2022, August 25, 2022, and August 30, 2022. Representatives from NMFS, Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Wildlife (CDFW) and Council staff participated in these consultations. Members of the Salmon Advisory Subpanel and Salmon Technical Team (STT) were also present on the calls.

These inseason actions were announced on NMFS' telephone hotline and U.S. Coast Guard radio broadcast on the date of the consultations (50 CFR 660.411(a)(2)).

#### Inseason Actions

##### *Inseason Action #37*

*Description of the action:* Inseason action #37 modifies the landing and possession limit for the commercial salmon troll fishery across the entire

NOF area, regardless of subarea, to: 10 Chinook salmon per vessel per landing week (Thursday through Wednesday).

*Effective date:* Inseason action #37 took effect on August 18, 2022, and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #37 was necessary to slow the rate of Chinook salmon catch in order to preserve the length of the salmon fishing season by setting a lower landing and possession limit. The West Coast Regional Administrator (RA) considered the landings of Chinook salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery-dependent community by preserving season length. The modification of commercial landing and possession limits is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #38*

*Description of the action:* Inseason action #38 modifies the recreational fishery from the Queets River to Leadbetter Point (Westport Subarea). Possession of Chinook salmon is illegal on days when retention of Chinook salmon is prohibited in that same area.

*Effective date:* Inseason action #38 took effect on August 18, 2022 at 12:01 a.m., and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #38 was necessary to not exceed the Chinook salmon guideline due to high Chinook salmon catch and preserve the length of the season while continuing to allow access to coho salmon. The RA considered landings of Chinook and coho salmon to date and projected catches, fishery effort occurring to date and projected effort, quotas and guidelines set preseason, and the recreational Chinook salmon guideline remaining. The RA determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the Westport subarea in order to meet management goals set preseason, including access to coho salmon. Modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #39*

*Description of the action:* Inseason action #39 modifies the recreational fishery from the Queets River to Leadbetter Point (Westport Subarea), Chinook salmon retention is prohibited.

*Effective date:* Inseason action #39 took effect on August 23, 2022 at 12:01 a.m., and remains in effect until superseded.

*Reason and authorization for the action:* Due to high Chinook salmon catch, this inseason action was necessary to not exceed the Chinook salmon guideline and preserve the length of the season while continuing to allow access to coho salmon. The RA considered landings of Chinook and coho salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the Westport subarea in order to meet management goals set preseason, including access to coho salmon. Modifications of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #40*

*Description of the action:* Inseason action #40 modifies the recreational fishery from Leadbetter Point to Cape Falcon, OR (Columbia River subarea), Chinook salmon retention is prohibited, and the portion of the subarea North of 46°15' N and East of 124°08'40" W is open to fishing for salmon.

*Effective date:* Inseason action #40 took effect on August 23, 2022 at 12:01 a.m., and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #40 was necessary to preserve the length of the season by avoiding exceedance of the Chinook salmon guideline while maximizing catch of the available coho salmon quota. Leadbetter Point to Cape Falcon, OR (Columbia River subarea) opened with a coho salmon quota of 84,000 and a Chinook salmon guideline of 7,700. Through August 21, 2022, 37,405 coho salmon (45 percent of the subarea quota) and 6,902 Chinook salmon (90 percent of the subarea guideline) had been caught in the Columbia River subarea. The RA considered landings of Chinook and coho salmon to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to preserve the available recreational Chinook salmon guideline in the Columbia River subarea in order to meet management goals set preseason including access to coho salmon. Modification of recreational bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #41*

*Description of the action:* Inseason action #41 modifies the commercial salmon troll fishery NOF, the remaining coho salmon quota is adjusted on an impact-neutral basis, from mark-selective to non-mark-selective. The adjusted non-mark-selective coho salmon quota is 9,700.

*Effective date:* Inseason action #41 took effect on August 26, 2022 at 12:01 a.m., and remains in effect until the end of the commercial salmon season on September 30, 2022 at 11:59 p.m.

*Reason and authorization for the action:* Inseason action #41 was necessary to allow for increased access to the coho salmon quota, which had not been fully used, while not exceeding the impact limits for protected Chinook salmon stocks. The annual management measures (87 FR 29690, May 16, 2022) provide for inseason action to modify the regulations that restrict retention of un-marked coho salmon while still achieving management objectives, including not exceeding allowable impacts on constraining Chinook and coho salmon stocks. The STT calculated the necessary adjustments to the coho salmon quota on an impact-neutral basis for the constraining stocks in the NOF area. The RA considered coho salmon landings to date and projected catch, fishery effort occurring to date and projected effort, and quotas set preseason and determined that this inseason action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery-dependent community. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #42*

*Description of the action:* Inseason action #42 modifies the commercial salmon troll fishery NOF, landing and possession limit for coho salmon is modified to 150 non-mark-selective coho salmon per vessel per landing week (Thursday through Wednesday). Weekly landing and possession limit for Chinook salmon remains 10 Chinook salmon per vessel per landing week.

*Effective Date:* Inseason action #42 took effect on August 26, 2022 at 12:01 a.m., and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #42 modified the coho salmon landing and possession limit from 150 mark-selective coho salmon to 150 non-mark-selective coho salmon per vessel per landing week. This change was necessary to avoid exceedance of the Chinook salmon guideline and maximize catch of the



available coho salmon quota. The RA considered coho and Chinook salmon landings to date and projected catch, fishery effort occurring to date and projected effort, and quotas set pre-season and determined that this in-season action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery-dependent community. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #43*

*Description of the action:* Inseason action #43 modifies the recreational salmon fishery from the Queets River to Leadbetter Point (Westport subarea), the remaining coho salmon quota is adjusted on an impact-neutral basis, from mark-selective to non-mark-selective. The adjusted non-mark-selective coho salmon quota is 14,000.

*Effective date:* Inseason action #43 took effect on August 27, 2022 at 12:01 a.m., and remains in effect until the end of the recreational salmon season on September 30, 2022 at 11:59 p.m.

*Reason and authorization for the action:* Inseason action #43 was necessary to allow for increased access to the coho salmon quota, which had not been fully used, while not exceeding the impact limits for protected Chinook salmon stocks. The annual management measures (87 FR 29690, May 16, 2022) provide for in-season action to modify the regulations that restrict retention of un-marked coho salmon fishery while still achieving management objectives, including not exceeding allowable impacts on constraining Chinook and coho salmon stocks. The STT calculated the necessary adjustments to the coho salmon quota on an impact-neutral basis for the constraining stocks in the NOF area.

The RA considered coho and Chinook salmon landings to date and projected catch, fishery effort occurring to date and projected effort, and quotas set pre-season and determined that this in-season action was necessary to provide greater fishing opportunity and provide economic benefit to the fishery-dependent community. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

#### *Inseason Action #44*

*Description of the action:* Inseason action #44 modifies the recreational fishery from the Queets River to Leadbetter Point (Westport subarea), the daily limit is modified to 2 salmon per day, Chinook salmon retention prohibited.

*Effective date:* Inseason action #44 took effect on August 27, 2022 at 12:01

a.m., and remains in effect until superseded.

*Reason and authorization for the action:* Inseason action #44 was necessary to reduce Chinook salmon catch to preserve the length of the season while avoiding exceedance of the Chinook salmon guideline for this area and maximizing catch of the available coho salmon quota.

The RA considered the landings of Chinook and coho salmon to date and projected catches in the recreational salmon fishery, fishery effort occurring to date and projected effort, quotas and guidelines set pre-season, and the recreational Chinook salmon guideline remaining. The RA determined that this in-season action was necessary to preserve the available recreational Chinook salmon guideline in the Westport subarea in order to meet management goals set pre-season. The modification of recreational fishing bag limits is authorized by 50 CFR 660.409(b)(1)(iii).

#### *Inseason Action #45*

*Description of the action:* Inseason action #45 modifies the SOF recreational salmon fishery from Cape Falcon, OR to Humbug Mountain, OR. This action increased the non-mark selective coho salmon quota in the September 3 through September 30, 2022 recreational fishery from 17,000 to 26,800 through an impact-neutral rollover of unused quota from the June–August mark selective coho salmon recreational fishery in the area from Cape Falcon, OR to the Oregon/California border.

*Effective date:* Inseason action #45 took effect on September 3, 2022 at 12:01 a.m., and remains in effect until the end of the recreational salmon season on September 30, 2022 at 11:59 p.m.

*Reason and authorization for the action:* Authority for this impact-neutral rollover of unutilized quota is specified in the 2022 ocean salmon regulations (87 FR 29690, May 16, 2022). The SOF June–August mark selective coho salmon recreational fishery had a quota of 100,000 marked coho salmon. Of that quota, 42,814 coho salmon were landed, leaving 57,186 coho salmon quota unutilized for the June–August period. The STT calculated that an impact-neutral rollover would add 9,800 coho salmon from the June–August period to the September non-selective coho salmon fishery quota of 17,000 for an adjusted quota of 26,800 coho salmon. This action did not increase the overall 2022 coho salmon quota in the SOF recreational fishery. The RA considered the landings of coho salmon to date,

fishery catch and effort to date, the amount of quota remaining, and the timing of the action relative to the length of the season, and determined that this in-season action was necessary to meet management goals set pre-season. Modification of quotas and/or fishing seasons is authorized by 50 CFR 660.409(b)(1)(i).

All other restrictions and regulations remain in effect as announced for the 2022 ocean salmon fisheries (87 FR 29690, May 16, 2022), as modified by previous in-season action (87 FR 41260, July 12, 2022; 87 FR 49534, August 11, 2022; 87 FR 52353, August 25, 2022; 87 FR 54171, September 9, 2022).

The RA determined that these in-season actions were warranted based on the best available information on Pacific salmon abundance forecasts, landings to date, anticipated fishery effort and projected catch, and the other factors and considerations set forth in 50 CFR 660.409. The states and tribes manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone (3–200 nautical miles; 5.6–370.4 kilometers) off the coasts of the states of Washington, Oregon, and California) consistent with these Federal actions. As provided by the in-season notice procedures at 50 CFR 660.411, actual notice of the described regulatory actions was given, prior to the time the actions became effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

#### **Classification**

NMFS issues these actions pursuant to section 305(d) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). These actions are authorized by 50 CFR 660.409, which was issued pursuant to section 304(b) of the MSA, and are exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. Prior notice and opportunity for public comment on this action was impracticable because NMFS had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook and coho salmon abundance, catch, and effort information were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best scientific

information available and that fishery participants can take advantage of the additional fishing opportunity these changes provide. As previously noted, actual notice of the regulatory actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (87

FR 29690, May 16, 2022), the Pacific Salmon Fishery Management Plan (FMP), and regulations implementing the FMP under 50 CFR 660.409 and 660.411.

There is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date, as a delay in effectiveness of this action would restrict fishing at levels inconsistent with the goals of the

FMP and the current management measures.

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

Dated: September 28, 2022.

**Jennifer M. Wallace,**

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

[FR Doc. 2022–21440 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register

Vol. 87, No. 191

Tuesday, October 4, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Notice of Meeting; Transformative Pathways Toward a Climate Resilient Agriculture, Food, and Nutrition System: A Public Consultation Ahead of the 27th Conference of Parties

**AGENCY:** Agency for International Development.

**ACTION:** Notice of meeting; request for public comment.

**SUMMARY:** The Board for International Food and Agricultural Development (BIFAD) (see <https://www.usaid.gov/bifad>) is hosting its 187th public meeting, *Transformative Pathways Toward a Climate Resilient Agriculture, Food, and Nutrition System: A Public Consultation Ahead of the 27th Conference of Parties*, to present the preliminary findings of a commissioned study on solutions for systemic climate change adaptation and mitigation and scaling climate finance in agricultural, nutrition, and food systems. BIFAD seeks public input in response to the emerging findings. Through this public discussion, BIFAD aims to strengthen the report recommendations and ensure the utility of the study to improve long-term food security and inform ambitious implementation of USAID's Climate Strategy by identifying and addressing points of consensus and key gaps in consultation with the wider agricultural, nutrition, and food systems and climate change communities.

**DATES:** The virtual meeting will be on Wednesday, October 26, 2022 from 10:00 a.m. to 12:00 p.m. EDT. A public comment period will be held from 10:55–11:15 a.m. EDT.

**ADDRESSES:** The event is open to the public and will be hosted via ZOOM for virtual public participation. All participants should register at: <https://bit.ly/3xPieLj>.

**SUPPLEMENTARY INFORMATION:** In response to USAID's work on the climate change crisis, BIFAD formed the BIFAD Subcommittee on Systemic Solutions for Climate Change Adaptation and Mitigation in Agriculture, Nutrition, and Food Systems (see <https://www.usaid.gov/bifad/climatechange> for more information) in June, 2022. The subcommittee will lead transdisciplinary evidence gathering to support USAID's role in accelerating inclusive systems change and transformative climate change adaptation and mitigation approaches in agricultural, nutrition, and food systems, and in targeting climate finance to benefit smallholder farmers. The subcommittee's efforts are intended to inform implementation of the USAID Climate Strategy 2022–2023 (see <https://www.usaid.gov/climate/strategy> for more information), the U.S. Government Global Food Security Strategy (see <https://www.usaid.gov/what-we-do/agriculture-and-food-security/us-government-global-food-security-strategy>), and other sectoral policies. A list of subcommittee members may be found at <https://www.usaid.gov/bifad/climatechange/subcommittee>.

A BIFAD-commissioned study on systemic solutions for climate change adaptation and mitigation in agricultural, nutrition, and food systems, guided by the subcommittee, was introduced and discussed at a BIFAD public meeting on August 31, 2022 (see link at <https://www.usaid.gov/bifad/documents/185th-public-meeting-agenda>). A final report is anticipated in Spring 2023. The study will achieve the following three objectives:

1. Suggest realistic 2030 targets and intermediate results to guide USAID program design for the agriculture, food, and nutrition sectors.
2. Identify priority leverage points for transformative systemic change and scaling climate finance to achieve the targets and intermediate results for the sector.
3. Prioritize areas for USAID action in the sector and recommend interventions.

At the public meeting, and in the lead-up to the 2022 United Nations Framework Convention on Climate Change 27th Conference of Parties (COP27, see <https://cop27.org/#/>), authors of the BIFAD-commissioned

study will present and discuss preliminary findings (to be posted publicly a few days prior to the meeting at [www.usaid.gov/bifad/climatechange](http://www.usaid.gov/bifad/climatechange)), related to the following:

1. Climate-resilient pathways for inclusive, transformative systemic change in agricultural, nutrition, and food systems;
2. Priority systems for inclusive transformation in food, agriculture, and nutrition;
3. Barriers to inclusive transformation in agricultural, nutrition, and food systems;
4. Priority leverage points for transformative systemic change; and
5. Climate finance solutions to catalyze inclusive adaptation and mitigation actions in the agricultural, food, and nutrition sector.

The public is invited to comment on the report's preliminary findings and recommendations and to submit additional case studies, evidence, and relevant publications to inform the study.

The BIFAD is a seven-member, presidentially appointed advisory board to the U.S. Agency for International Development (USAID) established in 1975 under Title XII of the Foreign Assistance Act, as amended, to ensure that USAID brings the assets of U.S. universities to bear on development challenges in agriculture and food security and supports their representation in USAID programming. Public comment is invited to further inform BIFAD's work.

For questions about registration, please contact the BIFAD Support Team at [bifadsupport@tetrattech.com](mailto:bifadsupport@tetrattech.com). For questions about BIFAD, or to submit written comments, evidence, or materials in advance or following the meeting, please contact Clara Cohen, Designated Federal Officer for BIFAD in the Bureau for Resilience and Food Security at USAID. Interested persons may email her at [ccohen@usaid.gov](mailto:ccohen@usaid.gov) (Subject: Comment for 187th BIFAD Public Meeting) or telephone her at (202) 712–0119.

**Clara Cohen,**

*Designated Federal Officer, BIFAD.*

[FR Doc. 2022–21447 Filed 10–3–22; 8:45 am]

**BILLING CODE 6116–01–P**

**DEPARTMENT OF AGRICULTURE****Submission for OMB Review;  
Comment Request; Correction**

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments regarding this information collection received by November 3, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**Agricultural Research Service**

*Title:* Peer Review Related Forms for the Office of Scientific Quality Review.  
*Action:* Notice: Correction.

*OMB Control Number:* 0518–0028.

*Summary of Collection:* The Office of Scientific Quality Review (OSQR) published a document in the **Federal Register** on September 21, 2022, Volume 87, Number 182, page 57680, concerning a request for comment on the information collection “Peer Review Related Forms for the Office of Scientific Quality Review” OMB control number 0518–0028. The number of

respondents and burden hours were incorrect. The number of respondents should have been 401 not 230 and the burden hours 2,833 not 2,460.

*Number of Respondents:* 401.

*Frequency of Responses:* Reporting: Quarterly; Weekly; Annually.

*Total Burden Hours:* 2,833.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2022–21498 Filed 10–3–22; 8:45 am]

**BILLING CODE 3410–03–P**

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. APHIS–2020–0106]

**Notice of Decision To Authorize the Importation of Pummelo From Vietnam Into the United States**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to authorize the importation into the United States of fresh pummelo fruit from Vietnam. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh pummelo fruit from Vietnam.

**DATES:** Imports may be authorized beginning October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sam Johnson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 442–6583.

**SUPPLEMENTARY INFORMATION:****Background**

Under the regulations in “Subpart L—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process

for approving the importation of commodities that, based on the findings of a pest risk analysis (PRA), can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS proposes to authorize the importation of a fruit or vegetable into the United States if, based on findings of a PRA, we determine that the measures can mitigate the plant pest risk associated with the importation of that fruit or vegetable. APHIS then publishes a notice in the **Federal Register** announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS will issue a subsequent **Federal Register** notice announcing whether or not we will authorize the importation of the fruit or vegetable subject to the phytosanitary measures specified in the notice.

In accordance with that process, we published a notice<sup>1</sup> in the **Federal Register** on December 27, 2021 (86 FR 73237–73238, Docket No. APHIS–2020–0106), in which we announced the availability, for review and comment, of a PRA that evaluated the risks associated with the importation into the United States of pummelo fruit (*Citrus maxima* Merrill) from Vietnam. The PRA consisted of a risk assessment identifying pests of quarantine significance that could follow the pathway of importation of pummelo fruit from Vietnam into the United States and a risk management document (RMD) identifying phytosanitary measures to be applied to that commodity to mitigate the pest risk.

We solicited comments on the notice for 60 days ending on February 25, 2022. We did not receive any comments by that date.

Therefore, in accordance with the regulations in § 319.56–4(c)(3)(iii), we are announcing our decision to authorize the importation into the United States of pummelo from Vietnam subject to the phytosanitary measures identified in the RMD that accompanied the initial notice.

These conditions will be listed in the USDA, APHIS Agricultural Commodity Import Requirements (ACIR) database (<https://acir.aphis.usda.gov/s/>).<sup>2</sup> In addition to these specific measures, pummelo from Vietnam will be subject to the general requirements listed in

<sup>1</sup> To view the notice and the PRA, go to [www.regulations.gov](http://www.regulations.gov). Enter APHIS–2020–0106 in the Search field.

<sup>2</sup> On September 30, 2022, the APHIS Fruits and Vegetables Import Requirements (FAVIR) database was replaced by the ACIR database.

§ 319.56–3 that are applicable to the importation of all fruits and vegetables.

### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the recordkeeping and burden requirements associated with this action are included under the Office of Management and Budget control number 0579–0049.

### E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2483.

### Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

*Authority:* 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 29th day of September 2022.

**Anthony Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2022–21509 Filed 10–3–22; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: Special Emergency Approval of SFA Survey II on School Food Supply Chain Disruptions

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, this notice invites the general public and other public agencies to comment on a proposed emergency information collection.

The Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) is requesting emergency approval under the Paperwork Reduction Act to conduct a survey of School Food Authorities to

collect information on the continued impacts of COVID–19-related supply chain disruptions on the Child Nutrition (CN) Programs, as well as emerging challenges related to the transition back to standard school nutrition program operations.

**DATES:** Written comments must be received on or before November 3, 2022.

**ADDRESSES:** Comments may be sent to: Sarah Reinhardt, Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, VA 22314. Comments may also be submitted via email to [Sarah.Reinhardt@usda.gov](mailto:Sarah.Reinhardt@usda.gov). Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically. All responses to this notice will be shared with the Office of Management and Budget. All comments will be a matter of public record.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Sarah Reinhardt at [Sarah.Reinhardt@usda.gov](mailto:Sarah.Reinhardt@usda.gov) or Barbara Murphy at [Barbara.Murphy@usda.gov](mailto:Barbara.Murphy@usda.gov) or (703) 305–2532.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) has established regulations for the emergency processing of information collection requests (ICRs) at 5 CFR 1320.13. OMB can authorize Emergency Clearance for an information collection for up to 6 months.

Comments are invited on: (a) Whether the proposed emergency 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, including the validity of the methodology and assumptions that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. The draft survey is included in the appendix to this Notice.

**Title:** Special Emergency Approval of SFA Survey II on School Food Supply Chain Disruptions.

**OMB Number:** 0584–NEW.

**Expiration Date:** Six months after OMB approval.

**Type of Request:** Emergency information collection request.

**Abstract:** FNS is responsible for the administration of the Child Nutrition programs—including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), NSLP Seamless Summer Option (SSO), the Summer Food Service Program (SFSP), the Child and Adult Care Food Program (CACFP), and others—at the federal level. To inform current and future policy decisions and effectively oversee these programs, FNS requires information on how these programs are operating. Although FNS oversees these programs, SAs administer them through agreements with SFAs and other local entities that implement the programs at the local level.

Throughout the pandemic, school nutrition professionals have met extraordinary challenges to ensure every child can get the food they need to learn, grow, and thrive. But circumstances in local communities remain unpredictable, and supply chains for food and labor have been stressed and at times disrupted. USDA is committed to working together with state agencies, school food authorities (SFAs), the food industry, and other stakeholders to communicate these challenges and to identify solutions.

This is the second survey issued to SFAs that will assist FNS and its partners to enhance the toolbox for school nutrition professionals working hard to make sure students have reliable access to healthy meals. Whereas the first SFA survey focused on challenges and mitigation strategies related to procuring specific food or non-food items during the 2021–2022 school year, this survey focuses on food costs, labor costs, and vendor issues that continue to disrupt school food service in the 2022–2023 school year, as well as changes in student participation related to the return to standard operations.

The attached survey has a maximum of 31 questions and is estimated to take approximately 20 minutes to complete per respondent. FNS is asking all SFAs that participate in the Child Nutrition Programs to complete this survey, which will be distributed via email with the support of state agencies. SFAs will be asked to complete the survey using an online survey tool and will receive reminders and support emails from state agencies and FNS as needed. As a result, the total proposed time burden is 8,840.79 burden hours.

**Affected Public:** School Food Authorities and state agencies.

**Estimated Number of Respondents:** The total estimated number of respondents is 19,106.

*Estimated Number of Responses per Respondent:* 5.

*Estimated Total Annual Responses:* The total estimated number of responses is 95,315.

*Estimated Time per Response:* 5.6 minutes.

*Estimated Total Annual Burden on Respondents:* 8,840.79 hours.

*Current OMB Inventory:* 0.

*Difference (Burden Revisions Requested):* 8,840.79 hours and 95,315 responses.

**Tameka Owens,**

*Assistant Administrator, Food and Nutrition Service.*

OMB Control Number: 058XX.  
Expiration Date: XX/XX/20XX.

## Appendix

### Draft SFA Survey II on School Food Supply Chain Disruption and Student Participation

#### Introduction

Throughout the pandemic, school nutrition professionals have met extraordinary challenges to ensure every child can get the food they need to learn, grow, and thrive. As School Food Authorities (SFAs) across the country begin to return to standard operations in school year (SY) 2022–2023, the US Department of Agriculture (USDA) seeks to understand the continued challenges SFAs are facing due to ongoing food and labor supply chain disruptions, as well as the ways in which this transition is impacting student participation in nutrition programs.

*This survey is mandatory* and is intended to ensure the USDA has national, representative-level information to assess the scope, reach, and variation in challenges and mitigation strategies. The survey focuses specifically on the impacts of emerging and continuing supply chain challenges during school year 2022–2023, including food costs, labor costs, and vendor issues, as well as changes in student participation related to

the return to standard school nutrition program operations. The results will be used to assist USDA's Food and Nutrition Service (FNS) and its partners to enhance the toolbox for school nutrition professionals working hard to make sure students are served healthy and nutritious meals.

The survey has a maximum of 31 questions and is estimated to take approximately 20 minutes to complete. FNS is asking all SFAs that participate in the Child Nutrition Programs to complete this survey by [DATE].

Please note that the survey includes questions about changes in overall food costs, labor costs, and student participation during the last several years. If this information is not readily available to you, we encourage you to provide your best estimates.

We sincerely appreciate your participation in this survey, particularly as many of you have little time available given the exceptional levels of effort you are putting into feeding children. As such, we have made this survey as short and simple to complete as possible.

We thank you in advance for your contribution to this important effort.

The Food and Nutrition Service (FNS) is collecting this information to better understand the impacts of school food vendor, cost, and labor issues on school districts nationwide. This is a mandatory collection. FNS will use the information to develop tailored resources, tools, and flexibilities to support school districts in serving students healthy and nutritious meals. This collection does not represent personally identifiable information (PII) under the privacy act of 1974. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584–XXXX. The time required to complete this information collection is estimated to average 20 minutes (0.33 hours) per response for SFA Directors, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, 1320 Braddock Place, 5th Floor, Alexandria, VA 22314, ATTN: PRA (0584–XXXX). Do not return the completed form to this address.

- Please click Next>> to begin the survey.
1. Since the start of the regular 2022–2023 school year, which Child Nutrition Programs has your SFA operated? Do not include programs operated during summer 2022. *Select all that apply.*
    - a. National School Lunch Program (NSLP)
    - b. School Breakfast Program (SBP)
    - c. NSLP Afterschool Snack Service
    - d. Child and Adult Care Food Program (CACFP) At-Risk Afterschool Meals
    - e. Fresh Fruit and Vegetable Program (FFVP)
    - f. Special Milk Program (SMP)
    - g. Summer Food Service Program (SFSP) (select *only if* SFA operated SFSP during unanticipated school closures since the start of the regular 2022–2023 school year)
  2. How are the schools in your SFA operating the school lunch and/or breakfast programs in school year 2022–2023? *Select all that apply.*
    - a. Collecting household applications to determine eligibility for free or reduced-price meals
    - b. Provision 2/3
    - c. Community Eligibility Provision
    - d. Universal free meals offered by state or territory
    - e. Operating other alternate provisions for NSLP and SBP
    - f. Operating other alternate provision(s) for *only NSLP* or *only SBP*
  3. Which food service model(s) does your SFA use? *Select all that apply.*
    - a. Food Service Management Company (FSMC)
    - b. Vended meals company (provides meals only)
    - c. Purchase meals from other schools or central kitchens
    - d. Self-preparation (independent kitchen, base kitchen, or production kitchen)
  4. What, if any, supply chain-related challenges has your SFA experienced during school year 2022–2023? *Select all that apply.*
    - a. High food costs (compared with a typical pre-pandemic school year)
    - b. High labor costs (compared with a typical pre-pandemic school year)
    - c. High cost and/or limited availability of food service materials (e.g., plates, trays, utensils)
    - d. High cost and/or limited availability of food service equipment or parts
    - e. School food service staffing shortages
    - f. Challenges receiving deliveries on usual days, times, or locations
    - g. Receiving incomplete orders with missing or substituted items
    - h. Receiving items that are damaged or unusable due to distributor issues
  5. Has your SFA experienced any challenges getting USDA Foods processed end products during school year 2022–2023?
    - a. Yes
    - b. No
    - c. I don't know
    - d. SFA has not used USDA Foods processing during school year 2022–2023
  6. To the best of your knowledge, what factors have contributed to challenges getting USDA Foods processed end products during school year 2022–2023? [ASK IF SELECTED Q5 = YES] *Select all that apply.*
    - a. Vendor capacity
    - b. Distributor supply issues
    - c. Distributor or processor product line reductions (SKU rationalization)
    - d. Price increases
    - e. Inability to purchase as much food as SFA would like to due to lack of storage space
    - i. Food vendors discontinuing participation in school food service operations
    - j. Low number of bids for food service contracts
    - k. Lack of storage space to store additional food in the event of shortages
    - l. SFA has not experienced any challenges with school meal program operations in school year 2022–2023
    - m. I don't know

- f. I don't know
7. What, if any, challenges has your SFA experienced related to the return to standard operations during school year 2022–2023?
- Fewer parents/guardians submitting applications for free or reduced-price meals
  - Challenges verifying or processing applications for free or reduced-price meals
  - Confusion from students or parents/guardians regarding the return to standard operations (e.g., changes to meal service, payment, or applications)
  - Challenges preparing and/or ordering the right amount of food due to uncertainty in participation
  - Staffing challenges due to changes in meal preparation or service (e.g., from grab-and-go to cafeteria meals)
  - Unpaid school meal debt
  - SFA has not experienced any challenges related to the return to standard operations in school year 2022–2023
  - I don't know
8. How are the challenges your SFA is experiencing impacting school meal operations? *Select all that apply. [Randomize display order.]*
- Reduced student participation
  - Reduced sale of nonprogram (competitive) foods
  - Increased competition from nonprogram (competitive) or off-campus food sales
  - Increased overall program costs
  - Difficulty offering enough reimbursable meals to participating children due to lack of food
  - Difficulty meeting meal modification requirements for children with food and nutrition-related disabilities
  - Difficulty adhering to planned menus due to changing or limited food availability
  - Difficulty complying with meal pattern requirements
  - Difficulty complying with regular procurement requirements
  - Inability to offer afterschool snacks/suppers
  - Increased staff stress or workload
  - Difficulty retaining enough staff with adequate skills and training
  - Difficulty fulfilling other job requirements, such as completing federal or state reporting forms, due to time spent addressing challenges
  - SFA has not experienced any of these impacts in school year 2022–2023
  - I don't know
9. What, if any, purchasing strategies has your SFA used to address supply chain challenges during school year 2022–2023? *Select all that apply. [Randomize display order.]*
- Aligning product specifications with other SFAs
  - Aligning product specifications with available vendor products
  - Using cooperative purchasing agreements
  - Increasing use of local vendors and/or working with multiple vendors
  - Increasing use of USDA Foods direct delivery (brown box)
  - Increasing use of USDA DoD Fresh
  - Leveraging state contracts for bids
  - Conducting emergency procurements
  - Increasing use of micro-purchases
  - Purchasing foods directly from grocery stores or superstores
  - Increasing local food purchases
  - Decreasing local food purchases
  - Requesting shorter bids and/or making more frequent orders
  - Increasing communication with vendors, distributors, and/or manufacturers to identify available products
  - Planning further ahead and/or placing orders further in advance
  - SFA has not used any purchasing strategies to address supply chain challenges in school year 2022–2023
  - I don't know
10. What other strategies has your SFA used to address supply chain challenges during school year 2022–2023? *Select all that apply.*
- Communicating more with parents/guardians about menus and other changes
  - Increasing use of scratch cooking
  - Decreasing use of scratch cooking
  - Limiting or repeating weekly menu offerings
  - Making more frequent menu substitutions
  - Increasing use of available products across multiple menu items
  - Using state funding to cover excess costs of serving school meals
  - Limiting service options (e.g., stopping breakfast in the classroom)
  - Receiving deliveries at nontraditional days, times, or locations
  - Picking up orders when usual delivery methods are not workable
  - SFA has not used any other strategies to address supply chain challenges in school year 2022–2023
  - I don't know
11. What, if any, actions has your SFA taken in anticipation of the return to standard operations during school year 2022–2023?
- Increasing paid lunch prices
  - Using state funding to cover the cost of reduced-price meals
  - Increasing communication with parents/guardians about program changes (e.g., changes to meal service, payment, or applications)
  - Increasing communication and/or training with staff about program changes
  - Offering universal school meals or receiving other financial assistance from the state
  - No longer participating in NSLP
  - No longer participating in SBP
  - No longer participating in other USDA child nutrition programs (e.g., afterschool snack programs)
  - SFA has not taken any actions in anticipation of the return to standard operations
  - I don't know
12. You indicated that your SFA has faced challenges due to increased food costs. To the best of your knowledge, approximately how much have your food costs increased from a typical pre-pandemic school year (e.g., 2018–2019)? [ASK IF SELECTED Q4 = HIGH FOOD COSTS]
- Less than 10%
  - 10–24%
  - 25–49%
  - 50–74%
  - 75–99%
  - 100% or more
  - I don't know
13. To the best of your knowledge, what factors have contributed to changes in your food costs? *Select all that apply. [ASK IF SELECTED Q4 = HIGH FOOD COSTS]*
- Changes in student participation in nutrition program(s)
  - Changes in food service vendors, including using new and/or multiple vendors to obtain food
  - Changes in meal preparation or service (e.g., from scratch cooking to ready-to-eat meals)
  - Vendors, distributors or manufacturers increased costs
  - Purchasing more food directly from grocery stores or superstores
  - Purchasing more food last-minute
  - Using own transportation to transport food more frequently
  - Substitutions for unavailable items are more expensive
  - I don't know
  - Other (please specify)
14. You indicated your SFA has faced challenges due to increased labor costs. To the best of your knowledge, approximately how much have your labor costs increased from a typical pre-pandemic school year (e.g., 2018–2019)? [ASK IF SELECTED Q4 = HIGH LABOR COSTS]
- Less than 10%
  - 10–24%
  - 25–49%
  - 50–74%
  - 75–99%
  - 100% or more
  - I don't know
15. To the best of your knowledge, what factors have contributed to changes in your labor costs? *Select all that apply. [ASK IF SELECTED Q4 = HIGH LABOR COSTS]*
- Wage increases due to factors beyond SFA control (e.g., state minimum wage increase)
  - Wage increases implemented by SFA to hire and/or retain staff
  - Need to hire additional staff for basic program operations
  - Need to hire additional staff to support scratch cooking
  - Increased overtime for existing staff
  - Staff turnover and training
  - I don't know
  - Other (please specify)
16. You indicated your SFA has faced challenges leading to reduced student participation. To the best of your knowledge, approximately how much has student participation decreased across the child nutrition programs your SFA operates since the start of last school year (2021–2022)? [ASK IF

- SELECTED Q8 = REDUCED STUDENT PARTICIPATION]
- a. Less than 10%
  - b. 10–24%
  - c. 25–49%
  - d. 50–74%
  - e. 75–99%
  - f. I don't know
17. To the best of your knowledge, what factors have contributed to decreases in student participation? *Select all that apply.* [ASK IF SELECTED Q8 = REDUCED STUDENT PARTICIPATION]
- a. Fewer parents/guardians submitting applications for free or reduced-price meals
  - b. Challenges verifying or processing applications for free or reduced-price meals
  - c. Confusion from students or parents/guardians regarding the return to standard operations (e.g., changes to meal service, payment, or applications)
  - d. Difficulty purchasing enough food to meet student demand
  - e. Student dissatisfaction with menus and/or meals
  - f. Shortage of staff, time, equipment, or materials required for scratch cooking
  - g. Reduced sale of nonprogram (competitive) foods
  - h. Decrease in enrollment
  - i. Meals are no longer free for all students
  - j. I don't know
  - k. Other (please specify)
18. In general, how did student participation in your SFA's child nutrition programs last school year (2021–2022) compare with participation in a typical pre-pandemic school year (e.g., 2018–2019)?
- a. Greater than pre-pandemic participation
  - b. Less than pre-pandemic participation
  - c. About the same as pre-pandemic participation
  - d. I don't know
19. You indicated your SFA has received incomplete orders with missing or substituted items. To the best of your knowledge, how frequently do you receive incomplete orders with missing or substituted items? [ASK IF SELECTED Q4 = RECEIVING INCOMPLETE ORDERS WITH MISSING OR SUBSTITUTED ITEMS]
- a. Rarely
  - b. Sometimes
  - c. About half of the time
  - d. Most of the time
  - e. Almost always or always
20. To the best of your knowledge, when you receive an incomplete order with missing or substituted items, approximately how many items in the order are affected? [ASK IF SELECTED Q4 = RECEIVING INCOMPLETE ORDERS WITH MISSING OR SUBSTITUTED ITEMS]
- a. Few
  - b. About a quarter of items
  - c. About half of items
  - d. About three quarters of items
  - e. All or almost all items
21. You indicated your SFA has experienced food companies discontinuing participation in school food service operations. To the best of your knowledge, which of the following factors are driving this change? *Select all that apply.* [ASK IF SELECTED Q4 = FOOD VENDORS DISCONTINUING PARTICIPATION IN SCHOOL FOOD SERVICE OPERATIONS]
- a. Federal, state, or local procurement regulations (please specify)
  - b. Labor shortages
  - c. Food shortages
  - d. Labor costs
  - e. Food costs
  - f. Energy or fuel costs
  - g. Difficulty producing items that meet SFA specifications
  - h. Difficulty guaranteeing prices for bids due to changes in food costs
  - i. School food operations are no longer profitable
  - j. I don't know
  - k. Other (please specify)
22. You indicated your SFA increased its local food purchases during school year 2022–2023 due to supply chain challenges. To the best of your knowledge, what factors contributed to this decision? *Select all that apply.* [ASK IF SELECTED Q9 = INCREASING LOCAL FOOD PURCHASES]
- a. Local foods have been easier to find
  - b. Local foods have been more affordable to purchase
  - c. Policies, programs, or performance goals at the state or local level encourage local food purchasing
  - d. SFA received grant or funding to purchase more local foods
  - e. SFA received useful information or training on purchasing local foods
  - f. I don't know
  - g. Other (please specify)
23. You indicated your SFA decreased its local food purchases during school year 2022–2023 due to supply chain challenges. To the best of your knowledge, what factors contributed to this decision? *Select all that apply.* [ASK IF SELECTED Q9 = DECREASING LOCAL FOOD PURCHASES]
- a. Local foods have been more difficult to find
  - b. Local foods have been more expensive to purchase
  - c. Local foods have been more difficult to process or prepare due to lack of staff or training
  - d. Local foods have been more difficult to process or prepare due to kitchen equipment
  - e. Local foods have been more difficult to prepare or serve due to changes in meal service (e.g., use of grab-and-go meals)
  - f. I don't know
  - g. Other (please specify)
24. You indicated your SFA increased its use of scratch cooking during school year 2022–2023 due to supply chain challenges. To the best of your knowledge, what factors contributed to this decision? *Select all that apply.* [ASK IF SELECTED Q10 = INCREASING USE OF SCRATCH COOKING]
- a. Scratch cooking has helped reduce program costs
  - b. Scratch cooking has helped utilize bulk or commodity foods
  - c. Policies, programs, or performance goals at the state or local level encourage scratch cooking
  - d. SFA received grant or funding to support scratch cooking
  - e. SFA received useful information or training on scratch cooking
  - f. I don't know
  - g. Other (please specify)
25. You indicated your SFA decreased its use of scratch cooking during school year 2022–2023 due to supply chain challenges. To the best of your knowledge, what factors contributed to this decision? *Select all that apply.* [ASK IF SELECTED Q10 = DECREASING USE OF SCRATCH COOKING]
- a. Scratch cooking has been more difficult due to cost or availability of ingredients
  - b. Scratch cooking has been more difficult due to lack of staff or training
  - c. Scratch cooking has been more difficult due to lack of kitchen equipment
  - d. Scratch cooking has been more difficult due to changes in meal service (e.g., use of grab-and-go meals)
  - e. I don't know
  - f. Other (please specify)
26. What kitchen equipment does your SFA *currently have* and need to replace? *Select all that apply.*
- a. Oven
  - b. Refrigerator
  - c. Walk-in refrigerator/freezer
  - d. Food cabinets
  - e. Convection steamer
  - f. Serving lines
  - g. Food/beverage coolers
  - h. Dishwashing unit
  - i. Food bars
  - j. Tables
  - k. Range
  - l. Food warmer
  - m. Mixer
  - n. Food carts
  - o. Ice/hot water dispenser
  - p. Counter space
  - q. SFA does not have any kitchen equipment that needs replacing
  - r. I don't know
  - s. Other (please specify)
27. What kitchen equipment does your SFA *not currently have* and need to purchase? *Select all that apply.*
- a. Oven
  - b. Refrigerator
  - c. Walk-in refrigerator/freezer
  - d. Food cabinets
  - e. Convection steamer
  - f. Serving lines
  - g. Food/beverage coolers
  - h. Dishwashing unit
  - i. Food bars
  - j. Tables
  - k. Range
  - l. Food warmer
  - m. Mixer
  - n. Food carts
  - o. Ice/hot water dispenser
  - p. Counter space
  - q. SFA does not need to purchase any new kitchen equipment
  - r. I don't know
  - s. Other (please specify)
28. Did your SFA accept all or some of their Supply Chain Assistance (SCA) fund?



- a. Yes, SFA accepted all of it  
 b. Yes, SFA accepted some of it  
 c. No  
 d. I don't know
29. If your SFA did not accept their Supply Chain Assistance (SCA) fund, do you know why? [ASK IF ANSWER Q28 = NO]  
 a. Didn't know SCA funds were available  
 b. Missed deadline to apply for funds  
 c. Too much time and/or effort required to apply to receive SCA funds  
 d. Too much time and/or effort required to accept and use SCA funds  
 e. Unclear on the intended use or recipient of funds  
 f. Unsure how to code funds in local accounting system  
 g. My SFA did not need the SCA fund  
 h. I don't know
30. At the end of school year 2021–2022, what was the status of your school food service account balance?  
 a. Operated at a surplus (*i.e.*, revenues exceeded costs)  
 b. Broke even (*i.e.*, revenues are about equal to costs)  
 c. Operated at a deficit (*i.e.*, costs exceeded revenues)
31. You indicated your SFA was operating at a surplus at the end of school year 2021–2022. To the best of your knowledge, how has your SFA used surplus funds (or does your SFA plan to use surplus funds) for any of the following? *Select all that apply.* [ASK IF ANSWER Q30 = OPERATED AT SURPLUS]  
 a. Cover the cost of reduced-price meals  
 b. Hire new staff  
 c. Increase pay rate for staff  
 d. Improve meal quality  
 e. Kitchen equipment repair or maintenance  
 f. Purchase new kitchen equipment  
 g. I don't know
32. What do you predict will be the status of your school food service account balance in the first quarter of school year 2022–2023?  
 a. Operate at a surplus (*i.e.*, revenues exceeded costs)  
 b. Breakeven (*i.e.*, revenues are about equal to costs)  
 c. Operate at a deficit (*i.e.*, costs exceeded revenues)
33. What else would you like FNS to know about the challenges your SFA is experiencing? If there are particular strategies you would like to use to address your SFA's challenges, but you are experiencing barriers to doing so, please explain.

[FR Doc. 2022–21512 Filed 10–3–22; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### National Urban and Community Forestry Advisory Council

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

**ACTION:** Solicitation for members.

**SUMMARY:** The United States Department of Agriculture (USDA) is seeking nominations for members to the National Urban and Community Forestry Advisory Council (NUCFAC) pursuant the 1990 Farm Bill, Cooperative Forestry Assistance Act, the Cooperative Forestry Assistance Act (the Act), and the Federal Advisory Committee Act (FACA). Additional information on NUCFAC can be found by visiting the NUCFAC website at: <https://www.fs.usda.gov/managing-land/urban-forests/ucf/nucfac>.

**DATES:** Electronic and written nominations must be received by October 19, 2022.

**ADDRESSES:** Send completed application packets via email to [sm.fs.nucfac@usda.gov](mailto:sm.fs.nucfac@usda.gov), remembering to send the AD–755 Form in a separate email. The subject line should read “NUCFAC Nominations (Candidates Name)” for the application packet and “Encrypted AD–755 (Candidates Name)” for the AD–755 Form.

Courier submissions of application packets (on a thumb/flash drive) are also accepted. Please send to: Nancy Stremple, Executive Staff to National Urban and Community Forestry Advisory Council, 201 14th Street SW, Sidney Yates Building, Room 3NW–01B, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Nancy Stremple, Executive Staff to the National Urban and Community Forestry Advisory Council, 201 14th Street SW, Sidney Yates Building, Room 3NW–01B, Washington, DC 20024; telephone (202) 205–7829, email: [sm.fs.nucfac@usda.gov](mailto:sm.fs.nucfac@usda.gov).

Individuals who use telecommunication devices for the deaf and hard of hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** Nominations must contain a completed application packet that may be downloaded from the application website at <https://nucfac.org/application-portal>. This includes instructions on how to nominate and apply for a position. Note: As part of the application process, candidates will be required to submit a signed AD–755 Form (Advisory Committee or Research and Promotion Background Information) authorizing the Forest Service to perform a background check. The AD–755 Form should be encrypted and emailed separately to the address in the **ADDRESSES** section.

### Background

In accordance with FACA, the NUCFAC charter was renewed on June 2, 2022 and USDA is seeking nominations for membership to the National Urban and Community Forestry Advisory Council (NUCFAC). Members will advise the Secretary of Agriculture, U.S. Forest Service and related Federal agencies on urban and community forestry and related natural resources. The duties of NUCFAC include: developing a national urban and community forest action plan every ten years as described in the Act; evaluating the implementation of that plan by submitting to the Secretary annual accomplishments of the action plan and any amendments to the plan incorporated into this review, beginning no later than one year after the plan is submitted, and annually thereafter; and annually developing criteria for, and submitting recommendations with respect to, the topic categories and recommendations for grant awards for the Forest Service's National Urban and Community Forestry Challenge Cost Share Grant Program.

### NUCFAC Membership

NUCFAC shall be comprised of 15 members appointed by the Secretary of Agriculture. Membership will be fairly balanced in terms of points of view represented and functions to be performed. In NUCFACs renewal of the committee, initial appointments will introduce staggered terms for its memberships —

1. 5, including the chairperson and 2 governmental employees, shall be appointed for a term of 3 years,
2. 5, including 2 governmental employees, shall be appointed for a term of 2 years, and
3. 5, including 2 governmental employees, shall be appointed for a term of 1 year, as designated by the Secretary at the time of appointment.

NUCFAC shall include representation from the following interest areas:

1. Two members representing national nonprofit forestry and conservation citizen organizations;
2. Three members, one each representing State, county, and city and town governments;
3. One member representing the forest products, nursery, or related industries;
4. One member representing urban forestry, landscape, or design consultants;
5. Two members representing academic institutions with an expertise in urban and community forestry activities;

6. One member representing state forestry agencies or equivalent state agencies;

7. One member representing a professional renewable natural resource or arboricultural society;

8. One member from National Institute of Food & Agriculture;

9. One member from the Forest Service; and

10. Two members who are not officers or employees of any governmental body, one of whom is a resident of a community with a population of less than 50,000 as of the most recent census and both of whom have expertise and have been active in urban and community forestry.

NUCFAC shall meet on a periodic and regular basis, at least bi-annually. Any individual or organization may nominate one or more qualified persons to serve on NUCFAC. Individuals may also nominate themselves. Applicants are asked to apply separately for each position that they are eligible.

Letters of recommendations are welcome, but not required. All nominations will be vetted by USDA. The Secretary of Agriculture will appoint members to NUCFAC from the list of qualified applicants. Members of NUCFAC shall serve without compensation, but may be reimbursed for travel expenses while performing duties on behalf of NUCFAC, subject to approval of USDA.

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to NUCFAC. To ensure that the recommendations of NUCFAC have taken in account the needs of the

diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: September 28, 2022.

**Cikena Reid,**

*USDA Committee Management Officer.*

[FR Doc. 2022-21496 Filed 10-3-22; 8:45 am]

**BILLING CODE 3411-15-P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Commonwealth of the Northern Mariana Islands Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of virtual business 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 Commonwealth of the Northern Mariana Islands Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold its first virtual business meeting via Zoom at 9:30 a.m. ChST on Friday, October 14, 2022, (7:30 p.m. ET on Thursday, October 13, 2022) to discuss civil rights concerns in the territory.

**DATES:** The meeting will take place on Friday, October 14, 2022, from 9:30 a.m.–11:00 a.m.

ChST (Thursday, October 13, 2022, from 7:30 p.m.–9:00 p.m. ET).

*Link to Join (Audio/Visual):* <https://tinyurl.com/yc45bzp9>.

*Telephone (Audio Only):* Dial (833) 435-1820 USA Toll Free; Access Code: 160 953 0112.

**FOR FURTHER INFORMATION CONTACT:**

Kayla Fajota, DFO, at [kfajota@usccr.gov](mailto:kfajota@usccr.gov) or (434) 515-2395.

**SUPPLEMENTARY INFORMATION:**

Committee meetings are available to the public through the Zoom link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the

proceedings by first calling the Federal Relay Service at (800) 877-8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email [kfajota@usccr.gov](mailto:kfajota@usccr.gov) at least ten (10) days prior to the meeting.

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 Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Commonwealth of the Northern Mariana Islands Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above phone number.

### Agenda

- I. Welcome & Roll Call
- II. Introductions
- III. Project Process Overview—Concept Stage
- IV. Discussion: Potential Topics for Investigation
- V. Public Comment
- VI. Next Steps
- VII. Adjournment

Dated: September 29, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-21490 Filed 10-3-22; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Colorado Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Colorado Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold meetings on the

following Wednesdays: October 19 and November 16, 2022, both at 3:00–4:00 p.m. Mountain Time. The purpose of the meetings is for project planning.

**DATES:** Wednesdays: October 19 and November 16, 2022; both at 3:00–4:00 p.m. (MT).

Join by web conference (Zoom Link for both dates): <https://tinyurl.com/279fjudv>.

Join by phone only: 1–551–285–1373 (USA Toll Free); Meeting ID: 160 614 2807#.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or 202–681–0857.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Colorado Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

## Agenda

*Wednesdays: October 19 and November 16, 2022; both at 3:00–4:00 p.m. (MT)*

- I. Welcome and Roll Call
- II. Nominate Vice Chair
- III. Project Planning; Discuss Civil Rights Topics
- IV. Public Comment
- V. Discuss Next Steps
- VI. Adjournment

Dated: September 29, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022–21499 Filed 10–3–22; 8:45 am]

**BILLING CODE 6335–01–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Iowa 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 Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Friday, November 4, 2022 at 1:00 p.m.–2:30 p.m. Central time. The purpose of the meeting will be to review the final draft of their report on employment discrimination and administrative closures.

**DATES:** The meeting will take place on Friday, November 4, 2022, from 1:00 p.m.–2:30 p.m. Central time.

*Online Registration (Audio/Visual):* <https://www.zoomgov.com/j/1612012398>.

*Telephone (Audio Only):* Dial 833–435–1820 USA Toll Free; Access code: 161 201 2398.

**FOR FURTHER INFORMATION CONTACT:** Ana Victoria Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or 202–681–0857.

**SUPPLEMENTARY INFORMATION:** Members of the public can listen to these discussions. Committee meetings are available to the public through the above call in number. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any

incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at [csanders@usccr.gov](mailto:csanders@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Pennsylvania Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

## Agenda

- I. Welcome, Roll Call, and Announcements
- II. Review Draft Report
- III. Public Comment
- IV. Vote on Final Draft (tentative)
- V. Next Steps
- VI. Adjournment

Dated: September 29, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022–21495 Filed 10–3–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Census Bureau

#### 2020 Census Tribal Consultation

**AGENCY:** Census Bureau, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Census Bureau will conduct two tribal consultations on the Detailed Demographic and Housing Characteristics File A (DHC–A) and Detailed Demographic and Housing Characteristics File B (Detailed DHC–B) on October 18, 2022, in Anchorage, Alaska and October 31, 2022, in Sacramento, California. Feedback on

these products will help to determine the final content and design for the 2020 Census Detailed DHC–A and Detailed DHC–B. The tribal consultation meetings reflect the Census Bureau’s continuous commitment to strengthen nation-to-nation relationships with federally recognized tribes. The Census Bureau’s procedures for outreach, notice, and consultation ensure involvement of tribes to the extent practicable and permitted by law before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments. These meetings are open to citizens of federally recognized tribes by invitation. The Census Bureau provided questions in preparation for the tribal consultations focused on the Detailed DHC–A and Detailed DHC–B.

In that regard, the Census Bureau is asking tribal governments review the proposed tables, levels of geography, and product design. Helpful feedback would include tables and geographies that are needed, how design changes may impact your work, and ways the Census Bureau can continue to effectively communicate with tribal leaders about these products. The purpose of the tribal consultations is to hear tribes’ recommendations.

**DATES:** The Census Bureau will conduct two tribal consultations on Tuesday, October 18, 2022, from 1 to 3 p.m. AKDT. The second tribal consultation will be on Monday, October 31, 2022, from 8:30 a.m. to 10 a.m. PDT. Any questions or topics to be considered in the tribal consultation meetings must be received in writing via email by Monday, October 10, 2022.

**ADDRESSES:** The Census Bureau tribal consultation registration links are:

Tribal Consultation—Anchorage—Oct 18, 2022: <https://censustribalconsultationak.splshthat.com/>.

Tribal Consultation—Sacramento—Oct 31, 2022: <https://censustribalconsultationca.splshthat.com/>.

Submit your comments by email. Send comments to: [2020DAS@ census.gov](mailto:2020DAS@ census.gov).

**Deadline date for input:** November 30, 2022. Use the product name of either Detailed DHC–A or Detailed DHC–B in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Dee Alexander Tribal Affairs Coordinator, Office of Congressional and Intergovernmental Affairs, Intergovernmental Affairs Office, U.S. Census Bureau, Washington, DC 20233; telephone (301) 763–6100; or email at [ocia.tao@census.gov](mailto:ocia.tao@census.gov).

**SUPPLEMENTARY INFORMATION:** The Census Bureau is planning two tribal

consultations on October 18, 2022, in Anchorage, Alaska and October 31, 2022, in Sacramento, California, with federally recognized tribes, so tribes can provide feedback on the content and design of the 2020 Census Detailed Demographic and Housing Characteristics File A (Detailed DHC–A) and Detailed Demographic and Housing Characteristics File B (Detailed DHC–B). These two products are the successor products to the American Indian and Alaska Native Summary File (AIANSF) that was produced in previous censuses. The Detailed DHC–A provides population counts and sex by age statistics for approximately 370 detailed racial and ethnic groups, such as German, Lebanese, Jamaican, Chinese, Native Hawaiian, and Mexican, as well as about 1,200 detailed American Indian and Alaska Native tribal and village population groups, such as Native Village of Hooper Bay (Naparyarmiut) and Navajo Nation. The Detailed DHC–B provides household type and tenure information for the same detailed race and ethnicity groups and American Indian and Alaska Native tribal and village population groups.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, issued November 6, 2000, the Census Bureau has adhered to its tribal consultation policy by seeking the input of tribal governments in the planning and implementation of the 2020 Census with the goal of ensuring the most accurate counts and data for the American Indian and Alaska Native population. In that regard, the Census Bureau is seeking comments on the content and design of the 2020 Census Detailed DHC–A and Detailed DHC–B, which include data on detailed race and ethnic groups and American Indian and Alaska Native tribes and villages.

#### Detailed Demographic and Housing Characteristics File A (Detailed DHC–A)

- **Subjects:** Population counts and sex by age statistics for approximately 370 detailed racial and ethnic groups, such as German, Lebanese, Jamaican, Chinese, Native Hawaiian, and Mexican, as well as about 1,200 detailed American Indian and Alaska Native tribal and village population groups, such as Native Village of Hooper Bay (Naparyarmiut) and Navajo Nation.

- The Detailed DHC–A implements an adaptive design that provides more detailed statistics for racial and ethnic groups with larger populations, while at the same time ensuring sufficient confidentiality protections.

- **Access:** [data.census.gov](https://data.census.gov).

- **Proposed 2020 geographies:** Nation, state, county, and American Indian/Alaska Native/Native Hawaiian (AIANNH) areas. We are evaluating the feasibility of adding places (cities and towns) and census tracts, per data user feedback.

- **Planned release date:** August 2023.

#### Detailed Demographic and Housing Characteristics File (Detailed DHC–B)

- **Subjects:** Household type and tenure information for the same detailed race and ethnicity groups and American Indian and Alaska Native tribal and village population groups mentioned for the Detailed DHC–A.

- The Detailed DHC–B has a proposed implementation of adaptive design similarly to Detailed DHC–A mentioned above.

- **Access:** [data.census.gov](https://data.census.gov).

- **Proposed 2020 geographies:** Nation, state, county, and American Indian/Alaska Native/Native Hawaiian (AIANNH) areas. We are evaluating the feasibility of adding places (cities and towns) and census tracts, per data user feedback.

- **Release date:** To be determined.

Submit your comments by email.

Send comments to: [2020DAS@ census.gov](mailto:2020DAS@ census.gov). Use the product name of either Detailed DHC–A or Detailed DHC–B in the subject line.

Robert L. Santos, Director, Census Bureau, approved the publication of this Notice in the **Federal Register**.

Dated: September 28, 2022.

**Shannon Wink,**

*Program Analyst, Policy Coordination Office, U.S. Census Bureau.*

[FR Doc. 2022–21479 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Draft Harmonized System (HS) Code List of Critical Supply Chains

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of opportunity for public comment.

**SUMMARY:** “Executive Order on America’s Supply Chains”, issued on February 24, 2021, outlines U.S. policy objectives with respect to strengthening the resilience of America’s supply chains. The Executive Order directed relevant Secretaries to prepare reports on the supply chains for critical sectors and subsectors within either 100 days or 1 year of the Order. Through this

Request for Comment (RFC), the Department of Commerce (Commerce) is requesting input from the public on a draft list of critical goods and materials within four of the supply chains assessed under the Order: public health and biological preparedness, information and communications technology (ICT), energy, and critical minerals. The draft list, defined by 8- and 10-digit tariff lines of the Harmonized Tariff Schedule of the United States (HTSUS), is set out online at <https://www.trade.gov/data-visualization/draft-list-critical-supply-chains>. The list of critical goods and materials will serve as a tool to facilitate ongoing targeted analysis of trade data and the evaluation of policies to strengthen these supply chains. This RFC is a part of the government's ongoing work to identify risks, address vulnerabilities, and develop a strategy to promote American supply chains resiliency in accordance with the Order.

**DATES:** To ensure consideration, written comments must be submitted on or before November 3, 2022.

**ADDRESSES:** Written comments may be submitted in response to this document by comment through <https://www.regulations.gov> for Docket ID ITA-2022-0010.

**FOR FURTHER INFORMATION CONTACT:** Please direct questions regarding this notice to Tobias Reynolds, International Economist, at (202) 482-6374 or [SupplyChainsHS@trade.gov](mailto:SupplyChainsHS@trade.gov), with the subject line "Notice and Request for Comment". Please direct media inquiries to ITA's Office of Public Affairs, [publicaffairs@trade.gov](mailto:publicaffairs@trade.gov) or (202) 482-3809.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Executive Order 14017 of February 24, 2021, "Executive Order on America's Supply Chains" (hereafter "Executive Order" or "Order") (86 FR 11849; February 24, 2021), outlines U.S. policy objectives with respect to strengthening the resilience of America's supply chains. The Executive Order directed various agencies to submit supply chain assessments, including a review of "the critical goods and materials, as defined by section 6(b) of this order, underlying the supply chain in question." Relevant reports were released in June 2021 and February 2022.

Section 6(b) of the Order defines critical goods and materials as "goods and raw materials currently defined under statute or regulation as 'critical' materials, technologies, or infrastructure." For the purposes of

better analyzing trade data and policies, Commerce has identified HTSUS codes that match to critical goods and materials in four of these supply chains, drawing upon the expertise of industry analysts. Each product is identified as either an input, capital good, or final good. The draft list of HTSUS codes, defined at the 8 and 10-digit level, is set out online at <https://www.trade.gov/data-visualization/draft-list-critical-supply-chains>.

##### II. Objective of This RFC

This RFC offers an opportunity for all interested parties to provide relevant input and recommendations for consideration with respect to the draft list of critical goods and materials. Commerce is also interested in how products are used within a supply chain.

##### III. Request for Comments

Please submit written comments on this draft list on or before November 3, 2022 to facilitate consideration. Commerce is requesting comments addressing the make-up of the draft list, including any recommended product additions or subtractions. For any product noted, please include:

- The 8- or 10-digit HTSUS code(s) for the product. The U.S. International Trade Commission's HTS Online Reference Tool (<https://hts.usitc.gov/>) is a useful tool for helping to determine the U.S. tariff classification of a product.
- Product description (e.g., physical characteristics, function, application, principal or end use within the critical sector, etc.)
- What is the relevant supply chain sector
- What is the relevant supply chain subsector (if any)

##### IV. Submission Instructions

Commenters should include the name of the person or organization filing the comment. All personal identifying information (for example, phone number and email) voluntarily submitted in any attachments by the commenter will be publicly accessible unless marked as Business Confidential Information (BCI). Instructions on business confidential submissions can be found below.

Commerce strongly prefers comments submitted using the public comment submission form posted on <https://www.trade.gov/data-visualization/draft-list-critical-supply-chains> and in the "Supporting & Related Material" section on <https://www.regulations.gov> in Docket ID ITA-2022-0010. Click on the top tab titled "View More Documents"

of the docket to find the "Supporting & Related Material" section. In order to facilitate preparation of comments, a facsimile of the form is attached as an annex to this notice.

If you do not use the form, Commerce prefers submissions made in Microsoft Word (.doc) or searchable Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the 'comment' field. If you attach a document, it is sufficient to type "see attached" in the "comment" field.

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 comment itself, rather than submitting them as separate files.

For any documents submitted electronically containing Business Confidential Information (BCI), the file name of the business confidential version should end with the characters "BC". Any page containing BCI must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. Filers of submissions containing BCI also must submit a public version of their submissions. The file name of the public version should end with the character "P". The "BC" and "P" should follow the rest of the file name. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact Tobias Reynolds, International Economist, at (202) 482-6374 or [SupplyChainsHS@trade.gov](mailto:SupplyChainsHS@trade.gov) to discuss whether alternative arrangements are possible.

Commerce will post submissions in the docket for public inspection, except BCI. You can view submissions on the <https://www.regulations.gov> by entering Docket ID ITA-2022-0010 in the search field on the home page.

**Jessica Huang,**

*International Economist, Office of Trade Negotiations and Analysis.*

OMB Control No.: 0625-0143

Expiration Date: 01-31-2024

Public Comment Submission Form

Please note: If you wish to recommend the addition or removal of multiple products at once, please attach a copy of this form for each product in your submission.

1. Submitter Information

- a. Full Organization Legal Name:
  - b. Submitter First Name:
  - c. Submitter Last Name:
  - d. Submitter City:
  - e. Submitter State:
  - f. Submitter Phone Number (optional, submitter determines BCL or Public):
  - g. Submitter Email (optional, submitter determines BCL or Public):
2. If applicable, please provide contact information of third-party representative
    - a. Third Party Firm/Association Name:
    - b. Third Party First Name:
    - c. Third Party Last Name:
    - d. Third Party City:
    - e. Third Party State:
    - f. Third Party Phone Number (optional, can be submitted as CBI):
    - g. Third Party Email (optional, can be submitted as CBI):
  3. 8- or 10-digit HTSUS item number—Use numerical characters only with no special characters (Example: 12345678). The U.S. International Trade Commission's HTS Online Reference Tool (<https://hts.usitc.gov/>) is a useful tool for helping to determine the U.S. tariff classification of your product.
  4. Product Description (e.g., product characteristics, function, application, principal or end use within the critical sector, etc.)
  5. What is the relevant supply chain sector
  6. Provide relevant industrial economic subsector (if any)

Commerce is particularly interested in how products are used within a supply chain.

Please refer back to the **Federal Register** notice associated with Docket ID ITA–2022–0010 on <https://www.regulations.gov> for additional submission information.

*A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625–0143. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the*

*data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration, Attn: Tobias Reynolds at [SupplyChainsHS@trade.gov](mailto:SupplyChainsHS@trade.gov).*

[FR Doc. 2022–21418 Filed 10–3–22; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–489–829, A–583–859, A–588–876]

#### Steel Concrete Reinforcing Bar From the Republic of Turkey, Taiwan, and Japan; Final Results of First Expedited Sunset Reviews of the Antidumping Duty Orders

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of these expedited sunset reviews, the U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on steel concrete reinforcing bars from the Republic of Turkey (Turkey), Taiwan, and Japan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Review” section of this notice.

**DATES:** Applicable October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Arrowsmith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 1, 2022, Commerce published the notice of initiation of the sunset review of the AD orders on steel concrete reinforcing bar from Turkey, Taiwan, and Japan<sup>1</sup> pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> On June 15, 2022, Commerce received a notice of intent to

<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey and Japan: Amended Final Affirmative Antidumping Duty Determination for the Republic of Turkey and Antidumping Duty Orders*, 82 FR 32532 (July 14, 2017); and *Steel Concrete Reinforcing Bar from Taiwan: Antidumping Duty Order*, 82 FR 45809 (October 2, 2017) (collectively *Orders*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 33123 (June 1, 2022).

participate from the domestic interested parties<sup>3</sup> for the *Orders* within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>4</sup> The domestic interested parties claimed domestic interested party status under section 771(9)(C) of the Act, as manufacturers of domestic like product in the United States.<sup>5</sup> On June 30, 2022, the domestic interested parties submitted a timely substantive responses for each sunset review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>6</sup> Commerce did not receive a substantive response from any other interested parties with respect to the *Orders* covered by these sunset reviews. On July 21, 2022, Commerce notified the U.S. International Trade Commission that it did not receive an adequate substantive response from respondent interested parties in any of these sunset reviews.<sup>7</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted expedited (120-day) sunset reviews of these *Orders*.

#### Scope of the Orders

The merchandise subject to these *Orders* is steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade or lack thereof. Subject merchandise includes deformed steel wire with bar markings (e.g., mill mark, size, or grade) and which has been subjected to an elongation test. For a full description of the scope, see the Issues and Decision Memorandum.<sup>8</sup>

#### Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Issues and

<sup>3</sup> The domestic interested parties are the Rebar Trade Action Coalition and its individual members. The individual members are Nucor Corporation, Gerdau Ameristeel US Inc., Commercial Metals Company, Steel Dynamics, Inc., and Byer Steel.

<sup>4</sup> See Domestic Interested Parties' Letters, “Notice of Intent to Participate—Turkey,” dated June 15, 2022 (Participation Notice Turkey); “Notice of Intent to Participate -Taiwan,” dated June 15, 2022 (Participation Notice Taiwan); and “Notice of Intent to Participate—Japan,” dated June 15, 2022 (Participation Notice Japan).

<sup>5</sup> See Participation Notice Turkey at 2; Participation Notice Taiwan at 2; and Participation Notice Japan at 2.

<sup>6</sup> See Domestic Interested Parties' Letters, “Substantive Response,” dated June 30, 2022; “Substantive Response, dated June 30, 2022; and “Substantive Response, dated June 30, 2022.

<sup>7</sup> See Commerce's Letter, “Sunset Reviews Initiated on June 1, 2022,” dated July 21, 2022.

<sup>8</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of First Expedited Sunset Reviews of the Antidumping Duty Orders on Steel Concrete Reinforcing Bar from the Republic of Turkey, Taiwan, and Japan,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Decision Memorandum, including the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if these *Orders* were revoked. A list of the issues discussed in the decision memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. A complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNotices/ListLayout.aspx>.

### Final Results of Sunset Reviews

Pursuant to sections 751(c) and 752(c) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to 4.17 percent for Turkey, up to 32.01 percent for Taiwan, and up to 209.46 percent for Japan.

### Administrative Protective Order

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2) and 19 CFR 351.221(c)(5)(ii).

Dated: September 28, 2022.

### Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

### Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. History of the *Orders*
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping

2. Magnitude of the Margins of Dumping Likely to Prevail
  - VII. Final Results of Sunset Reviews
  - VIII. Recommendation
- [FR Doc. 2022–21519 Filed 10–3–22; 8:45 am]  
BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–588–815]

### Gray Portland Cement and Cement Clinker From Japan: Final Results of Expedited Sunset Review of the Antidumping Duty Order

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty order on gray portland cement and cement clinker (cement and clinker) from Japan would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** Eliza Siordia, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3878.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 10, 1991, Commerce published its antidumping duty order on cement and clinker from Japan.<sup>1</sup> On July 17, 2017, Commerce published the continuation notice from the most recent sunset review of the *Order*.<sup>2</sup> On June 1, 2022, Commerce published the notice of initiation of the five-year sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930,

<sup>1</sup> See *Final Determination of Sales at Less Than Fair Value; Gray Portland Cement and Clinker from Japan*, 56 FR 12156 (March 22, 1991), as amended by *Antidumping Duty Order and Amendment to Final Determination of Sales at Less Than Fair Value; Gray Portland Cement and Clinker from Japan*, 56 FR 21658 (May 10, 1991), and *Amended Final Determination of Sales at Less Than Fair Value and Antidumping Order: Gray Portland Cement and Clinker from Japan*, 60 FR 39150 (August 1, 1995) (*Order*).

<sup>2</sup> See *Gray Portland Cement and Cement Clinker from Japan: Continuation of Antidumping Duty Order*, 82 FR 32682 (July 17, 2017); see also *Gray Portland Cement and Cement Clinker from Japan: Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Order*, 82 FR 12561 (March 6, 2017).

as amended (the Act).<sup>3</sup> On June 16, 2022, Commerce received a notice of intent to participate in this review from the Committee for Fairly Traded Japanese Cement (Committee) within the deadline specified in 19 CFR 351.218(d)(1)(i).<sup>4</sup> The Committee claimed interested party status under section 771(9)(E) of the Act, as a trade or business association, a majority of whose members manufacture, produce or wholesale a domestic like product in the United States. On July 1, 2022, the Committee provided a complete substantive response for this review within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).<sup>5</sup> We received no substantive responses from other interested parties, nor was a hearing requested. On July 21, 2022, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.<sup>6</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce has conducted an expedited (120-day) sunset review of the *Order*.

### Scope of the Order

The products covered by the *Order* are cement and cement clinker from Japan. Cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the *Order*. Cement is currently classifiable under the Harmonized Tariff Schedule (HTS) subheading 2523.29 and cement clinker is currently classifiable under HTS subheading 2523.10. Cement has also been entered under HTS subheading 2523.90 as “other hydraulic cements.” The HTS subheadings are provided for convenience and customs purposes. The written product description remains dispositive as to the scope of the product covered by the *Order*.<sup>7</sup>

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 87 FR 33123 (June 1, 2022) (*Notice of Initiation*).

<sup>4</sup> See Committee's Letter, “The Domestic Industry's Notice of Intent to Participate in Sunset Review,” dated June 16, 2022.

<sup>5</sup> See Committee's Letter, “The Domestic Industry's Substantive Response to the Notice of Initiation,” dated July 1, 2022.

<sup>6</sup> See Commerce's Letter, “Sunset Reviews Initiated on June 1, 2022,” dated July 21, 2022.

<sup>7</sup> Commerce has made two scope rulings regarding subject merchandise. See *Scope Rulings*, 57 FR 19602 (May 7, 1992) (classes G and H of oil well cement are within the scope of the *Order*); see also *Scope Rulings*, 58 FR 27542 (May 10, 1993) (“Nittetsu Super Fine” cement is not within the scope of the *Order*).

**Analysis of Comments Received**

All issues raised in this review are addressed in the accompanying Issues and Decision Memorandum.<sup>8</sup> A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Final Results of Sunset Review**

Pursuant to sections 751(c) and 752(c)(1) and (3) of the Act, we determine that revocation of the *Order* would be likely to lead to the continuation or recurrence of dumping and that the magnitude of the margin of dumping likely to prevail would be at a rate up to 69.89 percent.

**Administrative Protective Order (APO)**

This notice serves as the only reminder to interested parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR

351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

**Notification to Interested Parties**

Commerce is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.221(c)(5)(ii).

Dated: September 28, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

**Appendix—List of Topics Discussed in the Issues and Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. History of the *Order*
- V. Legal Framework
- VI. Discussion of the Issues
  - 1. Likelihood of Continuation or Recurrence of Dumping
  - 2. Magnitude of the Margin of Dumping Likely to Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2022–21522 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Review**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUPPLEMENTARY INFORMATION:**

**Background**

Every five years, pursuant to the Tariff Act of 1930, as amended (the Act), the Department of Commerce (Commerce) and the International Trade Commission automatically initiate and conduct reviews to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**Upcoming Sunset Reviews for November 2022**

Pursuant to section 751(c) of the Act, the following Sunset Reviews are scheduled for initiation in November 2022 and will appear in that month’s *Notice of Initiation of Five-Year Sunset Reviews* (Sunset Review).

	Department contact
<b>Antidumping Duty Proceedings</b>	
High Pressure Steel Cylinders from China A–570–977 (2nd Review) .....	Thomas Martin, (202) 482–3936.
Stainless Steel Butt-weld Pipe Fittings from Italy A–475–828 (4th Review) .....	Jacky Arrowsmith, (202) 482–5255.
Stainless Steel Butt-weld Pipe Fittings from Malaysia A–557–809 (4th Review) .....	Jacky Arrowsmith, (202) 482–5255.
Stainless Steel Butt-weld Pipe Fittings from Philippines A–565–801 (4th Review) .....	Jacky Arrowsmith, (202) 482–5255.
<b>Countervailing Duty Proceedings</b>	
High Pressure Steel Cylinders from China C–570–978 (2nd Review) .....	Mary Kolberg, (202) 482–1785.

**Suspended Investigations**

No Sunset Review of suspended investigations is scheduled for initiation in November 2022.

Commerce’s procedures for the conduct of Sunset Review are set forth in 19 CFR 351.218. The *Notice of Initiation of Five-Year (Sunset) Review* provides further information regarding what is required of all parties to participate in Sunset Review.

Pursuant to 19 CFR 351.103(c), Commerce will maintain and make

available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact Commerce in writing within 10 days of the publication of the Notice of Initiation.

Please note that if Commerce receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue.

Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation. Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>1</sup>

This notice is not required by statute but is published as a service to the international trading community.

<sup>8</sup> See Memorandum “Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Antidumping Duty Order on

Gray Portland Cement and Clinker from Japan,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>1</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).



Dated: September 15, 2022.

**James Maeder,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2022-21434 Filed 10-3-22; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-891]

#### Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2020-2021

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that POSCO (the single entity comprised of POSCO and POSCO International Corporation (PIC)), a producer and exporter of carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea), did not sell subject merchandise below normal value during the period of review (POR), May 1, 2020, through April 30, 2021.

**DATES:** Applicable October 4, 2022.

**FOR FURTHER INFORMATION CONTACT:** Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2316.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 2, 2022, Commerce published the *Preliminary Results* of this administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> POSCO, the sole producer and exporter subject to the review, filed a hearing request on July 5, 2022, and withdrew its request on September 22, 2022.<sup>2</sup> In addition, POSCO filed a case brief, related to a single issue (*i.e.*, whether to grant POSCO a constructed export price offset), on July 8, 2022.<sup>3</sup> No

<sup>1</sup> See *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021*, 87 FR 33468 (June 2, 2022) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See POSCO's Letters, "Request for Public Hearing," dated July 5, 2022; and "Withdrawal of Request for Public Hearing," dated September 22, 2022.

<sup>3</sup> See POSCO's Letter, "POSCO's Case Brief," dated July 8, 2022.

other interested parties commented on the *Preliminary Results*. Because POSCO's final dumping margin is zero, the issue raised in POSCO's case brief is moot and we have not addressed it for purposes of these final results. Commerce conducted this review in accordance with section 751(a) of the Act.

##### Scope of the Order<sup>4</sup>

The scope of the *Order* includes certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. On April 8, 2019, Commerce excluded from the scope of the *Order* grade 1078 and higher tire cord quality wire rod used in the production of tire cord wire.<sup>5</sup> On June 13, 2019, Commerce excluded from the scope of the *Order* valve spring quality steel products defined as wire rod.<sup>6</sup> For a complete description of the scope of the *Order*, see the Preliminary Decision Memorandum.

##### Final Determination of the Single Entity

In the *Preliminary Results*, we found that POSCO and PIC are affiliated and should be treated as a single entity, pursuant to 19 CFR 351.401(f).<sup>7</sup> No interested party commented on this preliminary finding. As the record contains no other information or evidence that calls into question our preliminary finding, we adopt the reasoning and findings of fact outlined in the *Preliminary Results* with respect to this issue. Therefore, we continue to find that POSCO and PIC should be treated as a single entity.

##### Final Results of the Review

We determine that the following weighted-average dumping margin exists for the period May 1, 2020, through April 30, 2021:

<sup>4</sup> See *Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, the Republic of Turkey, and the United Kingdom: Antidumping Duty Orders and Amended Final Affirmative Antidumping Duty Determinations for Spain and the Republic of Turkey*, 83 FR 23417 (May 21, 2018) (*Order*).

<sup>5</sup> See *Carbon and Alloy Steel Wire Rod from the Republic of Korea and the United Kingdom: Notice of Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 13888 (April 8, 2019).

<sup>6</sup> See *Carbon and Alloy Steel Wire Rod from the Republic of Korea: Final Results of Antidumping Duty Changed Circumstances Review*, 84 FR 27582 (June 13, 2019).

<sup>7</sup> See *Preliminary Results* Preliminary Decision Memorandum at 7-9.

Producer and/or exporter	Weighted-average dumping margin (percent)
POSCO/POSCO International Corporation .....	0.00

##### Disclosure

Because we have not modified our analysis, there are no new calculations to disclose in accordance with section 751(a) of the Act and 19 CFR 351.224(b) for the final results. We are adopting the *Preliminary Results* as the final results.

##### Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.<sup>8</sup> Because POSCO's weighted-average dumping margin is zero percent, we intend to instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In accordance with Commerce's practice, for entries of subject merchandise during the POR produced by POSCO for which it did not know its merchandise was destined for the United States, we intend to instruct CBP to liquidate such entries at the all-others rate if there is no company-specific rate for the intermediate company(ies) involved in the transaction.<sup>9</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

##### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided

<sup>8</sup> See *Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>9</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for POSCO is equal to the weighted-average dumping margin established in the final results of this review; (2) for previously-investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter was not covered in this review or the investigation, but the producer was covered, the cash deposit rate will be the rate established in the most recently completed segment of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 41.10 percent, the all-others rate established in the original less-than-fair-value investigation.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Order

This notice also serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: September 28, 2022.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-21460 Filed 10-3-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XC398]

#### Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

**ACTION:** Notice of SEDAR Webinar VIII for SEDAR Procedural Workshop 8: Fishery Independent Index Development Under Changing Survey Design.

**SUMMARY:** The SEDAR Procedural Workshop 8 for Fishery Independent Index Development will consist of a series of webinars, and an in-person workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR Procedural Workshop 8 Webinar VIII will be held October 20, 2022, from 10 a.m. until 12 p.m., eastern.

#### ADDRESSES:

*Meeting address:* The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571-4366; email: *Julie.neer@safmc.net*.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report that compiles and evaluates potential datasets and recommends which datasets are

appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the webinar are as follows:

Participants will discuss data analysis for the SEDAR Procedural Workshop 8.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

#### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: September 29, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022-21514 Filed 10-3-22; 8:45 am]

**BILLING CODE 3510-22-P**

<sup>10</sup> See Order.

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XC432]

**North Pacific Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of a public hybrid meeting.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Bering Sea Fishery Ecosystem Plan Local Knowledge, Traditional Knowledge, and Subsistence Taskforce (LKTks) will be held November 1, 2022 through November 2, 2022.

**DATES:** The meeting will be held on Tuesday, November 1, 2022, and on Wednesday, November 2, 2022, from 9 a.m. to 4 p.m., Alaska time.

**ADDRESSES:** The meetings will be a hybrid meeting. The in-person component of the meeting will be held at the North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252 or join the meeting online through the links at <https://meetings.npfmc.org/Meeting/Details/2954>.

*Council address:* North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Kate Haapala, Council staff; phone: (907) 271–2809 and email: [kate.haapala@noaa.gov](mailto:kate.haapala@noaa.gov). For technical support, please contact our administrative staff; email: [npfmc.admin@noaa.gov](mailto:npfmc.admin@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Agenda**

*Tuesday, November 1, 2022, and  
Wednesday, November 2, 2022*

At this meeting, the LKTks Taskforce will: (a) receive an overview of Taskforce work products, namely the LKTks protocol which includes the primary guidelines and onramps for identifying, analyzing, and including LKTks information and expertise in the Council's decision-making process; (b) further develop the protocol and recommendations for LKTks onramps; (c) discuss next steps and the timeline for remaining work timing of future to meet the Council's objectives for the

Taskforce; and (d) other business. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/2954> prior to the meeting, along with meeting materials.

**Connection Information**

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/2954>. If you are attending the meeting in-person, please note that all attendees will be encouraged to wear a mask.

**Public Comment**

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/2954> by 12 p.m. Alaska time on Monday, October 31, 2022. An opportunity for oral public testimony will also be provided during the meeting.

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

Dated: September 29, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022–21517 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XC425]

**Marine Mammals; File No. 26689**

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Elsie Sunderland, Ph.D., Harvard University, 29 Oxford Street, Pierce Hall No. 127, Cambridge, MA 02138, has applied in due form for a permit to import marine mammal parts for scientific research.

**DATES:** Written, telefaxed, or email comments must be received on or before November 3, 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. 26689 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 26689 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Skidmore or Shasta McClenahan, 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.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to import marine mammal parts from up to 360 pilot whales (*Globicephala melas*) and 360 Atlantic white-sided dolphins (*Lagenorhynchus acutus*) to study temporal trends and toxicokinetics exposure. The parts have been or will be collected under other authorizations from 2016 and 2027 and archived at the Havstovan Faroe Marine Research Institute. The sources of parts include subsistence hunts, fisheries bycatch, or dead stranded carcasses in the Faroe Islands. The requested duration of the permit is 5 years.

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: September 29, 2022.

**Julia M. Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–21511 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XC418]

**Marine Mammals; File No. 26696**

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Dennis Clegg, Ph.D., University of California at Santa Barbara, Neuroscience Research Institute, Mail Code 5060, Santa Barbara, CA 93106, has applied in due form for a permit to export and conduct research on marine mammal parts.

**DATES:** Written, telefaxed, or email comments must be received on or before November 3, 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. 26696 from the list of available applications. These documents are also available upon written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov).

Written comments on this application should be submitted via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include File No. 26696 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Shasta McClenahan, Ph.D., or Jennifer Skidmore, (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 research permit to conduct scientific research on marine mammal parts to create a resource of cetacean pluripotent

stem cells to aid basic biological research. The applicant would create and maintain cell lines from a total of 10 individual cetaceans representing 5 different species. The cell lines may be sent to Co-Investigators, including export to foreign countries.

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: September 29, 2022.

**Julia M. Harrison,**

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–21507 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XC424]

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice; determination on hatchery and genetic management plans and availability of the associated Findings of No Significant Impact (FONSIs).

**SUMMARY:** Notice is hereby given that NMFS has made determinations on 12 resource management plans in the form of joint tribal and state Hatchery and Genetic Management Plans (HGMPs) that were submitted in three bundles (Lake Washington HGMPs, Hood Canal HGMPs, and Hood River HGMPs) and four state HGMPs (Mid-Columbia HGMPs). NMFS also announces its issuance of Final Environmental Assessments (FEAs) and Findings of No Significant Impact (FONSIs) for the 11 hatchery programs in Mid-Columbia River, Hood River, and Lake Washington.

**FOR FURTHER INFORMATION CONTACT:** Allyson Purcell, at phone number: (503) 736–4736, or via email: [allyson.purcell@noaa.gov](mailto:allyson.purcell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Before making its final determinations, NMFS solicited and took into account public comments for how the plans address the criteria in § 223.203(b)(5). The determinations announced in this notice consist of NMFS’ findings as to whether the plans submitted to NMFS meet the regulatory criteria.

**Species Covered in This Notice**

- Lower Columbia River Chinook Salmon (*Oncorhynchus tshawytscha*): threatened, naturally and artificially propagated
- Middle Columbia River Steelhead (*O. mykiss*): threatened, naturally and artificially propagated
- Lower Columbia River Steelhead (*O. mykiss*): threatened, naturally and artificially propagated
- Lower Columbia River Coho Salmon (*O. kisutch*): threatened, naturally and artificially propagated
- Columbia River Chum Salmon (*O. keta*): threatened, naturally and artificially propagated
- Puget Sound Chinook Salmon (*O. tshawytscha*): threatened, naturally and artificially propagated
- Puget Sound Steelhead (*O. mykiss*): threatened, naturally propagated
- Hood Canal Summer Chum Salmon (*O. keta*): threatened, naturally propagated.

**Discussion of the Biological Analysis Underlying the Determinations***Mid-Columbia HGMPs*

The United States Fish and Wildlife Service (USFWS) and the Washington Department of Fish and Wildlife (WDFW) submitted the Touchet River Endemic Summer Steelhead HGMP. The Oregon Department of Fish and Wildlife (ODFW) submitted the Umatilla River Summer Steelhead HGMP, the Round Butte Hatchery Spring Chinook Salmon HGMP, and the Round Butte Hatchery Summer Steelhead HGMP. The Umatilla Hatchery program is funded by the Bonneville Power Administration (BPA), as well as a small proportion of the Round Butte Hatchery programs, with the remainder of these programs funded by Portland General Electric (PGE).

*Touchet River:* The Touchet Endemic Steelhead Program is intended to conserve ESA-listed summer steelhead in the Touchet River, Washington, while also providing harvest opportunities and mitigating some of the effects of the development and operation of the Federal Columbia River Power System (FCRPS) in the Snake River Basin on fish and wildlife under the Lower Snake River Compensation Plan.

*Umatilla River:* The Umatilla River Steelhead Program is intended to conserve ESA-listed summer steelhead in the Umatilla River, Oregon, while also providing harvest opportunities. The BPA funds the program to mitigate for the effects of the development and operation of the FCRPS on fish and wildlife in the Columbia River and its tributaries under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act; 16 U.S.C. 839 *et seq.*) in a manner consistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program. The BPA also funds the program to fulfill commitments to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) related to proposed projects that are identified for funding in the 2008 Columbia River Basin Fish Accords Memorandum of Agreement among the CTUIR, the CTWSRO, the Confederated Tribes and Bands of the Yakama Nation, the Columbia River Inter-Tribal Fish Commission, BPA, the U.S. Army Corps of Engineers, and U.S. Bureau of Reclamation (Columbia Basin Fish Accords), as extended in 2018 (Fish Accord Extension).

*Deschutes River:* The Round Butte Spring Chinook Salmon and the Round Butte Summer Steelhead Programs are funded by PGE and CTWSRO under terms of the Federal Energy Regulatory Commission (FERC) license for the Pelton Round Butte Project on the Deschutes River in Oregon. Under the FERC license, PGE and the CTWSRO need to restore native fish passage and improve fish habitat upstream of Round Butte Dam, and support the reintroductions of steelhead and Chinook Salmon above Round Butte Dam. Both programs also provide fish to mitigate for lost fishing opportunities downstream of the Pelton Round Butte Project.

#### *Lake Washington HGMPs*

*Issaquah Hatchery:* The purpose of the chinook and coho salmon programs at Issaquah hatchery is to produce salmon for sustainable fisheries (including those under the jurisdiction of the Magnuson-Stevens Act) and to facilitate the exercise of Treaty Indian fishing right entitlements (*U.S. v Washington*). The programs also provide educational opportunities for the citizens of the area through its Watershed Interpretive Center. Further, the coho program supplies salmon eggs to schools and 26 cooperative educational centers throughout the region.

*University of Washington Aquatic Research Facility (UWARF) Fall Chinook Salmon:* The purpose of the coho and Chinook salmon programs at UWARF are to support research programs (e.g., University of Washington faculty, research scientists, graduate students; MIT; WDFW; and other affiliated research organizations such as NOAA Fisheries and USGS-Western Fisheries Research Center) and to support educational activities for undergraduate and graduate students within the University of Washington, MIT members, other Tribes, and the general public. The intent of the research program is to reduce genetic risk to natural populations and to maintain a gene pool that is separated from all natural populations.

#### *Hood River HGMPs*

The CTWSRO and ODFW have submitted HGMPs for two programs in the Hood River, Oregon (spring Chinook salmon and winter steelhead). The programs are funded by the BPA.

The goal of the Hood River spring Chinook salmon program is to re-establish and maintain a naturally sustaining spring Chinook salmon population in the Hood River, with sustainable and consistent in-basin tribal and sport harvest opportunities. The goals of the Hood River winter steelhead program are (1) to provide in-basin harvest opportunity for sport and tribal anglers, and (2) to increase the number of natural-origin spawners while maintaining the long-term fitness of the natural population and minimizing ecological and genetic impacts on other populations in the Hood River. The BPA funds the programs to mitigate for the effects of the development and operation of the FCRPS on fish and wildlife in the Columbia River and its tributaries under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act; 16 U.S.C. 839 *et seq.*) in a manner consistent with the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program. The BPA also funds the program to fulfill commitments to the CTWSRO related to proposed projects that are identified for funding in the 2008 Columbia River Basin Fish Accords Memorandum of Agreement among the CTUIR, the CTWSRO, the Confederated Tribes and Bands of the Yakama Nation, the Columbia River Inter-Tribal Fish Commission, BPA, the U.S. Army Corps of Engineers, and U.S. Bureau of Reclamation (Columbia Basin Fish Accords), as extended in 2018 (Fish Accord Extension).

#### *Hood Canal HGMPs*

The Port Gamble S'Klallam Tribe, the Skokomish Tribe, and the WDFW operate hatchery programs for sustainable fisheries (including those under the jurisdiction of the Magnuson-Stevens Act) and to facilitate exercise of Treaty Indian fishing right entitlements (*U.S. v Washington*). The operators requested changes to three HGMPs (Enetai fall chum, Hoodspout fall chum, Port Gamble coho) to provide additional forage to southern resident killer whales; a species listed as endangered under the ESA that relies on adult salmon as a food resource. The operators of the Hood Canal steelhead supplementation program propose to investigate genetic effects of natural-origin steelhead dispersal throughout the Hood Canal Basin. The operators of the Hoodspout fall Chinook salmon program also propose to investigate the effects of release timing on survival of adult fall Chinook salmon; a non-ESA-listed stock.

#### **Discussion of Determinations**

All of the HGMPs submitted to NMFS are consistent with the recovery plans for each of the ESA-listed species and are designed to aid in conserving their populations across the ESU and/or DPS range. NMFS, through its evaluation, has determined each of the programs are designed and operated to ensure that the impacts on ESA-listed natural-origin Chinook salmon, coho salmon, chum salmon, and steelhead populations will not appreciably reduce the survival and recovery of listed species. The programs use adaptive management procedures and the best available science to reduce adverse genetic effects and lessen competition and predation impacts typically associated with salmon and steelhead hatchery programs. Monitoring and evaluation will be implemented to assess the performance of each program in meeting population conservation or harvest augmentation objectives, and their effects on ESA-listed natural-origin Chinook salmon, coho salmon, chum salmon, and steelhead. The information gained through monitoring and evaluation will be used to assess whether the impacts of the programs on listed fish remain consistent with NMFS' determinations.

Review of monitoring and evaluation results by NMFS and the co-managers will occur annually to evaluate whether assumptions regarding the hatchery programs and their effects and analysis remain valid and whether the objectives are being accomplished. The HGMPs include provisions for annual reports that will assess compliance with

performance standards established through the HGMPs. Reporting and inclusion of new information derived from HGMPs' research, monitoring, and evaluation activities assures that performance standards will be achieved in future seasons.

### Summary of Comments Received

#### Mid-Columbia and Hood River HGMPs

NMFS published a notice of availability for public review and comment on four Mid-Columbia HGMPs and the proposed evaluation and pending determination (PEPD) for the two Hood River programs on July 14, 2020 (85 FR 42361), as required under Limit 5 and Limit 6 of the ESA section 4(d) Rule, respectively. The PEPD and HGMPs were available for public review and comment for 30 days.

NMFS published a notice of availability for public review and comment on the Draft Environmental Assessment (DEA) on July 14, 2020 (85 FR 42361), in accordance with National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The DEA was available for public review and comment for 30 days.

No comments were received on the PEPD, HGMPs, or the DEA.

#### Lake Washington HGMPs

NMFS published a notice of its PEPD on the five hatchery programs for public review and comment on August 27, 2021 (86 FR 48125, August 27, 2021), as required under Limit 6 of the ESA section 4(d) Rule. The PEPD was available for public review and comment for 30 days. No comments were received on the PEPD.

NMFS published a notice of availability for public review and comment on the DEA on August 27, 2021 (85 FR 48125, August 27, 2021), in accordance with NEPA, as amended (42 U.S.C. 4321 *et seq.*). The DEA was available for public review and comment for 30 days. NMFS received four comments on the DEA; though none of the comments had specific information or supporting documentation to warrant a change in the proposed action or the analysis contained in the DEA.

#### Hood Canal HGMPs

NMFS published a notice of its PEPD on five hatchery programs for public review and comment on November 10, 2021 (86 FR 62517), as required under Limit 6 of the ESA section 4(d) Rule. The PEPD was available for public review and comment for 30 days. No comments were received on the PEPD.

*Authority:* 16 U.S.C. 1531–1543; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 5503(d).

Dated: September 29, 2022.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2022–21482 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Improving Knowledge About NWS Forecaster Core Partner Needs for Reducing Vulnerability to Compound Threats in Landfalling Tropical Cyclones Amid Covid–19

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 19, 2022 (87 FR 43005) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic & Atmospheric Administration (NOAA), Commerce.

*Title:* Improving Knowledge About NWS Forecaster Core Partner Needs for Reducing Vulnerability to Compound Threats in Landfalling Tropical Cyclones Amid Covid–19.

*OMB Control Number:* 0648–XXXX.

*Form Number(s):* None.

*Type of Request:* Regular submission (new information collection).

*Number of Respondents:* 35.

*Average Hours per Response:* 1 hour.

*Total Annual Burden Hours:* 35 hours.

*Needs and Uses:* The data collection is sponsored by DOC/NOAA/National Weather Service (NWS)/Office of Science and Technology Integration (OSTI). Compound hazards, like tornadoes and flash floods (called TORFFs), are a significant issue for risk communication and are common in landfalling tropical cyclones. Currently, NOAA lacks data and data collection

instruments that articulate and explain how emergency managers and broadcast meteorologists receive, interpret, and respond to NWS prediction information about these compound hazards before and during landfalling tropical cyclones, like Hurricane Ida. Furthermore, NOAA lacks adequate knowledge about how these risks are best communicated during pandemics such as COVID–19, when it is important for those who are most vulnerable to adjudicate their risks of exposure to both severe weather and COVID–19. Such knowledge about compound weather hazards would be particularly useful for NWS forecasters who communicate risk information to their colleagues in emergency management and broadcast meteorology (hereafter “partners”), especially when information about sheltering practices, evacuation, and vulnerability can be complicated by exposure to public health threats and bilingual needs.

Semi-structured interviews will be conducted with partners in local areas impacted by recent hurricanes with embedded TORFF hazards, such as Hurricane Ida and its remnants. Semi-structured interview data will be collected on a one-off basis and will be conducted either virtually or in-person (COVID–19 restriction dependent). Specific questions in the interview guide determine how partners attend to, prioritize, and communicate information related to compound wind and water threats before and during landfalling tropical cyclones or hurricanes.

The interviews will be conducted by researchers at Texas Tech University's Risk and Equity in Disasters (RED) Lab and at Texas A&M. They have begun to develop data collection instruments that will allow them to gather risk information. These instruments are being created in collaboration with experts in emergency management and broadcast meteorology through the Board on Emergency Management and the Board on Professional Development within the American Meteorological Society. This helps assure the appropriateness of questions relative to different decision spaces, job roles, and communication processes.

This data collection serves many purposes, including building knowledge of how partners attend to, make sense of, and communicate compound hazards, as well as challenges they face in identifying vulnerable populations to severe weather in the context of COVID–19. These data will be reported in aggregate when possible and findings will be used by the NWS training centers in Norman, OK, and Kansas

City, MO, to inform their practices for Impact-Based Decision Support Services (IDSS) and to improve the information and services it provides to members of the Weather Enterprise. Importantly, data collected will help assist NWS in developing new forecaster training modules, situational awareness information, and best practices for Impact-Based Decision Support with partners. This is a necessary step in improving risk communication among expert groups, which, in turn, benefits vulnerable populations who ultimately must act quickly and safely to adjudicate which risks pose the greatest threat to them as the threats evolve. Data collected from both populations will also be used for the practical utility of the government through semi-annual reports to NOAA to evaluate proposed metrics of success for completing the grant relative to progress to data. Conference presentations about findings will be made to the American Meteorological Society, National Weather Association, and related emergency manager conferences; webinars of best practices and situational awareness opportunities to partner or NWS offices; and insights about the challenges of communicating and preparing the public for compound hazards reported to peer reviewed publications in professional journals.

**Affected Public:** Business or other for-profit organizations; State, Local, or Tribal government; Federal government.

**Frequency:** One time.

**Respondent's Obligation:** Voluntary.

**Legal Authority:** 15 U.S.C. chapter 111, Weather Research and Forecasting Information.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering the title of the collection.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2022–21518 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510-KE-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC414]

#### South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council will hold a meeting of the Scientific and Statistical Committee (SSC) from October 25 to October 27, 2022, in Charleston, SC.

**DATES:** The SSC meeting will be held from 8:30 a.m. until 5 p.m. EDT on October 25th and October 26th, and from 8:30 a.m. until 12 p.m. on October 27, 2022.

**ADDRESSES:**

**Meeting address:** The meeting will be held at the Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407; phone: (843) 571–1000. The meeting will also be available via webinar as it occurs. Registration is required. Webinar registration information, an online public comment form, and briefing book materials will be available two weeks prior to the meetings at: <https://safmc.net/scientific-and-statistical-committee-meeting/>.

**Council address:** South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Judd Curtis, SAFMC; phone: (843) 302–8441; fax: (843) 769–4520; email: [judd.curtis@safmc.net](mailto:judd.curtis@safmc.net).

**SUPPLEMENTARY INFORMATION:** The SSC meeting agenda topics will include: SSC review and discussion of the NOAA Fisheries Southeast Fishery Science Center (SEFSC) interim analysis strategy, management strategy evaluation (MSE) model for the snapper grouper fishery, an update from the NOAA Fisheries National MSE Technical Workgroup, red snapper recruitment patterns in the South Atlantic, SEFSC project on minimizing discards in the snapper grouper fishery, Release Mortality Reduction Framework Amendment 35 to the Snapper Grouper Fishery Management Plan, Spanish mackerel revised operational assessment review, greater amberjack estimation project update, review of terms of reference and Southeast Data Assessment and Review (SEDAR) schedule for golden tilefish and blueline

tilefish, report on the National SSC meeting, Stock Assessment and Fishery Evaluation (SAFE) reports review, fishery management plan amendment updates, and other business as needed.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: September 29, 2022.

**Rey Israel Marquez,**

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

[FR Doc. 2022–21515 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XC430]

#### North Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of web conference.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Charter Halibut Management Committee will meet October 21, 2022.

**DATES:** The meeting will be held on Friday, October 21, 2022, from 9 a.m. to 12 p.m., Alaska Time.

**ADDRESSES:** The meeting will be a web conference. Join online through the link at <https://meetings.npfmc.org/Meeting/Details/2956>.

**Council address:** North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under **SUPPLEMENTARY INFORMATION**, below.

**FOR FURTHER INFORMATION CONTACT:** Sarah Marrinan, Council staff; phone: (907) 271–2809; email: [sarah.marrinan@noaa.gov](mailto:sarah.marrinan@noaa.gov). For technical support, please contact our admin Council staff, email: [npfmc.admin@noaa.gov](mailto:npfmc.admin@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

## Agenda

Friday, October 21, 2022

The Charter Halibut Management Committee will meet to make recommendations on management measures to analyze for the 2023 season. First the Alaska Department of Fish and Game (ADFG) will go over the final numbers for 2021 and preliminary harvest and effort numbers for 2022. Then the committee will discuss development of the 2023 management measures for analysis. The Committee will also discuss upcoming meetings and any other business. The agenda is subject to change, and the latest version will be posted <https://meetings.npfmc.org/Meeting/Details/2956> prior to the meeting, along with meeting materials.

## Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/2956>.

## Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://meetings.npfmc.org/Meeting/Details/2956>.

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

Dated: September 29, 2022.

## Rey Israel Marquez,

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

[FR Doc. 2022-21516 Filed 10-3-22; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2022-0025]

### Request for Comments on USPTO Initiatives To Ensure the Robustness and Reliability of Patent Rights

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) seeks initial public comments on proposed initiatives directed at bolstering the robustness and reliability of patents to incentivize and protect new and nonobvious inventions while facilitating the broader dissemination of public knowledge to promote innovation and competition. This

request for comments (RFC) addresses a variety of topics, including prior art searching, support for claimed subject matter, request for continued examination (RCE) practice, and restriction practice, and certain initiatives related to these topics that are outlined in the USPTO's July 6, 2022, letter to the Food and Drug Administration (FDA). This RFC also seeks comments on the questions set forth in a June 8, 2022, letter to the USPTO from six United States Senators. The USPTO is studying additional topics and initiatives to bolster the robustness and reliability of U.S. patents and will seek public comments on those separately.

**DATES:** Comment Deadline: Written comments must be received on or before January 3, 2023, to ensure consideration.

**ADDRESSES:** For reasons of government efficiency, comments must be submitted through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). To submit comments via the portal, enter docket number PTO-P-2022-0025 on the homepage and click "search." The site will provide a search results page listing all documents associated with this docket. Find a reference to this RFC and click on the "Comment Now!" icon, complete the required fields, and enter or attach your comments. Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

Visit the Federal eRulemaking Portal ([www.regulations.gov](http://www.regulations.gov)) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please contact the USPTO using the contact information below for special instructions regarding how to submit comments by mail or by hand delivery, based on the public's ability to obtain access to USPTO facilities at the time.

#### FOR FURTHER INFORMATION CONTACT:

Linda Horner, Administrative Patent Judge, at 571-272-9797; June Cohan, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at 571-272-7744; or Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at 571-272-7728.

**SUPPLEMENTARY INFORMATION:** The USPTO is seeking public input and guidance on proposed initiatives directed at bolstering the robustness and reliability of patents. These initiatives are meant to ensure that the patent rights granted by the USPTO fulfill their intended purpose of furthering the common good, incentivizing innovation, and promoting economic prosperity.

### I. Background and the USPTO's July 6, 2022, Letter to the FDA

On July 9, 2021, President Biden issued an Executive Order (E.O.) on "Promoting Competition in the American Economy," 86 FR 36987 (July 14, 2021) ("Competition E.O."). To advance the Biden Administration's goals of promoting access to prescription pharmaceuticals for American families and increasing competition in the marketplace, section 5(p)(vi) of the E.O. directs the Secretary of Health and Human Services (HHS) "to help ensure that the patent system, while incentivizing innovation, does not also unjustifiably delay generic drug and biosimilar competition beyond that reasonably contemplated by applicable law." In particular, section 5(p)(vi) of the E.O. directs the HHS Secretary, "through the Commissioner of Food and Drugs" and "not later than 45 days after the date of this order," to "write a letter to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office enumerating and describing any relevant concerns of the FDA."

In response to the Competition E.O., on September 10, 2021, the FDA sent a letter to the USPTO outlining ideas for further engagement with the USPTO. On July 6, 2022, the USPTO sent a responsive letter (USPTO Letter) discussing specific initiatives the USPTO was exploring to further promote robust and reliable patent rights across all technology areas and suggesting additional ways in which the USPTO could work with the FDA to ensure that our patent system properly and adequately protects innovation while not unnecessarily delaying generic and biosimilar competition, which provides more affordable versions of pharmaceuticals for Americans who need them. The Competition E.O. and the letters are available at [www.uspto.gov/initiatives/drug-pricing-initiatives](http://www.uspto.gov/initiatives/drug-pricing-initiatives).

The USPTO Letter explains that the United States is a global leader in the development of drugs and biologics due to its strong patent system. Robust and reliable patents are needed to incentivize and protect the immense research and development investment



essential to bringing such products to market and to spur the collaboration necessary for quick and speedy drug and biologic development. Our laws also strive to ensure that our system, as a whole, does not unnecessarily delay generic and biosimilar competition, which provide cost savings to Americans when they purchase pharmaceutical products.

To further the objectives of the Competition E.O., the USPTO recently outlined initiatives to execute the President's agenda. The USPTO's initiatives to ensure robust and reliable patents, as discussed in Paragraph 2 of the USPTO Letter, are reproduced below.

2. Improve procedures for obtaining a patent so that the USPTO issues robust and reliable patents. Specifically, the USPTO will:

a. Introduce more examining time into the patent examination system. The USPTO recently made changes to examination time and is exploring further changes, particularly in cases with several continuations (large family cases) and cases with evidence submitted in support of patentability.

b. Give patent examiners more training and resources. The USPTO has released a new search system for patent examiners to use in identifying relevant prior art to make patentability determinations. The new Patents End-to-End Search system includes significant enhancements, such as access to more than 76 million foreign documents with high-quality English translations and new, improved search capabilities. The USPTO is exploring additional technology and resources of prior art to improve patent quality. The USPTO also recently announced a collaboration with the American Intellectual Property Law Association and the Intellectual Property Owners Association to develop examiner training on enhancing the clarity of the prosecution record. The USPTO also is exploring additional training for examiners on new matter, assessing claim scope, and the use of functional claiming.

c. Enhance communication between patent examiners and the Patent Trial and Appeal Board (PTAB), which hears challenges to patents once they have issued as well as appeals from rejections of pending patent applications during examination. The USPTO has put in place processes for the PTAB to share feedback as it relates to *ex parte* appeals, including sharing final decision tables with detailed information about the PTAB's ruling on each individual rejection and claim in an *ex parte* appeal and using surveys to facilitate information sharing between PTAB judges and the patent examination corps. Examiners are also notified when they have an application related to an AIA proceeding, so they can easily access prior art and relevant statements that may impact their examination in the application before them. In addition, examiners are now able to more quickly identify prior art relied upon and PTAB's rulings on each individual ground and claim in the post-grant proceeding via

final written decision tables, which are now incorporated into all final written decisions. The USPTO is also exploring how data collected from the decision tables in both *ex parte* appeal and AIA proceedings can be relied upon to identify quality trends, such as prior art trends in post-grant proceedings (e.g., commonly relied upon non-patent literature and foreign language patents) as well as opportunities to develop examiner training or guidance based on findings or lessons learned from surveys.

d. Consider enhancing the process for information disclosure statements. The USPTO will continue our efforts to explore changes to the procedures for identifying prior art on information disclosure forms to provide efficiencies for applicants and to allow examiners to more readily identify key prior art through the development of an automated tool for USPTO examiners that imports relevant prior art and other pertinent information into pending U.S. patent applications.

e. Consider applying greater scrutiny to continuation applications in large families and/or the use of declaratory evidence to overcome rejections. The USPTO is considering additional guidance for examiners and quality reviews by the Office of Patent Quality Assurance when continuation applications in large families are filed, or when applicants submit declaratory evidence to rebut an examiner's determination of unpatentability.

f. Revisit obviousness-type double patenting practice. Obviousness-type double patenting occurs when a patent owner tries to secure a patent for an obvious variation of the innovation covered by another of their own patents. In these instances, under current practices, a patent applicant is required to file a terminal disclaimer so that the later patent application on an obvious variant of an earlier-patented invention may not be used to extend the term of patent protection. Although a terminal disclaimer ensures that the later patent will remain commonly owned with and have the same patent term as the earlier patent, multiple patents directed to obvious variants of an invention could potentially deter competition if the number of patents is prohibitively expensive to challenge in post-grant proceedings before PTAB and in district court. And later issued patents to obvious variants may delay resolution of ongoing district court litigation thereby potentially delaying generic and biosimilar entry into the market. The USPTO will explore whether any changes need to be made to the patent system regarding obviousness-type double patenting.

g. Revisit procedures for third-party input. The USPTO is considering revising its procedures for allowing third-party input during prosecution. The USPTO currently has a procedure to allow third-party submissions of prior art in applications under examination. This procedure is not widely used. The USPTO will seek public input on whether aspects of the current procedure could be changed to make it more useful.

h. Conduct a comparative analysis of the examination and issuance of pharmaceutical

and biological patents in the U.S. versus in other countries and any underlying lessons learned from the same. The USPTO plans to conduct a comparative analysis to evaluate whether any additional initiatives or changes will strengthen our intellectual property system. Director Vidal and the USPTO team will also explore this topic in bilateral and multilateral discussions with other countries.

i. The USPTO will provide technical input on proposed legislative efforts.

A primary intention of this RFC is to seek written public comments on the initiatives described in the USPTO Letter reproduced above (2(a)–2(i)), and as reflected in questions 1–5 below. The questions in this RFC focus on some of these initiatives, and the USPTO plans to issue an additional RFC that will address other initiatives and additional topics concerning improvements to the patent application process, including, without limitation, enhancing the information disclosure statement process, increasing clarity and certainty in functional claiming, and transcribing inventor interviews.

## II. June 8, 2022, Letter From Senators to the USPTO

On June 8, 2022, the USPTO received a letter from United States Senators Leahy, Blumenthal, Klobuchar, Cornyn, Collins and Braun raising a concern about “large numbers of patents that cover a single product or minor variations on a single product, commonly known as patent thickets.” In the letter, the Senators commented that the practice of obtaining large numbers of patents on a single drug product “impedes generic drugs’ production, hurts competition, and can even extend exclusivity beyond the congressionally mandated patent term.” The Senators requested that the USPTO consider changes to its regulations and practices by issuing a notice of proposed rulemaking or a public RFC on a list of six questions. We are including the Senators’ six questions in this RFC (questions 6–11 below) and welcome feedback on them, in addition to the proposed USPTO initiatives as reflected in questions 1–5 below.

## III. Specific Topics and Initiatives

### A. Prior Art Searching

The USPTO Letter, section 2(b), indicates the USPTO “is exploring additional technology and resources of prior art.” Patent examiners have access to many resources for searching for prior art during the examination of patent applications. The new Patents End-to-End Search system includes access to U.S. patents and pre-grant publications and more than 76 million foreign patent documents with high-quality English

translations and new, improved search capabilities. In addition, examiners search general and technology-specific databases for non-patent prior art and are provided the services of trained professional online search personnel for non-patent prior art searching. See Manual of Patent Examining Procedure (MPEP) 904. In question 1 below, the USPTO seeks public input on specific sources of prior art to ensure that patent examiners have access to the most relevant information. Specifically, the USPTO seeks public input on robust sources of technology-specific, non-patent literature. The USPTO also seeks public input on best practices to ensure that examiners are aware of public use and on-sale activity that is relevant to examination.

### B. Support for Patent Claims

The USPTO Letter, section 2(e), indicates the USPTO will “[c]onsider applying greater scrutiny to continuation applications in large families.” More broadly, to ensure that all claims are properly supported by the specification, greater scrutiny should be considered any time the claims presented do not form part of the original specification or specifications on which the claims rely for priority, *i.e.*, when new claims are presented in continuing applications (*e.g.*, continuation, continuation-in-part, and divisional applications) as well as when new claims are presented or claims are amended during prosecution. In all such circumstances, because such new claims and amendments to claims may not have support under 35 U.S.C. 112 since they do not form part of the original specification, these new and amended claims require additional scrutiny to: (1) ensure they have proper written description and enablement support in the application itself, *see* 35 U.S.C. 112(a); and (2) ensure they have proper written description and enablement support in the application from which they claim entitlement to the benefit of an earlier filing date (*e.g.*, a benefit or priority claim under 35 U.S.C. 119, 120, 121, or 365). Because an examiner must establish the effective filing date of each claim in order to identify applicable prior art and evaluate the claims for compliance with the requirements of 35 U.S.C. 102 and 103, examiners often spend a significant amount of time, particularly on continuing applications, or applications that contain numerous benefit or priority claims, evaluating issues related to 35 U.S.C. 112(a) (*e.g.*, ascertaining the filing date of individual claims).

Currently, the MPEP states that applicants “should” show “support” for

claims during prosecution. *See, e.g.*, MPEP 2163 II.A. (“With respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims.”). By contrast, the reexamination and reissue rules (rules 1.530(e) and 1.173(c), respectively) require that during reexamination or reissue proceedings, patentees “must” supply an “explanation of the support in the disclosure” for new and amended claims:

(e) Status of claims and support for claim changes. Whenever there is an amendment to the claims pursuant to paragraph (d) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (*i.e.*, pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes to the claims made by the amendment paper.

Similarly, in inter partes review and post-grant review proceedings, motions to amend “must” set forth “[t]he support in the original disclosure of the patent for each claim that is added or amended.” 37 CFR 42.121(b)(1), 42.221(b)(1). In promulgating rules related to motions to amend, the Office explained that the rules “enhance efficiency,” for example, because the PTAB may deny the motion to amend when the patent owner cannot show support for the new claims, as opposed to a more burdensome procedure of entering the amendment and then substantively rejecting the claims. 77 FR 48680, 48706, Col. 2 to 3 (Aug. 14, 2012); later amended in 85 FR 82923 (Dec. 21, 2021) (placing the burden of persuasion on the patent owner to show, by a preponderance of the evidence, that the motion to amend complies with the requirements of 35 U.S.C. 316(d)(1) and (3); 37 CFR 42.121(a)(2), (a)(3), b(1), and (b)(2); and 42.221(a)(2), (a)(3), (b)(1), and (b)(2)).

As detailed further in question 2 below, the USPTO seeks input on the impact of applying a similar approach to all applications and whether any change would enhance the public record and reduce the burden on examiners. This approach would impose minimal burden on applicants because they are required to file claims that “conform to the invention as set forth in the remainder of the specification,” with claim terms that “find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” 37 CFR 1.75(d)(1).

### C. RCE Practice

With rare exception, after an examiner closes prosecution, including after the mailing of a notice of allowance or when an appeal has been taken to the PTAB, an applicant may file an RCE under 37 CFR 1.114. Upon receipt of an appropriate RCE, the examiner will reopen prosecution and issue another action. Currently, this cycle may proceed indefinitely, subject only to a finding of prosecution laches. *See* MPEP 706.07(h) and 2190. The USPTO seeks input through question 3 below on this current practice and whether there should be internal process changes once the number of RCEs filed in an application reaches a certain threshold, such as transferring the application to a new examiner or increasing the scrutiny given in the examination of the application.

### D. Restriction, Divisional, Rejoinder and Non-Statutory Double Patenting Practice

In situations in which two or more independent and distinct inventions are claimed in a single patent application, the USPTO is authorized by the patent laws and implementing regulations to require the applicant to restrict the application to one invention. The practice for requiring an applicant to restrict an application to one invention in such situations is known as restriction practice. *See* MPEP 800.

According to the USPTO’s records, the number of divisional applications fell from more than 21,000 in fiscal year (FY) 2010 to fewer than 15,500 in FY 2021, while the total application filings increased significantly. At the same time, the filing of continuation applications increased significantly. The USPTO has received feedback that one reason many continuing applications are filed is related to restriction practice. *See* MPEP 800.

With respect to question 4 below, the USPTO seeks input on improvements to restriction practice, including by allowing for the examination of two or more distinct inventions in the same proceeding in a manner similar to the practice authorized by 37 CFR 1.129(b), and also seeks input on whether any offset to patent term adjustment should be considered in such cases. The USPTO also seeks input on whether the burden requirement before the examiner to impose a restriction should be revised, and if so, how. *See* MPEP 808.02. In particular, the USPTO seeks input on whether it should adjust the method by which an examiner appropriately establishes burden. The USPTO also seeks input on its

restriction practice with respect to Markush claims. *See* MPEP 803.02. For example, the USPTO seeks input on whether the applicant should be authorized to suggest how the scope of the claim searched should be expanded if the elected species is not found in an effort to present closely related inventions for consideration together. The USPTO also seeks input on the advantages, or disadvantages, of unity of invention practice as compared to restriction practice.

Additionally, with respect to question 4 below the USPTO seeks feedback on serial filings of divisional applications, including whether the current practice of authorizing the filing of divisional applications in a series should be revised to require all divisional applications to be filed within a set period of time after the restriction requirement is made final and after any petition for review has been resolved.

Specifically, the USPTO also seeks feedback on guidance, petition practice, rejoinder, and harmonization with respect to restriction practice. The USPTO seeks input on whether to make changes to the rejoinder practice after a final rejection has been made. *See* MPEP 821.04(a). For example, the USPTO seeks input on whether applicants should be given a certain time period after final rejection to provide appropriate claims for rejoinder.

As a corollary to restriction practice, non-statutory double patenting occurs when a patent owner tries to secure a patent for a patentably indistinct variation of the same invention, or otherwise tries to obtain an unjustified timewise extension of patent rights. *See* MPEP 804 and 1504.06. A common form of non-statutory double patenting occurs when a patent owner files a patent application claiming an obvious variation of the innovation covered by another of their own patents. In these instances, under current practices, a patent applicant is required to file a terminal disclaimer so that the later patent application on an obvious variant of an earlier-patented invention may not be used to extend the term of patent protection. Although a terminal disclaimer ensures that the later patent will remain commonly owned with and have the same patent term as the earlier patent, multiple patents directed to obvious variants of an invention could potentially deter competition if the number of patents is prohibitively expensive to challenge in post-grant proceedings before PTAB and in district court. Also, multiple patents directed to obvious variants of an invention can pose a heavy burden on examiners because examiners are required to

compare the claims in these multiple patents and pending applications to determine if the claims are patentably indistinct from one another such that a non-statutory double patenting rejection is proper. The USPTO seeks input, through question 4 below, on whether any changes need to be made to the patent system regarding non-statutory double patenting.

#### IV. Questions for Public Comment

The USPTO invites written responses to the following questions and requests. Commenters are welcome to respond to any or all of the questions.

1. Identify any specific sources of prior art not currently available through the Patents End-to-End Search system that you believe examiners should be searching. How should the USPTO facilitate an applicant's submission of prior art that is not accessible in the Patents End-to-End Search system (*e.g.*, "on sale" or prior public use)?

2. How, if at all, should the USPTO change claim support and/or continuation practice to achieve the aims of fostering innovation, competition, and access to information through robust and reliable patents? Specifically, should the USPTO:

a. require applicants to explain or identify the corresponding support in the written description for each claim, or claim limitation, upon the original presentation of the claim(s), and/or upon any subsequent amendment to the claim(s) (including requiring a showing of express or inherent support in the written description for negative claim limitations)?

b. require applicants to explain or identify the corresponding support for each claim, or claim limitation, in the written description of every prior-filed application for which the benefit of an earlier filing date is sought, under, *e.g.*, 35 U.S.C. 119, 120, 121, or 365?

c. require applicants to explain or identify the corresponding support for each claim, or claim limitation, in the written description of every prior-filed application for which the benefit of an earlier filing date is sought, under, *e.g.*, 35 U.S.C. 119, 120, 121, or 365 (including requiring such support whenever a benefit or priority claim is presented, including upon the filing of a petition for a delayed benefit or priority claim and upon the filing of a request for a certificate of correction to add a benefit or priority claim)?

d. make clear that claims must find clear support and antecedent basis in the written description by replacing the "or" in 37 CFR 1.75(d)(1) with an "and" as follows: "The claim or claims must conform to the invention as set forth in

the remainder of the specification, and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description?"

e. require applicants to provide detailed analysis showing support for genus or Markush claims, and require applicants to identify each claim limitation that is a genus, and explain or identify the corresponding support in the written description for each species encompassed in the claimed genus?

f. require applicants to describe what subject matter is new in continuing applications (*e.g.*, continuation, continuation-in-part, and divisional applications) to explain or identify subject matter that has been added, deleted, or changed in the disclosure of the application, as compared to the parent application(s)?

3. How, if at all, should the USPTO change RCE practice to achieve the aims of fostering innovation, competition, and access to information through robust and reliable patents? Specifically, should the USPTO implement internal process changes once the number of RCEs filed in an application reaches a certain threshold, such as transferring the application to a new examiner or increasing the scrutiny given in the examination of the application?

4. How, if at all, should the USPTO limit or change restriction, divisional, rejoinder, and/or non-statutory double patenting practice to achieve the aims of fostering innovation, competition, and access to information through robust and reliable patents? Specifically, should the USPTO:

a. allow for the examination of two or more distinct inventions in the same proceeding in a manner similar to the practice authorized by 37 CFR 1.129(b), and, if so, consider an offset to patent term adjustment in such cases?

b. revise the burden requirement before the examiner to impose a restriction, and if so, how?

c. adjust the method by which an examiner appropriately establishes burden for imposing a restriction requirement?

d. authorize applicants, in the case of a Markush group, to suggest how the scope of the claim searched should be expanded if the elected species is not found in an effort to present closely related inventions for consideration together?

e. adopt a unity of invention requirement in place of the restriction requirement?

f. revise the current practice of authorizing the filing of divisional

applications in a series to require all divisional applications to be filed within a set period of time after the restriction requirement is made final and after any petition for review has been resolved?

g. make changes to the rejoinder practice after a final rejection has been made, such as giving applicants a certain time period after final rejection to provide appropriate claims for rejoinder?

h. limit or change non-statutory double patenting practice, including requiring applicants seeking patents on obvious variations to prior claims to stipulate that the claims are not patentably distinct from the previously considered claims as a condition of filing a terminal disclaimer to obviate the rejection; rejecting such claims as not differing substantially from each other or as unduly multiplied under 37 CFR 1.75; and/or requiring a common applicant or assignee to include all patentably indistinct claims in a single application or to explain a good and sufficient reason for retaining patentably indistinct claims in two or more applications? See 37 CFR 1.78(f).

5. Please provide any other input on any of the proposals listed under initiatives 2(a)–2(i) of the USPTO Letter, or any other suggestions to achieve the aims of fostering innovation, competition, and access to information through robust and reliable patents.

The USPTO also invites public input on the following questions, which are presented verbatim (except for minor changes to internal citation format) as they appeared in the June 8 letter from Members of Congress. Any comments relating to fee setting will be taken into consideration when the USPTO takes up fee setting more broadly.

6. Terminal disclaimers, allowed under 37 CFR 1.321(d), allow applicants to receive patents that are obvious variations of each other as long as the expiration dates match. How would eliminating terminal disclaimers, thus prohibiting patents that are obvious variations of each other, affect patent prosecution strategies and patent quality overall?

7. Currently, patents tied together with a terminal disclaimer after an obviousness-type double patent rejection must be separately challenged on validity grounds. However, if these patents are obvious variations of each other, should the filing of a terminal disclaimer be an admission of obviousness? And if so, would these patents, when their validity is challenged after issuance, stand and fall together?

8. Should the USPTO require a second look, by a team of patent quality specialists, before issuing a continuation patent on a first office action, with special emphasis on whether the claims satisfy the written description, enablement, and definiteness requirements of 35 U.S.C. 112, and whether the claims do not cover the same invention as a related application?

9. Should there be heightened examination requirements for continuation patents, to ensure that minor modifications do not receive second or subsequent patents?

10. The Patent Act requires the USPTO Director to set a “time during the pendency of the [original] application” in which continuation status may be filed. Currently there is no time limit relative to the original application. Can the USPTO implement a rule change that requires any continuation application to be filed within a set timeframe of the ultimate parent application? What is the appropriate timeframe after the applicant files an application before the applicant should know what types of inventions the patent will actually cover? Would a benchmark (*e.g.*, within six months of the first office action on the earliest application in a family) be preferable to a specific deadline (*e.g.*, one year after the earliest application in a family)?

11. The USPTO has fee-setting authority and has set [fees] for filing, search, and examination of applications below the actual costs of carrying out these activities, while maintenance fees for issued patents are above the actual cost. If the up-front fees reflected the actual cost of obtaining a patent, would this increase patent quality by discouraging filing of patents unlikely to succeed? Similarly, if fees for continuation applications were increased above the initial filing fees, would examination be more thorough and would applicants be less likely to use continuations to cover, for example, inventions that are obvious variations of each other?

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2022–21481 Filed 10–3–22; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO–P–2021–0042]

#### Extension of the Patent Trial and Appeal Board Motion To Amend Pilot Program

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is extending the Motion to Amend (MTA) Pilot Program, initiated on March 15, 2019, and first extended on September 16, 2021. The MTA Pilot Program provides additional options for a patent owner who files an MTA in an America Invents Act (AIA) trial proceeding before the Patent Trial and Appeal Board (PTAB). In particular, the program provides a patent owner who files an MTA with options to request preliminary guidance from the PTAB on the MTA and to file a revised MTA. The MTA Pilot Program also provides timelines for briefing to accommodate these options.

**DATES:** *Applicability Date:* October 4, 2022. *Duration:* The MTA Pilot Program will run until September 16, 2024 (or it may end sooner if replaced by a permanent program after notice-and-comment rulemaking). The USPTO may further extend the MTA Pilot Program (with or without modification) on either a temporary or a permanent basis, or may discontinue the program after that date.

**FOR FURTHER INFORMATION CONTACT:**

Miriam L. Quinn, Acting Vice Chief Administrative Patent Judge; or Melissa Haapala, Vice Chief Administrative Patent Judge; at 571–272–9797 (*Miriam.Quinn@uspto.gov* or *Melissa.Haapala@uspto.gov*, respectively).

**SUPPLEMENTARY INFORMATION:** A patent owner in an AIA trial proceeding may file an MTA as a matter of right. See 35 U.S.C. 316(d)(1), 326(d)(1). After receiving public feedback about the PTAB’s MTA practice, in October 2018 the USPTO published a Request for Comments in the **Federal Register** seeking written public comments on a proposed amendment process in AIA trials that would involve preliminary guidance from the PTAB on the merits of an MTA and an opportunity for a patent owner to file a revised MTA. See Request for Comments on MTA Practice and Procedures in Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board, 83

FR 54319 (Oct. 29, 2018). The majority of comments supported the PTAB issuing preliminary guidance in cases involving an MTA, and commenters were almost evenly mixed in supporting or opposing the opportunity for a patent owner to file a revised MTA.

On March 15, 2019, in response to these public comments, the USPTO issued a **Federal Register** Notice detailing the MTA Pilot Program. See Notice Regarding a New Pilot Program Concerning Motion To Amend Practice and Procedures in Trial Proceedings Under the America Invents Act Before the Patent Trial and Appeal Board, 84 FR 9497 (Mar. 15, 2019). The MTA Pilot Program provides a patent owner with two options not previously available: (1) a patent owner may choose to receive preliminary guidance from the PTAB on its MTA; and (2) a patent owner may choose to file a revised MTA after receiving a petitioner's opposition to the original MTA and/or the PTAB's preliminary guidance (if requested). If a patent owner does not elect either option, then AIA trial practice, including MTA practice, is essentially unchanged from the practice prior to the implementation of the MTA Pilot Program.

The USPTO subsequently extended the MTA Pilot Program on September 16, 2021, to run through September 16, 2022. The USPTO presented the results of the MTA Pilot Program through March 31, 2022, in Installment 7 of the Motion to Amend Study. The most recent information and statistics related to MTAs are available on the USPTO's website at [www.uspto.gov/patents/ptab/motions-amend-study](http://www.uspto.gov/patents/ptab/motions-amend-study).

Now that stakeholders have had experience with the MTA Pilot Program, as well as access to the results of the Motion to Amend Study, the USPTO plans to issue a Request for Comments regarding the MTA Pilot Program to gather stakeholder feedback and suggestions on the program and on amendment practice generally and to determine whether to make the program permanent through notice-and-comment rulemaking. The USPTO is extending the MTA Pilot Program for a second time, through September 16, 2024, while it gathers public input. The requirements for the program remain as set forth in the original notice without modification.

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2022-21472 Filed 10-3-22; 8:45 am]

**BILLING CODE 3510&ndash;16-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO-P-2020-0027]

#### Extension of the Fast-Track Appeals Pilot Program

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is extending the Fast-Track Appeals Pilot Program, initiated on July 2, 2020, and previously extended on July 12, 2021. The Fast-Track Appeals Pilot Program permits appellants with a docketed *ex parte* appeal before the Patent Trial and Appeal Board (PTAB or Board) to file a petition to expedite the review of the appeal. The Fast-Track Appeals Pilot Program sets a target of reaching decisions on *ex parte* appeals within six months from the date they enter the program.

**DATES:** *Applicability Date:* October 4, 2022. *Duration:* The Fast-Track Appeals Pilot Program will run until July 2, 2024. After that date, the USPTO may temporarily or permanently extend the Fast-Track Appeals Pilot Program (with or without modification) or discontinue the program.

**FOR FURTHER INFORMATION CONTACT:** Steven Bartlett, PTAB, by telephone at 571-272-9797 or by email at [fasttrackappeals@uspto.gov](mailto:fasttrackappeals@uspto.gov).

**SUPPLEMENTARY INFORMATION:** *Ex parte* appeals to the Board are normally taken up for decision in the order in which they are docketed. See USPTO Standard Operating Procedure 1, Assignment of judges to panels (Sept. 20, 2018), available at [www.uspto.gov/patents/ptab/resources](http://www.uspto.gov/patents/ptab/resources). Currently, the average appeal pendency is about 12 months, down from 15 months in 2020, and 30 months in 2015. See the PTAB statistics available at [www.uspto.gov/patents/ptab/statistics](http://www.uspto.gov/patents/ptab/statistics). A small number of *ex parte* appeals are advanced out of turn, for example, because the appealed case is a reissue application or a reexamination proceeding, or because the appealed case was accorded special status in light of an inventor's advanced age or poor health.

On July 2, 2020, the PTAB adopted, on a temporary basis, the Fast-Track Appeals Pilot Program, under which appellants may have an *ex parte* appeal to the Board advanced out of turn by filing a petition under 37 CFR 41.3 and paying the petition fee specified in 37 CFR 41.20(a). See Fast-Track Appeals

Pilot Program (85 FR 39888, July 2, 2020) (Fast-Track Notice). The PTAB extended the Fast-Track Appeals Pilot Program on July 12, 2021. See Extension of the Fast-Track Appeals Pilot Program (86 FR 36530, July 12, 2021) (First Extension). The Fast-Track Appeals Pilot Program permits appellants to accelerate the Board's decision on an *ex parte* appeal, hastening patentability determinations and the potential for commercialization of products or services embodying those patented inventions. This helps spur follow-on innovation, economic growth, and job creation. The USPTO's form for the Fast-Track petition, Form PTO/SB/451, is available at [www.uspto.gov/patents/apply/forms/forms-patent-applications-filed-or-after-september-16-2012](http://www.uspto.gov/patents/apply/forms/forms-patent-applications-filed-or-after-september-16-2012).

The original Fast-Track Notice required, among other things, that appellants file a petition before July 2, 2021, to participate in the program. The Fast-Track Notice also set a maximum number of 500 appeals that may be advanced through Fast-Track petitions. The First Extension required that a petition be filed before July 2, 2022, to participate in the program. The First Extension removed the maximum number of 500 appeals, but it maintained a maximum number of 125 Fast-Track petitions granted per quarter.

The Fast-Track Appeals Pilot Program is hereby extended to accept petitions for advancing out of turn (*i.e.*, providing "Fast-Track status") to *ex parte* appeals through July 2, 2024. The requirements for the program remain the same as those established in the original notice (see Fast-Track Notice, 85 FR 39888), with the following modification regarding the petition limit.

Consistent with the First Extension, there is no upper limit of 500 total granted Fast-Track petitions. However, to maintain the Board's ability to provide this faster appeal option while timely resolving other appeals, the number of granted petitions in the Fast-Track Appeals Pilot Program remains limited to 125 granted petitions per quarter. If a quarterly limit is reached, the PTAB retains the flexibility to accept additional petitions, either for consideration in that quarter or in the next quarter.

The USPTO tracks the number of petitions it grants, the average time it takes to answer petitions, and the average time for the Board to render a decision on the merits of the *ex parte* appeal after a petition grant. These

statistics may be viewed at [www.uspto.gov/PTABFastTrack](http://www.uspto.gov/PTABFastTrack).

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2022-21469 Filed 10-3-22; 8:45 am]

**BILLING CODE 3510-16-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2022-0065]

### **Agency Information Collection Activities: Comment Request**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau or CFPB) is requesting to extend the Office of Management and Budget's (OMB's) approval for an existing information collection titled "Truth in Savings (Regulation DD)" approved under OMB Control Number 3170-0004.

**DATES:** Written comments are encouraged and must be received on or before December 5, 2022 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Federal eRulemaking Portal:*

<https://www.regulations.gov>. Follow the instructions for submitting comments

- *Email:* [PRA\\_Comments@cfpb.gov](mailto:PRA_Comments@cfpb.gov).

Include Docket No. CFPB-2022-0065 in the subject line of the email.

- *Mail/Hand Delivery/Courier:*

Comment Intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552. Please note that due to circumstances associated with the COVID-19 pandemic, the Bureau discourages the submission of comments by mail, hand delivery, or courier.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:**

Documentation prepared in support of

this information collection request is available at [www.regulations.gov](http://www.regulations.gov). Requests for additional information should be directed to Anthony May, PRA Officer, at (202) 841-0544, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to these email boxes.

#### **SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Truth in Savings (Regulation DD).

*OMB Control Number:* 3170-0004.

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

*Affected Public:* Private sector: businesses or other for-profits.

*Estimated Number of Respondents:* 146.

*Estimated Total Annual Burden Hours:* 19,000.

*Abstract:* The Truth in Savings Act (TISA), 12 U.S.C. 4301 *et seq.* was enacted to enhance economic stability, improve competition between depository institutions, and strengthen consumer ability to make informed decisions regarding deposit accounts by requiring uniformity in the disclosure of interest rates and fees. TISA assists consumers in comparing deposit accounts offered by depository institutions, principally through the disclosure of fees, the annual percentage yield, the interest rate, and other account terms. TISA and Regulation DD require depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur. Depository institutions that provide periodic statements are required to include information about fees imposed, interest earned, and the annual percentage yield earned during those statement periods. TISA and Regulation DD mandate the methods by which institutions determine the account balance on which interest is calculated. They also contain rules about advertising deposit accounts and overdraft services. Regulation DD requires depository institutions subject to TISA to retain evidence of compliance with the regulation. These recordkeeping requirements ensure that records that might contain evidence of violations of TISA remain available to Federal enforcement agencies, as well as to private litigants.

*Request for Comments:* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the

information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB's approval. All comments will become a matter of public record.

**Anthony May,**

*Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.*

[FR Doc. 2022-21523 Filed 10-3-22; 8:45 am]

**BILLING CODE 4810-AM-P**

## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2022-0066]

### **Agency Information Collection Activities: Comment Request**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau or CFPB) requests the extension of the Office of Management and Budget's (OMB's) approval of the existing information collection titled "Generic Information Collection Plan for Qualitative Consumer Education, Engagement, and Experience Information Collections" approved under OMB Number 3170-0036.

**DATES:** Written comments are encouraged and must be received on or before November 3, 2022 to be assured of consideration.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account

numbers or Social Security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Documentation prepared in support of this information collection request is available at [www.regulations.gov](http://www.regulations.gov). Requests for additional information should be directed to Anthony May, Paperwork Reduction Act Officer, at (202) 841-0544, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to these email boxes.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Generic Information Collection Plan for Qualitative Consumer Education, Engagement and Experience Information Collections.

*OMB Control Number:* 3170-0036.

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

*Affected Public:* Individuals or households; State, local, or tribal governments; private sector.

*Estimated Number of Respondents:* 48,000.

*Estimated Total Annual Burden Hours:* 36,000.

*Abstract:* Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, section 1021(c)) one of the Bureau's primary functions is to conduct financial education programs. The Bureau seeks to obtain approval of a generic information collection plan to collect qualitative data on effective financial education strategies and consumer experiences in the financial marketplace from a variety of respondents (including financial educators and consumers). The Bureau will collect this information through a variety of methods including in-person meetings, interviews, focus groups, qualitative surveys, online discussion forums, social media polls, and other qualitative methods as necessary. The information collected through these processes will increase the Bureau's understanding of consumers' financial experiences, financial education and empowerment programs, and practices that can improve financial decision-making skills and outcomes for consumers. This information will also enable the Bureau to better communicate to consumers about the availability of Bureau tools and resources that consumers can use to make better informed financial decisions.

*Request for Comments:* The Bureau published a 60-day **Federal Register** notice on July 27, 2022 (87 FR 45088)

under Docket Number: CFPB-2022-0051. The Bureau is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

**Anthony May,**

*Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.*

[FR Doc. 2022-21521 Filed 10-3-22; 8:45 am]

**BILLING CODE 4810-AM-P**

## COUNCIL ON ENVIRONMENTAL QUALITY

[CEQ-2022-0004]

### Environmental Justice Scorecard Feedback

**AGENCY:** Council on Environmental Quality.

**ACTION:** Notice of extension for request for information.

**SUMMARY:** On August 3, 2022, the Council on Environmental Quality published a request for information (RFI) to solicit feedback on the vision, framework, and outcomes of the Environmental Justice Scorecard. This notice extends the deadline date for receiving comments until November 3, 2022.

**DATES:** The comment period for the document published at 87 FR 47397 (August 3, 2022), is extended. Responses to this RFI should be received by November 3, 2022.

**ADDRESSES:** You may submit comments, identified by docket number CEQ-2022-0004, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-456-6546.
- *Mail:* Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503.

All submissions received must include the agency name, "Council on Environmental Quality," and the docket number, CEQ-2022-0004, for this RFI. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Do not submit electronically any information you consider to be private, Confidential Business Information (CBI), or other information the disclosure of which is restricted by statute.

You may respond to some or all of the questions listed in the RFI. You may include references to academic literature or links to online material but please ensure all links are publicly available. Each response should include:

- The name of the individual(s) or entity responding.
- A brief description of the responding individual(s) or entity's mission or areas of expertise.
- A contact for questions or other follow-up on your response.

**FOR FURTHER INFORMATION CONTACT:**

Issues regarding submission or questions on this RFI can be sent to Sharmila L. Murthy at 202-395-5750 or [Sharmila.L.Murthy@ceq.eop.gov](mailto:Sharmila.L.Murthy@ceq.eop.gov).

**SUPPLEMENTARY INFORMATION:** On August 3, 2022, the Council on Environmental Quality published an RFI to solicit feedback on the vision, framework, and outcomes of the Environmental Justice Scorecard. The original deadline to submit responses was October 3, 2022. This notice extends the period for response by 30 days to provide the public with additional time to provide feedback. CEQ is providing this additional time in response to public requests for an extension of the response period. Written responses should be submitted on or before November 3, 2022.

**Matthew G. Lee-Ashley,**  
*Chief of Staff.*

[FR Doc. 2022-21650 Filed 10-3-22; 8:45 am]

**BILLING CODE 3325-F2-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; School-Based Mental Health Services Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for

the School-Based Mental Health Services (SBMH) Grant Program, Assistance Listing Number (ALN) number 84.184H. OMB has approved the information collection related to this notice.

**DATES:**

*Applications Available:* October 4, 2022.

*Deadline for Transmittal of Applications:* November 3, 2022.

*Pre-Application Webinar Information:* The Department will hold pre-application meetings via webinar for prospective applicants on October 11th and 19th, 2022, at 4:00 p.m. Eastern Time.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979). Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

**FOR FURTHER INFORMATION CONTACT:**

Amy Banks, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E257, Washington, DC 20202–6450. Telephone: (202) 453–6704. Email: [OESE.School.Mental.Health@ed.gov](mailto:OESE.School.Mental.Health@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

**SUPPLEMENTARY INFORMATION:****Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The SBMH program provides competitive grants to State educational agencies (SEAs) (as defined in 20 U.S.C. 7801(30)), local educational agencies (LEAs) (as defined in 20 U.S.C. 7801(49)), and consortia of LEAs to increase the number of credentialed (as defined in this document) school-based mental health services providers (as defined in 20 U.S.C. 7112(6)) providing mental health services to students in LEAs with demonstrated need (as defined in this document).

*Background:*

Like good physical health, positive mental health promotes success in life. As defined by the Centers for Disease Control and Prevention (CDC), “Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood.”<sup>1</sup>

The increases in mental health needs, including those resulting from traumatic events such as the Novel Coronavirus Disease 2019 (COVID–19) pandemic, community violence, and adverse childhood experiences, have brought on challenges for children and youth that impact their overall emotional, psychological, and social well-being and their ability to fully engage in learning. The disruptions in routines, relationships, and the learning environment have led to increased stress and trauma, social isolation, and anxiety.

The Department aims to help address these mental health needs and provide support to students, families, and schools by using the increased funds available from the FY 2022 Appropriations Act and the Bipartisan Safer Communities Act to dramatically increase the number of credentialed school-based mental health services providers in LEAs with demonstrated need through awards in FYs 2022–2026 under the SBMH grant program. The priorities for the FY 2022 competition, described further in this notice, are intended to accomplish this goal by increasing recruitment and retention-related incentives for school-based mental health services providers; promoting the respecialization and professional retraining of existing mental health services providers to qualify them for work in LEAs with demonstrated need; and increasing the diversity, and cultural and linguistic competency, of school-based mental health services providers, including competency in providing identity-safe services.

*Note:* The provision of medical services by such services providers is not an allowable use of funds under this grant.

*Priorities:* This competition has two absolute priorities and two competitive preference priorities. These priorities are from the notice of final priorities, requirements, and definitions published elsewhere in this issue of the **Federal Register**.

*Absolute Priority:* For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet these absolute priorities. Absolute Priority 1 is only applicable to SEAs. Absolute Priority 2 is only applicable to LEAs or consortia of LEAs.

These priorities are:

*Priority 1—SEAs Proposing to Increase the Number of Credentialed School-Based Mental Health Services Providers in LEAs with Demonstrated Need.*

To meet this priority, an SEA must propose to increase the number of credentialed school-based mental health services providers by implementing plans that address recruitment (as defined in this document) and retention (as defined in this document) of services providers in LEAs with demonstrated need. Applicants must propose plans that include both of the following:

(a) Recruitment. An applicant must propose a plan to increase the number of credentialed services providers serving students in LEAs with demonstrated need.

(b) Retention. An applicant must also propose a plan to increase the likelihood that credentialed services providers providing services in LEAs with demonstrated need stay in their position over time.

*Priority 2—LEAs or Consortia of LEAs with Demonstrated Need Proposing to Increase the Number of Credentialed School-Based Mental Health Services Providers.*

To meet this priority, an LEA or consortium of LEAs with demonstrated need must propose measures to increase the number of credentialed school-based mental health services providers, including plans to address the recruitment and retention of credentialed services providers in the LEA(s). Applicants must propose plans that include both of the following:

(a) Recruitment. An applicant must propose a plan to increase the number of credentialed services providers serving students in the LEA(s) with demonstrated need.

(b) Retention. An applicant must also propose a plan to improve the likelihood that credentialed services providers providing services in the LEA(s) with demonstrated need stay in their position over time.

*Note:* The Secretary intends to create two funding slates for SBMH applications, one for applications that meet Absolute Priority 1 (SEA applicants) and a separate slate for

<sup>1</sup> [www.cdc.gov/mentalhealth/learn/index.htm](http://www.cdc.gov/mentalhealth/learn/index.htm).



applications that meet Absolute Priority 2 (LEA or a consortium of LEA applicants). As a result, the Secretary may fund applications out of the overall rank order.

**Competitive Preference Priorities:** For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional 5 points for Competitive Preference Priority 1 to any application from an SEA that addresses this priority. We award up to an additional 10 points for Competitive Preference Priority 2 to any application from an SEA, LEA, or consortium of LEAs, depending on how well the application meets the priority. The total number of competitive preference points an SEA applicant may compete for is 15. The total number of competitive preference points an LEA or consortium of LEAs applicant may compete for is 10. As stated previously, these entities will not be competing against one another.

An applicant must clearly identify in the project abstract and the project narrative section of its application the competitive preference priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

**Competitive Preference Priority 1—SEAs Proposing Respecialization, Professional Retraining, or Other Preparation Plan for Existing Mental Health Services Providers to Qualify Them for Work in LEAs with Demonstrated Need.** (Up to 5 points)

To meet this priority, an applicant must propose a respecialization (as defined in this document), professional retraining, or other preparation plan that leads to a state credential as a school psychologist, school social worker, school counselor, or other school-based mental health services provider and that is designed to increase the number of services providers qualified to serve in LEAs with demonstrated need.

**Competitive Preference Priority 2—Increasing the Number of Credentialed School-Based Mental Health Services Providers in LEAs with Demonstrated Need Who Are from Diverse Backgrounds or from Communities Served by the LEAs with Demonstrated Need.** (Up to 10 Points)

To meet this priority, applicants must propose a plan to increase the number of credentialed school-based mental health services providers in LEAs with demonstrated need who are from diverse backgrounds or who are from

communities served by the LEAs with demonstrated need.<sup>2</sup>

Applicants must describe how their proposal to increase the number of school-based mental health services providers who are from diverse backgrounds or who are from the communities served by the LEA with demonstrated need will help increase access to mental health services for students within the LEA with demonstrated need and best meet the mental health needs of the diverse populations of students to be served.

**Requirements:** These requirements are from the notice of final priorities, requirements, and definitions published elsewhere in this issue of the **Federal Register**. We are establishing these application and program requirements for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition. Application requirement (a) would apply to SEAs only, and application requirement (b) would apply to LEAs or a consortium of LEAs only. All of the remaining application requirements would apply to all eligible applicants. For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, the following requirements apply:

**Eligible Applicants:** SEAs, as defined in 20 U.S.C. 7801(49), or LEAs, as defined in 20 U.S.C. 7801(30), including consortia of LEAs.

**Program Requirements:**

(a) Applicants that receive an award under this program must ensure that any school-based mental health services provider hired under this grant, including any services provider that offers telehealth services, is credentialed by the State to work in an elementary school (as defined in 20 U.S.C. 7801(19)) or secondary school (as defined in 20 U.S.C. 7801(45)).

(b) Applicants that receive an award under this program must ensure that any school-based mental health services provider offering services (including telehealth services) does so in an equitable manner and consistent with the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment (PPRA), the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, as well as all other applicable Federal, State, and local laws

and profession-specific ethical obligations.

**Application Requirements:**

(a) *Describe the LEAs with demonstrated need designated by the SEA to be served by the proposed project.*

SEA applicants must describe the LEAs with demonstrated need designated to benefit from the SBMH program.

(b) *Describe how the LEA, or each LEA in the proposed consortium (if applicable), meets the definition of an LEA with demonstrated need.*

To meet this requirement, an LEA applicant or the lead LEA submitting an application on behalf of a consortium must describe how the LEA or each LEA in the consortium meets the definition of an LEA with demonstrated need.

(c) *Describe the importance and magnitude of the problem.*

Applicants must describe the lack of school-based mental health services providers and its effect on students in the LEA(s) to be served by the grant. This must include a description of the nature of the problem for the LEA(s), based on information, including, but not limited to, the most recent available ratios of school-based mental health services providers to students enrolled in the LEA(s), or for SEA applicants, the LEAs designated by the SEA to benefit from the SBMH program. These data must be provided in the aggregate and disaggregated by profession (e.g., school social workers, school psychologists, school counselors) as compared to local, State, or national data. The description may also include LEA-level or school-level demographic data (including rates of poverty; rates of chronic absenteeism; the percentage of students involved in the juvenile justice system, experiencing homelessness, or in foster care; and discipline data), school climate surveys, school violence/crime data, data related to suicide rates, and descriptions of barriers to hiring and retaining credentialed school-based mental health services providers in the LEA.

(d) *Logic Model.*

The applicant must describe its approach to increase the number of credentialed school-based mental health services providers using a logic model (as defined in 34 CFR 77.1), including the key project components and relevant outcomes (as defined in 34 CFR 77.1). The description should indicate how the proposed approach taken under this program will improve or expand on any previous approaches, how the new approach will address barriers, and how the applicant will sustain the increased number of school-based mental health

<sup>2</sup> All strategies to increase the diversity of school-based mental health services providers must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964.

services providers after the performance period has ended.

(e) *Detailed project budget, including matching funds.*

To promote the sustainability of the school-based mental health services, all applicants must include non-Federal matching funds in the amount of at least 25 percent of their budgets.

Budgets must describe how the applicant will meet the matching requirement for each budget period awarded under this grant and must indicate the source of the funds, such as State, local, or private resources. The Secretary may consider decreasing or waiving the matching requirement post award, on a case-by-case basis, if an applicant demonstrates a significant financial hardship.

Budgets must also specify the portion of funds that will be used for respecialization, if applicable.

Administrative costs for SEA applicants may not exceed 10 percent of the annual grant award. This includes funding for State-level or LEA-level administrative costs that promote respecialization, if applicable. Administrative costs for applicants that are LEAs and consortia of LEAs may not exceed 5 percent of the annual grant award.

(f) *Number of providers.*

Applicants must include the most recent available data on the number of school-based mental health services providers in the identified LEA(s), disaggregated by profession (e.g., school social workers, school psychologists, school counselors), and the projected number of school-based mental health services providers that will be placed into employment in the identified LEA(s) for each year of the plan using funds from this grant or matching funds. If applicable, applicants should provide data on the current and projected unduplicated numbers of school-based mental health services providers disaggregated by profession (e.g., school social workers, school psychologists, school counselors), offering telehealth services.

(g) *A plan for collaboration and coordination with related Federal, State, and local organizations, and school-based efforts.*

Applicants must propose a plan describing how they will collaborate and coordinate with related Federal, State, and local organizations, and school-based efforts (e.g., professional associations; colleges or universities, including Historically Black Colleges and Universities, Minority Serving Institutions, and Tribal Colleges and Universities; local mental health; public health; child welfare; or other

community agencies, including school-based health centers), to achieve plan goals and objectives of increasing the number of school-based mental health services providers in LEAs with demonstrated need. The plan must include a description of how such collaboration and coordination will promote program success across multiple programs.

(h) *Use of grant funds to supplement, and not supplant, existing school-based mental health services funds and to expand, not duplicate, efforts to increase the number of providers.*

Applicants must describe how project funds will supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this program.

Applicants must describe how they will use the SBMH program funds to expand, rather than duplicate, existing or new efforts to increase the number of credentialed school-based mental health services providers in LEAs with demonstrated need and how they will integrate existing funding streams and efforts to support the plan.

(i) *Plan for prompt delivery of services to students.* For SEA applicants, applicants must describe their plan to ensure the prompt delivery of services to students (i.e., as soon as possible, but no later than 180 days from award), including via subgrants to LEAs, as appropriate. For LEA applicants and consortia of LEAs, applicants must describe their plan to ensure the prompt delivery of services to students (i.e., as soon as possible, but no later than 180 days from award). Additionally, SEA and LEA applicants must describe how leaders across all levels of the project will be engaged in the implementation and evaluation of the project.

*Definitions:*

The definitions of “credentialed,” “LEA with demonstrated need,” “recruitment,” “respecialization,” “retention,” and “telehealth” are from the notice of priorities, requirements, and definitions published elsewhere in this issue of the **Federal Register**. The following definitions are from 34 CFR 77.1: “ambitious,” “baseline,” “logic model,” “project component,” and “relevant outcome.” The following definitions are from 20 U.S.C. 7801: “local educational agency,” “State educational agency.” The definition of “school-based mental health services provider” is from 20 U.S.C. 7112. These definitions apply to the FY 2022 School-Based Mental Health Services Grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

*Ambitious* means promoting continued, meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a performance target, whether a performance target is ambitious depends upon the context of the relevant performance measure and the baseline for that measure.

*Baseline* means the starting point from which performance is measured and targets are set.

*Credentialed* means an individual who possesses a valid license or certificate from the SEA or relevant regulatory body as a school psychologist, school counselor, or a school social worker, or other mental health services provider, approved by the State to provide school-based mental health services.

*Local educational agency* means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(a) The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(b) The term includes an elementary or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the Elementary and Secondary Education Act of 1965, as amended (ESEA) with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA other than the Bureau of Indian Education.

(c) The term includes educational service agencies and consortia of those agencies.

(d) The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

*LEA with demonstrated need* means an LEA that has a significant need for

additional school-based mental health services providers based on—

(1) High student to mental health services provider ratios as compared to other LEAs statewide or nationally;

(2) High rates of community violence (including hate crimes), poverty, substance use (including opioid use), suicide, or trafficking; or

(3) A significant number of students who are migratory, experiencing homelessness, have a family member deployed in the military or with a military-service connected disability (including veterans), have experienced a natural or man-made disaster or a traumatic event, or have other adverse childhood experiences, such as repeated disciplinary exclusions from the learning environment.

*Logic model* (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

*Project component* means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.*, training teachers on instructional practices for English learners and follow-on coaching for these teachers).

*Recruitment* means strategies that help attract and hire credentialed school-based mental health services providers, including by doing at least one of the following:

(1) Providing an annual salary or stipend for school-based mental health services providers who maintain an active national certification.

(2) Providing payment toward the school loans accrued by the school-based mental health services provider.

(3) Creating pathways to grant cross-State credentialing reciprocity for school-based mental health services providers.

(4) Providing incentives and supports to help mitigate shortages. These may include, for example, increasing pay; offering monetary incentives for relocation to high-need areas; providing services via telehealth; creating hybrid roles that allow for leadership, academic, or research opportunities; developing induction programs; developing paid internship programs; focusing on recruitment and support of underrepresented populations; and offering service scholarship programs such as those that provide grants in

exchange for a commitment to serve in the LEA for a minimum number of years.

*Relevant outcome* means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

*Respecialization* means strategies that provide opportunities for professional retraining and alternative pathways to obtain a state credential, aligned with the standards of the relevant professional organization, as a school-based mental health services provider for individuals who hold, at a minimum, a degree in a related field (*e.g.*, special education, clinical psychology, community counseling), including by doing one or more of the following:

(1) Revising, updating, or streamlining requirements for such individuals so that additional training or other requirements focus only on training needed to obtain a credential as a school-based mental health services provider.

(2) Providing a stipend or making a payment to support the training needed to obtain a credential as a school-based mental health services provider.

(3) Offering flexible options for completing training that leads such professionals to meet State credentialing requirements as a school-based mental health services provider.

(4) Establishing a provisional, time limited, and nonrenewable credential to allow individuals seeking respecialization to provide school-based mental health services under the direct supervision of a fully credentialed school-based mental health services provider of the same profession.

(5) Offering other meaningful activities that result in existing mental health services providers obtaining a state credential as a school-based mental health services provider.

*Retention* means strategies to help ensure that credentialed individuals stay in their position to avoid gaps in service and unfilled positions, including by—

(1) Providing opportunities for advancement or leadership, such as career pathways programs, recognition and award programs, and mentorship programs; and

(2) Offering incentives and supports to help mitigate shortages. These may include, for example, increasing pay; making payments toward student loans; offering monetary incentives for relocation to high-need areas; providing services via telehealth; offering service scholarship programs, such as those that provide grants in exchange for a

commitment to serve in the LEA for a minimum number of years; and developing paid internship programs.

*School-based mental health services provider* means a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

*State educational agency* means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

*Telehealth* means the use of electronic information and telecommunication technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration. Technologies include videoconferencing, the internet, store-and-forward imaging, streaming media, and landline and wireless communications.

*Program Authority:* 20 U.S.C. 7281.

*Note:* Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The notice of final priorities, requirements, and definitions published elsewhere in this issue of the **Federal Register**.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* \$143,900,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

*Estimated Range of Awards:* \$500,000 to 3,000,000.

*Estimated Average Size of Awards:* \$1,750,000.

*Estimated Number of Awards:* 50–150.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

### III. Eligibility Information

1. *Eligible Applicants:* SEAs, as defined in 20 U.S.C. 7801(49), or LEAs, as defined in 20 U.S.C. 7801(30), including consortia of LEAs.

2. *Cost Sharing or Matching:* a. This program requires cost sharing or matching requirements. See “Application Requirements” in Section I.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

c. *Administrative Cost Limitation:* This program involves administrative costs for SEAs, LEAs and consortia of LEAs. See “Application Requirements” in Section I.

3. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. See “Application Requirements” in Section I.

4. *Limitation on Awards:* a. The Department will make only one award that serves any individual LEA.

b. The Department will only make an award to LEAs that are not subgrantees of a current SBMH project.

5. *Subgrantees:* Under 34 CFR 75.708(b) and (c) an SEA grantee under this competition may award subgrants to directly carry out project activities described in its application to the following types of entities: LEAs. The SEA grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantees. However, an SEA grantee is not required to award subgrants and may instead administer the program directly.

### IV. Application and Submission Information

#### 1. Application Submission

*Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979), which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to

register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/ocfo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by December 31, 2022.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice. In addition, we remind applicants that sections 4001(a) and 4001(b) of the ESEA (20 U.S.C. 7101) apply to this program. Section 4001(a) requires entities receiving funds under this program to obtain prior, written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this program and conducted in connection with an elementary or secondary school. Section 4001(b) prohibits the use of funds for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. This prohibition does not preclude the use of funds to support mental health counseling and support services, including those provided by a mental health services provider outside of school, so long as such services are not medical.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 25 pages and (2) use the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

### V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all selection criteria is 100 points. The points assigned to each criterion are indicated in parentheses. Non-Federal peer reviewers will evaluate and score each application program narrative against the following selection criteria:

(a) *Need for the Project* (10 points).

The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (Up to 10 points)

(b) *Quality of Project Personnel* (30 points).

(1) The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 10 points)

(2) In addition, the Secretary considers:

(i) The qualifications, including relevant training and experience, of key project personnel. (Up to 10 points)

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors. (Up to 10 points)

(c) *Quality of Project Design and Project Services* (35 points).

(1) The Secretary considers the quality of the design of the proposed project and the quality of the services to be provided by the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly

specified and measurable. (Up to 10 points)

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 10 points)

(3) In addition, the Secretary considers the extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project. (Up to 15 points)

(d) *Management Plan and Adequacy of Resources* (25 points). The Secretary considers the management plan and adequacy of resources for the proposed project. In determining the quality of the management plan and the adequacy of resources for the proposed project, the Secretary considers:

(1) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (Up to 10 points)

(2) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project. (Up to 5 points)

(3) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support. (Up to 5 points)

(4) The adequacy of the procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (Up to 5 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial

assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the Applicable Regulations section of this notice.

We reference the regulations outlining the terms and conditions of an award in the Applicable Regulations section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under this competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* For the purpose of Department reporting under 34 CFR 75.110, we have established the following performance measures for the School-Based Mental Health Services Grant Program:

(a) The unduplicated, cumulative number of new school-based mental health services providers hired for each LEA with demonstrated need as a result of the grant.

(b) The unduplicated, cumulative number of school-based mental health services providers retained in LEAs with demonstrated need as a result of the grant.

(c) The ratio of students to school-based mental health services providers for each LEA with demonstrated need served by the grant, and the numbers of school-based mental health services providers and students used to calculate the ratio.

(d) The attrition rate of school-based mental health services providers for each LEA with a demonstrated need that is participating in the grant.

(e) The total number of students who received school-based mental health services as a result of the grant.

(f) For grantees that addressed competitive preference priority 2, the number of such grantees that met their goal of increasing the diversity of school-based mental health services providers.

These measures constitute the Department's indicators of success for

this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach for its proposed project plan. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures. These data will be considered by the Department in making potential continuation awards.

Consistent with 34 CFR 75.591, grantees funded under this program must meet the requirements of any evaluation of the program conducted by the Department or an evaluator selected by the Department.

*Performance measure targets:* The applicant must propose annual targets for the measures listed above in their application. Applicants must also provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) An explanation of how each proposed performance target is ambitious (as defined in this notice) yet achievable compared to the baseline (as defined in this notice) for the performance measure.

(2) An explanation of the data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and

(3) An explanation of the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

*Note:* If the applicant does not have experience with collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for its proposed project.

The reviewers of each application will score related selection criteria on the basis of how well an applicant has considered these measures in conceptualizing the approach and evaluation of the project.

All grantees must submit an annual performance report and final performance report with information that is responsive to these performance measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and,

if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, Braille, large print, audiotape, compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**James F. Lane,**

*Senior Advisor, Office of the Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office Elementary and Secondary Education.*

[FR Doc. 2022-21631 Filed 10-3-22; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Mental Health Service Professional Demonstration Grant Program

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2022 for the Mental Health Service Professional (MHSP) Demonstration Grant Program, Assistance Listing Number 84.184x. OMB has approved the information collection related to this notice.

**DATES:**

*Applications Available:* October 4, 2022.

*Deadline for Transmittal of Applications:* November 3, 2022.

*Pre-Application Webinar Information:*

The Department will hold pre-application meetings via webinar for prospective applicants on October 12th and 19th, 2022, at 3:00 p.m. Eastern Time.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979). Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at <https://www2.ed.gov/about/offices/list/fofo/docs/unique-entity-identifier-transition-fact-sheet.pdf>.

**FOR FURTHER INFORMATION CONTACT:**

Tawanda Avery, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E244, Washington, DC 20202–6450. Telephone: (202) 987–1782 Email: [Mental.Health@ed.gov](mailto:Mental.Health@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

**SUPPLEMENTARY INFORMATION:****Full Text of Announcement****I. Funding Opportunity Description**

*Purpose of Program:* The MHSP Program provides competitive grants to support and demonstrate innovative partnerships to train school-based mental health services providers (as defined in section 4102 of the Elementary and Secondary Education Act of 1965, as amended (ESEA)) (services providers) for employment in schools and local educational agencies (LEAs). The goal of this program is to

increase the number and diversity of high-quality, trained providers available to address the shortages of mental health service professionals in schools served by high-need LEAs (as defined in this notice). The partnerships must include (1) one or more high-need LEAs or a State educational agency (SEA) on behalf of one or more high-need LEAs and (2) one or more eligible institutions of higher education (eligible IHE) (as defined in this notice).

Partnerships must provide opportunities to place postsecondary education graduate students in school-based mental health fields into high-need schools (as defined in this notice) served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training, as applicable, for the degree or credential program of each student. In addition to the placement of graduate students, grantees may also develop mental health career pathways as early as secondary school, through career and technical education opportunities, or through paraprofessional support degree programs at local community or technical colleges.

*Background:* Like good physical health, positive mental health promotes success in life. As defined by the Centers for Disease Control and Prevention (CDC), “Mental health includes our emotional, psychological, and social well-being. It affects how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through adulthood.”<sup>1</sup>

Support for the mental health of children and youth advances educational opportunities by creating conditions for students to fully engage in learning. The increases in mental health needs, including those resulting from traumatic events such as the Novel Coronavirus 2019 (COVID–19) pandemic, community violence, and adverse childhood experiences present challenges for children and youth that for many impact their overall emotional, psychological, and social well-being and their ability to fully engage in learning. The disruptions to routines, relationships, and the learning environment have led to increased stress and trauma, social isolation, and anxiety that can have both immediate and long-term adverse impacts on the physical, social, emotional, and

academic well-being of children and youth.

In response to these challenges, the FY 2022 Appropriations Act and the Bipartisan Safer Communities Act appropriated a dramatic increase in funds for the MHSP program. The final MHSP priorities, requirements, and definitions used in this notice inviting applications aim to address student mental health needs by increasing the number of school-based mental health services providers in high-need LEAs, increasing the number of services providers from diverse backgrounds or from the communities they serve, and ensuring that all services providers are trained in inclusive practices, including ensuring access to services for children and youth who are English learners.

In developing applications that meet the absolute priority, we encourage applicants to consider the needs of individuals from diverse backgrounds and utilize the program’s broad allowability to use funds to provide support services that will have a meaningful impact on diversifying the school-based mental health services workforce. For example, projects may pay for participants’ tuition, provide a modest salary for internships, cover the cost of transportation to and from the high-need school where the participant is placed, pay for child care while the participant is working at the high-need school, and pay for administrative expenses, such as background check fees that are necessary for placement in a participating school. Such uses of funds may be especially critical in supporting individuals from low-income backgrounds who are pursuing careers as school-based mental health services providers.

*Priorities:* This competition has one absolute priority and three competitive preference priorities. These priorities are from the notice of final priorities, requirements, and definitions for the MHSP Program published elsewhere in this issue of the **Federal Register**.

*Absolute Priority:* For FY 2022, and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

*Expand Capacity of High-need LEAs.*

Projects that propose to expand the capacity of high-need LEAs in partnership with eligible IHEs to train school-based mental health services providers (as defined in this notice), with the goal of expanding the number of these professionals available to address the shortages of school-based

<sup>1</sup> Centers for Disease Control and Prevention. [www.cdc.gov/mentalhealth/learn/index.htm](http://www.cdc.gov/mentalhealth/learn/index.htm). Accessed on September 17, 2022.

mental health services providers in high-need schools.

To meet this priority, the applicant must propose a school-based mental health partnership (as defined in this notice) to place the IHE's graduate students in school-based mental health services fields into high-need schools served by the participating high-need LEAs for the purpose of completing required field work, credit hours, internships, or related training necessary to complete their degree or obtain a credential as a school-based mental health services provider.

**Competitive Preference Priorities:** For FY 2022, and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 5 points for Competitive Preference Priority 1 depending on how well the application meets the priority. We award up to an additional 5 points for Competitive Preference Priority 2, depending on how well the application meets the priority. We award an additional 2 points to an application that meets Competitive Preference Priority 3. The total number of competitive preference points an applicant may receive is 12.

An applicant must clearly identify in the project abstract and the project narrative section of its application the competitive preference priority or priorities it wishes the Department to consider for purposes of earning competitive preference priority points.

These priorities are:

**Competitive Preference Priority 1—Increase the Number of Qualified School-Based Mental Health Services Providers in High-Need LEAs Who Are From Diverse Backgrounds or From Communities Served by the High-Need LEAs.** (Up to 5 points)

Projects that propose to increase the number of qualified school-based mental health services providers in high-need LEAs who are from diverse backgrounds (*i.e.*, backgrounds that reflect the communities, identities, races, ethnicities, abilities, and cultures of the students in the high-need LEA, including underserved students) or who are from communities served by the high-need LEAs.<sup>2</sup>

Applicants must describe how their proposal to increase the number of school-based mental health services providers who are from diverse

backgrounds or who are from the communities served by the high-need LEA will help increase access to mental health services for students within the high-need LEA and best meet the mental health needs of the diverse populations of students to be served.

**Competitive Preference Priority 2—Promote Inclusive Practices.** (Up to 5 points)

Projects that propose to provide evidence-based (as defined in section 8101 of the ESEA) pedagogical practices in mental health services provider preparation programs or professional development programs that are inclusive with regard to race, ethnicity, culture, language, disability, and for students who identify as LGBTQI+, and that prepare school-based mental health services providers to create culturally and linguistically inclusive and identity-safe<sup>3</sup> environments for students when providing services.

Applicants must describe how their proposal to provide evidence-based pedagogical practices in mental health services provider preparation programs or professional development programs will prepare school-based mental health services providers to provide inclusive practices and to create culturally and linguistically inclusive and identity-safe environments for students when providing services.

**Competitive Preference Priority 3—Partnerships with HBCUs, TCUs, or other MSIs.** (0 or 2 points)

Applicants that propose to implement their projects by or in partnership with one or more of the following entities:

(1) Historically Black Colleges and Universities (HBCUs) (as defined in 34 CFR 608.2).

(2) Tribal Colleges and Universities (TCUs) (as defined in section 316(b)(3) of the HEA).

(3) Minority-Serving Institutions (MSIs) (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA).

**Note:** Only institutions that the Department determined to be eligible through the FY 2022 process for eligible MSI designation, or which were granted a waiver under the process, may be considered eligible for this competitive preference priority.

**Requirements:** These application requirements are from the notice of final priorities, requirements, and definitions for this program published elsewhere in

this issue of the **Federal Register**. We are establishing these application and program requirements for the FY 2022 grant competition and any subsequent year in which we make awards from the list of unfunded applications from this competition. These requirements are:

**Program Requirement:** Eligible applicants for this program are high-need LEAs, SEAs on behalf of one or more high-need LEAs, and IHEs. High-need LEA applicants and SEA applicants on behalf of one or more high-need LEAs must propose to work in partnership with an eligible institution of higher education (eligible IHE), which may include institutions that serve diverse learners such as an HBCU (as defined in 34 CFR 608.2), TCU (as defined in section 316(b)(3) of the HEA), or other MSI (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA). Eligible IHE applicants must propose to work in partnership with one or more high-need LEAs or an SEA.

**Application Requirements:** An applicant must include the following in its application:

(a) *Identification of schools to be served by the proposed project.*

Applicants must identify or describe how they will identify the high-need schools to be served in each high-need LEA that is part of the school-based mental health partnership.

(b) *A description of the nature and magnitude of the problem.*

Applicants must describe how the lack of school-based mental health services providers is specifically affecting students in the high-need schools to be served by project activities. Applicants must describe the nature of the problem for the LEA, based on, but not limited to, the most recent available ratios of school-based mental health services providers to students enrolled in the schools in each high-need LEA that is part of the school-based mental health partnership (in the aggregate and disaggregated by profession (*e.g.*, school social workers, school psychologists, and school counselors)). The description may also include LEA and school-level demographic data, including chronic absenteeism and discipline data, school climate surveys, school violence/crime data, data related to suicide rates, and descriptions of barriers to hiring and retaining services providers in the LEA.

(c) *A plan to enhance LEA capacity to provide mental health services to students.*

Applicants must describe the specific activities they will conduct to expand and improve LEA capacity to provide

<sup>2</sup> All strategies to increase the diversity of providers must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964.

<sup>3</sup> An identity-safe environment is a place where every student feels physically and emotionally safe. Perceptions of safety often differ across different groups of students, and each intervention and support measure should be designed to ensure the safety and belonging of all students.



mental health services to students in high-need LEAs and ensure that students receive appropriate, evidence-based (as defined in section 8101 of the ESEA), and culturally and linguistically inclusive mental health services. To meet this requirement, the applicant must propose a school-based mental health partnership established for the purpose of placing the IHE's graduate students in school-based mental health fields into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training as applicable for the degree or credential program of each student. If the applicant intends to establish a program that directly benefits an individual graduate student, such as through a stipend or tuition credit, the applicant must describe its approach to implementing a service obligation for such graduate student as a school-based mental health services provider in a high-need LEA commensurate with the level of support the graduate student receives.

(d) *A memorandum of understanding (MOU), a memorandum of agreement (MOA), or letter of agreement between the LEA or SEA, and the IHE.*

Applicants must include with their application an MOU, MOA, or letter of agreement that is signed by the authorized representatives of the LEA or SEA, and the IHE. The MOU, MOA, or letter of agreement must provide details regarding the roles and responsibilities of each entity in the partnership, and include a description of how the partnership will place graduate students into high-need schools served by the participating high-need LEAs to complete required field work, credit hours, internships, or related training necessary to complete their degree or obtain a credential as a school-based mental health services provider. Additionally, SEA and LEA applicants must describe in the MOU, MOA, or letter of agreement how leaders across all levels of the project will be engaged in the implementation and evaluation of the project. The MOU, MOA, or letter of agreement must also include the estimated number of mental health services providers that will be placed into employment in high-need schools and high-need LEAs on an annual basis.

(e) *A plan for collaboration and coordination with related Federal, State, and local initiatives.*

Applicants must propose a plan that describes one or more of the following:

(1) How they will collaborate with at least one national, State, or local professional organization (to include a regional professional organization, if appropriate), such as a school social

worker association, school psychologist association, or school counselor association;

(2) The activities to be carried out in coordination with the national, State, or local mental health, public health, child welfare, and other community agencies, which may include school-based health centers, to achieve the plan goals and objectives of establishing a pipeline program to train and expand the capacity of school-based mental health services providers in high-need LEAs;

(3) How they will leverage other available Federal, State, and local resources to achieve project goals and objectives and sustain investments beyond the budget period. Applicants must identify these other available resources and describe how they will be used to promote success across programs; and

(4) How they will use the MHSP funds to expand and enhance existing efforts or put in place new measures to increase the number of qualified school-based mental health services providers to be employed by eligible schools and LEAs qualified to provide school-based mental health services.

Evidence of collaboration and coordination described in paragraphs (e)(1) and (2) must be provided through letters of support or MOAs/MOUs from State or local organizations or agencies, where applicable.

(f) *A description of the process to identify students for mental health services.*

Applicants must describe the specific process and activities they will use to ensure students in high-need LEAs who need school-based mental health services are properly identified, assessed, and provided the appropriate school-based mental health services by qualified personnel in consultation with educators, including school leaders, and parents and families, as appropriate. To meet this requirement, applicants must also describe how they will ensure that services are evidence-based and inclusive with regard to race, ethnicity, culture, language, disability, homelessness, and for students who identify as LGBTQI+, and are accessible to all. Further, applicants must describe how LEAs will engage parents and families for the purposes of raising awareness about the availability of services and connecting students to services.

*Definitions:* The definitions of “eligible institution of higher education,” “high-need LEA,” “high-need school,” “school-based mental health partnership,” and “students/children from low-income backgrounds,” are from the notice of

priorities, requirements, and definitions for this program published elsewhere in this issue of the **Federal Register**. The definitions of “local educational agency” (20 U.S.C. 7801(30)), “State educational agency” (20 U.S.C. 7801(49)), and “school-based mental health services provider” (20 U.S.C. 7112(6)) are from the Elementary and Secondary Education Act of 1965, as amended (ESEA). The definition of “institution of higher education” (20 U.S.C. 1001), “Minority Serving Institution,” and “Tribal Colleges and Universities” are from the Higher Education Act of 1965, as amended. The definition of “Historically Black Colleges and Universities” is from 34 CFR 608.2. The definitions of “ambitious,” “baseline,” “logic model,” “project component,” and “relevant outcome” are from 34 CFR 77.1. These definitions apply to the FY 2022 MHSP Program competition and any subsequent year in which we make awards from the list of unfunded applications from this competition.

These definitions are:

*Ambitious* means promoting continued meaningful improvement for program participants or for other individuals or entities affected by the grant, or representing a significant advancement in the field of education research, practices, or methodologies. When used to describe a performance target, whether a performance target is ambitious depends upon the context of the relevant performance measure and the baseline for that measure.

*Baseline* means the starting point from which performance is measured and targets are set.

*Eligible institution of higher education* means an institution of higher education that offers a program of study that leads to a master's degree or other graduate degree—

(a) In school psychology that prepares students in such program for a State credential as a school psychologist;

(b) In school counseling that prepares students in such program for a State credential in school counseling;

(c) In school social work that prepares students in such program for a State credential in school social work;

(d) In another school-based mental health field that prepares students in such program for a State credential to deliver school-based mental health services; or

(e) In any combination of study described in paragraphs (a) through (d).

*High-need local educational agency (LEA)* means an LEA—

(a)(1) For which at least 20 percent of the children served by the agency are children from low-income backgrounds;

(2) That serves at least 10,000 children from low-income backgrounds;

(3) That meets the eligibility requirements for funding under the Small, Rural School Achievement (SRSA) program under section 5211(b) of the ESEA; or

(4) That meets the eligibility requirements for funding under the Rural and Low-Income School (RLIS) program under section 5221(b) of the ESEA; and—

(b) For which there is a high student to qualified mental health services provider ratio as compared to other LEAs statewide or nationally.

*High-need school* means a school that, based on the most recent data available, meets at least one of the following:

(a) The school is in the highest quartile of all schools served by an LEA ranked in descending order by percentage of students from low-income backgrounds enrolled in such schools, as determined by the LEA based on one of the following measures of poverty:

(1) The percentage of students aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary.

(2) The percentage of students eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data.

(3) The percentage of students in families receiving assistance under the State program funded under part A of title IV of the Social Security Act.

(4) The percentage of students eligible to receive medical assistance under the Medicaid program.

(5) A composite of two or more of the measures described in paragraphs (a)(1) through (4).

(b) In the case of—

(1) An elementary school, the school serves students not less than 60 percent of whom are eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data; or

(2) Any other school that is not an elementary school, the other school serves students not less than 45 percent of whom are eligible for a free or reduced-price school lunch under the Richard B. Russell National School Lunch Act based on the most recently available data.

*Institution of higher education* has the meaning given to such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

*Local educational agency* means a public board of education or other public authority legally constituted within a State for either administrative

control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

(d) The term includes educational service agencies and consortia of those agencies.

(e) The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

*Logic model* (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.*, the active “ingredients” that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

*Project component* means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.*, training teachers on instructional practices for English learners and follow-on coaching for these teachers).

*Relevant outcome* means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

*School-based mental health partnership* means the formal relationship, established for the purpose of training school-based mental health

services providers for employment in schools and LEAs, between—

(a) One or more high-need LEAs or an SEA on behalf of one or more high-need LEAs; and

(b) One or more eligible IHEs, including HBCUs (as defined in 34 CFR 608.2), MSIs (as defined in sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA), and TCUs (as defined in section 316(b)(3) of the HEA).

*School-based mental health services provider* means a State-licensed or State-certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide mental health services to children and adolescents.

*Students/children from low-income backgrounds* means students whose families meet any of the poverty thresholds established in section 1113 of the ESEA for the relevant grade level.

*State educational agency* means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

*Program Authority*: Section 4631(a)(1)(B) of the ESEA (20 U.S.C. 7281).

*Note*: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

*Applicable Regulations*: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The notice of final priorities, requirements, and definitions for this program published elsewhere in this issue of the **Federal Register**.

## II. Award Information

*Type of Award*: Discretionary grants.

*Estimated Available Funds*: \$143,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

*Estimated Range of Awards:* \$400,000 to \$1,200,000.

*Estimated Average Size of Awards:* \$800,000.

*Estimated Number of Awards:* 150–250.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

### III. Eligibility Information

1. *Eligible Applicants:* High-need LEAs, SEAs on behalf of one or more high-need LEAs, and IHEs. High-need LEA applicants and SEA applicants on behalf of one or more high-need LEAs must propose to work in partnership with an eligible institution of higher education (eligible IHE). Eligible IHE applicants must propose to work in partnership with one or more high-need LEAs or an SEA.

2.a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Limitation on Awards:* a. The Department will make only one award that serves any individual LEA.

b. The Department will only make an award to LEAs that are not current MHSP grantees.

c. To maximize the number of LEAs and schools that can benefit from program activities and geographic diversity, the number of awards per single entity will be limited to one per UEI number. If sufficient funds remain after funding all high-quality applications, the Department may consider funding more than one high quality application from a single entity so long as an entity's other applications propose separate projects.

### IV. Application and Submission Information

#### 1. Application Submission

*Instructions:* Applicants are required to follow the Common Instructions for

Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264), and available at [www.federalregister.gov/d/2021-27979](http://www.federalregister.gov/d/2021-27979), which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by December 31, 2022.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice. In addition, we remind applicants that sections 4001(a) and 4001(b) of the ESEA (20 U.S.C. 7101) apply to this program. Section 4001(a) requires entities receiving funds under Title IV of the ESEA to obtain prior, written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under Title IV of the ESEA and conducted in connection with an elementary or secondary school. Section 4001(b) prohibits the use of funds for medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs. This prohibition does not preclude the use of funds to support mental health counseling and support services, including those provided by a mental health services provider outside of school, so long as such services are not medical.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 25 pages and (2) use the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

### V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210. The maximum score for all selection criteria is 100 points. The points assigned to each criterion are indicated in parentheses. Non-Federal peer reviewers will evaluate and score each application program narrative against the following selection criteria:

(a) *Need for the Project and Significance* (Up to 15 points)

(1) The Secretary considers the proposed need for the project. In determining the need for the proposed project, the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (Up to 10 points)

(2) The Secretary considers the significance of the project. In determining the significance of the proposed project, the Secretary considers the extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population. (Up to 5 points)

(c) *Quality of the project design* (Up to 25 points)

(1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use

of appropriate methodological tools to ensure successful achievement of project objectives. (Up to 15 points)

(ii) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition. (Up to 5 points)

(iii) The extent to which the proposed project demonstrates a rationale (as defined in 34 CFR 77.1(c)). (Up to 5 points)

(d) *Quality of project services* (Up to 30 points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 15 points)

(3) In addition, the Secretary considers the extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project. (Up to 15 points)

(e) *Management Plan and Adequacy of Resources* (Up to 20 points).

(1) The Secretary considers the management plan and the adequacy of resources for the proposed project.

(2) In determining the quality of the management plan and the adequacy of resources for the proposed project, the Secretary considers:

(i) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project. (Up to 10 points)

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project. (Up to 10 points)

(f) *Quality of the project evaluation* (Up to 10 points)

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (Up to 5 points)

(ii) The extent to which the methods of evaluation will provide performance

feedback and permit periodic assessment of progress toward achieving intended outcomes. (Up to 5 points)

2. *Review and Selection Process*: We remind potential applicants that, in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions*: Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System*: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts

from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General*: In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

1. *Award Notices*: If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements*: We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements*: Unless an exception applies, if you are awarded a grant under this competition,

you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The Department has established the following performance measures for Department reporting under 34 CFR 75.110 for the Mental Health Service Professional Demonstration Grant Program:

(a) The unduplicated, cumulative number of school-based mental health services providers trained by the grantee under the project to provide school-based mental health services in high-need LEAs.

(b) The unduplicated, cumulative number of school-based mental health services providers placed in a practicum

or internship by the grantee in high-need LEAs to provide school-based mental health services.

(c) The unduplicated, cumulative number of school-based mental health services providers hired by high-need LEAs to provide school-based mental health services.

(d) For grantees that addressed Competitive Preference Priority 1, the number of such grantees that met their goal of increasing the diversity of school-based mental health services providers.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures. This data will be considered by the Department in making potential continuation awards.

Consistent with 34 CFR 75.591, grantees funded under this program shall cooperate in any evaluation of the program conducted by the Department or an evaluator selected by the Department.

*Performance measure targets:* The applicant must propose annual targets for the measures listed above in their application. Applications must also provide the following information as directed under 34 CFR 75.110(b) and (c):

(1) An explanation of how each proposed performance target is ambitious (as defined in this notice) yet achievable compared to the baseline (as defined in this notice) for the performance measure.

(2) An explanation of the data collection and reporting methods the applicant would use and why those methods are likely to yield reliable, valid, and meaningful performance data; and

(3) An explanation of the applicant's capacity to collect and report reliable, valid, and meaningful performance data, as evidenced by high-quality data collection, analysis, and reporting in other projects or research.

*Note:* If the applicant does not have experience with the collection and reporting of performance data through other projects or research, the applicant should provide other evidence of capacity to successfully carry out data collection and reporting for its proposed project.

The reviewers of each application will score related selection criteria on the basis of how well an applicant has

considered these measures in conceptualizing the approach and evaluation of the project.

All grantees must submit an annual performance report and final performance report with information that is responsive to these performance measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things, whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

**James F. Lane,**

*Senior Advisor, Office of the Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary for the Office Elementary and Secondary Education.*

[FR Doc. 2022-21632 Filed 10-3-22; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1061-000]

#### Pacific Gas and Electric Company; Notice of Authorization for Continued Project Operation

The license for the Phoenix Hydroelectric Project No. 1061 was issued for a period ending August 31, 2022.

Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year-to-year an annual license to the then licensee(s) under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 1061 is issued to Pacific Gas and Electric Company for a period effective September 1, 2022 through August 31, 2023, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 31, 2023,

notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Pacific Gas and Electric Company is authorized to continue operation of the Phoenix Hydroelectric Project under the terms and conditions of the prior license until the issuance of a new license for the project or other disposition under the FPA, whichever comes first.

Dated: September 28, 2022.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2022-21475 Filed 10-3-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-513-000]

#### Ohio River System LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on August 26, 2022, Ohio River System LLC (ORS), 8111 Westchester Drive, Suite 600, Dallas, Texas 75225, filed a Notification Regarding Limited Term Certificate in Docket No. CP17-482-000. The Commission is treating this notification as an application for ORS to abandon that certificate (Certificate) pursuant to section 7(b) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations, and hereby gives notice of this proposed abandonment. ORS' Certificate granted it authority to provide certain jurisdictional transportation service in Ohio for a term of four years, which expired on August 27, 2022. ORS states that its Certificate is no longer needed, and it does not intend to seek an extension of the Certificate beyond the initial term. ORS asserts that the sole remaining customer utilizing the jurisdictional transportation service on the ORS System has ceased service. No other potential customers have sought such jurisdictional service and ORS does not anticipate any such customers in the future. There is no ongoing jurisdictional transportation service and no customers or shippers will be affected by the abandonment of the certificate, all as more fully set forth in the request which is on file with the

Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed to Daniel P. Archuleta, Troutman Pepper Hamilton Sanders, LLP, 401 9th Street NW, Suite 1000, Washington, DC 20004, by telephone at (202) 274-2926 or by email at [daniel.archuleta@troutman.com](mailto:daniel.archuleta@troutman.com).

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or 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

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

intervening. The deadline for filing a motion to intervene is 5 p.m. eastern time on October 19, 2022.

### Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before October 19, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22-513-000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing"; or

(3) You may file a paper copy of your comments by mailing them to the following address below.<sup>2</sup> Your written comments must reference the Project docket number (CP22-513-000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

<sup>2</sup> Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

### Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>3</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>4</sup> and the regulations under the NGA<sup>5</sup> by the intervention deadline for the project, which is October 19, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22-513-000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Intervention." The eFiling feature includes a document-less intervention option; for more information, visit <https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf>; or

(2) You can file a paper copy of your motion to intervene, along with three

<sup>3</sup> 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 385.214.

<sup>5</sup> 18 CFR 157.10.

copies, by mailing the documents to the address below.<sup>6</sup> Your motion to intervene must reference the Project docket number CP22-513-000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail or email at: Daniel P. Archuleta, Troutman Pepper Hamilton Sanders, LLP, 401 9th Street NW, Suite 1000, Washington, DC 20004, by telephone at (202) 274-2926 or by email at [daniel.archuleta@troutman.com](mailto:daniel.archuleta@troutman.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed<sup>7</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>8</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>9</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Tracking the Proceeding

Throughout the proceeding, additional information about the projects will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

<sup>6</sup> Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

<sup>7</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>8</sup> 18 CFR 385.214(c)(1).

<sup>9</sup> 18 CFR 385.214(b)(3) and (d).

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

**Intervention Deadline:** 5 p.m. eastern time on October 19, 2022.

Dated: September 28, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022–21476 Filed 10–3–22; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14514–003]

#### Community of Elfin Cove Non-Profit Corporation, DBA Elfin Cove Utility Commission; Notice of Intent To Prepare an Environmental Assessment

On August 24, 2020, the Community of Elfin Cove Non-Profit Corporation DBA Elfin Cove Utility Commission (Elfin Cove) filed an application for an original minor license to construct and operate the 105-kilowatt Crooked Creek and Jim's Lake Hydroelectric Project No. 14514 (project). The proposed project would be located on Crooked Creek and Jim's Lake near the community of Elfin Cove, in the Sitka Recording District, Unorganized Borough, Alaska. The project would occupy 10.5 acres of federal land in the Tongass National Forest, managed by the U.S. Department of Agriculture's Forest Service.

In accordance with the Commission's regulations, on June 27, 2022, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to license the Crooked Creek and Jim's Lake Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	March 2023. <sup>1</sup>
Comments on EA .....	April 2023.

Any questions regarding this notice may be directed to John Matkowski at (202) 502–8576 or [john.matkowski@ferc.gov](mailto:john.matkowski@ferc.gov).

Dated: September 28, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022–21478 Filed 10–3–22; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 10482–122; Project No. 10481–069; Project No. 9690–115]

#### Notice of Availability of Environmental Assessment: Eagle Creek Hydro Power, LLC; Eagle Creek Water Resources, LLC; Eagle Creek Land Resources, LLC

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the joint application for a new license for each of the "Mongaup River Projects" consisting of the Swinging Bridge Hydroelectric Project (Swinging Bridge Project), Mongaup Falls Hydroelectric Project (Mongaup Falls Project), and Rio Hydroelectric Project (Rio Project). The Swinging Bridge Project is located on the Mongaup River and Black Lake Creek in Sullivan County, New York. The Mongaup Falls Project is located on the Mongaup River and Black Brook in Sullivan County, New York. The Rio Project is located on the Mongaup River in Sullivan and Orange Counties, New York. The projects do not occupy any federal land.

The EA contains staff's analysis of the potential environmental effects of the Mongaup River Projects and concludes

<sup>1</sup> The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This notice establishes the Commission's intent to prepare an EA for the Crooked Creek and Jim's Lake Project. Therefore, in accordance with CEQ's regulations, the final EA must be issued within 1 year of the issuance date of this notice.

that licensing the projects, with appropriate environmental measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The number of pages in the EA exceeds the page limits set forth in the Council on Environmental Quality's July 16, 2020 final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (85 FR 43304). Noting the scope and complexity of the proposed action and action alternatives, the Director of the Office of Energy Projects, as our senior agency official, has authorized this page limit exceedance for the EA.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov/>) using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filings. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.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. 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 (*i.e.*, P-10482-122, P-10481-069, and/or P-9690-115).

For further information, contact Nicholas Ettema at [nicholas.ettema@ferc.gov](mailto:nicholas.ettema@ferc.gov) or (312) 596-4447.

Dated: September 28, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-21474 Filed 10-3-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings in Existing Proceedings

*Docket Numbers:* RP20-614-005; RP20-618-002.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description:* Motion of Transcontinental Gas Pipe Line Company, LLC to Amend Settlement.  
*Filed Date:* 7/22/22.

*Accession Number:* 20220722-5104.  
*Comment Date:* 5 p.m. ET 10/5/22.

*Docket Numbers:* RP22-1243-001.  
*Applicants:* BBT AlaTenn, LLC.

*Description:* Tariff Amendment: BBT Ala-Tenn Amended NRA Filing to be effective 10/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5123.  
*Comment Date:* 5 p.m. ET 10/11/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

#### Filings Instituting Proceedings

*Docket Numbers:* RP22-1242-000.  
*Applicants:* Natural Gas Pipeline Company of America LLC.

*Description:* Compliance filing: Penalty Revenue Crediting Report from January through June 2022 to be effective N/A.

*Filed Date:* 9/23/22.

*Accession Number:* 20220923-5057.  
*Comment Date:* 5 p.m. ET 10/5/22.

*Docket Numbers:* RP22-1243-000.  
*Applicants:* BBT AlaTenn, LLC.

*Description:* § 4(d) Rate Filing: BBT Ala-Tenn NRA Filing to be effective 10/1/2022.

*Filed Date:* 9/26/22.

*Accession Number:* 20220926-5090.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1245-000.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing: Pipeline Safety and Greenhouse Gas Cost Adjustment Mechanism—2022 to be effective. 11/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5024.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1246-000.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing: Volume No. 2—Chesapeake Energy SP380182 & SP380185 to be effective 10/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5027.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1247-000.

*Applicants:* Stagecoach Pipeline & Storage Company LLC.

*Description:* § 4(d) Rate Filing: Stagecoach Pipeline & Storage Company LLC —Chesapeake SP380186 and SP380187 to be effective 10/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5030.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1248-000.

*Applicants:* Tuscarora Gas Transmission Company.

*Description:* Compliance filing: 2022 Fuel and Line Loss Report to be effective N/A.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5038.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1249-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS Oct 2022) to be effective 10/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5048.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1250-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Non-Conforming Agreements Update (PNM) to be effective 11/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5051.

*Comment Date:* 5 p.m. ET 10/11/22.

*Docket Numbers:* RP22-1252-000.

*Applicants:* Ruby Pipeline, L.L.C.  
*Description:* § 4(d) Rate Filing: Non-Conforming Amendments Filing (PG&E) to be effective 11/1/2022.

*Filed Date:* 9/27/22.

*Accession Number:* 20220927-5083.

*Comment Date:* 5 p.m. ET 10/11/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: September 28, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2022-21471 Filed 10-3-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC22-86-000.

*Applicants:* AZ Solar 1, LLC, FL Solar 1, LLC, FL Solar 4, LLC, GA Solar 3, LLC, Grand View PV Solar Two LLC, MS Solar 3, LLC, Sweetwater Solar, LLC, Three Peaks Power, LLC, Twiggs County Solar, LLC, Onward Atlas HoldCo, LLC.

*Description:* Onward Atlas HoldCo, LLC submits Response to Deficiency Letter Dated September 8, 2022.

*Filed Date:* 9/21/22.

*Accession Number:* 20220921-5126.

*Comment Date:* 5 p.m. ET 10/12/22.

*Docket Numbers:* EC22-98-000.

*Applicants:* NaturEner Glacier Wind Energy 1, LLC, NaturEner Glacier Wind Energy 2, LLC, NaturEner Power Watch, LLC, NaturEner Rim Rock Wind Energy, LLC, NaturEner Wind Watch, LLC, Berkshire Hathaway Energy Company.

*Description:* Supplement to August 2, 2022, Joint Application for Authorization Under Section 203 of the Federal Power Act of NaturEner Glacier Wind Energy 1, LLC, et al.

*Filed Date:* 9/27/22.  
*Accession Number:* 20220927–5140.  
*Comment Date:* 5 p.m. ET 10/4/22.  
*Docket Numbers:* EC22–127–000;  
 EC21–2–000.  
*Applicants:* Desert Harvest II LLC, Desert Harvest, LLC, Milligan 1 Wind LLC, BigBeau Solar LLC, Milligan 1 Wind LLC.  
*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of BigBeau Solar LLC, et al.  
*Filed Date:* 9/26/22.  
*Accession Number:* 20220926–5226.  
*Comment Date:* 5 p.m. ET 10/17/22.  
 Take notice that the Commission received the following electric rate filings:  
*Docket Numbers:* ER22–2089–002.  
*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.  
*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Second Supplement to Origis Development (Thalmann 1 Solar & Battery) LGIA Filing to be effective 6/1/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5111.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2463–000.  
*Applicants:* Hillcrest Solar I, LLC.  
*Description:* ALJ Settlement: Settlement rates July 2022 to be effective 7/29/2021.  
*Filed Date:* 7/22/22.  
*Accession Number:* 20220722–5096.  
*Comment Date:* 5 p.m. ET 10/5/22.  
*Docket Numbers:* ER22–2577–001.  
*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.  
*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Supplement to Montgomery Solar (Solar & Storage) LGIA Filing to be effective 7/18/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5115.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2579–001.  
*Applicants:* Georgia Power Company, Mississippi Power Company, Alabama Power Company.  
*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.17(b): Supplement to Dothan Solar (Solar & Storage) LGIA Filing to be effective 7/18/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5114.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2942–000.  
*Applicants:* Endeavor Wind II, LLC.  
*Description:* Baseline eTariff Filing: Rate Schedule FERC No. 1 Reactive

Power Compensation to be effective 10/31/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5004.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2943–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: 2022–09–28\_Hybrid Resource Forecasting as DIR to be effective 11/28/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5043.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2944–000.  
*Applicants:* SBR Energy, LLC.  
*Description:* Notice of Cancellation of Market Based Rate Tariff of SBR Energy LLC.  
*Filed Date:* 9/27/22.  
*Accession Number:* 20220927–5146.  
*Comment Date:* 5 p.m. ET 10/18/22.  
*Docket Numbers:* ER22–2945–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: ISA, SA No. 6606 and ICSA, SA No. 6607; Queue No. AD1–022 to be effective 8/31/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5071.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2946–000.  
*Applicants:* Red Oak Power, LLC.  
*Description:* Baseline eTariff Filing: Baseline new reactive tariff to be effective 10/1/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5072.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2947–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: 2022–09–28\_SA 3436 Entergy Mississippi-Ragsdale Solar 1st Rev GIA (J830) to be effective 9/16/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5092.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2949–000.  
*Applicants:* American Electric Power Service Corporation, Indiana Michigan Power Company, AEP Indiana Michigan Transmission Company, Inc., PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: American Electric Power Service Corporation submits tariff filing per 35.13(a)(2)(iii): AEP submits one Facilities Agreement re: ILDSA, SA No. 5677 to be effective 11/28/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5117.  
*Comment Date:* 5 p.m. ET 10/19/22.  
*Docket Numbers:* ER22–2950–000.

*Applicants:* Vitol PA Wind Marketing LLC.  
*Description:* Baseline eTariff Filing: Baseline new to be effective 9/29/2022.  
*Filed Date:* 9/28/22.  
*Accession Number:* 20220928–5133.  
*Comment Date:* 5 p.m. ET 10/19/22.  
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.  
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.  
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.  
 Dated: September 28, 2022.  
**Debbie-Anne A. Reese,**  
*Deputy Secretary.*  
 [FR Doc. 2022–21470 Filed 10–3–22; 8:45 am]  
**BILLING CODE 6717–01–P**

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**DEPARTMENT OF ENERGY**  
**Federal Energy Regulatory Commission**  
**[Docket No. CP22–511–000]**

**Ozark Gas Transmission, L.L.C.; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline**

Take notice that on September 19, 2022, Ozark Gas Transmission, LLC (Ozark), 1501 McKinney Street, Suite 800, Houston, TX 77010, filed in the above referenced docket, a prior notice request pursuant to sections 157.205(b), 157.208(b) and 157.210 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Ozark's blanket certificate issued in Docket No. CP91–945–000, for authorization to: (i) construct approximately 2.0-miles of 16-inch-diameter natural gas loop pipeline; (ii) install a new 5,000 horsepower (hp) compressor station; (iii) install two (2) new pipeline receipt point interconnections; and (iv) install piping and other modifications to facilitate bi-directional flow at Ozark's existing

Standing Rock Compressor, all located in Lawrence and Izard Counties, Arkansas.

Ozark states that the project will provide access to different supply sources for Ozark customers and create flexibility for these customers to receive natural gas from historical supply locations and new supply connections, resulting in enhanced gas supply reliability during peak demand events, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this prior notice request should be directed to Scott T. Langston, Senior Vice President & Chief Commercial Officer, Ozark Gas Transmission, L.L.C., 1501 McKinney Street, Suite 800, Houston, Texas 77010, at (303) 408-1925, or by email to [slangston@blackbearllc.com](mailto:slangston@blackbearllc.com).

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all

federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5 p.m. eastern time on November 28, 2022. How to file protests, motions to intervene, and comments is explained below.

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>2</sup> any person<sup>3</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>4</sup> and must be submitted by the protest deadline, which is November 28, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>5</sup> and the regulations under the NGA<sup>6</sup> by the intervention deadline

for the project, which is November 28, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to-intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before November 28, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22-511-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's *eFiling* feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to *Documents and Filings*. New *eFiling* users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select General" and then

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

<sup>2</sup> 18 CFR 157.205.

<sup>3</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>5</sup> 18 CFR 385.214.

<sup>6</sup> 18 CFR 157.10.

select “Protest”, “Intervention”, or “Comment on a Filing”; or<sup>7</sup>

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22–511–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail at: Scott T. Langston, Senior Vice President & Chief Commercial Officer, Ozark Gas Transmission, LLC, 1501 McKinney Street, Suite 800, Houston, TX 77010, or email (with a link to the document) at: [slangston@blackbearllc.com](mailto:slangston@blackbearllc.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.

### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission’s Office of External Affairs, at (866) 208–FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

<sup>7</sup> Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission’s website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Dated: September 28, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022–21477 Filed 10–3–22; 8:45 am]

BILLING CODE 6717–01–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0643; FRL–9128–02–OAR]

### Notice of Determination: Petitions Granted Under Subsection (i) of the American Innovation and Manufacturing Act of 2020

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to alert the public of the Environmental Protection Agency’s (EPA) decision to grant two petitions submitted under the American Innovation and Manufacturing Act of 2020. The two petitions request that the Environmental Protection Agency restrict the use of certain regulated substances, as defined in the Act, in certain commercial refrigeration applications, pursuant to its authority under the Act to promulgate rules that restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used. The Agency is also using this notice to inform the public of how it will treat two additional submissions by the Air-Conditioning, Heating, and Refrigeration Institute under this subsection.

**DATES:** EPA granted the two petitions referenced in this notice via letters signed on September 19, 2022.

**FOR FURTHER INFORMATION CONTACT:** Allison Cain, Stratospheric Protection Division, Office of Atmospheric Programs (6205A), Environmental Protection Agency, telephone number: 202–564–1566; email address: [cain.allison@epa.gov](mailto:cain.allison@epa.gov). You may also visit EPA’s website at <https://www.epa.gov/climate-hfcs-reduction> for further information.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Subsection (i) of the American Innovation and Manufacturing Act of 2020 (AIM Act or the Act),<sup>1</sup> entitled “Technology Transitions,” provides that the Administrator may by rule restrict,

<sup>1</sup> The AIM Act was enacted as section 103 in Division S, Innovation for the Environment, of the Consolidated Appropriations Act, 2021 (Pub. L. 116–260) (codified at 42 U.S.C. 7675.116–260).

fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used. Under subsection (i)(3) a person may petition the Environmental Protection Agency (EPA) to promulgate a rule for the restriction on use of a regulated substance<sup>2</sup> in a sector or subsector, and the Act states that the petition shall include a request that the Administrator negotiate with stakeholders in accordance with subsection (i)(2)(A). Once EPA receives a petition, the AIM Act directs the Agency to make petitions publicly available within 30 days of receipt and to grant or deny the petition within 180 days of receipt, taking the factors listed in subsection (i)(4) into account to the extent practicable.

The Agency has received two petitions under subsection (i) of the AIM Act requesting that EPA promulgate rules to restrict the use of hydrofluorocarbons in certain commercial refrigeration applications.<sup>3</sup> These petitions were submitted by the Air-conditioning, Heating, and Refrigeration Institute, et. al (hereby, “AHRI”) on March 24, 2022, and the International Institute for Ammonia Refrigeration, et. al (hereby, “IAR”) on May 23, 2022. After reviewing information provided by the petitioners and relevant information related to the “Factors for Determination” in subsection (i)(4) of the AIM Act, EPA granted the two petitions.<sup>4</sup> The March 24, 2022, and May 23, 2022, petitions requested restrictions on the use of HFCs in sectors and subsectors that were also the subject of the petitions that EPA granted on October 7, 2021.

EPA is also clarifying the treatment of two letters AHRI sent to EPA on August 19, 2021, and October 12, 2021.<sup>5</sup> EPA initially included these letters on the

<sup>2</sup> The Act provides that “regulated substance” refers to those substances included in the list of regulated substances in subsection (c)(1) of the Act and those substances that the Administrator has designated as a regulated substance under subsection (c)(3). Subsection (c)(1) lists 18 saturated hydrofluorocarbons (HFCs), and by reference their isomers not so listed, as regulated substances. This is the current list of regulated substances, as no additional substances have been designated as regulated substances under subsection (c)(3).

<sup>3</sup> Links to copies of these petitions and other petitions received to date can be found in the table at <https://www.epa.gov/climate-hfcs-reduction/petitions-under-aim-act>. EPA has a docket (Docket ID EPA–HQ–OAR–2021–0289–0044), where all subsection (i) petitions are posted, and where the public may submit information related to those petitions.

<sup>4</sup> The letters granting the two petitions are available in the docket for this action.

<sup>5</sup> EPA has a docket (Docket ID EPA–HQ–OAR–2021–0289–0044), where all subsection (i) petitions are posted, and where the public may submit information related to those petitions.

Agency's website as new petitions. However, after further review EPA determined that these two AHRI letters are addenda to AHRI's petitions that EPA granted on October 7, 2021. EPA made this determination because the subsectors listed in these letters were identical to those covered by the already-granted AHRI petitions and because EPA received the August and October 2021 letters before or very near in time to the Agency's action granting the initial set of petitions.

## II. What happens after EPA grants a petition?

Where the Agency grants a petition submitted under subsection (i) of the AIM Act, the statute requires that EPA promulgate a final rule not later than two years from the date the Agency grants the petition. Per subsection (i)(1) of the AIM Act, EPA may issue rules that restrict, fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used. The Act establishes that no rule developed under subsection (i) may take effect earlier than one year after the rule promulgation date. In addition, prior to issuing a proposed rule under subsection (i), EPA must consider negotiating with stakeholders in the sector or subsector in accordance with negotiated rulemaking procedures.<sup>6</sup> If the Agency decides not to undertake a negotiated rulemaking, the AIM Act requires the Agency to publish an explanation of its decision not to use that procedure.

As noted, all four of the requests for restrictions on the use of HFCs (*i.e.*, the two petitions granted on September 19, 2022, and the two letters considered as addenda) addressed sectors and subsectors that are the subject of an upcoming Notice of Proposed Rulemaking (NPRM) that was initiated by the prior petitions granted by the Administrator on October 7, 2021. In that rulemaking EPA will consider proposed restrictions in the same sectors and subsectors covered by the May and March petitions and the two letters considered as addenda. EPA is therefore considering addressing all four of the newer requests for restrictions in the same upcoming proposal. EPA issued a notice informing the public of the Agency's consideration of using the negotiated rulemaking procedure for the sectors and subsectors addressed in the petitions granted on October 7, 2021,

and the Agency's decision to not use these procedures.<sup>7</sup> Because the AIM Act subsection (i)(2)(A) requires that EPA consider negotiating with stakeholders using the negotiated rulemaking procedure "[b]efore proposing a rule for the use of a regulated substance for a sector or subsector," EPA's prior consideration and decision not to use negotiated rulemaking applies to the petitions addressed in this notice, which request restrictions on sectors and subsectors for which EPA already considered negotiated rulemaking.

**Cynthia A. Newberg,**

*Director, Stratospheric Protection Division.*

[FR Doc. 2022-21510 Filed 10-3-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10242-01-OA]

### Local Government Advisory Committee and Small Communities Advisory Subcommittee: Request for Nominations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of request for nominations.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Office of Intergovernmental Relations invites nominations from a diverse range of qualified candidates to be considered for appointment to its Local Government Advisory Committee (LGAC) and Small Communities Advisory Subcommittee (SCAS). Qualified nominees for the LGAC and SCAS hold elected positions with local, tribal, state, or territorial governments, or serve in a full-time government position appointed by an elected official. This notice solicits nominations to fill up to 10 positions on EPA's LGAC and up to 6 positions on the SCAS, for terms beginning in January 2023 and lasting one or two years. For more information on the LGAC/SCAS, including recent meeting summaries and recommendations, visit: <https://www.epa.gov/ocir/local-government-advisory-committee-lgac>.

**DATES:** To be considered for 2023 appointments, nominations should be submitted by October 31, 2022.

*How to Apply:* Submit nominations electronically to [LGAC@epa.gov](mailto:LGAC@epa.gov) with a

subject heading of 'LGAC 2023 NOMINATION' and complete the form at <http://tiny.cc/hcezuz>.

**FOR FURTHER INFORMATION CONTACT:** Paige Lieberman, the LGAC Designated Federal Officer at (202) 564-9957 / [LGAC@epa.gov](mailto:LGAC@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### Qualifications

The Local Government Advisory Committee (LGAC) is chartered under the Federal Advisory Committee Act (FACA), Public Law 92-463, to advise the EPA Administrator on environmental issues impacting local governments. The Small Communities Advisory Subcommittee (SCAS) is the LGAC's standing subcommittee to advise on issues of concern to smaller communities. Members of LGAC and SCAS will provide advice and recommendations on a broad range of issues related to promoting and protecting public health and the environment. For 2023 the topics addressed will include but not be limited to:

- Advancing environmental justice;
- Developing capacity for technical assistance at the local level;
- Reducing greenhouse gas emissions;
- Bolstering resilience to the impacts of climate change;
- Enhancing the infrastructure needed to provide drinking water and wastewater services;
- Supporting local governments in the assessment and remediation of PFAS chemicals.

Viable candidates must be current elected officials representing local, state, tribal, or territorial governments. Officials working full-time for a local, state, tribal, or territorial government who have been appointed directly by an elected official will also be considered. Preference will be given to qualified candidates who demonstrate experience developing and implementing environmental programs consistent with the 2023 topics listed above. To maintain geographical diversity of the Committee, preference for LGAC membership may also be given to qualified candidates from tribal governments, and states in the South and Southeastern regions of the country; preference for SCAS membership may be given to qualified candidates from Alaska, New England and the Pacific Northwest.

Additional criteria to be considered may include: experience with multi-sector partnerships; coalition-building and grassroots involvement; involvement and leadership in national, state or regional intergovernmental

<sup>6</sup> The negotiated rulemaking procedure is provided under subchapter III of chapter 5 of title 5, United States Code (commonly known as the "Negotiated Rulemaking Act of 1990").

<sup>7</sup> EPA issued a separate notice in the **Federal Register** regarding its consideration of using negotiated rulemaking procedures for a rulemaking that responds to granted and partially granted petitions (December 29, 2021; 86 FR 74080).

associations; and diversity in vocational/career/volunteer background.

Candidates may apply for both LGAC and SCAS appointments, regardless of community size. While qualified candidates for the SCAS may include individuals from larger communities, preference will be given to those representing populations of 10,000 or less.

#### Time Commitment

LGAC members are appointed for 1 or 2-year terms, depending on the needs of the Committee, and are eligible for reappointment up to a total of 6 years served. In 2023, the Committee plans to hold two or three full-day, public meetings, where both in-person and online participation options will be available.

In addition to public meetings, Workgroups will be created to address the 2023 topics noted above, as well as any emerging issues. Members will be encouraged to serve on one or more Workgroups, where they will be asked to share their experiences working on an issue, recommend experts on an issue for the Committee to consult with, debate the nuances of policy implementation, and review written recommendations before they are shared with the full Committee. Applicants should plan to spend an average of three hours per month on Committee work, with more requested when travel is planned. While EPA is unable to provide compensation for services, official Committee travel and related expenses (lodging, etc.) will be fully reimbursed.

#### Nominations

Nominations must be submitted in electronic format. To be considered, all nominations should complete the application at this link: <http://tiny.cc/hcezuz>.

Additionally, please email *LGAC@epa.gov* with the following:

- Resume and/or short biography (no more than 2 pages) describing professional, educational, and other pertinent qualifications of the nominee, including a list of relevant activities as well as any current or previous service on advisory committees; and,
- Optional letter(s) of recommendation from a third party (or parties) supporting the nomination. Letter(s) should describe how the nominee's experience and knowledge will bring value to the work of the LGAC.

Other sources, in addition to this **Federal Register** notice, may be utilized in the solicitation of nominees. EPA expressly values diversity, equity, and

inclusion, and encourages the nominations of elected and appointed officials from diverse backgrounds so that the LGAC and SCAS look like America and reflect the country's rich diversity. Individuals may self-nominate.

Dated: September 26, 2022.

**Paige Lieberman,**

*EPA Designated Federal Office, Local Government Advisory Committee.*

[FR Doc. 2022-21491 Filed 10-3-22; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL RESERVE SYSTEM

[Docket No. OP-1765]

### Framework for the Supervision of Insurance Organizations

**AGENCY:** Board of Governors of the Federal Reserve System (Board).

**ACTION:** Final guidance.

**SUMMARY:** The Board is adopting a new supervisory framework for depository institution holding companies significantly engaged in insurance activities, referred to as supervised insurance organizations. The framework provides a supervisory approach that is designed specifically to reflect the differences between banking and insurance. Within the framework, the application of supervisory guidance and the assignment of supervisory resources is based explicitly on a supervised insurance organization's complexity and individual risk profile. The framework establishes the supervisory ratings applicable to these organizations with rating definitions that reflect specific supervisory requirements and expectations. It also emphasizes the Board's policy to rely to the fullest extent possible on work done by other relevant supervisors, describing, in particular, the way it relies on reports and other supervisory information provided by state insurance regulators to minimize supervisory duplication.

**DATES:** Effective November 3, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Thomas Sullivan, Senior Associate Director, (202) 475-7656; Lara Lylozian, Deputy Associate Director, (202) 475-6656; Matt Walker, Manager, (202) 872-4971; Brad Roberts, Lead Insurance Policy Analyst, (202) 452-2204; or Joan Sullivan, Senior Insurance Policy Analyst, (202) 912-4670, Division of Supervision and Regulation; or Dafina Stewart, Assistant General Counsel, (202) 872-7589; Andrew Hartlage, Senior Counsel, (202) 452-6483; Christopher Danello, Senior Attorney, (202) 736-1960; or Evan Hechtman,

Senior Attorney, (202) 263-4810, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. For users of TTY-TRS, please call 711 from any telephone, anywhere in the United States.

#### SUPPLEMENTARY INFORMATION:

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### I. Background

The Board supervises and regulates companies that control one or more banks (bank holding companies) and companies that are not bank holding companies that control one or more savings associations (savings and loan holding companies, and together with bank holding companies, depository institution holding companies). Congress gave the Board regulatory and supervisory authority for bank holding companies through the enactment of the Bank Holding Company Act of 1956 (BHC Act).<sup>1</sup> The Board's regulation and supervision of savings and loan holding companies began in 2011 when provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)<sup>2</sup> transferring supervision and regulation of savings and loan holding companies from the Office of Thrift Supervision to the Board took effect.<sup>3</sup> Upon this transfer, the Board became the federal supervisory agency for all depository institution holding companies, including a portfolio of firms significantly engaged in insurance activities (supervised insurance organizations).<sup>4</sup>

The Board has a long-standing policy of supervising holding companies on a consolidated basis. Consolidated supervision encompasses all legal entities within a holding company

<sup>1</sup> Ch. 240, 70 Stat. 133.

<sup>2</sup> Public Law 111-203, 124 Stat. 1376 (2010).

<sup>3</sup> Dodd-Frank Act tit. III, 124 Stat. at 1520-70.

<sup>4</sup> Although currently all supervised insurance organizations are savings and loan holding companies, the proposed framework would apply to any depository institution holding company that meets the criteria of a supervised insurance organization.

structure and supports an understanding of the organization's complete risk profile and its ability to address financial, managerial, operational, or other deficiencies before they pose a danger to its subsidiary depository institution(s). The Board's current supervisory approach for noninsurance depository institution holding companies assesses holding companies whose primary risks are largely related to the business of banking. The risks arising from insurance activities, however, are materially different from traditional banking risks. The top-tier holding company for some supervised insurance organizations is an insurance underwriting company, which is subject to supervision and regulation by the relevant state insurance regulator as well as consolidated supervision from the Board; for all supervised insurance organizations, the state insurance regulators supervise and regulate the business of insurance underwriting companies. Additionally, instead of producing consolidated financial statements based on generally accepted accounting principles, many of these firms only produce legal entity financial statements based on Statutory Accounting Principles (SAP) established by states through the National Association of Insurance Commissioners (NAIC).

The Board has recognized these differences in its supervision and regulation of supervised insurance organizations. For example, in 2013, when the Board made significant revisions to its regulatory capital framework, the Board determined not to apply it to this group of companies, stating that it would "explore further whether and how the proposed rule should be modified for these companies in a manner consistent with section 171 of the Dodd-Frank Act and safety and soundness concerns."<sup>5</sup> In 2019, the Board invited comment on a proposal to establish a risk-based capital framework designed specifically for supervised insurance organizations, termed the Building Block Approach, that would adjust and aggregate existing legal entity capital requirements to determine an enterprise-wide capital requirement.<sup>6</sup> In addition, in 2018, the Board did not apply to these firms the supervisory rating systems applicable to other depository institution holding companies.<sup>7</sup> The insurance supervisory framework represents a significant step

in the continuation of the Board's tailored approach to supervision and regulation for supervised insurance organizations.

## II. Notice of Proposed Guidance and Overview of Comments

On February 4, 2022, the Board invited public comment on a proposed framework for the supervision of insurance organizations (proposal).<sup>8</sup> The proposal would have established a transparent framework for consolidated supervision of supervised insurance organizations. A depository institution holding company would have been considered a supervised insurance organization if it were an insurance underwriting company or if over 25 percent of its consolidated assets were held by insurance underwriting subsidiaries. The proposed framework would have consisted of a risk-based approach to establishing supervisory expectations, assigning supervisory resources, and conducting supervisory activities; a supervisory rating system; and a description of how examiners would work with state insurance regulators to limit the burden associated with supervisory duplication.

The comment period on the proposal closed on May 5, 2022.<sup>9</sup> The Board received four comments on the proposal. In addition, representatives of the Federal Reserve met with stakeholders and obtained supplementary information from certain commenters. Commenters generally supported the proposal. However, commenters also requested additional clarity on certain aspects of the proposal and provided suggestions on potential changes.

## III. Overview of Final Guidance and Modifications From the Proposal

The final insurance supervisory framework adopts the core elements of the proposal with certain modifications to address comments received. Consistent with the proposal, the final framework consists of a risk-based approach to establishing supervisory expectations, assigning supervisory resources, and conducting supervisory activities; applies tailored supervisory ratings; and describes how Federal Reserve examiners will rely to the fullest extent possible on the work of state insurance regulators to limit supervisory duplication. The final guidance has been modified from the proposal to include additional clarity in

various sections, including with respect to the complexity classification and applicable guidance. The final guidance also includes additional references to incorporating the work performed by state insurance regulators and allows for noncomplex supervised insurance organizations to be rated up to every other year.

## IV. Final Guidance

### A. Proportionality—Supervisory Activities and Expectations

#### Risk Profile, Complexity Classification, Risk Assessment

In the proposal, the terms "risk profile," "complexity classification," and "risk assessment" would have been used to describe the Board's approach to aligning its supervision with the risk of a firm. Under the proposal, an organization's risk profile would have depended on its products, investments, and strategy and would have been assessed independent of supervisory opinions or approach. The complexity classification would have been the Federal Reserve's preliminary view of the organization's risk profile and would have been used primarily to determine the level of supervisory resources needed to effectively supervise an organization. A supervised insurance organization would have been classified as either complex or noncomplex when the organization initially became subject to Federal Reserve supervision and only reclassified if the organization's risk profile significantly changed (typically the result of a major acquisition or divestiture). The risk assessment would have been an exercise typically completed annually by Federal Reserve examiners to support a discussion of the organization's material risks, ensuring that supervisory activities planned for the following year were risk-focused and did not duplicate work done by other regulators. Commenters requested clarity on the differences between these three terms as used in the proposal. The final guidance maintains these terms and their intended definitions, but the text has been adjusted to clarify how they will be used.

#### Complexity Classification

Under the proposal, supervised insurance organizations would have been classified as either complex or noncomplex based on a list of characteristics. The complexity classification would have been the initial driver for the assignment of supervisory resources, with complex supervised insurance organizations being assigned a dedicated supervisory

<sup>5</sup> 78 FR 62017, 62027 (October 11, 2013).

<sup>6</sup> 84 FR 57240 (October 24, 2019).

<sup>7</sup> See 83 FR 58724 (November 21, 2018); 83 FR 56081 (November 9, 2018).

<sup>8</sup> 87 FR 6537 (February 4, 2022).

<sup>9</sup> The comment period on the proposal was extended by the Board. See 87 FR 17089 (March 25, 2022).

team. The complexity classification would have also been a driver for the application of supervisory guidance. Organizations with over \$100 billion of consolidated depository institution assets or that are designated as an internationally active insurance group (IAIG) would have automatically been classified as complex. Commenters requested additional transparency regarding the factors considered when making the complexity classification and suggested additional factors for consideration, such as the source of funding for non-insurance operations. Commenters also suggested removing the \$100 billion consolidated depository institution asset threshold, removing the automatic complex classification for IAIGs in exchange for a materiality view of international exposure, attaching specific weights to the factors listed in the proposal, and providing organizations the opportunity to appeal or request a review of the complexity classification.

To ensure that organizations with similar sized banking operations are supervised consistently by the Federal Reserve, the final guidance retains the \$100 billion consolidated depository institution asset threshold as proposed. The automatic complex classification proposed for IAIGs has been removed from the final guidance and instead the materiality of an insurance organization's international operations will be considered as part of the complexity classification decision. While weights were not added to the factors in order to preserve the flexibility needed to properly classify organizations of differing business and risk profiles, the factors in the final guidance are sequenced in order of expected relative priority. The Board believes that these factors are broad enough to cover the additional factors suggested by commenters. In response to the comments, and to promote transparency, the complexity classification work program used to support the complexity classification decision made by the Board will be published on the Board's website. The work program provides additional clarity regarding the information leveraged to make the complexity classification and several of the factors suggested by commenters are included in the work program as questions related to a listed factor. The final guidance also clarifies that an organization can request a review of its complexity classification if it has experienced a significant change to its risk profile.

#### Supervisory Activities

Under the proposal, supervisory activities would have focused on material risks to the consolidated organization and leveraged the work performed by the firm's functional regulators. Additionally, under the proposal, ratings examinations would have been performed annually for all supervised insurance organizations, including those classified as noncomplex. Commenters requested that supervisory activities focus on material risks not subject to oversight by other regulators and that, where appropriate, Federal Reserve examiners coordinate the timing and scope of supervisory activities with other regulators to avoid duplication. Specifically for noncomplex supervised insurance organizations, commenters requested that Federal Reserve examiners align periodic rating examinations with the frequency used by other regulators and limit the frequency of examinations to every other year, as described in SR letter 13–21,<sup>10</sup> “Inspection Frequency and Scope Requirements for Bank Holding Companies and Savings and Loan Holding Companies with Total Consolidated Assets of \$10 Billion or Less.”

The final guidance emphasizes that supervisory activities focus primarily on material risks that could impede the organization's ability to act as a source of strength for its depository institution(s). Supervisory activities are also used to develop a better understanding of an organization's business and risk profile and to monitor the safety and soundness of the organization, including its adherence to applicable laws and regulations. As the consolidated supervisor, it is important for Federal Reserve examiners to understand all material risks to the organization. Federal Reserve examiners work closely with other regulators to promote knowledge sharing and to avoid, to the greatest extent possible, supervisory duplication. This includes discussing annual supervisory plans and coordinating the timing of supervisory activities. Under the final guidance, noncomplex supervised insurance organizations may be rated every other year, depending on the organization's risk profile.

#### Supervisory Expectations

Under the proposal, the requirement that supervised insurance organizations

comply with all applicable laws and regulations, operate in a safe-and-sound manner, and act as a source of strength for their depository institution(s) would have been emphasized. Expectations within supervisory guidance published by the Board related to specific firm practices would have been tailored to reflect the firm's business and risk profile. Commenters were supportive of this tailoring and requested that the framework explicitly allow for supervisory expectations to differ by business line. Commenters also requested clarity regarding the applicability of SR letter 12–17,<sup>11</sup> “Consolidated Supervision Framework for Large Financial Institutions” to supervised insurance organizations.

Supervisory guidance issued by the Board often provides examples of practices that the Board generally considers consistent with safety-and-soundness standards. Most guidance issued by the Board provides examples specific to banking operations. The final guidance communicates that other practices used by supervised insurance organizations for their other business lines, including for insurance operations, may be different without being considered unsafe or unsound. When making an assessment of whether a different practice is unsafe or unsound, Federal Reserve examiners will work with supervised insurance organizations and their functional regulators, including state insurance regulators. The final guidance clarifies that it supersedes SR letter 12–17 for supervised insurance organizations.

One commenter also requested the Board provide additional clarity on supervisory expectations by continually updating the list of applicable guidance found in SR letter 14–9,<sup>12</sup> “Incorporation of Federal Reserve Policies into the Savings and Loan Holding Company Supervision Program.” SR letter 14–9 was issued after supervisory authority for savings and loan holding companies was transferred from the Office of Thrift Supervision to the Board in order to clarify the applicability of guidance issued before the transfer. Guidance issued since the transfer has expressly stated its applicability to savings and loan holding companies, and this practice will continue. Accordingly, the Board does not intend to continually update SR letter 14–9 in this way.

<sup>10</sup> See SR letter 13–21, “Inspection Frequency and Scope Requirements for Bank Holding Companies and Savings and Loan Holding Companies with Total Consolidated Assets of \$10 Billion or Less.”

<sup>11</sup> See SR letter 12–17, “Consolidated Supervision Framework for Large Financial Institutions.”

<sup>12</sup> See SR letter 14–9, “Incorporation of Federal Reserve Policies into the Savings and Loan Holding Company Supervision Program.”



### B. Supervisory Ratings

Under the proposal, supervised insurance organizations would have been assigned supervisory ratings in each of three components: Capital Management, Liquidity Management, and Governance and Controls. The ratings would have been Broadly Meets Expectations, Conditionally Meets Expectations, Deficient-1, and Deficient-2. The definitions for the ratings would have been designed for supervised insurance organizations with particular emphasis on the obligation that the firms operate in a safe and sound manner and serve as a source of financial and managerial strength for their depository institution(s). Under the proposal, examples would have been included in the definitions for the Deficient-1 and Deficient-2 ratings for the Governance and Controls component that included being subject to informal or formal enforcement action by the Federal Reserve or another regulator. Commenters indicated that state insurance and other regulators may have different thresholds for enforcement actions and that the materiality of enforcement actions should be of more importance than the existence of an enforcement action. The final guidance qualifies the example provided by referring to enforcement actions tied to violations of laws and regulations that indicate severe deficiencies in the firm's governance and controls.

### C. Incorporating the Work of Other Supervisors

Consistent with statutory requirements, under the proposal, Federal Reserve examiners would have relied to the fullest extent possible on the work performed by the firm's functional regulators, including state insurance regulators. This would have included coordinating with state insurance regulators before commencing certain supervisory activities, meeting periodically with state insurance regulators, and reviewing specific reports required of supervised insurance organizations from state insurance regulators. Commenters requested additional clarity regarding how Federal Reserve examiners would rely on the work of functional regulators and offered specific recommendations on ways to improve this reliance to avoid supervisory duplication. In response to these comments, the final guidance includes additional references to the importance of incorporating the work of other supervisors in the sections on proportionality and ratings. The final guidance also incorporates several of the

suggested changes, including additional reports from the state insurance regulators that should be reviewed by Federal Reserve examiners.

### D. Additional Comments

#### Regulatory Reporting

Under the proposal, there would have been no changes to regulatory reporting required by the Federal Reserve from supervised insurance organizations. Given the extensive subsidiary reporting required by state insurance regulators and to avoid duplication, commenters requested that supervised insurance organizations not be required to report on the FR Y-6 or submit FR Y-10, FR Y-11, or FR 2314 reports for passive real estate and other investments held by insurance underwriting companies. The proposal did not contemplate any changes to regulatory reporting requirements, and the Board is not making any such changes at this time. The Board will, however, consider incorporating these suggestions in future revisions of these reporting forms.

#### Adjustments To Accommodate Different Charter Types

Under the proposal, the framework would have included references to regulations applicable only to certain depository institution holding company charter types (savings and loan holding companies). The guidance is designed to apply to all organizations supervised by the Federal Reserve that meet the definition of a supervised insurance organization. Text included in the proposal applicable only to savings and loan holding companies has been removed from the final guidance.

## V. Regulatory Analysis

### A. Paperwork Reduction Act

There is no collection of information required by this notice that would be subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* *This Appendix A will not publish in the CFR.*

### Appendix A—Text of Insurance Supervisory Framework

#### Framework for the Supervision of Insurance Organizations

This framework describes the Federal Reserve's approach to consolidated supervision of supervised insurance organizations.<sup>1</sup> The framework is designed

<sup>1</sup> In this framework, a "supervised insurance organization" is a depository institution holding company that is an insurance underwriting company, or that has over 25 percent of its consolidated assets held by insurance underwriting subsidiaries, or has been otherwise designated as a

specifically to account for the unique risks and business profiles of these firms resulting mainly from their insurance business. The framework consists of a risk-based approach to establishing supervisory expectations, assigning supervisory resources, and conducting supervisory activities; a supervisory rating system; and a description of how Federal Reserve examiners work with the state insurance regulators to limit supervisory duplication.

### A. Proportionality—Supervisory Activities and Expectations

Consistent with the Federal Reserve's approach to risk-based supervision, supervisory guidance is applied, and supervisory activities are conducted, in a manner that is proportionate to each firm's individual risk profile. This begins by classifying each supervised insurance organization either as complex or noncomplex based on its risk profile and continues with a risk-based application of supervisory guidance and supervisory activities driven by a periodic risk assessment. The risk assessment drives planned supervisory activities and is communicated to the firm along with the supervisory plan for the upcoming cycle. Supervisory activities are focused on resolving supervisory knowledge gaps, monitoring the safety and soundness of the firm, assessing the firm's management of risks that could potentially impact its ability to act as a source of managerial and financial strength for its depository institution(s), and monitoring for potential systemic risk, if relevant.

### A. Complexity Classification and Supervised Activities

The Federal Reserve classifies each supervised insurance organization as either complex or noncomplex based on its risk profile. The classification serves as the basis for determining the level of supervisory resources dedicated to each firm, as well as the frequency and intensity of supervisory activities.

#### Complex

Complex firms have a higher level of risk and therefore require more supervisory attention and resources. Federal Reserve dedicated supervisory teams are assigned to execute approved supervisory plans led by a dedicated Central Point of Contact. The activities listed in the supervisory plans focus on understanding any risks that could threaten the safety and soundness of the consolidated organization or a firm's ability to act as a source of strength for its subsidiary depository institution(s). These activities typically include continuous monitoring, targeted topical examinations, coordinated reviews, and an annual roll-up assessment resulting in ratings for the three rating components. The relevance of certain supervisory guidance may vary among complex firms based on each firm's risk profile. Supervisory guidance targeted at smaller depository institution holding companies, for example, may be more

supervised insurance organization by Federal Reserve staff.

relevant for complex supervised insurance organizations with limited inherent exposure to a certain risk.

#### Noncomplex

Noncomplex firms, due to their lower risk profile, require less supervisory oversight relative to complex firms. The supervisory activities for these firms occur primarily during a rating examination that occurs no less often than every other year and results in the three component ratings. The supervision of noncomplex firms relies more heavily on the reports and assessments of a firm's other relevant supervisors, although these firms may also be subject to continuous monitoring, targeted topical examinations, and coordinated reviews as appropriate. The focus and types of supervisory activities for noncomplex firms are also set based on the risks of each firm.

Factors considered when classifying a supervised insurance organization as either complex or noncomplex include the absolute and relative size of its depository institution(s), its current supervisory and regulatory oversight (ratings and opinions of its supervisors, and the nature and extent of any unregulated and/or unsupervised activities), the breadth and nature of product and portfolio risks, the nature of its organizational structure, its quality and level of capital and liquidity, the materiality of any international exposure, and its interconnectedness with the broader financial system.

For supervised insurance organizations that are commencing Federal Reserve supervision, the classification as complex or noncomplex is done and communicated during the application phase after initial discussions with the firm. The firm's risk profile, including the characteristics listed above, are evaluated by staff of the Board and relevant Reserve Bank before the complexity classification is assigned by Board staff. Large, well-established, and financially strong supervised insurance organizations with relatively small depository institutions can be classified as noncomplex if, in the opinion of Board staff, the corresponding level of supervisory oversight is sufficient to accomplish its objectives. Although the risk profile is the primary basis for assigning a classification, a firm is automatically classified as complex if its depository institution's average assets exceed \$100 billion. A firm may request that the Federal Reserve review its complexity classification if it has experienced a significant change to its risk profile.

The focus, frequency, and intensity of supervisory activities are based on a risk assessment of the firm completed periodically by the supervisory team and will vary among firms within the same complexity classification. For each risk described in the Supervisory Expectations section below, the supervisory team assesses the firm's inherent risks and its residual risk after considering the effectiveness of its management of the risk. The risk assessment and the supervisory activities that follow from it take into account the assessments made by and work performed by the firm's other regulators. In certain instances, Federal Reserve examiners may be able to rely on a

firm's internal audit (if it is rated effective) or internal control functions in developing the risk assessment.

#### B. Supervisory Expectations

Supervised insurance organizations are required to operate in a safe and sound manner, to comply with all applicable laws and regulations, and to possess sufficient financial and operational strength to serve as a source of strength for their depository institution(s) through a range of stressful yet plausible conditions. The governance and risk management practices necessary to accomplish these objectives will vary based on a firm's specific risk profile, size, and complexity. Guidance describing supervisory expectations for safe and sound practices can be found in Supervision & Regulation (SR) letters published by the Board and other supervisory material. Supervisory guidance most relevant to a specific supervised insurance organization is driven by the risk profile of the firm. Federal Reserve examiners periodically reassess the firm's risk profile and inform the firm if different supervisory guidance becomes more relevant as a result of a material change to its risk profile.

Most supervisory guidance issued by the Board is intended specifically for institutions that are primarily engaged in banking activities. Examples of specific practices provided in these materials may differ from (or not be applicable to) the nonbanking operations of supervised insurance organizations, including for insurance operations. The Board recognizes that practices in nonbanking business lines can be different than those published in supervisory guidance without being considered unsafe or unsound. When making their assessment, Federal Reserve examiners work with supervised insurance organizations and other involved regulators, including state insurance regulators, to appropriately assess practices that may be different than those typically observed for banking operations.

This section describes general safety and soundness expectations and how the Board has adapted its supervisory expectations to reflect the special characteristics of a supervised insurance organization. The section is organized using the three rating components—Governance and Controls, Capital Management, and Liquidity Management.

#### Governance and Controls

The Governance and Controls component rating is derived from an assessment of the effectiveness of a firm's (1) board and senior management, and (2) independent risk management and controls. All firms are expected to align their strategic business objectives with their risk appetite and risk management capabilities; maintain effective and independent risk management and control functions including internal audit; promote compliance with laws and regulations; and remain a source of financial and managerial strength for their depository institution(s). When assessing governance and controls, Federal Reserve examiners consider a firm's risk management capabilities relative to its risk exposure within the following areas: internal audit, credit risk, legal and compliance risk, market

risk, model risk, and operational risk, including cybersecurity/information technology and third-party risk.

#### *Governance & Controls expectations:*

- Despite differences in their business models and the products offered, insurance companies and banks are expected to have effective and sustainable systems of governance and controls to manage their respective risks. The governance and controls framework for a supervised insurance organization should:

- Clearly define roles and responsibilities throughout the organization;
- Include policies and procedures, limits, requirements for documenting decisions, and decision-making and accountability chains of command; and
- Provide timely information about risk and corrective action for non-compliance or weak oversight, controls, and management.

- The Board expects the sophistication of the governance and controls framework to be commensurate with the size, complexity, and risk profile of the firm. As such, governance and controls expectations for complex firms will be higher than that for noncomplex firms but will also vary based on each firm's risk profile.

- The Board expects supervised insurance organizations to have a risk management and control framework that is commensurate with its structure, risk profile, complexity, activities, and size. For any chosen structure, the firm's board is expected to have the capacity, expertise, and sufficient information to discharge risk oversight and governance responsibilities in a safe and sound manner.

*In assigning a rating for the Governance and Controls component, Federal Reserve examiners evaluate:*

#### *Board and Senior Management Effectiveness*

- The firm's board is expected to exhibit certain attributes consistent with effectiveness, including: (i) setting a clear, aligned, and consistent direction regarding the firm's strategy and risk appetite; (ii) directing senior management regarding board reporting; (iii) overseeing and holding senior management accountable; (iv) supporting the independence and stature of independent risk management and internal audit; and (v) maintaining a capable board and an effective governance structure. As the consolidated supervisor, the Board focuses on the board of the supervised insurance organization and its committees. Complex firms are expected to take into consideration the Board's guidance on board of directors' effectiveness.<sup>2</sup> In assessing the effectiveness of a firm's senior management, Federal Reserve examiners consider the extent to which senior management effectively and prudently manages the day-to-day operations of the firm and provides for ongoing resiliency; implements the firm's strategy and risk appetite; identifies and manages risks; maintains an effective risk management framework and system of internal controls; and promotes prudent risk taking behaviors and business practices, including compliance

<sup>2</sup> See SR letter 21-3, "Supervisory Guidance on Board of Directors' Effectiveness."

with laws and regulations such as those related to consumer protection and the Bank Secrecy Act/Anti-Money Laundering and Office of Foreign Assets Control (BSA/AML and OFAC). Federal Reserve examiners evaluate how the framework allows management to be responsible for and manage all risk types, including emerging risks, within the business lines. Examiners rely to the fullest extent possible on insurance and banking supervisors' examination reports and information concerning risk and management in specific lines of business, including relying specifically on state insurance regulators to evaluate and assess how firms manage the pricing, underwriting, and reserving risk of their insurance operations.

#### *Independent Risk Management and Controls*

- In assessing a firm's independent risk management and controls, Federal Reserve examiners consider the extent to which independent risk management effectively evaluates whether the firm's risk appetite framework identifies and measures all of the firm's material risks; establishes appropriate risk limits; and aggregates, assesses and reports on the firm's risk profile and positions. Additionally, the firm is expected to demonstrate that its internal controls are appropriate and tested for effectiveness and sustainability.

- *Internal Audit* is an integral part of a supervised insurance organization's internal control system and risk management structure. An effective internal audit function plays an essential role by providing an independent risk assessment and objective evaluation of all key governance, risk management, and internal control processes. Internal audit is expected to effectively and independently assess the firm's risk management framework and internal control systems, and report findings to senior management and to the firm's audit committee. Despite differences in business models, the Board expects the largest, most complex supervised insurance organizations to have internal audit practices in place that are similar to those at banking organizations and as such, no modification to existing guidance is required for these firms.<sup>3</sup> At the same time, the Board recognizes that firms should have an internal audit function that is appropriate to their size, nature, and scope of activities. Therefore, for noncomplex firms, Federal Reserve examiners will consider the expectations in the insurance company's domicile state's Annual Financial Reporting Regulation (NAIC Model Audit Rule 205), or similar state regulation, to assess the effectiveness of a firm's internal audit function.

The principles of sound risk management described in the previous sections apply to the entire spectrum of risk management activities of a supervised insurance organization, including but not limited to:

- *Credit risk* arises from the possibility that a borrower or counterparty will fail to perform on an obligation. Fixed income securities, by far the largest asset class held by many insurance companies, is a large source of credit risk. This is unlike most banking organizations, where loans generally make up the largest portion of balance sheet assets. Life insurer investment portfolios in particular are generally characterized by longer duration holdings compared to those of banking organizations. Additionally, an insurance company's reinsurance recoverables/receivables arising from the use of third-party reinsurance and participation in regulatory required risk-pooling arrangements expose the firm to additional counterparty credit risk. Federal Reserve examiners scope examination work based on a firm's level of inherent credit risk. The level of inherent risk is determined by analyzing the composition, concentration, and quality of the consolidated investment portfolio; the level of a firm's reinsurance recoverables, the credit quality of the individual reinsurers, and the amount of collateral held for reinsured risks; and credit exposures associated with derivatives, securities lending, or other activities that may also have off-balance sheet counterparty credit exposures. In determining the effectiveness of a firm's management of its credit risk, Federal Reserve examiners rely, where possible, on the assessments made by other relevant supervisors for the depository institution(s) and the insurance company(ies). In its own assessment, the Federal Reserve will determine whether the board and senior management have established an appropriate credit risk governance framework consistent with the firm's risk appetite; whether policies, procedures and limits are adequate and provide for ongoing monitoring, reporting and control of credit risk; the adequacy of management information systems as it relates to credit risk; and the sufficiency of internal audit and independent review coverage of credit risk exposure.

- *Market risk* arises from exposures to losses as a result of underlying changes in, for example, interest rates, equity prices, foreign exchange rates, commodity prices, or real estate prices. Federal Reserve examiners scope examination work based on a firm's level of inherent market risk exposure, which is normally driven by the primary business line(s) in which the firm is engaged as well as the structure of the investment portfolio. A firm may be exposed to inherent market risk due to its investment portfolio or as result of its product offerings, including variable and indexed life insurance and annuity products, or asset/wealth management business. While interest rate risk (IRR), a category of market risk, differs between insurance companies and banking organizations, the degree of IRR also differs based on the type of insurance products the firm offers. IRR is generally a small risk for U.S. property/casualty (P/C) whereas it can be a significant risk factor for life insurers with certain life and annuity products that are spread-based, longer in duration, may include embedded product guarantees, and can pose disintermediation risk. Equity

market risk can be significant for life insurers that issue guarantees tied to equity markets, like variable annuity living benefits, and for P/C insurers with large common equity allocations in their investment portfolios. Generally foreign exchange and commodity risk is low for supervised insurance organizations but could be material for some complex firms. Firms are expected to have sound risk management infrastructure that adequately identifies, measures, monitors, and controls any material or significant forms of market risks to which it is exposed.

- *Model risk* is the potential for adverse consequences from decisions based on incorrect or misused model outputs and reports. Model risk can lead to financial loss, poor business and strategic decision-making, or damage to a firm's reputation. Supervised insurance organizations are often heavily reliant on models for product pricing and reserving, risk and capital management, strategic planning and other decision-making purposes. A sound model risk management framework helps manage this risk.<sup>4</sup> Federal Reserve examiners take into account the firm's size, nature, and complexity, as well as the extent of use and sophistication of its models when assessing its model risk management program. Examiners focus on the governance framework, policies and controls, and enterprise model risk management through a holistic evaluation of the firm's practices. The Federal Reserve's review of a firm's model risk management program complements the work of the firm's other relevant supervisors. A sound model risk management framework includes three main elements: (1) an accurate model inventory and an appropriate approach to model development, implementation, and use; (2) effective model validation and continuous model performance monitoring; and (3) a strong governance framework that provides explicit support and structure for model risk management through policies defining relevant activities, procedures that implement those policies, allocation of resources, and mechanisms for evaluating whether policies and procedures are being carried out as specified, including internal audit review. The Federal Reserve relies on work already conducted by other relevant supervisors and appropriately collaborates with state insurance regulators on their findings related to insurance models. With respect to insurance models, the Federal Reserve recognizes the important role played by actuaries as described in actuarial standards of practice on model risk management. With respect to the business of insurance, Federal Reserve examiners focus on the firm's adherence to its own policies and procedures and the comprehensiveness of model validation rather than technical specifications such as the appropriateness of the model, its assumptions, or output. Federal Reserve examiners may request that firms provide model documentation or model validation reports for insurance and bank models when performing transaction testing.

- *Legal risk* arises from the potential that unenforceable contracts, lawsuits, or adverse

<sup>3</sup> Regulatory guidance provided in SR letter 03-5, "Amended Interagency Guidance on the Internal Audit Function and its Outsourcing" and SR letter 13-1, "Supplemental Policy Statement on the Internal Audit Function and Its Outsourcing" are applicable to complex supervised insurance organizations.

<sup>4</sup> SR letter 11-7, "Guidance on Model Risk Management" is applicable to all supervised insurance organizations.

judgments can disrupt or otherwise negatively affect the operations or financial condition of a supervised insurance organization.

- *Compliance risk* is the risk of regulatory sanctions, fines, penalties, or losses resulting from failure to comply with laws, rules, regulations, or other supervisory requirements applicable to a firm. By offering multiple financial service products that may include insurance, annuity, banking, services provided by securities broker-dealers, and asset and wealth management products, provided through a diverse distribution network, supervised insurance organizations are inherently exposed to a significant amount of legal and compliance risk. As the consolidated supervisor, the Board expects firms to have an enterprise-wide legal and compliance risk management program that covers all business lines, legal entities, and jurisdictions of operation. Firms are expected to have compliance risk management governance, oversight, monitoring, testing, and reporting commensurate with their size and complexity, and to ensure compliance with all applicable laws and regulations. The principles-based guidance in existing SR letters related to legal and compliance risk is applicable to supervised insurance organizations.<sup>5</sup> For both complex and noncomplex firms, Federal Reserve examiners rely on the work of the firm's other supervisors. As described in section C, Incorporating the Work of Other Supervisors, the assessments, examination results, ratings, supervisory issues, and enforcement actions from other supervisors will be incorporated into a consolidated assessment of the enterprise-wide legal and compliance risk management framework.

- *Money laundering, terrorist financing and other illicit financial activity risk* is the risk of providing criminals access to the legitimate financial system and thereby being used to facilitate financial crime. This financial crime includes laundering criminal proceeds, financing terrorism, and conducting other illegal activities. Money laundering and terrorist financing risk is associated with a financial institution's products, services, customers, and geographic locations. This and other illicit financial activity risks can impact a firm across business lines, legal entities, and jurisdictions. A reasonably designed compliance program generally includes a structure and oversight that mitigates these risks and supports regulatory compliance with both BSA/AML OFAC requirements. Although OFAC regulations are not part of the BSA, OFAC compliance programs are frequently assessed in conjunction with BSA/AML. Supervised insurance organizations are not defined as financial institutions under the BSA and, therefore, are not required to

<sup>5</sup> SR letter 08–8, “Compliance Risk Management Programs and Oversight at Large Banking Organizations with Complex Compliance Profiles” is applicable to complex supervised insurance organizations. For noncomplex firms, the Federal Reserve will assess legal and compliance risk management based on the guidance in SR letter 16–11, “Supervisory Guidance for Assessing Risk Management at Supervised Institutions with Total Consolidated Assets Less than \$100 Billion.”

have an AML program, unless the firm is directly selling certain insurance products. However, certain subsidiaries and affiliates of supervised insurance organizations, such as insurance companies and banks, are defined as financial institutions under 31 U.S.C. 5312(a)(2) and must develop and implement a written BSA/AML compliance program as well as comply with other BSA regulatory requirements. Unlike banks, insurance companies' BSA/AML obligations are limited to certain products, referred to as covered insurance products.<sup>6</sup> The volume of covered products, which the Financial Crimes Enforcement Network (FinCEN) has determined to be of higher risk, is an important driver of supervisory focus. In addition, as U.S. persons, all supervised insurance organizations (including their subsidiaries and affiliates) are subject to OFAC regulations. Federal Reserve examiners assess all material risks that each firm faces, extending to whether business activities across the consolidated organization, including within its individual subsidiaries or affiliates, comply with the legal requirements of BSA and OFAC regulations. In keeping with the principles of a risk-based framework and proportionality, Federal Reserve supervision for BSA/AML and OFAC primarily focuses on oversight of compliance programs at a consolidated level and relies on work by other relevant supervisors to the fullest extent possible. In the evaluation of a firm's risks and BSA/AML and OFAC compliance program, however, it may be necessary for examiners to review compliance with BSA/AML and OFAC requirements at individual subsidiaries or affiliates in order to fully assess the material risks of the supervised insurance organization.

- *Operational risk* is the risk of loss resulting from inadequate or failed internal processes, people, and systems, or from external events. Operational resilience is the ability to maintain operations, including critical operations and core business lines, through a disruption from any hazard. It is the outcome of effective operational risk management combined with sufficient financial and operational resources to prepare, adapt, withstand, and recover from disruptions. A firm that operates in a safe and sound manner is able to identify threats, respond and adapt to incidents, and recover and learn from such threats and incidents so that it can prioritize and maintain critical operations and core business lines, along with other operations, services and functions identified by the firm, through a disruption.

<sup>6</sup> “Covered products” means: a permanent life insurance policy, other than a group life insurance policy; an annuity contract, other than a group annuity contract; or any other insurance product with features of cash value or investment. 31 CFR 1025.100(b). “Permanent life insurance policy” means an agreement that contains a cash value or investment element and that obligates the insurer to indemnify or to confer a benefit upon the insured or beneficiary to the agreement contingent upon the death of the insured. 31 CFR 1025.100(h). “Annuity contract” means any agreement between the insurer and the contract owner whereby the insurer promises to pay out a fixed or variable income stream for a period of time. 31 CFR 1025.100(a).

- *Cybersecurity/information technology risks* are a subset of operational risk and arise from operations of a firm requiring a strong and robust internal control system and risk management oversight structure. Information Technology (IT) and Cybersecurity (Cyber) functions are especially critical to a firm's operations. Examiners of financial institutions, including supervised insurance organizations, utilize the detailed guidance on mitigating these risks in the Federal Financial Institutions Examination Council's (FFIEC) IT Handbooks. In assessing IT/Cyber risks, Federal Reserve examiners assess each firm's:

- Board and senior management for effective oversight and support of IT management;
- Information/cyber security program for strong board and senior management support, integration of security activities and controls through business processes, and establishment of clear accountability for security responsibilities;
- IT operations for sufficient personnel, system capacity and availability, and storage capacity adequacy to achieve strategic objectives and appropriate solutions;
- Development and acquisition processes' ability to identify, acquire, develop, install, and maintain effective IT to support business operations; and
- Appropriate business continuity management processes to effectively oversee and implement resilience, continuity, and response capabilities to safeguard employees, customers, assets, products, and services.

Complex and noncomplex firms are assessed in these areas. All supervised insurance organizations are required to notify the Federal Reserve of any computer-security notification incidents.<sup>7</sup>

- *Third party risk* is also a subset of operational risk and arises from a firm's use of service providers to perform operational or service functions. These risks may be inherent to the outsourced activity or be introduced with the involvement of the service provider. When assessing effective third party risk management, Federal Reserve examiners evaluate eight areas: (1) third party risk management governance, (2) risk assessment framework, (3) due diligence in the selection of a service provider, (4) a review of any incentive compensation embedded in a service provider contract, (5) management of any contract or legal issues arising from third party agreements, (6) ongoing monitoring and reporting of third parties, (7) business continuity and contingency of the third party for any service disruptions, and (8) effective internal audit program to assess the risk and controls of the firm's third party risk management program.<sup>8</sup>

#### Capital Management

The Capital Management rating is derived from an assessment of a firm's current and stressed level of capitalization, and the

<sup>7</sup> SR letter 22–4, “Contact Information in Relation to Computer-Security Incident Notification Requirements” applies to all supervised insurance organizations.

<sup>8</sup> SR letter 13–19, “Guidance on Managing Outsourcing Risk” applies to all supervised insurance organizations.

quality of its capital planning and internal stress testing. A capital management program should be commensurate with a supervised insurance organization's complexity and risk profile. In assigning this rating, the Federal Reserve examiners evaluate the extent to which a firm maintains sound capital planning practices through effective governance and oversight, effective risk management and controls, maintenance of updated capital policies and contingency plans for addressing potential shortfalls, and incorporation of appropriately stressful conditions into capital planning and projections of capital positions. The extent to which a firm's capital is sufficient to comply with regulatory requirements, to support the firm's ability to meet its obligations, and to enable the firm to remain a source of strength to its depository institution(s) in a range of stressful, but plausible, economic and financial environments is also evaluated.

Insurance company balance sheets are typically quite different from those of most banking organizations. For life insurance companies, investment strategies may focus on cash flow matching to reduce interest rate risk and provide liquidity to support their liabilities, while for traditional banks, deposits (liabilities) are attracted to support investment strategies. Additionally, for insurers, capital provides a buffer for policyholder claims and creditor obligations, helping the firm absorb adverse deviations in expected claims experience, and other drivers of economic loss. The Board recognizes that the capital needs for insurance activities are materially different from those of banking activities and can be different between life and property and casualty insurers. Insurers may also face capital fungibility constraints not faced by banking organizations.

In assessing a supervised insurance organization's capital management, the Federal Reserve relies to the fullest extent possible on information provided by state insurance regulators, including the firm's own risk and solvency assessment (ORSA) and the state insurance regulator's written assessment of the ORSA. An ORSA is an internal process undertaken by an insurance group to assess the adequacy of its risk management and current and prospective capital position under normal and stress scenarios. As part of the ORSA, insurance groups are required to analyze all reasonably foreseeable and relevant material risks that could have an impact on their ability to meet obligations.

The Board expects supervised insurance organizations to have sound governance over their capital planning process. A firm should establish capital goals that are approved by the board of directors, and that reflect the potential impact of legal and/or regulatory restrictions on the transfer of capital between legal entities. In general, senior management should establish the capital planning process, which should be reviewed and approved periodically by the board. The board should require senior management to provide clear, accurate, and timely information on the firm's material risks and exposures to inform board decisions on capital adequacy and actions. The capital planning process should

clearly reflect the difference between the risk profiles and associated capital needs of the insurance and banking businesses.

A firm should have a risk management framework that appropriately identifies, measures, and assesses material risks and provides a strong foundation for capital planning. This framework should be supported by comprehensive policies and procedures, clear and well-established roles and responsibilities, strong internal controls, and effective reporting to senior management and the board. In addition, the risk management framework should be built upon sound management information systems.

As part of capital management, a firm should have a sound internal control framework that helps ensure that all aspects of the capital planning process are functioning as designed and result in an accurate assessment of the firm's capital needs. The internal control framework should be independently evaluated periodically by the firm's internal audit function.

The governance and oversight framework should include an assessment of the principles and guidelines used for capital planning, issuance, and usage, including internal post-stress capital goals and targeted capital levels; guidelines for dividend payments and stock repurchases; strategies for addressing capital shortfalls; and internal governance responsibilities and procedures for the capital policy. The capital policy should reflect the capital needs of the insurance and banking businesses based on their risks, be approved by the firm's board of directors or a designated committee of the board, and be re-evaluated periodically and revised as necessary.

A strong capital management program will incorporate appropriately stressful conditions and events that could adversely affect the firm's capital adequacy and capital planning. As part of its capital plan, a firm should use at least one scenario that stresses the specific vulnerabilities of the firm's activities and associated risks, including those related to the firm's insurance activities and its banking activities.

Supervised insurance organizations should employ estimation approaches to project the impact on capital positions of various types of stressful conditions and events, and that are independently validated. A firm should estimate losses, revenues, expenses, and capital using sound methods that incorporate macroeconomic and other risk drivers. The robustness of a firm's capital stress testing processes should be commensurate with its risk profile.

#### Liquidity Management

The Liquidity Management rating is derived from an assessment of the supervised insurance organization's liquidity position and the quality of its liquidity risk management program. Each firm's liquidity risk management program should be commensurate with its complexity and risk profile.

The Board recognizes that supervised insurance organizations are typically less exposed to traditional liquidity risk than banking organizations. Instead of cash outflows being mainly the result of

discretionary withdrawals, cash outflows for many insurance products only result from the occurrence of an insured event. Insurance products, like annuities, that are potentially exposed to call risk generally have product features (*i.e.*, surrender charges, market value surrenders, tax treatment, etc.) that help mitigate liquidity risk.

Federal Reserve examiners tailor the application of existing supervisory guidance on liquidity risk management to reflect the liquidity characteristics of supervised insurance organizations.<sup>9</sup> For example, guidance on intra-day liquidity management would only be applicable for supervised insurance organizations with material intra-day liquidity risks. Additionally, specific references to liquid assets may be more broadly interpreted to include other asset classes such as certain investment-grade corporate bonds.

The scope of the Federal Reserve's supervisory activities on liquidity risk is influenced by each firm's individual risk profile. Traditional property and casualty insurance products are typically short duration liabilities backed by short-duration, liquid assets. Because of this, they typically present lower liquidity risk than traditional banking activities. However, some non-traditional life insurance and retirement products create liquidity risk through features that allow payments at the request of policyholders without the occurrence of an insured event. Risks of certain other insurance products are often mitigated using derivatives. Any differences between collateral requirements related to hedging and the related liability cash flows can also create liquidity risk. The Board expects firms significantly engaged in these types of insurance activities to have correspondingly more sophisticated liquidity risk management programs.

A strong liquidity risk management program includes cash flow forecasting with appropriate granularity. The firm's suite of quantitative metrics should effectively inform senior management and the board of directors of the firm's liquidity risk profile and identify liquidity events or stresses that could detrimentally affect the firm. The metrics used to measure a firm's liquidity position may vary by type of business.

Federal Reserve examiners rely to the fullest extent possible on each firm's ORSA, which requires all firms to include a discussion of the risk management framework and assessment of material risks, including liquidity risk.

Supervised insurance organizations are expected to perform liquidity stress testing at least annually and more frequently, if necessary, based on their risk profile. The scenarios used should reflect the firm's specific risk profile and include both idiosyncratic and system-wide stress events. Stress testing should inform the firm on the amount of liquid assets necessary to meet net cash outflows over relevant time periods, including at least a one-year time horizon. Firms should hold a liquidity buffer

<sup>9</sup> See SR letter 10-6, "Interagency Policy Statement on Funding and Liquidity Risk Management."

comprised of highly liquid assets to meet stressed net cash outflows. The liquidity buffer should be measured using appropriate haircuts based on asset quality, duration, and expected market illiquidity based on the stress scenario assumptions. Stress testing should reflect the expected impact on collateral requirements. For material life insurance operations, Federal Reserve examiners will rely to the greatest extent possible on information submitted by the firm to comply with the National Association of Insurance Commissioners' (NAIC) liquidity stress test framework.

The fungibility of sources of liquidity is often limited between an insurance group's legal entities. Large insurance groups can operate with a significant number of legal entities and many different regulatory and operational barriers to transferring funds among them. Regulations designed to protect policyholders of insurance operating companies can limit the transferability of funds from an insurance company to other legal entities within the group, including to other insurance operating companies. Supervised insurance organizations should carefully consider these limitations in their stress testing and liquidity risk management framework. Effective liquidity stress testing should include stress testing at the legal entity level with consideration for intercompany liquidity fungibility. Furthermore, the firm should be able to measure and provide an assessment of liquidity at the top-tier depository institution holding company in a manner that incorporates fungibility constraints.

The enterprise-wide governance and oversight framework should be consistent with the firm's liquidity risk profile and include policies and procedures on liquidity risk management. The firm's policies and procedures should describe its liquidity risk reporting, stress testing, and contingency funding plan.

#### B. Supervisory Ratings

Supervised insurance organizations are expected to operate in a safe and sound manner, to comply with all applicable laws and regulations, and to possess sufficient financial and operational strength to serve as a source of strength for their depository institution(s) through a range of stressful yet plausible conditions. Supervisory ratings and supervisory findings are used to communicate the assessment of a firm. Federal Reserve examiners periodically assign one of four ratings to each of the three rating components used to assess supervised insurance organizations. The rating components are Capital Management, Liquidity Management, and Governance & Controls. The four potential ratings are Broadly Meets Expectations, Conditionally Meets Expectations, Deficient-1, and Deficient-2. To be considered "well managed," a firm must receive a rating of Conditionally Meets Expectations or better in each of the three rating components. Each rating is defined specifically for supervised insurance organizations with particular emphasis on the obligation that firms serve as a source of financial and managerial strength for their depository institution(s).

High-level definitions for each rating are below, followed by more specific rating definitions for each component.

**Broadly Meets Expectations.** The supervised insurance organization's practices and capabilities broadly meet supervisory expectations. The holding company effectively serves as a source of managerial and financial strength for its depository institution(s) and possesses sufficient financial and operational strength and resilience to maintain safe-and-sound operations through a range of stressful yet plausible conditions. The firm may have outstanding supervisory issues requiring corrective actions, but these are unlikely to present a threat to its ability to maintain safe-and-sound operations and unlikely to negatively impact its ability to fulfill its obligation to serve as a source of strength for its depository institution(s). These issues are also expected to be corrected on a timely basis during the normal course of business.

**Conditionally Meets Expectations.** The supervised insurance organization's practices and capabilities are generally considered sound. However, certain supervisory issues are sufficiently material that if not resolved in a timely manner during the normal course of business, may put the firm's prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at risk. A firm with a Conditionally Meets Expectations rating has the ability, resources, and management capacity to resolve its issues and has developed a sound plan to address the issue(s) in a timely manner. Examiners will work with the firm to develop an appropriate timeframe during which it will be required to resolve that supervisory issue(s) leading to this rating.

**Deficient-1.** Financial or operational deficiencies in a supervised insurance organization's practices or capabilities put its prospects for remaining safe and sound, and/or the holding company's ability to serve as a source of managerial and financial strength for its depository institution(s), at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require it to make material changes to its business model or financial profile, or its practices or capabilities. A firm with a Deficient-1 rating is required to take timely action to correct financial or operational deficiencies and to restore and maintain its safety and soundness and compliance with laws and regulations. Supervisory issues that place the firm's safety and soundness at significant risk, and where resolution is likely to require steps that clearly go beyond the normal course of business—such as issues requiring a material change to the firm's business model or financial profile, or its governance, risk management or internal control structures or practices—would generally warrant assignment of a Deficient-1 rating. There is a strong presumption that a firm with a Deficient-1 rating will be subject to an enforcement action.

**Deficient-2.** Financial or operational deficiencies in a supervised insurance organization's practices or capabilities

present a threat to its safety and soundness, have already put it in an unsafe and unsound condition, and/or make it unlikely that the holding company will be able to serve as a source of financial and managerial strength to its depository institution(s). A firm with a Deficient-2 rating is required to immediately implement comprehensive corrective measures and demonstrate the sufficiency of contingency planning in the event of further deterioration. There is a strong presumption that a firm with a Deficient-2 rating will be subject to a formal enforcement action.

#### *Definitions for the Governance and Controls Component Rating:*

**Broadly Meets Expectations.** Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's governance and controls broadly meet supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial and managerial strength for its depository institutions(s). Specifically, the firm's practices and capabilities are sufficient to align strategic business objectives with its risk appetite and risk management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations; and otherwise provide for the firm's ongoing financial and operational resiliency through a range of conditions. The firm's governance and controls clearly reflect the holding company's obligation to act as a source of financial and managerial strength for its depository institution(s).

**Conditionally Meets Expectations.** Certain material financial or operational weaknesses in a supervised insurance organization's governance and controls practices may place the firm's prospects for remaining safe and sound through a range of conditions at risk if not resolved in a timely manner during the normal course of business. Specifically, if left unresolved, these weaknesses may threaten the firm's ability to align strategic business objectives with its risk appetite and risk-management capabilities; maintain effective and independent risk management and control functions, including internal audit; promote compliance with laws and regulations; or otherwise provide for the firm's ongoing resiliency through a range of conditions. Supervisory issues may exist related to the firm's internal audit function, but internal audit is still regarded as effective.

**Deficient-1.** Deficiencies in a supervised insurance organization's governance and controls put its prospects for remaining safe and sound through a range of conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its governance, risk management or internal control structures or practices.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- The firm may be currently subject to, or expected to be subject to, informal or formal

enforcement action(s) by the Federal Reserve or another regulator tied to violations of laws and regulations that indicate severe deficiencies in the firm's governance and controls.

- Significant legal issues may have or be expected to impede the holding company's ability to act as a source of financial strength for its depository institution(s).

- The firm may have engaged in intentional misconduct.

- Deficiencies within the firm's governance and controls may limit the credibility of the firm's financial results, limit the board or senior management's ability to make sound decisions, or materially increase the firm's risk of litigation.

- The firm's internal audit function may be considered ineffective.

- Deficiencies in the firm's governance and controls may have limited the holding company's ability to act as a source of financial and/or managerial strength for its depository institution(s).

*Deficient-2.* Financial or operational deficiencies in a supervised insurance organization's governance and controls present a threat to its safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- The firm is currently subject to, or expected to be subject to, formal enforcement action(s) by the Federal Reserve or another regulator tied to violations of laws and regulations that indicate severe deficiencies in the firm's governance and controls.

- Significant legal issues may be impeding the holding company's ability to act as a source of financial strength for its depository institution(s).

- The firm may have engaged in intentional misconduct.

- The holding company may have failed to act as a source of financial and/or managerial strength for its depository institution(s) when needed.

- The firm's internal audit function is regarded as ineffective.

*Definitions for the Capital Management Component Rating:*

*Broadly Meets Expectations.* Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's capital management broadly meets supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial strength for its depository institution(s). Specifically:

- The firm's current and projected capital positions on a consolidated basis and within each of its material business lines/legal entities comply with regulatory requirements and support its ability to absorb potential losses, meet obligations, and continue to serve as a source of financial strength for its depository institution(s);

- Capital management processes are sufficient to give credibility to stress testing results and the firm is capable of producing sound assessments of capital adequacy

through a range of stressful yet plausible conditions; and

- Potential capital fungibility issues are effectively mitigated, and capital contingency plans allow the holding company to continue to act as a source of financial strength for its depository institution(s) through a range of stressful yet plausible conditions.

*Conditionally Meets Expectations.* Capital adequacy meets regulatory minimums, both currently and on a prospective basis. Supervisory issues exist but these do not threaten the holding company's ability to act as a source of financial strength for its depository institution(s) through a range of stressful yet plausible conditions. Specifically, if left unresolved, these issues:

- May threaten the firm's ability to produce sound assessments of capital adequacy through a range of stressful yet plausible conditions; and/or

- May result in the firm's projected capital positions being insufficient to absorb potential losses, comply with regulatory requirements, and support the holding company's ability to meet current and prospective obligations and continue to serve as a source of financial strength to its depository institution(s).

*Deficient-1.* Financial or operational deficiencies in a supervised insurance organization's capital management put its prospects for remaining safe and sound through a range of plausible conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its capital management processes.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- Capital adequacy currently meets regulatory minimums although there may be uncertainty regarding the firm's ability to continue meeting regulatory minimums.

- Fungibility concerns may exist that could challenge the firm's ability to contribute capital to its depository institutions under certain stressful yet plausible scenarios.

- Supervisory issues may exist that undermine the credibility of the firm's current capital adequacy and/or its stress testing results.

*Deficient-2.* Financial or operational deficiencies in a supervised insurance organization's capital management present a threat to the firm's safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- Capital adequacy may currently fail to meet regulatory minimums or there is significant concern that the firm will not meet capital adequacy minimums prospectively.

- Supervisory issues may exist that significantly undermine the firm's capital adequacy metrics either currently or prospectively.

- Significant fungibility constraints may exist that would prevent the holding company from contributing capital to its depository institution(s) and fulfilling its obligation to serve as a source of financial strength.

- The holding company may have failed to act as source of financial strength for its depository institution when needed.

*Definitions for the Liquidity Management Component Rating:*

*Broadly Meets Expectations.* Despite the potential existence of outstanding supervisory issues, the supervised insurance organization's liquidity management broadly meets supervisory expectations, supports maintenance of safe-and-sound operations, and supports the holding company's ability to serve as a source of financial strength for its depository institution(s). The firm generates sufficient liquidity to meet its short-term and long-term obligations currently and under a range of stressful yet plausible conditions. The firm's liquidity management processes, including its liquidity contingency planning, support its obligation to act as a source of financial strength for its depository institution(s). Specifically:

- The firm is capable of producing sound assessments of liquidity adequacy through a range of stressful yet plausible conditions; and

- The firm's current and projected liquidity positions on a consolidated basis and within each of its material business lines/legal entities comply with regulatory requirements and support the holding company's ability to meet obligations and to continue to serve as a source of financial strength for its depository institution(s).

*Conditionally Meets Expectations.* Certain material financial or operational weaknesses in a supervised insurance organization's liquidity management place its prospects for remaining safe and sound through a range of stressful yet plausible conditions at risk if not resolved in a timely manner during the normal course of business.

Specifically, if left unresolved, these weaknesses:

- May threaten the firm's ability to produce sound assessments of liquidity adequacy through a range of conditions; and/or

- May result in the firm's projected liquidity positions being insufficient to comply with regulatory requirements and support the firm's ability to meet current and prospective obligations and to continue to serve as a source of financial strength to its depository institution(s).

*Deficient-1.* Financial or operational deficiencies in a supervised insurance organization's liquidity management put the firm's prospects for remaining safe and sound through a range of stressful yet plausible conditions at significant risk. The firm is unable to remediate these deficiencies in the normal course of business, and remediation would typically require a material change to the firm's business model or financial profile, or its liquidity management processes.

Examples of issues that may result in a Deficient-1 rating include, but are not limited to:

- The firm is currently able to meet its obligations but there may be uncertainty regarding the firm's ability to do so prospectively.

- The holding company's liquidity contingency plan may be insufficient to support its obligation to act as a source of financial strength for its depository institution(s).

- Supervisory issues may exist that undermine the credibility of the firm's liquidity metrics and stress testing results.

*Deficient-2.* Financial or operational deficiencies in a supervised insurance organization's liquidity management present a threat to its safety and soundness, a threat to the holding company's ability to serve as a source of financial strength for its depository institution(s), or have already put the firm in an unsafe and unsound condition.

Examples of issues that may result in a Deficient-2 rating include, but are not limited to:

- Liquidity shortfalls may exist within the firm that have prevented the firm, or are expected to prevent the firm, from fulfilling its obligations, including the holding company's obligation to act as a source of financial strength for its depository institution(s).

- Liquidity adequacy may currently fail to meet regulatory minimums or there is significant concern that the firm will not meet liquidity adequacy minimums prospectively for at least one of its regulated subsidiaries.

- Supervisory issues may exist that significantly undermine the firm's liquidity metrics either currently or prospectively.

- Significant fungibility constraints may exist that would prevent the holding company from supporting its depository institution(s) and fulfilling its obligation to serve as a source of financial strength.

- The holding company may have failed to act as source of financial strength for its depository institution when needed.

### C. Incorporating the Work of Other Supervisors

Similar to the approach taken by the Federal Reserve in its consolidated supervision of other firms, the oversight of supervised insurance organizations relies to the fullest extent possible, on work performed by other relevant supervisors. Federal Reserve supervisory activities are not intended to duplicate or replace supervision by the firm's other regulators and Federal Reserve examiners typically do not specifically assess firms' compliance with laws outside of its jurisdiction, including state insurance laws. The Federal Reserve collaboratively coordinates with, communicates with, and leverages the work of the Office of the Comptroller of the Currency (OCC), Federal Deposit Insurance Corporation (FDIC), Securities and Exchange Commission (SEC), Financial Crimes Enforcement Network (FinCEN), Internal Revenue Service (IRS), applicable state insurance regulators, and other relevant supervisors to achieve its supervisory objectives and eliminate unnecessary burden.

Existing statutes specifically require the Board to coordinate with, and to rely to the

fullest extent possible on work performed by the state insurance regulators. The Board and all state insurance regulators have entered into Memorandums of Understanding (MOU) allowing supervisors to freely exchange information relevant for the effective supervision of supervised insurance organizations. Federal Reserve examiners take the actions below with respect to state insurance regulators to support accomplishing the objective of minimizing supervisory duplication and burden, without sacrificing effective oversight:

- Routine discussions (at least annually) with state insurance regulatory staff with greater frequency during times of stress;

- Discussions around the annual supervisory plan, including how best to leverage work performed by the state and potential participation by state insurance regulatory staff on relevant supervisory activities;

- Consideration of the opinions and work done by the state when scoping relevant examination activities;

- Documenting any input received from the state and considering the assessments of and work performed by the state for relevant supervisory activities;

- Sharing and discussing with the state the annual ratings and relevant conclusion documents from supervisory activities;

- Collaboratively working with the states and the NAIC on the development of policies that affect insurance depository institution holding companies; and

- Participating in supervisory colleges.

The Federal Reserve relies on the state insurance regulators to participate in the activities above and to share proactively their supervisory opinions and relevant documents. These documents include the annual ORSA,<sup>10</sup> the state insurance regulator's written assessment of the ORSA, results from its examination activities, the Corporate Governance Annual Disclosure, financial analysis memos, risk assessments, material risk determinations, material transaction filings (Form D), the insurance holding company system annual registration statement (Form B), submissions for the NAIC liquidity stress test framework, and other state supervisory material. If the Federal Reserve determines that it is necessary to perform supervisory activities related to aspects of the supervised insurance organization that also fall under the jurisdiction of the state insurance regulator, it will communicate the rationale and result of these activities to the state insurance regulator.

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

**Ann E. Misback,**

*Secretary of the Board.*

[FR Doc. 2022-21414 Filed 10-3-22; 8:45 am]

**BILLING CODE 6210-01-P**

<sup>10</sup> See NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual (December 2017) at <https://content.naic.org/sites/default/files/publication-orsa-guidance-manual.pdf>.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Meeting of the National Advisory Council for Healthcare Research and Quality

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

**DATES:** The meeting will be held on Thursday, November 17, 2022, from 11:30 a.m. to 3 p.m.

**ADDRESSES:** The meeting will be held virtually for the public. Members of the National Advisory Council will be able to participate in-person or virtually.

#### FOR FURTHER INFORMATION CONTACT:

Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland 20857, (301) 427-1456. For press-related information, please contact Bruce Seeman at (301) 427-1998 or [Bruce.Seeman@AHRQ.hhs.gov](mailto:Bruce.Seeman@AHRQ.hhs.gov).

Closed captioning will be provided during the meeting. If another reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827-4840, no later than Thursday, November 3, 2022. The agenda, roster, and minutes will be available from Ms. Heather Phelps, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland 20857. Ms. Phelps' phone number is (301) 427-1128.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose

In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App., this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality (the Council). The Council is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research,



(B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

## II. Agenda

On Thursday, November 17, 2022, NAC members will meet to conduct preparatory work prior to convening the Council meeting at 11:30 a.m., with the call to order by the Council Chair, an introduction of NAC members, and approval of previous Council summary notes. The NAC members will then receive an update from the AHRQ Director, including a focus on health equity. The agenda will also include (1) an update and discussion by NAC members on AHRQ's efforts to promote Safer Together: A National Patient Safety Action Plan and (2) A report out and discussion of the final report from the Subcommittee of the NAC on AHRQ's Patient-Centered Outcomes Research Trust Fund (PCORTF) investments. The meeting is open to the public and will adjourn at 3:00 p.m. For information regarding how to access the meeting as well as other meeting details, including information on how to make a public comment, please go to <https://www.ahrq.gov/news/events/nac/>. The final agenda will be available on the AHRQ website no later than Thursday, November 3, 2022.

Dated: September 29, 2022.

**Marquita Cullom,**

*Associate Director.*

[FR Doc. 2022-21525 Filed 10-3-22; 8:45 am]

**BILLING CODE 4160-90-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS-3434-PN]

#### Medicare and Medicaid Programs: Application From the Accreditation Commission for Health Care (ACHC) for Continued Approval of its End-Stage Renal Disease (ESRD) Accreditation Program

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice with request for comment.

**SUMMARY:** This notice acknowledges the receipt of an application from the Accreditation Commission for Health Care (ACHC) for continued recognition as a national accrediting organization for end-stage renal disease (ESRD) facilities that wish to participate in the Medicare or Medicaid programs.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on November 3, 2022.

**ADDRESSES:** In commenting, please refer to file code CMS-3434-PN.

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 <http://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-3434-PN, P.O. Box 8010, Baltimore, MD 21244-8010.

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-3434-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Joy Webb, (410) 786-1667 or Jennifer Milby, (410) 786-8828.

#### **SUPPLEMENTARY INFORMATION:**

*Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative

comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

## I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from an end-stage renal disease (ESRD) facility (also known as a "dialysis facility") provided certain requirements are met. Section 1881(b) of the Social Security Act (the Act), establish distinct criteria for facilities seeking designation as an ESRD facility. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 494 specify the minimum conditions that an ESRD facility must meet to participate in the Medicare program.

Generally, to enter into an agreement, an ESRD facility must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 494 of our regulations. Thereafter, the ESRD facility is subject to regular surveys by a SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS) approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we will deem those provider entities as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services (the Secretary) as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare conditions. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at §§ 488.4, 488.5 and 488.5(e)(2)(i). The regulations at § 488.5(e)(2)(i) require AOs to reapply for continued approval of its accreditation program every 6 years or sooner as determined by CMS.

The Accreditation Commission for Health Care's (ACHC's) current term of approval for their ESRD facility accreditation program expires April 11, 2023.

## II. Approval of Deeming Organizations

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of a national AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this notice is to inform the public of the ACHC's request for continued approval of its ESRD facility accreditation program. This notice also solicits public comment on whether the ACHC requirements meet or exceed the Medicare conditions for coverage (CfCs) for ESRD facilities.

## III. Evaluation of Deeming Authority Request

The ACHC submitted all the necessary materials to enable us to make a determination concerning its request for continued approval of its ESRD facility accreditation program. This application was determined to be complete on August 26, 2022. Under section 1865(a)(2) of the Act and our regulations at § 488.5 (Application and re-application procedures for national accrediting organizations), our review and evaluation of the ACHC will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of the ACHC's standards for ESRD facilities as compared with Medicare's ESRD facility CfCs.

- The ACHC's survey process to determine the following:

- ++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

- ++ The comparability of the ACHC's processes to those of state agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

- ++ The ACHC's processes and procedures for monitoring an ESRD facility found out of compliance with the ACHC program requirements. These monitoring procedures are used only when the ACHC identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the SA monitors corrections as specified at § 488.9.

- ++ The ACHC's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

- ++ The ACHC's capacity to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

- ++ The adequacy of the ACHC's staff and other resources, and its financial viability.

- ++ The ACHC's capacity to adequately fund required surveys.

- ++ The ACHC's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

- ++ The ACHC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

- ++ The ACHC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

## IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*).

## V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will

respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: September 28, 2022.

**Lynette Wilson,**

*Federal Register Liaison, Centers for Medicare & Medicaid Services.*

[FR Doc. 2022-21417 Filed 10-3-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10816]

#### Agency Information Collection Activities: Proposed Collection; Comment Request; Correction

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice; correction.

**SUMMARY:** On August 23, 2022, CMS published a notice in the **Federal Register** that sought comment on a collection of information concerning CMS-10816 (OMB control number 0938-New) entitled "Medicare Part C and Medicare Part D Enrollment Form Interviews." The website address for obtaining copies of the collection of information is correct; however, the instructions for accessing the website address were incomplete and incorrect. This document corrects the errors.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham, III, (410) 786-4669.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the August 23, 2022, issue of the **Federal Register** (87 FR 51675), we published a Paperwork Reduction Act notice requesting a 60-day public comment period for the information collection request identified under CMS-10816, OMB control number 0938-New, and titled "Medicare Part C and Medicare Part D Enrollment Form Interviews."

##### II. Explanation of Error

In the August 23, 2022 notice, the website address for obtaining copies of the collection is correctly listed on page 51676, in the first column column, in

the fourth paragraph beginning on line 2. However, the instructions for accessing the website address were incomplete and incorrect on page 51676 in the first column, beginning in the third paragraph, first line with “To obtain” and ending in the fourth paragraph, second line, third word “at.” This notice corrects the aforementioned incomplete and incorrect instructions.

### III. Correction of Error

In the **Federal Register** of August 23, 2022, in FR Doc. 2022–18092 on page 51676, in the first column, in the third paragraph, lines 1–5 through the fourth paragraph line 1 and line 2 through the third word “at” is corrected to “To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.”

Dated: September 29, 2022.

**Lynette Wilson,**

*Federal Register Liaison, Centers for Medicare & Medicaid Services.*

[FR Doc. 2022–21505 Filed 10–3–22; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10816]

#### Agency Information Collection Activities: Proposed Collection; Extension of Comment Period

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Agency information collection activities: Proposed collection; comment request; extension of comment period.

**SUMMARY:** This notice extends the comment period for a 60-day notice request for proposed information collection request associated with the notice [Document Identifier: CMS–10816] entitled “Medicare Part C and Medicare Part D Enrollment Form Interviews” that was published in the August 23, 2022 **Federal Register**. The comment period for the information collection request, which would have ended on October 24, 2022, is extended to November 8, 2022.

**DATES:** The comment period for the information collection request published in the August 23, 2022

**Federal Register** (87 FR 51675) is extended to November 8, 2022.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** In the FR Doc. 2022–18092 of August 23, 2022 (87 FR 51675), we published a Paperwork Reduction Act notice requesting a 60-day public comment period for the document entitled “Medicare Part C and Medicare Part D Enrollment Form Interviews.” There were technical delays with making the information collection request publicly available; therefore, in this notice we are extending the comment period from the date originally listed in the August 23, 2022, notice.

Dated: September 29, 2022.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022–21493 Filed 10–3–22; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS–3428–FN]

#### Medicare and Medicaid Programs: Application From the National Dialysis Accreditation Commission (NDAC) for Continued Approval of its End-Stage Renal Disease (ESRD) Facility Accreditation Program

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces our decision to approve the National Dialysis Accreditation Commission (NDAC) for continued recognition as a national accrediting organization for End-Stage Renal Disease (ESRD) facilities that wish to participate in the Medicare or Medicaid programs.

**DATES:** This notice is applicable January 4, 2023 through January 4, 2029.

**FOR FURTHER INFORMATION CONTACT:** Caecilia Blondiaux, (410) 786–2190.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a hospital, provided certain requirements are met. Section 1881(b) of the Social Security Act (the Act) establishes statutory authority for the Secretary of the Department of Health and Human Services (Secretary) to set criteria for facilities seeking designation as a dialysis facility (also known as an “end-stage renal disease (ESRD) facility”). Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 494 specify the minimum conditions for coverage that an ESRD facility must meet to participate in the Medicare program.

Generally, to enter into an agreement, an ESRD facility must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth in part 494 of our regulations. Thereafter, the ESRD facility is subject to regular surveys by a SA to determine whether it continues to meet these requirements.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS)-approved national accrediting

organization (AO) that all applicable Medicare requirements are met or exceeded, we will deem those provider entities as having met such requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by CMS as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program would be deemed to meet the Medicare requirements. A national AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare requirements. Our regulations concerning the approval of AOs are set forth at §§ 488.4, 488.5 and 488.5(e)(2)(i). The regulations at § 488.5(e)(2)(i) require AOs to reapply for continued approval of its accreditation program every 6 years or sooner, as determined by CMS.

The National Dialysis Accreditation Commission's (NDAC's) current term of approval for their ESRD facility accreditation program expires January 4, 2023.

## II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

## III. Provisions of the Proposed Notice

On May 23 2022, we published a proposed notice in the **Federal Register** (87 FR 31241), announcing NDAC's request for continued approval of its Medicare ESRD facilities accreditation program. In that proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5 and § 488.8(h), we conducted a review of NDAC's Medicare ESRD facilities accreditation application in accordance with the criteria specified

by our regulations, which include, but are not limited to the following:

- An administrative review of NDAC's: (1) corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring, and evaluation of its ESRD facility surveyors; (4) ability to investigate and respond appropriately to complaints against accredited ESRD facilities; and (5) survey review and decision-making process for accreditation.

- A review of NDAC's survey processes to confirm that a provider or supplier, under NDAC's ESRD facilities deeming accreditation program, meets or exceeds the Medicare program requirements.

- A documentation review of NDAC's survey process to do the following:

- ++ Determine the composition of the survey team, surveyor qualifications, and NDAC's ability to provide continuing surveyor training.

- ++ Compare NDAC's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against NDAC accredited ESRD facilities.

- ++ Evaluate NDAC's procedures for monitoring accredited ESRD facilities it has found to be out of compliance with its program requirements.

- ++ Assess NDAC's ability to report deficiencies to the surveyed ESRD facilities and respond to the ESRD facilities plan of correction in a timely manner.

- ++ Determine the adequacy of NDAC's staff and other resources.

- ++ Confirm NDAC's ability to provide adequate funding for performing required surveys.

- ++ Confirm NDAC's policies with respect to surveys being unannounced.

- ++ Confirm NDAC's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.

- ++ Obtain NDAC's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as we may require, including corrective action plans.

## IV. Analysis of and Responses to Public Comments on the Proposed Notice

In accordance with section 1865(a)(3)(A) of the Act, the May 23, 2022 proposed notice also solicited public comments regarding whether NDAC's requirements met or exceeded the Medicare conditions for coverage for

ESRD facilities. We received no comments.

## V. Provisions of the Final Notice

### A. Differences Between NDAC's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared NDAC's ESRD facilities accreditation requirements and survey process with the Medicare conditions for coverage of parts 494, and the survey and certification process requirements of parts 488 and 489. Our review and evaluation of NDAC's renewal application, which were conducted as described in section III. of this final notice, yielded the following areas where, as of the date of this notice, NDAC has revised its standards and certification processes in order to meet our requirements at:

- Section 494.30(a)(2), to specify the requirement to implement the guidelines as outlined in the Medicare regulations for the prevention of IV catheter-related infections.

- Section 494.60(c)(2)(i), to include reference to the 2008 ASHRAE 170 ventilation design parameters or a reference to these design parameters for ESRD facilities that are required to comply with the 2012 NFPA 99, as it relates to providing comfortable temperature within the ESRD facility.

- Section 494.60(e), to provide specific language which requires dialysis facilities that do not have one or more exits to grade level from the patient treatment level to meet the 2012 Health Care Facilities Code (NFPA 99), regardless of the number of patients served.

- Section 494.62(c)(1)(iv), to incorporate other dialysis facilities' contact information in the ESRD facility's emergency preparedness program as part of its communication plans.

- Section 494.70(a)(17), to specify that patients may file internal or external grievances, personally, anonymously or through a representative of the patient's choosing.

In addition to the standards review, CMS reviewed NDAC's comparable survey processes, which were conducted as described in section III. of this final notice, and yielded the following areas where, as of the date of this notice, NDAC has completed revising its survey processes in order to demonstrate that it uses survey processes that are comparable to state survey agency processes by:

- Developing a process on how NDAC will obtain the Dialysis Facility Reports (DFRs) from its already-accredited

facilities in accordance with survey comparability at § 488.5(a)(4)(ii).

- Revising NDAC's Life Safety Code Surveyor Responsibilities section to include survey responsibilities and licensure requirements to ensure the 2012 editions of the Life Safety Code (NFPA 101) and Health Care Facilities Code (NFPA 99) are met.

- Updating NDAC's Surveyor Field Manual to include surveyor process and worksheets for Life Safety Code and Health Care Facilities Code surveyors and revise other associated documents as necessary.

- Revising NDAC's complaint policy to include prioritization classifications for complaints and timeframes to investigate based on the priority level in accordance with § 488.5(a)(12).

- Revising NDAC's survey processes for Emergency Preparedness to align with the CMS requirements. Specifically, to ensure surveyors review ESRD facility plans to include primary and alternate means for communicating as required by § 494.62(c)(3) and testing guidance in accordance with § 494.62(d)(2), including conducting after-action reviews after an actual emergency event.

- Clarifying that NDAC's policy for immediate jeopardy includes: (1) a process for providing the template to the dialysis facility; and (2) documentation of this information on the statement of deficiencies, in accordance with § 488.5(a)(4)(ii) and the State Operations Manual (SOM), Appendix Q Section VI. Calling Immediate Jeopardy.

- Providing additional education to NDAC surveyors on interviewing patients and staff using open-ended questioning, in accordance with SOM Chapter 2, Section 2714.

- Providing additional education and training to NDAC surveyors on emergency preparedness interviews of patients, staff and facility leadership to ensure the facility can demonstrate knowledge of the emergency preparedness program, including its policies and procedures, in accordance with the survey procedures in SOM Appendix Z.

#### B. Term of Approval

Based on our review and observations described in section III. and section V. of this final notice, we approve NDAC as a national accreditation organization for ESRD facilities that request participation in the Medicare program. The decision announced in this final notice is effective January 4, 2023 through January 4, 2029 (6 years). In accordance with § 488.5(e)(2)(i) the term of the approval will not exceed 6 years.

## VI. Collection of Information and Regulatory Impact Statement

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: September 28, 2022.

**Lynette Wilson**,

*Federal Register Liaison, Centers for Medicare & Medicaid Services.*

[FR Doc. 2022–21415 Filed 10–3–22; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Meeting of the Advisory Committee on Heritable Disorders in Newborns and Children

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Heritable Disorders in Newborns and Children (ACHDNC or Committee) has scheduled a public meeting. Information about the ACHDNC and the agenda for this meeting can be found on the ACHDNC website at <https://www.hrsa.gov/advisory-committees/heritable-disorders/index.html>.

**DATES:**

- Thursday, November 3, 2022, from 9:30 a.m.–3:00 p.m. Eastern Time (ET); and

- Friday, November 4, 2022, from 9:30 a.m.–1:00 p.m. ET.

**ADDRESSES:** This meeting will be held in-person and via webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857. While this meeting is open to the public, advance registration is required. Please register online at <https://>

[www.achdncmeetings.org/registration/](https://www.achdncmeetings.org/registration/) by the deadline of 12:00 p.m. ET on November 2, 2022. Instructions on how to access the meeting via webcast will be provided upon registration.

**FOR FURTHER INFORMATION CONTACT:**

Alaina Harris, Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Room 18W66, Rockville, Maryland 20857; 301–443–0721; or [ACHDNC@hrsa.gov](mailto:ACHDNC@hrsa.gov).

**SUPPLEMENTARY INFORMATION:** ACHDNC

provides advice and recommendations to the Secretary of the Department of Health and Human Services (Secretary) on the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders.

The ACHDNC reviews and reports regularly on newborn and childhood screening practices, recommends improvements in the national newborn and childhood screening programs, and fulfills requirements stated in the authorizing legislation. In addition, ACHDNC's recommendations regarding inclusion of additional conditions for screening on the Recommended Uniform Screening Panel (RUSP), following adoption by the Secretary, are evidence-informed preventive health services provided for in the comprehensive guidelines supported by HRSA pursuant to section 2713 of the Public Health Service Act (42 U.S.C. 300gg–13). Under this provision, non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance are required to provide insurance coverage without cost-sharing (a co-payment, co-insurance, or deductible) for preventive services for plan years (*i.e.*, policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening.

During the November 3–4, 2022, meeting, ACHDNC will hear from experts in the fields of public health, medicine, heritable disorders, rare disorders, and newborn screening. Agenda items include the following:

- (1) A presentation on phase two of the Krabbe disease evidence review,

- (2) A presentation on the Department of Defense's newborn screening system,

- (3) A presentation on the process for states to implement conditions recently added to the RUSP,

- (4) A presentation on Blueprint for Change for a system of services for children and youth with special health care needs (see <https://mchb.hrsa.gov/>

*programs-impact/focus-areas/children-youth-special-health-care-needs-cyshcn/blueprint-change*),

(5) A Committee discussion on advancing state newborn screening systems,

(6) Workgroup updates, and

(7) A potential update on the Duchenne muscular dystrophy condition nomination and a potential vote on whether to move it forward to full evidence-based review.

The agenda for this meeting includes a potential vote the Committee may hold on whether or not to recommend a nominated condition, Duchenne muscular dystrophy to full evidence-based review, which may lead to a recommendation to add or not add this condition to the RUSP at a future time. In addition, as noted in the agenda items, the Committee will hear a presentation on the evidence review of Krabbe disease, which may lead to such a recommendation to add or not add this condition to the RUSP at a future time.

Agenda items are subject to change as priorities dictate. Information about the ACHDNC, including a roster of members and past meeting summaries, is also available on the ACHDNC website.

Members of the public also will have the opportunity to provide comments. Public participants may request to provide general oral comments and may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to provide a written statement or make oral comments to the ACHDNC must be submitted via the registration website by 12:00 p.m. ET on Thursday, October 27, 2022.

Individuals who need special assistance or another reasonable accommodation should notify Alaina Harris at the address and phone number listed above at least 10 business days prior to the meeting. Since this meeting

occurs in a federal government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance by contacting [ACHDNC@hrsa.gov](mailto:ACHDNC@hrsa.gov) no later than October 12, 2022, in order to facilitate entry into the building. All attendees are required to present government-issued identification prior to entry.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2022–21461 Filed 10–3–22; 8:45 am]

**BILLING CODE 4165–15–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier: OS–4040–0010]

**Agency Information Collection Request: 30-Day Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before November 3, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Sagal Musa, [sagal.musa@hhs.gov](mailto:sagal.musa@hhs.gov) or (202) 205–2634. When submitting

comments or requesting information, please include the document identifier 4040–0010–30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collections:* Project/ Performance Site Location(s), Project Abstract, and Key Contacts forms.

*Type of Collection:* Renewal.

OMB No. 4040–0010.

**Abstract**

The Project/Performance Site Location(s), Project Abstract, and Key Contacts forms provide the Federal grant-making agencies an alternative to the Standard Form 424 data set and form. Agencies may use Project/ Performance Site Location(s), Project Abstract, and Key Contacts forms for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

*Type of respondent:* Project/ Performance Site Location(s), Project Abstract, and Key Contacts forms are used by organizations to apply for Federal financial assistance in the form of grants. This form is submitted to the Federal grant-making agencies for evaluation and review. The IC expires on December 31, 2022. *Grants.gov* seeks a three-year clearance of these collections.

**ANNUALIZED BURDEN HOUR TABLE**

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Project/Performance Site Location(s) .....	Grant Applicants .....	127,281	1	1	127,281
Project Abstract .....	Grant Applicants .....	230	1	1	230
Key Contacts .....	Grant Applicants .....	4,566	1	1	4,566
Total .....	.....	132,077	1	1	132,077

**Sherrette A. Funn,**  
*Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.*  
 [FR Doc. 2022-21456 Filed 10-3-22; 8:45 am]  
**BILLING CODE 4151-AE-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

[Document Identifier: 0945-0002]

**Agency Information Collection Request. 30-Day Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.  
**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

**DATES:** Comments on the ICR must be received on or before November 3, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Sherrette Funn, [Sherrette.Funn@hhs.gov](mailto:Sherrette.Funn@hhs.gov) or (202) 264-0041. When submitting comments or requesting information, please include the document identifier 0945-0002-30D and project title for reference.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency’s functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection

techniques or other forms of information technology to minimize the information collection burden.

*Title of the Collection:* Civil Rights and Conscience Complaint and Health Information Privacy & Security Complaint.

*Type of Collection:* Extension.

*OMB No.:* 0945-0002.

**Abstract**

The Office for Civil Rights (OCR) is requesting an extension of the previously approved collection 0945-0002 that is expiring in November 2022, titled: Civil Rights and Conscience Complaint and Health Information Privacy & Security Complaint.

This request revises the: Civil Rights and Conscience Complaint and Health Information Privacy & Security Complaint as currently approved and will remain in compliance with the Paperwork Reduction Act. We are requesting a 3year extension.

Type of respondent; Individuals or households, Not-for-profit institutions and Individuals or households annually.

**ESTIMATED ANNUALIZED BURDEN TABLE**

Written forms/electronic forms	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Civil Rights/Conscience Discrimination Complaint. Health Information Privacy Complaint.	Individuals or households, Not-for-profit institutions.	15,446	1	45/60	11,585
	Individuals or households, Not-for-profit institutions.	30,392	1	45/60	22,794
Total .....	.....	45,838	.....	45/60	34,379

**Sherrette A. Funn,**  
*Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.*  
 [FR Doc. 2022-21455 Filed 10-3-22; 8:45 am]  
**BILLING CODE 4153-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Nursing Research; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Conflicting Applications of National Institute of Nursing Research.

*Date:* October 14, 2022.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Nursing Research, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Weiqun Li, MD, Chief, Office of Scientific Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Room 729, Bethesda, MD 20892, (301) 594-5966, [wli@mail.nih.gov](mailto:wli@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**  
*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21425 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Eye Institute; 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 Eye Institute Special Emphasis Panel; NEI RFA: A Community Research Resource: Characterization of the Resident Ocular Microbiome.

*Date:* November 7, 2022.

*Time:* 11:00 a.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ashley Fortress, Ph.D., Designated Federal Official, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, (301) 451-2020, [ashley.fortress@nih.gov](mailto:ashley.fortress@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21428 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Institutional Training Grants.

*Date:* October 7, 2022.

*Time:* 10:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Nursing Research, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Weiqun Li, MD, Chief, Office of Scientific Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Room 729, Bethesda, MD 20892, (301) 594-5966, [wli@mail.nih.gov](mailto:wli@mail.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 27, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21421 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Initial Review Group.

*Date:* October 20-21, 2022.

*Time:* 9:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Nursing Research, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ming Yan, MD, Ph.D., Scientific Review Officer, Immunology (IMM), DPPS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4205, Bethesda 20892, 301-435-1776, [yanming@mail.nih.gov](mailto:yanming@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21420 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend as well as those who need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocast website <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/advisory-council>. Please note, the link to the videocast meeting will be posted within a week of the meeting date.

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 Heart, Lung, and Blood Advisory Council.

*Date:* October 25, 2022.

*Closed:* 9:00 a.m. to 10:00 a.m.

*Agenda:* To Review and Evaluate Grant Applications.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, 35 Convent Drive, Building 35A, Bethesda, MD 20892.

*Open:* 10:00 a.m. to 3:00 p.m.

*Agenda:* To Discuss Program Policies and Issues.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, 35 Convent Drive, Building 35A, Bethesda, MD 20892.

*Contact Person:* Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 206-Q, Bethesda, MD 20892, 301-827-5517, [moenl@mail.nih.gov](mailto:moenl@mail.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 meeting. 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.

In the interest of security, NIH has procedures at <https://www.nih.gov/about-nih/visitor-information/campus-access-security> for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Additional Health and Safety Guidance: Before attending a meeting at an NIH facility, it is important that visitors review the NIH COVID-19 Safety Plan at <https://ors.od.nih.gov/sr/dohs/safety/NIH-covid-19-safety-plan/Pages/default.aspx> for information about requirements and procedures for entering NIH facilities, especially when COVID-19 community levels are medium or high. In addition, the Safer Federal Workforce website has FAQs for visitors at <https://www.saferfederalworkforce.gov/faq/visitors/>. Please note that if an individual has a COVID-19 diagnosis within 10 days of the meeting, that person must attend virtually. (For more information please read NIH's Requirements for Persons after Exposure at <https://ors.od.nih.gov/sr/dohs/safety/NIH-covid-19-safety-plan/COVID-assessment-testing/Pages/persons-after-exposure.aspx> and What Happens When Someone Tests Positive at <https://ors.od.nih.gov/sr/dohs/safety/NIH-covid-19-safety-plan/COVID-assessment-testing/Pages/test-positive.aspx>.) Anyone from the public can attend the open portion of the meeting virtually via the NIH Videocasting website (<http://videocast.nih.gov>). Please continue checking these websites, in addition to the committee website listed below, for the most up to date guidance as the meeting date approaches.

Information is also available on the Institute's/Center's home page: [www.nhlbi.nih.gov/meetings/nhlbac/index.htm](http://www.nhlbi.nih.gov/meetings/nhlbac/index.htm), where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 28, 2022.

**David W. Freeman,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21422 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### **Proposed Collection; 60-Day Comment Request; NIH Special Volunteer and Guest Researcher Assignment (Office of Intramural Research, Office of the Director)**

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Intramural Research (OIR), Office of the Director (OD), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Arlyn Garcia-Perez, Director of Policy and Analysis, Office of Intramural Research, Office of the Director, National Institutes of Health, 1 Center Drive, MSC 0140, Building 1, Room 160, MSC-0140, Bethesda, Maryland 20892 or call non-toll-free number (301) 496-1921 or (301) 496-1381 or email your request, including your address to: [GarciaA@od.nih.gov](mailto:GarciaA@od.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

**SUPPLEMENTARY INFORMATION:** Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Proposed Collection Title:* NIH Special Volunteer and Guest Researcher Assignment OMB #0925-0177, exp., date April 30, 2024, REVISION, Office of Intramural Research (OIR), Office of the Director (OD), National Institutes of Health (NIH).

*Need and Use of Information Collection:* Form Number: NIH-590-2 is a single form completed by an NIH Special Volunteer prior to his/her arrival at NIH. The information on the form is necessary for the Special Volunteer to acknowledge and agree to the conditions and responsibilities of their volunteer services at NIH via a Special Volunteer Agreement as the legal instrument. The U.S. Department of Health and Human Services (HHS) Office of General Counsel, in consultation with the Department of Justice, now requires that revisions be made to items 7 and 8 of the Special Volunteer Agreement. Special Volunteers and Guest Researchers both fill the main collection instrument, NIH Form 590; and Guest Researchers fill a separate Guest Researcher Agreement, NIH Form 590-1. No revisions are proposed for these other forms currently. Form NIH-590 is a single form completed by an NIH official for each Guest Researcher or Special Volunteer prior to his/her arrival at NIH. The information on the form is necessary for the approving official to reach a decision on whether to allow a Guest Researcher to use NIH facilities, or whether to accept volunteer services offered by a Special Volunteer. If the original assignment is extended, another form notating the extension is completed to update the file. In addition, each Special Volunteer and Guest Researcher reads and signs an NIH Agreement.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 652.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual hour burden hours
Special Volunteer and Guest Researcher Assignment.	Special Volunteers and Guest researchers.	2,300	2	6/60	460
NIH Special Volunteer Agreement ....	Special Volunteers .....	2,100	1	5/60	175
NIH Guest Researcher Agreement ...	Guest Researchers .....	200	1	5/60	17
Totals .....	.....	2,300	6,900	.....	652

Dated: September 27, 2022.  
**Tara A. Schwetz,**  
*Acting Principal Deputy Director, National Institutes of Health.*  
 [FR Doc. 2022-21546 Filed 10-3-22; 8:45 am]  
**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Submission for OMB Review; 30-Day Comment Request; PHS Applications and Pre-Award Related Reporting (Office of the Director)**

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 803-B, Bethesda, Maryland 20892, or call non-toll-free number (301) 435-0941 or email your request, including your address to: [ProjectClearanceBranch@mail.nih.gov](mailto:ProjectClearanceBranch@mail.nih.gov).

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** on June 8, 2022, pages 34891/34892 (87 FR 34891) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The Office of the Director, Office of Extramural Research (OER), National Institutes of Health (NIH), may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, NIH has submitted to OMB a request for review and approval of the information collection listed below.

*Proposed Collection:* Public Health Service (PHS) Applications and Pre-Award Related Reporting—0925-0001—09/30/2024, REVISION, Office of the Director, National Institutes of Health (NIH).

*Need and Use of Information Collection:* The National Institutes of Health (NIH) and other Public Health Service (PHS) agencies currently use the Research and Research Training Grant Applications and Related Forms and Ruth L. Kirschstein National Research Service Award Applications and Related Forms (0925-0001 Expiration Date: September 30, 2024). This collection is being revised to update competing application forms for the implementation of the final NIH Policy for Data Management and Sharing (DMS Policy) to promote the management and sharing of scientific data generated from NIH-funded or conducted research. Starting in January 2023, NIH will require applicants and recipients to submit and address Data Management and Sharing (DMS) Plans within the SF424 Research and Related (R&R) application and the Research Performance Progress Report (RPPR) in accordance with the DMS Policy. The application and progress report forms will be updated to align with this requirement. NIH is also introducing a new, optional DMS Plan format page that applicants may use to develop their DMS Plan. This collection is also being updated to include the application form for NIH Other Transaction awards. Post-award reporting requirements, including the RPPR, are similarly consolidated and concurrently submitted under 0925-0002 (expiration September 30, 2024).

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,175,670.

ESTIMATED ANNUALIZED BURDEN HOURS

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
PHS 398—Paper .....	4,247	1	35	148,645

## ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
<b>PHS 398/424—Electronic</b>				
PHS Assignment Request Form .....	37,120	1	30/60	18,560
PHS 398 Cover Page Supplement .....	74,239	1	1	74,239
PHS 398 Modular Budget .....	56,693	1	1	56,693
PHS 398 Training Budget .....	1,122	1	2	2,244
PHS 398 Training Subaward Budget Attachment(s) Form .....	561	1	90/60	842
PHS 398 Research Plan .....	70,866	1	10	708,660
PHS 398 Research Training Program Plan .....	1,122	1	10	11,220
Data Tables .....	1,515	1	4	6,060
PHS 398 Career Development Award Supplemental Form .....	2,251	1	10	22,510
PHS Human Subjects and Clinical Trial Information .....	54,838	1	13	712,894
Biosketch (424 Electronic) .....	80,946	1	2	161,892
Data Management and Sharing Plan .....	73,117	1	2	146,234
<b>PHS Fellowship—Electronic</b>				
PHS Fellowship Supplemental Form (includes F reference letters) .....	6,707	1	13	87,191
Biosketch (Fellowship) .....	6,707	1	2	13,414
416-1 .....	29	1	10	290
PHS 416-5 .....	6,707	1	5/60	559
PHS 6031 .....	6,217	1	5/60	518
VCOC Certification .....	6	1	5/60	1
SBIR/STTR Funding Agreement Certification .....	1,500	1	15/60	375
NIH Other Transaction .....	.....	.....	.....	.....
NIH Other Transaction Application Form .....	239	1	11	2,629
Total Annual Burden Hours .....	.....	486,749	.....	2,175,670

Dated: September 27, 2022.

**Tara A. Schwetz,**

*Acting Principal Deputy Director, National Institutes of Health.*

[FR Doc. 2022-21550 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; 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 Deafness and Other Communication Disorders Special Emphasis Panel; Chemical Senses Fellowship Review.

*Date:* October 18, 2022.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

*Contact Person:* Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301-496-8683 [katherine.shim@nih.gov](mailto:katherine.shim@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21424 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Eye Institute; 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 Eye Institute Special Emphasis Panel; NEI Clinical Applications.

*Date:* November 3, 2022.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institute of Health, 6700B Rockledge Drive, Suite 3400, Rockville, MD 20892 (Virtual Meeting).

*Contact Person:* Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Eye Institute, National Institute of Health, 6700B Rockledge Drive, Suite 3400, Rockville, MD 20892, (301) 451-2020, [jennifer.schiltz@nih.gov](mailto:jennifer.schiltz@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21431 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Integrative Health; 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 Complementary and Integrative Health Special Emphasis Panel; NIH Health Care Systems Research Collaboratory—Pragmatic and Implementation Trials of Embedded Interventions (UG3/UH3).

*Date:* October 21, 2022.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd. Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Sonia Elena Nanescu, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-5475, [sonia.nanescu@nih.gov](mailto:sonia.nanescu@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21430 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke Proposed Reorganization

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Neurological Disorders and Stroke (NINDS) will host two public online forums to enable public discussion of the Institute's proposals to reorganize its Division of Translational Research, Division of Clinical Research, and functions within its Division of Extramural Activities. The proposals seek to more accurately represent the activities performed within the Institute's Extramural Research Programs, clarify roles and responsibilities, and improve the coordination of the scientific activities within the Institute. The online forums will allow members of the public to review the reorganization proposals and submit comments.

**DATES:** The first online public forum will take place on October 26, 2022. The second online public forum will become available on October 31, 2022, and will remain open for 5 calendar days, through November 04, 2022.

**ADDRESSES:** The first public forum will be held online at <https://nih.zoomgov.com/j/1602654140?pwd=ckR3b3l0ZFdxWFQMEFka0pLSGIRQT09>, on the date listed above. The second public forum will be held online, at: <https://www.ninds.nih.gov/extramural-organizational-change> for the period of time listed above.

#### FOR FURTHER INFORMATION CONTACT:

Laurie Torchinsky, Management Analyst, National Institute of Neurological Disorders and Stroke, NIH, [Laurie.Torchinsky@nih.gov](mailto:Laurie.Torchinsky@nih.gov) or 301-827-5291.

**SUPPLEMENTARY INFORMATION:** The NIH Reform Act of 2006 (42 U.S.C. Sec. 281(d)(4)) requires public notice of proposed reorganization plans. This

announcement and the public forum serve as that notice.

**Walter J. Koroshetz,**

*Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health.*

[FR Doc. 2022-21427 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Share Instrumentation: Mass Spectrometry Systems.

*Date:* October 24-25, 2022.

*Time:* 9:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Dennis Pantazatos, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-2381, [dennis.pantazatos@nih.gov](mailto:dennis.pantazatos@nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Social and Environmental Determinants of Health Study Section.

*Date:* October 26-27, 2022.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ananya Paria, DHSC, MPH, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007H, Bethesda, MD 20892, (301) 827-6513, [pariaa@mail.nih.gov](mailto:pariaa@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel:

Neuropathophysiology of Decision Making and Chemobrain.

*Date:* October 26, 2022.

*Time:* 1:00 p.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Aleksey Gregory Kazantsev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5201, Bethesda, MD 20817, (301) 435-1042, [aleksey.kazantsev@nih.gov](mailto:aleksey.kazantsev@nih.gov).

*Name of Committee:* Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pathophysiology of Obesity and Metabolic Disease Study Section.

*Date:* October 27–28, 2022.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott Georgetown, 1221 22nd Street NW, Washington, DC 20037.

*Contact Person:* Raul Rojas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6185, Bethesda, MD 20892, (301)451-6319, [rojas@mail.nih.gov](mailto:rojas@mail.nih.gov).

*Name of Committee:* Oncology 1—Basic Translational Integrated Review Group; Biochemical and Cellular Oncogenesis Study Section.

*Date:* October 27–28, 2022.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Jian Cao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 827-5902, [caojn@csr.nih.gov](mailto:caojn@csr.nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Cardiovascular Differentiation and Development Study Section.

*Date:* October 27, 2022.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Westin Grand, 2350 M Street NW, Washington, DC 20037.

*Contact Person:* Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4136, Bethesda, MD 20892, (301) 435-0904, [sara.ahlgren@nih.gov](mailto:sara.ahlgren@nih.gov).

*Name of Committee:* Genes, Genomes, and Genetics Integrated Review Group; Prokaryotic Cell and Molecular Biology Study Section.

*Date:* October 27–28, 2022.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesdan Hotel, Tapestry Collection by Hilton, 8120 Wisconsin Ave., Bethesda, MD 20814.

*Contact Person:* Rebecca C Burgess, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-8034, [rebecca.burgess@nih.gov](mailto:rebecca.burgess@nih.gov).

*Name of Committee:* Biology of Development and Aging Integrated Review Group; Radiation Therapeutics and Biology Study Section.

*Date:* October 27–28, 2022.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, MD 20814.

*Contact Person:* Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301-996-6208, [hongb@csr.nih.gov](mailto:hongb@csr.nih.gov).

*Name of Committee:* Infectious Diseases and Immunology A Integrated Review Group; Cellular and Molecular Immunology—B Study Section.

*Date:* October 27–28, 2022.

*Time:* 8:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Liying Guo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198, MSC 7812, Bethesda, MD 20892, (301) 827-7728, [lguo@mail.nih.gov](mailto:lguo@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21429 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Integrative Health; 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 Complementary and Integrative Health Special Emphasis Panel; NCCIH Training and Education Review Panel (CT).

*Date:* November 9–10, 2022.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Center for Complementary and Integrative, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jessica Marie McKlveen, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH, NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892-547, [jessica.mcklveen@nih.gov](mailto:jessica.mcklveen@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: September 28, 2022.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2022-21426 Filed 10-3-22; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Submission for OMB Review; 30-Day Comment Request; PHS Research Performance Progress Report and Other Post-Award Reporting (Office of the Director)

**AGENCY:** National Institutes of Health, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

**DATES:** Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open

for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 803-B, Bethesda, Maryland 20892, or call non-toll-free number (301) 435-0941 or email your request, including your address to: [ProjectClearanceBranch@mail.nih.gov](mailto:ProjectClearanceBranch@mail.nih.gov).

**SUPPLEMENTARY INFORMATION:** This proposed information collection was previously published in the **Federal Register** on June 8, 2022, pages 34888/34889 (87 FR 34888) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The Office of the Director, Office of Extramural Research (OER), National Institutes of Health (NIH), may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been

extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

*Proposed Collection:* Public Health Service (PHS) Research Performance Progress Report and Other Post-award Reporting –0925–0002 expiration date–09/30/2024, REVISION, Office of the Director, National Institutes of Health (NIH).

*Need and Use of Information Collection:* This collection under 0925–0002 expiration date 09/30/2024 is being revised to update the non-competing progress report collections for the implementation of the final National Institutes of Health (NIH) Policy for Data Management and Sharing (DMS Policy) to promote the management and sharing of scientific data generated from NIH-funded or conducted research. Starting in January

2023, NIH will require applicants and recipients to submit and address Data Management and Sharing (DMS) Plans within the SF424 Research and Related (R&R) application and the Research Performance Progress Report (RPPR) in accordance with the DMS Policy. The application and progress report forms will be updated to align with this requirement. NIH is also introducing a new, optional Data Management and Sharing (DMS) Plan format page that applicants may use to develop their DMS Plan. This collection will also update the PHS 2271 Statement of Appointment for trainees appointed institutional training awards to report on childcare cost support received. This collection is also updated to remove the iEdison instrument in accordance with the transfer of the iEdison system to the National Institute of Standards and Technology (NIST) under the Department of Commerce (DOC). NIST will maintain OMB clearance under 0693–0090.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Information collection forms	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
<b>REPORTING</b>				
PHS 416–7 .....	12,580	1	30/60	6,290
PHS 6031–1 .....	1,778	1	20/60	593
PHS 568 .....	11,180	1	5/60	932
PHS 2271 .....	22,035	1	15/60	5,509
PHS 2590 .....	243	1	18	4,374
RPPR – .....				
Core Data .....	32,098	1	8	256,784
Biosketch (Part of RPPR) .....	2,544	1	2	5,088
Data Tables (Part of RPPR) .....	758	1	4	3,032
Trainee Diversity Report (Part of RPPR) .....	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of RPPR, includes inclusion enrollment report) .....	6,420	1	4	25,680
Publication Reporting .....	97,023	3	5/60	24,256
Final RPPR—Core Data .....	18,000	1	10	180,000
Data Tables (Part of Final RPPR) .....	758	1	4	3,032
Trainee Diversity Report (Part of Final RPPR) .....	480	1	15/60	120
PHS Human Subjects and Clinical Trial Information (Part of Final RPPR, includes inclusion/enrollment) .....	3,600	1	4	14,400
PHS 3734 .....	479	1	30/60	240
Data Management and Sharing Plan (Part of RPPR) .....	15,649	1	2	31,298
Data Management and Sharing Plan (Part of Final RPPR) .....	8,621	1	2	17,242
Reporting Burden Total .....				578,990
<b>RECORDKEEPING</b>				
SBIR/STTR Life Cycle Certification .....	1,500	1	15/60	375
Total .....	236,226	430,272		579,365

Dated: September 27, 2022.

**Tara A. Schwetz,**

*Acting Principal Deputy Director, National Institutes of Health.*

[FR Doc. 2022-21547 Filed 10-3-22; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[1651-0077]

#### Customs-Trade Partnership Against Terrorism (CTPAT) and CTPAT Trade Compliance Program

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 30-Day notice and request for comments; revision of an existing collection of information.

**SUMMARY:** The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

**DATES:** Comments are encouraged and must be submitted no later than November 3, 2022 to be assured of consideration.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, telephone number 202-325-0056 or via email [CBP\\_PRA@cbp.dhs.gov](mailto:CBP_PRA@cbp.dhs.gov). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (87 FR 12473) on March 04, 2022, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

#### Overview of This Information Collection

*Title:* Customs-Trade Partnership Against Terrorism (CTPAT) and CTPAT Trade Compliance Program.

*OMB Number:* 1651-0077.

*Form Number:* N/A.

*Current Actions:* Revision of an existing information collection.

*Type of Review:* Revision.

*Affected Public:* Businesses.

*Abstract:* The CTPAT Program comprises of two different program divisions, CTPAT Security and CTPAT Trade Compliance. The CTPAT Security program is designed to safeguard the world's trade industry from terrorists and smugglers by prescreening its participants. The CTPAT Security program applies to United States and nonresident Canadian importers, United States exporters, customs brokers, consolidators, ports and terminal operators, carriers of cargo in air, sea and land, third party logistics providers, Mexican long haul highway carriers,

and Canadian and Mexican manufacturers. The Trade Compliance program division is only available for U.S. and nonresident Canadian importers.

The CTPAT Program application requests an applicant's contact and business information, including the number of company employees, the number of years in business, and a list of company officers. CBP is adding the following data elements for all CTPAT partners to improve the screening of companies. This will ensure that CBP is confident that companies in the program are low risk:

- Date of Birth (DOB)
- Country of Birth
- Country of Citizenship
- Travel Document number (*e.g.*, visa or passport number)
- Immigration status information (*e.g.*, Alien Registration Number, Naturalization number)
- Driver's license information (*e.g.*, state and country of issuance, number, date of issuance/expiration)
- Social Security Number
- Trusted Traveler membership type and number (*e.g.*, FAST/NEXUS/ SENTRI/Global Entry ID)
- Registro Federal de Contribuyentes (RFC) Persona Fisica (needed for Mexican Foreign Manufacturers, Highway Carriers, and Long-Haul Carriers Only)

This collection of information is authorized by the SAFE Port Act (Pub. L. 109-347).

The CTPAT Trade Compliance program is an optional component of the CTPAT program and adds trade compliance aspects to the supply chain security aspects of the CTPAT Security program. The CTPAT Security program is a prerequisite to applying to the CTPAT Trade Compliance program. Current CTPAT importers are given the opportunity to receive additional benefits in exchange for a commitment to assume responsibility for monitoring their own compliance by applying to the CTPAT Trade Compliance program. After a company has completed the security aspects of the CTPAT Security program and is in good standing, it may opt to apply to the CTPAT Trade Compliance component. The CTPAT Trade Compliance program strengthens security by leveraging the CTPAT supply chain requirements, identifying low-risk trade entities for supply chain security, and increasing the overall efficiency of trade by segmenting risk and processing by account.

The CTPAT Trade Compliance program is open to U.S. and non-resident Canadian importers that have

satisfied both the CTPAT supply chain security and trade compliance requirements.

The CTPAT Trade Compliance program application includes questions about the following:

- Primary Point of Contact including name, title, email address, and phone number
- Business information including Company Name, Company Address, Company phone number, Company website, Company type (private or public), CBP Bond information, Importer of Record Number, and number of employees
- Information about the applicant's Supply Chain Security Profile
- Trade Compliance Profile and Internal Control Operating Procedures of the applicant
- Broker information
- Training material for Supply Chain Security and Trade Compliance
- Risk Assessment documentation and results
- Period testing documentation and results
- Prior disclosure history
- Partner Government Agency affiliation information

After an importer obtains CTPAT Trade Compliance membership, the importer will be required to submit an Annual Notification Letter to CBP confirming that they are continuing to meet the requirements of the program. This letter should include: personnel changes that impact the CTPAT Trade Compliance program; organizational and procedural changes; a summary of risk assessment and self-testing results; a summary of post-entry amendments and/or disclosures made to CBP; and any importer activity changes within the last 12-month period.

*Type of Information Collection:* CTPAT Application.

*Estimated Number of Respondents:* 750.

*Estimated Number of Annual Responses per Respondent:* 1.

*Estimated Number of Total Annual Responses:* 750.

*Estimated Time per Response:* 20 hours.

*Estimated Total Annual Burden Hours:* 15,000.

*Type of Information Collection:* CTPAT Trade Compliance Application.

*Estimated Number of Respondents:* 50.

*Estimated Number of Annual Responses per Respondent:* 1.

*Estimated Number of Total Annual Responses:* 50.

*Estimated Time per Response:* 2 hours.

*Estimated Total Annual Burden Hours:* 100.

*Type of Information Collection:* CTPAT Trade Compliance Program's Annual Notification Letter.

*Estimated Number of Respondents:* 50.

*Estimated Number of Annual Responses per Respondent:* 1.

*Estimated Number of Total Annual Responses:* 50.

*Estimated Time per Response:* 2 hours.

*Estimated Total Annual Burden Hours:* 100.

Dated: September 27, 2022.

**Seth D. Renkema,**

*Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.*

[FR Doc. 2022–21279 Filed 10–3–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6342–N–01]

### Request for Information Regarding Small Mortgage Lending

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, HUD.

**ACTION:** Request for information.

**SUMMARY:** In its 2022–2026 Strategic Plan, the Department established strategic goals to “Support Underserved Communities” and to “Promote Homeownership.” Among the goal of supporting underserved communities is to advance housing justice and proactively strengthen and protect vulnerable and underserved communities. Through this Request for Information (RFI), the Federal Housing Administration (FHA) seeks public input regarding barriers to the origination of small mortgages in the FHA program. Information provided in response to this RFI will allow FHA to identify barriers to the origination of small mortgages in the FHA program and consider the development of policies and programs that better support and expand affordable homeownership opportunities in underserved markets with lower housing prices.

**DATES:** Comments are requested on or before December 5, 2022. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** Interested persons are invited to submit comments responsive to this RFI. All submissions must refer to the docket number and title of the

RFI. Commenters are encouraged to identify the number of the specific question or questions to which they are responding. Responses should include the name(s) of the person(s) or organization(s) filing the comment; however, because any responses received by HUD will be publicly available, responses should not include any personally identifiable information or confidential commercial information.

There are two methods for submitting public comments.

1. **Electronic Submission of Comments.** Interested persons may submit comments electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>.

2. **Submission of Comments by Mail.** Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

HUD strongly encourages commenters to submit their feedback and recommendations electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a response, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through the <http://www.regulations.gov> website can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

**Note:** To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

*Public Inspection of Public Comments.* All comments and communications properly submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals can dial 7–1–1 to access the Telecommunications Relay Service (TRS), which permits users to make text-based calls, including Text Telephone (TTY) and Speech to Speech (STS) calls. Copies of all comments submitted are available for inspection and downloading at <http://www.regulations.gov>.



**FOR FURTHER INFORMATION CONTACT:**

Kevin Stevens, Acting Director, Office of Single Family Program Development, Department of Housing and Urban Development, 451 7th Street SW, Room 9266, Washington, DC 20410-0500; telephone number 202-402-4317 (this is not a toll-free number). Individuals can dial 7-1-1 to access the Telecommunications Relay Service (TRS), which permits users to make text-based calls, including Text Telephone (TTY) and Speech to Speech (STS) calls.

**SUPPLEMENTARY INFORMATION:****I. Background**

HUD's 2022-2026 Strategic Plan,<sup>1</sup> released in March 2022, established strategic goals to "Support Underserved Communities" and to "Promote Homeownership." Among the objectives of supporting underserved communities is to "Advance Housing Justice," which includes expanding the Department's role in proactively strengthening and protecting vulnerable and underserved communities. Borrowers often experience difficulty finding affordable options to finance the purchase or refinance of properties below certain price thresholds, especially in areas where home values are low. FHA's mission is to provide mortgage financing options for low- to moderate-income borrowers who are not well served by the private mortgage market, including those seeking small mortgage. HUD understands that a primary barrier to small mortgage lending is the costs to originate and service small mortgages in relation to the limited potential compensation afforded by these loans. Therefore, lenders do not find it economically feasible to originate mortgages with low principal balances. This lack of financing availability for mortgages with low principal balances creates a significant barrier to affordable homeownership for underserved households, particularly in certain geographic areas.

Under Title II of the National Housing Act (NHA),<sup>2</sup> FHA insures loans made by FHA-approved mortgagees for the purchase or refinance of 1-4 family residences, including individual condominium units and manufactured homes classified as real estate. FHA insures mortgages to increase the availability of affordable home financing options for low- and moderate-income

borrowers by protecting mortgagees and lenders against the risk of default.

The Title II program provides limits on the maximum loan amounts but does not contain limitations on a minimum loan amount. Additionally, FHA's regulation at 24 CFR 203.18d prohibits lenders from establishing a minimum principal loan amount under FHA's Title II program.

The House of Representatives Committee Report, 116-452, accompanying the U.S. Departments of Transportation, Housing and Urban Development, and Related Agencies Appropriations Bill, 2021<sup>3</sup> directed HUD to submit a review of its FHA single-family mortgage insurance policies, practices, and products to identify any barriers or impediments to supporting, facilitating, and making available mortgage insurance for mortgages having an original principal obligation of \$70,000 or less. In response, HUD is issuing a report concurrently with this RFI that outlines FHA's role in the small mortgage lending market and identifies certain potential impediments to small mortgage lending.

**II. Purpose of this Request for Information**

The purpose of this RFI is to solicit information regarding barriers to originating small mortgage lending in the FHA program and obtain feedback on ways to improve FHA policies and programs that support affordable homeownership opportunities in underserved markets with lower housing prices.

**III. Specific Information Requested**

While FHA welcomes all comments relevant to expanding small mortgage lending in the FHA mortgage insurance program, FHA is particularly interested in receiving input from interested parties on the questions outlined below.

1. Communities have reported a lack of available financing for small balance mortgage loans in some areas. Have you observed this to be true and is there a particular mortgage loan amount below which the problem is most acute?

2. What housing supply market conditions and purchasing characteristics affect the availability of and demand for small mortgages?

3. What information can you provide regarding the ways in which the FHA program serves or does not serve borrowers seeking small mortgages?

4. What barriers (e.g., origination and servicing costs, compensation,

disincentives) exist for mortgage lenders and other industry participants in facilitating transactions that include the origination or servicing of small mortgages in the FHA program?

5. What technology solutions could improve the availability of small mortgages in the FHA program?

6. What changes to policies, regulations, features, or processes of the current FHA program would encourage mortgagees to do more lending for small mortgages in the FHA program?

7. What policies, regulations, features, or processes outside of FHA/HUD impact the availability of small mortgages in the FHA program?

8. What, if any, state and local requirements affect the availability of small mortgages in the FHA program?

9. What consumer protections are unique to small mortgages that should be considered in the FHA program?

10. What issues should be considered relating to provision of liquidity for small mortgage lending through securitization?

11. Offer any additional comments on the role that FHA programs could play in improving the supply of small mortgages.

**Julia R. Gordon,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2022-21047 Filed 10-3-22; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-6325-N-01]

**Notice of Regulatory Waiver Requests Granted for the First Quarter of Calendar Year 2022**

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on January 1, 2022 and ending on March 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact Aaron Santa Anna, Associate

<sup>1</sup> U.S. Dept of Housing and Urban Development, Fiscal Year 2022-2026 Strategic Plan (2022), available at <https://www.hud.gov/sites/dfiles/CFO/documents/FY2022-2026HUDStrategicPlan.pdf>.

<sup>2</sup> 12 U.S.C. 1707 *et seq.*

<sup>3</sup> Available at <https://www.congress.gov/congressional-report/116th-congress/house-report/452>.

General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410-0500, telephone 202-708-3055 (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.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the first quarter of calendar year 2022.

**SUPPLEMENTARY INFORMATION:** Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant

Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from January 1, 2022 through March 31, 2022. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the first quarter of calendar year 2022) before the next report is published (the second quarter of calendar year 2022), HUD will include any additional waivers granted for the first quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

**Damon Smith,**  
*General Counsel.*

## Appendix

### Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development January 1, 2022 Through March 31, 2022

**Note to Reader:** More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory Waivers Granted by the Office of Community Planning and Development
- II. Regulatory Waivers Granted by the Office of Housing
- III. Regulatory Waivers Granted by the Office of Public and Indian Housing

### Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 91.105(e)(1) and (2), 24 CFR 91.115(b)(3)(i), 24 CFR 91.401, and 24 CFR 570.431, 570.441, and 570.486(a)(5).

*Project/Activity:* Any HUD Community Planning and Development (CPD) grantee in the preparation of their FY 2022 Consolidated Plan or Annual Action Plan and FY 2022 Plan substantial amendments.

*Nature of Requirement:* 24 CFR 91.105(e)(1) and (2), 24 CFR 91.115(b)(3)(i), 24 CFR 91.401, and 24 CFR 570.431, 570.441, and 570.486(a)(5) set forth requirements for a grantee's citizen participation plan in the development of the consolidated plan. These requirements include the minimum number of hearings, the methods of holding hearings, requirements on providing adequate notice for hearings, and requirements on obtaining informed comment.

*Date Granted:* March 3, 2022.

*Reason Waived:* HUD recognizes that efforts to contain COVID-19 require limiting in person public gatherings, such as those often used to obtain citizen views and respond to proposals and questions. Therefore, HUD waives the regulation to the extent necessary to permit the following: For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, CDBG, ESG, HOME, HTF, and HOPWA grantees, units of general local government receiving grant funds from a State, and insular area grantees, may hold virtual public hearings in lieu of in-person public hearings to fulfill public hearing requirements imposed by 42 U.S.C. 12707(a)(3) and the regulations at 24 CFR part 91 and 24 CFR part 570, or by the grantee's citizen participation plan for the preparation of FY2022 Consolidated Plans, Action Plans and any substantial amendments thereto or to prior year plans.

*Contact:* James E. Hoemann, Director, Entitlement Communities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-5716.

- *Regulation:* 24 CFR 92.212(b) (HOME participating jurisdictions) and 24 CFR 570.200(h) (Entitlement CDBG program, the Insular Areas CDBG program, and for grants to non-entitlement counties in Hawaii)

*Project/Activity:* HUD Community Planning and Development (CPD) grantees in the CDBG and HOME programs.

*Nature of Requirement:* Under 24 CFR 92.212(b) (HOME) and 24 CFR 570.200(h),

the effective date of the grant agreement is the program year start date or the date that the consolidated plan is received by HUD, whichever is later. These dates determine when a grantee may incur pre-award costs. For HOME, eligible administrative and planning costs may be incurred as of the beginning of the program year or the date the consolidated plan describing the HOME allocation to which the costs will be charged is received by HUD, whichever is later.

*Granted By:* James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

*Date Granted:* March 23, 2022.

*Reason Waived:* This waiver will allow a grantee or participating jurisdiction to treat the effective date of the grant agreement as the program year start date or the date that the consolidated plan/action plan (with actual allocation amounts) is received by HUD, whichever is earlier. HUD waives 24 CFR 92.212(b) to the extent necessary to permit eligible pre-award costs to be incurred as of the beginning of the program year or the date the consolidated plan describing the HOME allocation to which the costs will be charged is received by HUD, whichever is earlier. HUD recognizes that some activities may be interrupted, and grantees might not otherwise be able to use CDBG and HOME funds for ongoing planning and administrative costs without this waiver. This waiver is in effect until August 16, 2022, and was transmitted with the Notice CPD-22-05 "Guidance on Submitting Consolidated Plans and Annual Action Plans for Fiscal Year (FY) 2022."

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

James E. Hoemann, Director, Entitlement Communities Division, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-5716.

• *Regulation:* 24 CFR 92.214(a)(6).

*Project/Activity:* The City of Newton, Massachusetts, the lead entity of the WestMetro HOME Consortium requested a waiver of 24 CFR 92.214(a)(6) to allow the participating jurisdiction to invest additional HOME funds in a previously assisted HOME project, St. Joseph Hall.

*Nature of Requirement:* The regulation at 24 CFR 92.214(a)(6) prohibits a participating jurisdiction from investing additional HOME funds in a previously assisted HOME project during its required affordability period.

*Granted By:* James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

*Date Granted:* February 1, 2022.

*Reason Waived:* The original rehabilitation did not include replacement of the elevator because the architect and general contractor determined that it could remain operable with managed investment over time. In 2017, the elevator manufacturer recommended an overhaul of the elevator's system, however the LIHTC investor did not approve funds for

the work. In August 2019, the elevator became inoperable and the owner had to relocate a majority of the elderly tenants for approximately 14 days while the elevator underwent repairs. These emergency repairs cost \$71,252, which was approximately 20 percent of the project's total reserves. The CHDO determined that it must replace the elevator to avoid additional costly emergency repairs. The Department recognizes that without an additional investment of HOME funds, the property will not be able to meet ongoing property standards, be at risk of financial hardship, and the wellbeing of the elderly tenants would be significantly impacted.

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 92.252(d)(1) Utility Allowance Requirements.

*Project/Activity:* San Mateo County, California requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for the Colma Veterans Village HOME-assisted project.

*Nature of Requirement:* The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

*Granted By:* James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

*Date Granted:* February 1, 2022.

*Reason Waived:* The HOME requirements for establishing a utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

*Contact:* Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

• *Regulation:* 24 CFR 570.705(f): Loan Requirements, Loan Repayment Period.

*Project/Activity:* Bucks County of Pennsylvania requested a waiver of the regulations governing loan guarantees under Section 108 of the Housing and Community Development Act, as amended, to extend the maximum term of the guaranteed loan. The maximum loan repayment period at 24 CFR 570.705 (f) is twenty years. The initial maturity of the guaranteed loan was August 1, 2022, which would have resulted in a repayment period of nineteen years and two

months. The waiver permitted the extension of the maturity to August 1, 2023 and resulted in a loan term of 20 years and two months. The project financed by the guaranteed loan entails the acquisition of real property and infrastructure construction for a mixed-use economic development project.

*Nature of Requirement:* The term of debt obligations under 24 CFR Subpart M-Loan Guarantees shall not exceed twenty years.

*Granted by:* James Arthur Jemison II, Principal Deputy Assistant Secretary for Community Planning and Development.

*Date Granted:* January 11, 2022.

*Reason Waived:* The need for an extended timeline resulted from additional, unexpected remediation activities and COVID-19 delays. The financial consequence of the COVID-19 crisis was substantial in that it delayed the completion and sale of property assisted under the project by an additional year.

The revenue generated from the sale of the property is the intended source of repayment of the guaranteed loan. Extending the maximum term will therefore enhance both the financial feasibility of the assisted project and the security for repayment of the guaranteed loan.

*Contact:* Paul Webster, Director, Office of Financial Management Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-4563.

## II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 206.304(b)(2).

*Project/Activity:* The requirement for a Home Equity Conversion Mortgage (HECM) counselor to have passed an exam within the prior 3 years to remain on the HECM Counselor Roster and of HUD Housing Counseling Handbook 7610.1 REV-5. Chapter 4, Reverse Mortgage Housing Counseling, paragraph 4-2.

*Nature of Requirement:* This temporary waiver is being issued to ensure that HUD's HECM Roster pool remains at or near the current level of approximately 450 approved and HUD-certified HECM Roster counselors.

*Granted by:* Lopa P. Kolluri, Principal Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

*Date Granted:* January 10, 2022.

*Reason Waived:* Absent this waiver, clients who are age 62 or older and seeking an HECM are at risk of significant delays in scheduling and completing the mandated counseling session before loan application can proceed. The granting of the temporary waiver is consistent with the Department's objectives to assist consumers age 62 or older, who are considering applying for a HECM mortgage, to schedule the counseling required for this FHA-insured loan product in a timely manner; this temporary waiver will assist in maintaining a large pool of qualified HECM roster counselors for

consumers selecting and scheduling their counseling.

**Contact:** Brian Siebenlist, Director, Housing Counseling, Office of Policy and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9224, Washington, DC 20024, telephone (202) 402-5145.

- **Regulation:** 24 CFR 214.300(a)(3).

**Project/Activity:** HUD's In-Person Service Housing Counseling Program.

**Nature of Requirement:** Pursuant to 24 CFR 214.300(a)(3), "[c]ounseling may take place in the office of the housing counseling agency, at an alternate location, or by telephone, as long as mutually acceptable to the housing counselor and client. All agencies participating in HUD's Housing Counseling program that provide services directly to clients must provide in-person counseling to clients that prefer this format."

According to the Centers for Disease Control (CDC), as of December 20, 2021, Omicron has been detected in most states and territories and is resulting in a rapid increase in COVID-19 cases. In addition, the CDC and World Health Organization has asserted that the Omicron variant likely will spread more easily than the original SARS-CoV-2 virus. The CDC expects that anyone with Omicron infection can spread the virus to others, even if they are vaccinated or do not have symptoms.

HUD recognizes that there continues to be a demand for housing counseling services by clients facing financial hardship due to the spread of the COVID-19 virus.

**Granted by:** Lopa P. Kolluri, Principal Deputy Assistant Secretary for Housing—Federal Housing Commissioner

**Date Granted:** February 7, 2022.

**Reason Waived:** This partial waiver allows participating agencies to provide continuous services in a format other than in-person without violating the requirements of 24 CFR 214.300(a)(3).

**Contact:** Brian Siebenlist, Director, Housing Counseling, Office of Policy and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9224, Washington, DC 20024, telephone (202) 402-5145.

- **Regulation:** 24 CFR 219.220(b).

**Project/Activity:** In-Chu-Co Apartments, FHA Project Number 053-44032T, Chapel Hill, North Carolina. Inter-Church Council Housing Corporation (Owner) seeks approval to defer repayment of the Flexible Subsidy Operating Assistance Loan on the subject project.

**Nature of Requirement:** The regulation at 24 CFR 219.220(b) (1995), which governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Properties, states "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project."

**Granted by:** Lopa P. Kolluri, Principal Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

**Date Granted:** February 5, 2022.

**Reason Waived:** The owner requested and was granted waiver of the requirement to repay the Flexible Subsidy Operating Assistance Loans in full when they became due. Deferring the loan payments will preserve these affordable housing resources for an additional 35 years through the execution and recordation of a Rental Use Agreement.

**Contact:** Margaret Wingate, Acting Director, Field Asset Management Division, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone: (202) 402-2231.

- **Regulation:** 24 CFR 219.220(b) (1995).

**Project/Activity:** Weinberg Place, Baltimore, MD, FHA# 052-SH009T.

**Nature of Requirement:** The regulation at 24 CFR 219.220(b) (1995), which governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects, states "Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project." The property is subject to a pre-1974 Section 202 direct loan which matured on September 1, 2021 and was paid in full on September 18, 2021. The Project was awarded two Flexible Subsidy Operating Assistance Loans (Flex Sub Loan(s)) in the combined amount of \$2,166,344.00 in 1991 and 2001 at 1 percent interest per annum. The Flex Sub Loan Surplus Cash Note contains a provision requiring payment of the principal and the interest, in full, if the Section 202 direct mortgage loan matures or is paid in full, or upon the sale, foreclosure, refinancing, assignment or any other disposition of the project.

**Granted by:** Lopa P. Kolluri, Principal Deputy Assistant Secretary for Housing—Federal Housing.

**Date Granted:** February 5, 2022.

**Reason Waived:** The proposed owner requested and was granted waiver of the requirement to repay the Flex Sub Loans in full when it became due. Deferring the loan payment will preserve the affordable housing resource for an additional 20 years through the execution and recordation of a Use Agreement. The proposed owner plans to pay off the entire Flex Sub Loans combined principal balance of \$2,166,344.00. The Flex Sub Loan as of October 15, 2021, had accrued interest of approximately \$518,928.30 based upon the current interest rate of 1 percent. Therefore, the owner's total outstanding obligation under this Flex Sub loan, as of October 15, 2021, was \$2,685,272.30. A new pay off request to include interest will be requested at least 30 days prior to closing.

Until repayment, the balance of the Flex Sub Loans will be secured by a Surplus Cash Note. The current owner will allocate 75 percent of surplus cash to pay down the Flex Sub Loans between now and closing on the LIHTC Transaction. The current owner will remain subject to the Surplus Cash Note and the 75 percent of surplus cash requirement even if the LIHTC transaction is not closed by March 31, 2022.

The Office of Recapitalization will require a 20-year Use Agreement as a condition of the Flexible Subsidy Loan Repayment Deferral. The Use Agreement will extend project affordability to 20 years from the date of the original Section 202 mortgage maturity or the date of full repayment of the fully amortized Flexible Subsidy Loan, whichever is longer.

**Contact:** Brenda Sharon Young, Transaction Manager, Office of Recapitalization, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC, 20410, Room 6128, telephone (202) 402-6275, [Brenda.S.Young@hud.gov](mailto:Brenda.S.Young@hud.gov).

### III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 982.303(b)(1).

**Nature of Requirement:** Notice PIH 2021-34 Expedited Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Program(s), 24 CFR 982.303(b)(1) allows PHAs to grant a family one or more extensions of the initial voucher term regardless of the policy described in the Administrative Plan. PHAs should ensure consistency with these requests and remain in compliance with the PHA's informally adopted interim standard.

**Reason Waived:** PHAs were granted the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021-14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department and Urban Development Reform Act of 1989.

**Granted by:** Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

**Date Granted:** January 1–March 31, 2022.

**Project/Activity:** North Tonawanda, City Housing Authority; Thurston County Housing Authority; Kennewick Housing Authority; Sonoma Housing Authority; Redding Housing Authority; Newark Housing Authority; Laconia Housing and Redevelopment Authority; Akron Metropolitan Housing Authority; Marlboro County Housing Authority; Roanoke Redevelopment and Housing Authority; Spokane Housing Authority; Jonesboro Housing Authority; Riverside County Housing Authority; Tampa Housing Authority; Amherst, Town Housing Authority; Salem Housing Authority; Douglas Housing Authority; Georgia Department of Community Affairs; Great Bend Housing Authority; New Orleans Housing Authority; Stearns County Housing and Redevelopment Authority; St. Louis Housing Authority; New Hampshire Housing Finance Agency; Palm Beach County Housing Authority; Hagerstown Housing Authority; Scottsdale Housing Authority; Lewiston Housing Authority; Municipality of Ponce Housing Authority; City of Norwalk Housing

Authority; Missoula Housing Authority; Lebanon Housing Authority; Erie County Housing Authority; Darlington Housing Authority; Cheraw Housing Authority; Pahoehoe Housing Authority; Easton Housing Authority; Municipality of Cidra Housing Authority; Gary Housing Authority; Bath Housing Authority; Ann Arbor Housing Commission; Itasca County Housing and Redevelopment Authority; Sedalia Housing Authority; Jackson Housing Authority; City of Mesa Housing Authority; Winslow Housing Authority; Cochise County Housing Authority; Hawaiian Gardens Housing Authority; Sanford Housing Authority; Lincoln Housing Authority; Municipality of Guanica Housing Authority; Municipality of Aibonito Housing Authority; Greenwood Housing Authority; Davis Community Housing Authority; Chandler Housing Authority; Macon-Bibb County Housing Authority; Hawaii County Housing Authority; Albany Housing Authority; Northwest Oregon Housing Authority; Housing Authority of the City of Pasco and Franklin County; Skagit County Housing Authority; Little Rock Housing Authority; Gila County Housing Authority; Fort Wayne Housing Authority; Kenner Housing Authority; Methuen Housing Authority; Brunswick Housing Authority; Concord Housing Authority; Town of Islip Housing Authority; Carbon County Housing Authority; Chattanooga Housing Authority; Franklin Redevelopment and Housing Authority; Housing Authority of Maricopa County; LA County Development Authority (LACDA); San Joaquin Housing Authority; Tulare Housing Authority; Culver City Housing Authority; Roseville Housing Authority; Flagler County Housing Authority; Clearwater Housing Authority; Pensacola, City Housing Authority; Eckan Housing; Detroit Housing Commission; Grand Rapids Housing Commission; Red Wing Housing and Redevelopment Authority; Wilson Housing Authority; Geauga Metropolitan Housing Authority; Housing Works; Allentown Housing Authority; Municipality of Caguas Housing Authority; Municipality of Canovanas Housing Authority; Memphis Housing Authority; Lafollette Housing Authority; Etowah Housing Authority; Suffolk Redevelopment and Housing Authority; Prichard Housing Authority; Tucson Housing and Community Development; Pinal County Housing Authority; Pima County Housing Authority; Santa Barbara City Housing Authority; Pasadena Housing Authority; Encinitas Housing Authority; Bristol Housing Authority; Decatur Housing Authority; Crawfordsville Housing Authority; Decatur Housing Authority; Greencastle Housing Authority; Roseville Housing Commission; Plymouth Housing Commission; Mount Pleasant Housing Commission; Washington County Community Development Agency; The New Reidsville Housing Authority; Berlin Housing Authority; Lancaster Housing Authority; Northumberland Housing Authority; Santa Fe Civic Housing Authority; Santa Fe County Housing Authority; Western Regional Housing Authority; Southern Nevada Regional Housing Authority; Mid-Columbia Housing Authority; Delaware

County Housing Authority; South Kingstown Housing Authority; Municipality of Coamo Housing Authority; Barre Housing Authority; Columbia Gorge Housing Authority; Winnebago County Housing Authority; Shasta County Housing Authority; San Diego County Housing Authority; Pomona Housing Authority; Imperial Valley Housing Authority; Colorado Division of Housing; Wallingford Housing Authority; City And County of Honolulu Housing Authority; Boone County Housing Authority; Anderson Housing Authority; Cannelton Housing Authority; St. John The Baptist Parish Housing Authority; Benton Township Housing Commission; Mountain Projects, Inc.; Josephine Housing Council; Municipality of San Juan Housing Authority; Brownsville Housing Authority; Corpus Christi Housing Authority; Winooski Housing Authority; Milwaukee Housing Authority; Monterey Housing Authority; Marin Housing; Vallejo Housing Authority; Baldwin Park Housing Authority; Pasco County Housing Authority; Savannah Housing Authority; Indianapolis Housing Agency; Michigan City Housing Authority; Lowell Housing Authority; Quincy Housing Authority; Hanson Housing Authority; Carroll County Housing and Community Development; Neptune Housing Authority; Cincinnati Metropolitan Housing Authority; Tioga County Housing Authority; Dubois Housing Authority; Northampton County Housing Authority; Lehigh County Housing Authority; Municipality of Guaynabo Housing Authority; Municipality of Manati Housing Authority; Municipality of Lares Housing Authority; Eat Tennessee Human Resource Agency; Bessemer Housing Authority; Denver Housing Authority; Marietta Housing Authority; Prince Georges Housing Authority; Westmoreland County Housing Authority; York Housing Authority; Lake Metropolitan Housing Authority; Deep East Texas Council of Governments; South Gate Housing Authority; Vacaville Housing Authority; Solano Housing Authority; Gainesville Housing Authority; Winter Haven Housing Authority; Dekalb County Housing Authority; Housing Authority of Elgin; East Chicago Housing Authority; Rockville Housing Authority; Baltimore County, MD Housing Authority; Pontiac Housing Commission; Inkster Housing Commission; Ionia Housing Commission; Mississippi Regional Housing Authority VII; Mississippi Regional Housing Authority VI; Western Piedmont Council of Governments; Isothermal Housing Authority; Madison County Housing Authority; Nashua Housing Authority; El Camino Real Housing Authority; Syracuse Housing Authority; Cortland Housing Authority; Wayne County Housing Authority; Municipality of Gayamon Housing Authority; Municipality of Guayama Housing Authority; Beaufort Housing Authority; Jackson Housing Authority; Oak Ridge Housing Authority; Cheyenne Housing Authority; Decatur Housing Authority; Connecticut Department of Housing; Ft. Myers Housing Authority; Newnan Housing Authority; Boise City Housing Authority; Ada County Housing Authority; Vincennes Housing Authority; Bloomington Housing Authority; Lafayette Housing Authority;

Northampton Housing Authority; Stockbridge Housing Authority; Norwood Housing Authority; Portland Housing Authority; Auburn Housing Authority; Ellsworth Housing Authority; Kansas City, MO Housing Authority; Wilmington Housing Authority; Raleigh Housing Authority; North Carolina Commission of Indian Affairs; Grand Forks Housing Authority; Fairport, Village Housing Authority; Pawtucket Housing Authority; Cranston Housing Authority; Puerto Rico Public Housing Administration; Municipality of Carolina Housing Authority; Municipality of Dorado Housing Authority; Municipality of Humacao Housing Authority; Municipality of Rincon Housing Authority; Municipality of Arroyo Housing Authority; Municipality of Ceiba Housing Authority; Chester Housing Authority; Sioux Falls Housing Authority; Tennessee Housing; Abilene Housing Authority; Hopewell Redevelopment and Housing Authority; Norfolk Redevelopment and Housing Authority; Housing Kitsap Public Housing Authority; Dane County Housing Authority; Weirton Housing Authority.

- *Regulation:* 24 CFR 982.503(b).

*Nature of Requirement:* Notice PIH 2021–34 Expedited Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Program(s), 24 CFR 982.503(b) allows PHAs to establish payment standards up to 120 percent of the fair market rent.

*Reason Waived:* PHAs were granted the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department and Urban Development Reform Act of 1989.

*Granted By:* Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* January 1–March 31, 2022.

*Project/Activity:* Franklin County Regional Housing Authority; Auburn Housing Authority; Ellsworth Housing Authority; Kennewick Housing Authority; Fairfield Housing Authority; Lakeland Housing Authority; Laconia Housing and Redevelopment Authority; Roanoke Redevelopment and Housing Authority; Spokane Housing Authority; Huntsville Housing Authority; Birmingham Housing Authority; Mohave County Housing Authority; Walton County Housing Authority; Helena Housing Authority; North Providence Housing Authority; Bellingham Housing Authority; Tempe Housing Authority; Housing Authority of the City of Los Angeles; Georgia Department of Community Affairs; Great Bend Housing Authority; St. Louis Housing Authority; New Hampshire Housing Finance Agency; City of Poughkeepsie Housing Authority; San Bernardino County Housing Authority; Ft. Lauderdale Housing Authority; Greenfield Housing Authority; Bucks County Housing Authority; Tuscaloosa Housing Authority; Scottsdale Housing Authority; Torrance Housing Authority; Garfield County Housing

Authority; Newark Housing Authority; West Palm Beach Housing; Northwest Iowa Housing Authority; Mass Housing and Community Development; Lewiston Housing Authority; Lapeer Housing Commission; Columbus County Housing Authority; Community Development Corporation of Long Island; Cuyahoga Metropolitan Housing Authority; Chester Housing Authority; Chester County Housing Authority; Luzerne County Housing Authority; Luzerne County Housing Authority; Cumberland Housing Authority; Housing Authority of Washington County; Lincoln County Housing Authority; St. Charles County Housing Authority; Missoula Housing Authority; Lebanon Housing Authority; Darlington Housing Authority; Vermont State Housing Authority; Jefferson County Housing Authority; Berkeley Housing Authority; Palm Beach County Housing Authority; Idaho Housing and Finance Association—Sec 8; Gary Housing Authority; Bath Housing Authority; Ann Arbor Housing Commission; Sedalia Housing Authority; Montana Department of Commerce—Montana Housing; New York State Housing Trust Fund Corporation; Jackson Housing Authority; Brown County Housing Authority; City of Mesa Housing Authority; Humboldt Housing Authority; Lake Wales Housing Authority; Southern Iowa Regional Housing Authority; Yamhill Housing Authority; Mobile Housing Authority; Chandler Housing Authority; San Francisco Housing Authority; College Park Housing Authority; Elwood Housing Authority; Albany Housing Authority; Northwest Oregon Housing Authority; Eastern Housing Authority; Municipality of Fajardo Housing Authority; Housing Authority of the City of Pasco and Franklin County; Gila County Housing Authority; Cedar Rapids Housing Authority; Fort Wayne Housing Authority; St. Joseph County Housing Authority; Kenner Housing Authority; Prince Georges Housing Authority; Brunswick Housing Authority; Town of Islip Housing Authority; North Hempstead Housing Authority; Canajoharie, Village Housing Authority; Chattanooga Housing Authority; Tooele County Housing Authority; Franklin Redevelopment and Housing Authority; Eufaula Housing Authority; Housing Authority of Maricopa County; LA County Development Authority; San Joaquin Housing Authority; Culver City Housing Authority; National City Housing Authority; Flagler County Housing Authority; Clearwater Housing Authority; Crawford County Housing Authority; Detroit Housing Commission; Grand Rapids Housing Commission; Red Wing Housing and Redevelopment Authority; Allentown Housing Authority; East Providence Housing Authority; Municipality of Caguas Housing Authority; Municipality of Cagovanas Housing Authority; Memphis Housing Authority; Suffolk Redevelopment and Housing Authority; Boaz Housing Authority; Walker County Housing Authority; Prichard Housing Authority; Tucson Housing and Community Development; Pima County Housing Authority; Lake Housing Authority; Encinitas Housing Authority; South Windsor Housing Authority; City of Hartford Housing Authority; Wethersfield Housing Authority;

Decatur Housing Authority; Asheville Housing Authority; The New Reidsville Housing Authority; East Orange Housing Authority; Santa Fe Civic Housing Authority; Southern Nevada Regional Housing Authority; Linn-Benton Housing Authority; Mid-Columbia Housing Authority; Lebanon County Housing Authority; Barre Housing Authority; Columbia Gorge Housing Authority; Wenatchee Housing Authority; Winnebago County Housing Authority; South Central Housing Authority; Little River County Housing Authority; San Diego County Housing Authority; Wallingford Housing Authority; Tampa Housing Authority; Hawaii Public Housing Authority; Muncie Housing Authority; Anderson Housing Authority; City of Covington Housing Authority; St. John The Baptist Parish Housing Authority; Benton Township Housing Commission; Nevada Rural Housing Authority; Hazleton Housing Authority; Sioux Falls Housing Authority; Corpus Christi Housing Authority; Longview Housing Authority; Milwaukee Housing Authority; Monterey Housing Authority; Vallejo Housing Authority; Baldwin Park Housing Authority; Newington Housing Authority; East Haven Housing Authority; Broward County Housing Authority; Pasco County Housing Authority; Savannah Housing Authority; Hammond Housing Authority; Michigan City Housing Authority; Elkhart Housing Authority; Neptune Housing Authority; Mercer County Housing Authority; Dubois Housing Authority; Lehigh County Housing Authority; Peninsula Housing Authority; Skagit County Housing Authority; Beloit Housing Authority; Eau Claire County Housing Authority; Bessemer Housing Authority; Arizona Behavioral Health Corporation; Denver Housing Authority; Derby Housing Authority; Canton Housing Authority; Cocoa Housing Authority; Ford County Housing Authority; St. Charles Housing Authority; Westmoreland County Housing Authority; York Housing Authority; Aiken Housing Authority; Grant County Housing Authority; Lake Metropolitan Housing Authority; Deep East Texas Council of Governments; Greenville Housing Authority; Cochise County Housing Authority; Fresno City Housing Authority; Riverside County Housing Authority; Norwich County Housing Authority; Glastonbury Housing Authority; Jacksonville Housing Authority; Pahokee Housing Authority; Centerville Housing Authority; Housing Authority of Elgin; Kokomo Housing Authority; Mishawaka Housing Authority; Knox County Housing Authority; Inkster Housing Commission; Ionia Housing Commission; Mississippi Regional Housing Authority VII; Concord Housing Authority; Western Piedmont Council of Governments; Isothermal Housing Authority; Madison County Housing Authority; Irvington Housing Authority; Albuquerque Housing Authority; El Camino Real Housing Authority; Niagara Falls, City Housing Authority; Warwick Housing Authority; Beaufort Housing Authority; Jackson Housing Authority; Oak Ridge Housing Authority; Virginia Housing Development Authority; Okanogan County Housing Authority; Cheyenne Housing Authority; Selma Housing Authority; Decatur Housing Authority;

Sacramento County Housing Authority; Fresno County Housing Authority; San Luis Obispo Housing Authority; Sonoma Housing Authority; Santa Rosa Housing Authority; Oceanside Housing Authority; El Dorado Housing Authority; Connecticut Department of Housing; Deerfield Beach Housing Authority; Manatee County Housing Authority; Newnan Housing Authority; Boise City Housing Authority; Ada County Housing Authority; Bloomington Housing Authority; Boone County Housing Authority; Northampton Housing Authority; Housing Authority of St. Mary's County, MD; Brunswick Housing Authority; Augusta Housing Authority; St. Louis County Housing Authority; Raleigh Housing Authority; North Carolina Commission of Indian Affairs; Grand Forks Housing Authority; Newark Housing Authority; Stark Metropolitan Housing Authority; Montgomery County Housing Authority; Pawtucket Housing Authority; Puerto Rico Public Housing Administration; Municipality of Dorado Housing Authority; Municipality of Rincon Housing Authority; Tennessee Housing; Galveston Housing Authority; Abilene Housing Authority; Hopewell Redevelopment and Housing Authority; Asotin County Housing Authority; Housing Kitsap Public Housing Authority; Wisconsin Rapids Housing Authority.

- *Regulation:* 24 CFR 982.505(c)(4).

*Nature of Requirement:* Notice PIH 2021–34 Expedited Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Program(s), 24 CFR 982.505(c)(4) allows PHAs to increase the payment standard during the Housing Assistance Payment term.

*Reason Waived:* PHAs were granted the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department and Urban Development Reform Act of 1989.

*Granted By:* Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* January 1–March 31, 2022.

*Project/Activity:* North Tonawanda, City Housing Authority; Kennewick Housing Authority; Sonoma Housing Authority; Redding Housing Authority; Laconia Housing and Redevelopment Authority; Akron Metropolitan Housing Authority; Marlboro County Housing Authority; Roanoke Redevelopment and Housing Authority; Birmingham Housing Authority; Riverside County Housing Authority; Tampa Housing Authority; Sarasota Housing Authority; Walton County Housing Authority; Winston-Salem Housing Authority; Amherst, Town Housing Authority; Salem Housing Authority; North Providence Housing Authority; Great Bend Housing Authority; New Hampshire Housing Finance Agency; Coventry Housing Authority; Palm Beach County Housing Authority; Manatee County Housing Authority; Seattle Housing Authority; Scottsdale Housing Authority; Housing Authority of The County of Santa

Cruz; Torrance Housing Authority; Garfield County Housing Authority; Newark Housing Authority; Northwest Iowa Housing Authority; Lewiston Housing Authority; Michigan State Housing Development Authority; Wayne Metropolitan Housing Authority; Luzerne County Housing Authority; Cumberland Housing Authority; Delta Housing Authority; Missoula Housing Authority; Lebanon Housing Authority; Yamhill Housing Authority; Cheraw Housing Authority; Vermont State Housing Authority; Butte Housing Authority; Berkeley Housing Authority; Erie Metropolitan Housing Authority; Municipality of Cidra Housing Authority; Gary Housing Authority; Ann Arbor Housing Commission; Sedalia Housing Authority; Jackson Housing Authority; Charles City Housing Authority; Southern Iowa Regional Housing Authority; Marshall Housing Authority; Sanford Housing Authority; Municipality of Guanica Housing Authority; Davis Community; San Francisco Housing Authority; College Park Housing Authority; Elwood Housing Authority; Columbus County Housing Authority; Albany Housing Authority; Clermont Metropolitan Housing Authority; Sandusky Metropolitan Housing Authority; Northwest Oregon Housing Authority; Housing Authority of the City of Pasco and Franklin County; Gila County Housing Authority; Cedar Rapids Housing Authority; St. Joseph County Housing Authority; Kenner Housing Authority; Brunswick Housing Authority; Town of Islip Housing Authority; Cleveland Housing Authority; Franklin Redevelopment and Housing Authority; Augusta Housing Authority; Housing Authority of Maricopa County; LA County Development Authority (LACDA); Culver City Housing Authority; Flagler County Housing Authority; Clearwater Housing Authority; Pensacola, City Housing Authority; Crawford County Housing Authority; Detroit Housing Commission; Grand Rapids Housing Commission; Red Wing Housing and Redevelopment Authority; Wilson Housing Authority; Allentown Housing Authority; Municipality of Caguas Housing Authority; Municipality of Canovanas Housing Authority; Memphis Housing Authority; Boaz Housing Authority; Walker County Housing Authority; Prichard Housing Authority; Tucson Housing and Community Development; Pima County Housing Authority; Santa Barbara City Housing Authority; Mendocino County Housing Authority; Lake Housing Authority; Encinitas Housing Authority; Volusia County Housing Authority; Greencastle Housing Authority; Berlin Housing Authority; Lancaster Housing Authority; Northumberland Housing Authority; Santa Fe Civic Housing Authority; Lucas Metropolitan Housing Authority; Klamath Housing Authority; Linn-Benton Housing Authority; Mid-Columbia Housing Authority; Delaware County Housing Authority; Municipality of Fajardo; Barre Housing Authority; Columbia Gorge Housing Authority; Wenatchee Housing Authority; Winnebago County Housing Authority; San Diego County Housing Authority; Colorado Division of Housing; Boone County Housing Authority; Anderson Housing Authority; St. John The Baptist Parish Housing Authority;

Benton Township Housing Commission; Mountain Projects, Inc.; Corpus Christi Housing Authority; Winooski Housing Authority; Longview Housing Authority; Milwaukee Housing Authority; The Housing Authority of The City of Montgomery; Vallejo Housing Authority; Baldwin Park Housing Authority; Savannah Housing Authority; Hammond Housing Authority; Michigan City Housing Authority; Quincy Housing Authority; Hanson Housing Authority; Cincinnati Metropolitan Housing Authority; Wilkes Barre Housing Authority; Peninsula Housing Authority; Beloit Housing Authority; Eau Claire County Housing Authority; Bessemer Housing Authority; Denver Housing Authority; Prince Georges Housing Authority; Housing Authority of Washington County; St Charles Housing Authority; Lake Metropolitan Housing Authority; Deep East Texas Council of Governments; Ford County Housing Authority; Greenville Housing Authority; Housing Authority for the City of Los Angeles; Fresno City Housing Authority; South Gate Housing Authority; Winter Haven Housing Authority; Centerville Housing Authority; Housing Authority of Elgin; Mishawaka Housing Authority; Knox County Housing Authority; Inkster Housing Commission; Mississippi Regional Housing Authority No. VII; Western Piedmont Council of Governments; Isothermal Housing Authority; Albuquerque Housing Authority; Cortland Housing Authority; Town of Brookhaven Housing Authority; West Valley Housing Authority; Jackson Housing Authority; Etowah Housing Authority; Oak Ridge Housing Authority; Mercedes Housing Authority; Ogden Housing Authority; Virginia Housing Development Authority; Selma Housing Authority; Decatur Housing Authority; Phoenix Housing Development; Sacramento County Housing Authority; Fresno County Housing Authority; San Luis Obispo Housing Authority; El Dorado Housing Authority; Newnan Housing Authority; Vincennes Housing Authority; Bloomington Housing Authority; Warsaw Housing Authority; Wichita Housing Authority; Boone County Housing Authority; Stockbridge Housing Authority; Auburn Housing Authority; Ellsworth Housing Authority; Wilmington Housing Authority; Pawtucket Housing Authority; Cranston Housing Authority; Puerto Rico Public Housing Administration; Municipality of Ceiba Housing Authority; Sioux Falls Housing Authority; Tennessee Housing; Galveston Housing Authority; Abilene Housing Authority; Hopewell Redevelopment and Housing Authority; Housing Kitsap Public Housing Authority; Wisconsin Rapids Housing Authority; Knox County Housing Authority; Inkster Housing Commission; Ionia Housing Commission; Mississippi Regional Housing Authority VII; Concord Housing Authority; Western Piedmont Council of Governments; Isothermal Housing Authority; Madison County Housing Authority; Irvington Housing Authority; Albuquerque Housing Authority; El Camino Real Housing Authority; Niagara Falls, City Housing Authority; Warwick Housing Authority; Beaufort Housing Authority; Jackson Housing

Authority; Oak Ridge Housing Authority; Virginia Housing Development Authority; Okanogan County Housing Authority; Cheyenne Housing Authority; Selma Housing Authority; Decatur Housing Authority; Sacramento County Housing Authority; Fresno County Housing Authority; San Luis Obispo Housing Authority; Sonoma Housing Authority; Santa Rosa Housing Authority; Oceanside Housing Authority; El Dorado Housing Authority; Connecticut Department of Housing; Deerfield Beach Housing Authority; Manatee County Housing Authority; Newnan Housing Authority; Boise City Housing Authority; Ada County Housing Authority; Bloomington Housing Authority; Boone County Housing Authority; Northampton Housing Authority; Housing Authority of St. Mary's County, MD; Brunswick Housing Authority; Augusta Housing Authority; St. Louis County Housing Authority; Raleigh Housing Authority; North Carolina Commission of Indian Affairs; Grand Forks Housing Authority; Newark Housing Authority; Stark Metropolitan Housing Authority; Montgomery County Housing Authority; Pawtucket Housing Authority; Puerto Rico Public Housing Administration; Municipality of Dorado Housing Authority; Municipality of Rincon Housing Authority; Tennessee Housing; Galveston Housing Authority; Abilene Housing Authority; Hopewell Redevelopment and Housing Authority; Asotin County Housing Authority; Housing Kitsap Public Housing Authority; Wisconsin Rapids Housing Authority.

- *Regulation:* 24 CFR 982.634(a).

*Nature of Requirement:* Notice PIH 2021–34 Expedited Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Program(s), 24 CFR 982.634(a) allows PHAs to extend homeownership assistance for one additional year.

*Reason Waived:* PHAs were granted the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department and Urban Development Reform Act of 1989.

*Granted By:* Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* January 1–March 31, 2022.

*Project/Activity:* New Orleans Housing Authority; New Hampshire Housing Finance Agency; Vermont State Housing Authority; Yuma City Housing Authority; Albany Housing Authority; Detroit Housing Commission; Municipality of Caguas Housing Authority; Memphis Housing Authority; Prichard Housing Authority; Lucas Metropolitan Housing Authority; Mountain Projects, Inc.; Municipality of San Juan Housing Authority; Brownsville Housing Authority; Quincy Housing Authority; Marietta Housing Authority; Prince Georges Housing Authority; Syracuse Housing Authority; Municipality of Bayamon; Ft. Myers Housing Authority; Newnan Housing Authority; Louisville

Housing Authority; Portland Housing Authority; Grand Forks Housing Authority.

- *Regulation:* 24 CFR 984.303(d).

*Project/Activity:* Greensboro Housing Authority.

*Nature of Requirement:* Contract extension. The PHA shall, in writing, extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that the PHA finds that good cause exists for granting the extension.

*Granted by:* Dominique Blom, General Deputy Assistant Secretary.

*Date Granted:* January 18, 2022.

*Reason Waived:* The waiver was granted to allow GHA to extend the term of the contract of participation for an additional year. GHA states it has a participant who is nearing the end of their original extension, and who would be a successful FSS graduate had they not had the COVID-19 pandemic prevent them from completing the remaining goals and fulfilling their Contract of Participation. In accordance with 24 CFR 984.303(d), good cause exists, and HUD approves.

*Contact:* Anice Chenault, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20140, Room 4130, telephone (502) 618-8163.

- *Regulation:* 24 CFR 984.303(d).

*Project/Activity:* Alameda County Housing Authority.

*Nature of Requirement:* Contract extension. The PHA shall, in writing, extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that the PHA finds that good cause exists for granting the extension.

*Granted by:* Dominique Blom, General Deputy Assistant Secretary.

*Date Granted:* January 19, 2022.

*Reason Waived:* The waiver was granted to allow ACHA to extend the term of the contract of participation for an additional 18 month. ACHA states it has a participant whose Contract of Participation is nearing the end of her two-year extension period. Your agency has provided evidence that this participant would have been a successful FSS graduate during the Contract term had she not been subject to domestic violence circumstances which contributed to her being unable to maintain employment and remain welfare-free for 12 months prior to graduation. In accordance with 24 CFR 984.303(d), good cause exists, and HUD approves.

*Contact:* Anice Chenault, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20140, Room 4130, telephone (502) 618-8163.

- *Regulation:* 24 CFR 984.303(d).

*Project/Activity:* Salem Housing Authority.

*Nature of Requirement:* Contract extension. The PHA shall, in writing, extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that the PHA finds that good cause exists for granting the extension.

*Granted by:* Dominique Blom, General Deputy Assistant Secretary.

*Date Granted:* January 22, 2022.

*Reason Waived:* The waiver was granted to allow SHA to extend the term of the contract of participation for an additional year. SHA states it has participant who is nearing the end of their original extension, and who would be a successful FSS graduate had they not had the COVID-19 pandemic prevent them from completing the remaining goals and fulfilling their Contract of Participation. In accordance with 24 CFR 984.303(d), good cause exists, and HUD approves.

*Contact:* Anice Chenault, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20140, Room 4130, telephone (502) 618-8163.

- *Regulation:* 24 CFR 984.303(d).

*Project/Activity:* Town of Brookhaven Housing Authority.

*Nature of Requirement:* Contract extension. The PHA shall, in writing, extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that the PHA finds that good cause exists for granting the extension.

*Granted by:* Dominique Blom, General Deputy Assistant Secretary.

*Date Granted:* February 2, 2022.

*Reason Waived:* The waiver was granted to allow TBHA to extend the term of the contract of participation for an additional six months. TBHA states it has a participant who is nearing the end of their original extension, and who would be a successful FSS graduate had they not had the COVID-19 pandemic prevent them from completing the remaining goal of continuous employment and fulfilling their Contract of Participation. In accordance with 24 CFR 984.303(d), good cause exists, and HUD approves.

*Contact:* Anice Chenault, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20140, Room 4130, telephone (502) 618-8163.

- *Regulation:* 24 CFR 985.105, 24 CFR 985.101.

*Nature of Requirement:* Notice PIH 2021-34 Expedited Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Program(s), 24 CFR 985.105, 24 CFR 985.101 whereas PHAs with a fiscal year end 3/31/22, 6/30/22, or 9/30/22 may request to waive Section Eight Management Assessment Program (SEMAP) if an indicator declines as a result of operational disruptions and from its adoption of one or more CARES Act waivers.

*Reason Waived:* PHAs were granted the opportunity to apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021-14 to provide continued flexibility during the pandemic and pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department and Urban Development Reform Act of 1989.

*Granted By:* Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* January 1–March 31, 2022.

*Project/Activity:* Franklin County Regional Housing Authority; Thurston County Housing Authority; Lapeer Housing Commission; Kennewick Housing Authority; Sonoma Housing Authority; Ventura County Housing Authority; Newark Housing Authority; Laconia Housing and Redevelopment Authority; Marlboro County Housing Authority; Huntsville Housing Authority; Birmingham Housing Authority; Jonesboro Housing Authority; Tampa Housing Authority; Sarasota Housing Authority; Walton County Housing Authority; Lincoln County Housing Authority; Salem Housing Authority; North Providence Housing Authority; Douglas Housing Authority; Garden Grove Housing Authority; Georgia Department of Community Affairs; New Orleans Housing Authority; St. Louis Housing Authority; New Hampshire Housing Finance Agency; Palm Beach County Housing Authority; Greenfield Housing Authority; Hagerstown Housing Authority; Scottsdale Housing Authority; Housing Authority of the County of Santa Cruz; Torrance Housing Authority; Iowa City Housing Authority; Mason City Housing Authority; Michigan State Housing Development Authority; Cumberland Housing Authority; Municipality of Ponce Housing Authority; Snohomish County Housing Authority; San Francisco Housing Authority; Orange County Housing Authority; Pico Rivera Housing Authority; City of Norwalk Housing Authority; Fulton Housing Authority; Yamhill Housing Authority; Darlington Housing Authority; Vermont State Housing Authority; Leeds Housing Authority; Berkeley Housing Authority; Pahoee Housing Authority; Owensboro Housing Authority; Erie Metropolitan Housing Authority; Nanticoke Housing Authority; Municipality of Cidra Housing Authority; Burlington Housing Authority; Contra Costa County Housing Authority; Anaheim Housing Authority; Milford Redevelopment and Housing Partnership; Milton Housing Authority; Gary Housing Authority; Ann Arbor Housing Commission; Sedalia Housing Authority; Missoula Housing Authority; Glens Falls Housing Authority; Homes For Good Housing Authority; Josephine Housing Council; Montour County Housing Authority; Burrillville Housing Authority; Municipality of Caguas Housing Authority; Municipality of Florida Housing Authority; Gadsden Housing Authority; City of Mesa Housing Authority; Winslow Housing Authority; Cochise County Housing Authority; Ormond Beach Housing Authority; Charles City Housing Authority; Marshall Housing Authority; Sanford Housing Authority; Reading Housing Authority; Lincoln Housing Authority; Municipality of Guanica Housing Authority; Municipality of Aibonito Housing Authority; Greenwood Housing Authority; Davis Community; Chandler Housing Authority; Yuma City Housing Authority; Inglewood Housing Authority; Redondo Beach Housing Authority; Hawaii County Housing Authority; Sioux City Housing Authority; Albany Housing Authority; Clermont Metropolitan Housing Authority; Sandusky Metropolitan Housing Authority; Northwest



Oregon Housing Authority; Murfreesboro Housing Authority; Newport News Redevelopment and Housing Authority; Housing Authority of the City of Pasco and Franklin County; Skagit County Housing Authority; Wisconsin Housing and Economic Development Authority; Gila County Housing Authority; Riverside County Housing Authority; Cedar Rapids Housing Authority; St. Joseph County Housing Authority; Kenner Housing Authority; Boston Housing Authority; Methuen Housing Authority; Amesbury Housing Authority; Brunswick Housing Authority; Town of Islip Housing Authority; Jefferson County Housing Authority; Cleveland Housing Authority; Roanoke Redevelopment and Housing Authority; Franklin Redevelopment and Housing Authority; Bennington Housing Authority; Housing Authority of Maricopa County; LA County Development Authority (LACDA); San Joaquin Housing Authority; Fairfield Housing Authority; Napa Housing Authority; Culver City Housing Authority; National City Housing Authority; Roseville Housing Authority; Clearwater Housing Authority; Pensacola, City Housing Authority; Hernando County Housing Authority; Lafayette Housing Authority; Eckan Housing; Fall River Housing Authority; Malden Housing Authority; Detroit Housing Commission; Grand Rapids Housing Commission; St. Clair County Housing Authority; Asheboro Housing Authority; Dover Housing Authority; Harrison Metropolitan Housing Authority; Housing Works; Allentown Housing Authority; Titusville Housing Authority; Municipality of Las Marias Housing Authority; Municipality of Villalba Housing Authority; Memphis Housing Authority; Lafollette Housing Authority; South Plains Regional Housing Authority; Suffolk Redevelopment and Housing Authority; Auburn Housing Authority; Prichard Housing Authority; Fayetteville Housing Authority; Tucson Housing and Community Development; Flagstaff Housing Authority; Pinal County Housing Authority; Pima County Housing Authority; Crescent City Housing Authority; Alameda County Housing Authority; Santa Barbara City Housing Authority; Pasadena Housing Authority; Mendocino County Housing Authority; Oceanside Housing Authority; Lake Housing Authority; Bristol Housing Authority; City of Hartford Housing Authority; Orange County Housing Authority; Volusia County Housing Authority; Americus Housing Authority; Knox County Housing Authority; East Peoria Housing Authority; Crawfordsville Housing Authority; Decatur Housing Authority; Greencastle Housing Authority; Shreveport Housing Authority; Wilmington Housing Authority; Dartmouth Housing Authority; Roseville Housing Commission; Plymouth Housing Commission; Mount Pleasant Housing Commission; Albert Lea Housing and Redevelopment Authority; The New Reidsville Housing Authority; Berlin Housing Authority; Lancaster Housing Authority; Northumberland Housing Authority; Santa Fe Civic Housing Authority; Santa Fe County Housing Authority; Western Regional Housing Authority; Southern Nevada Regional Housing Authority; Schenectady Muni Housing Authority; Mid-Columbia Housing Authority; Delaware County Housing Authority; South Kingstown Housing Authority; Municipality of Penuelas Housing Authority; Municipality of Guayanilla Housing Authority; Municipality of San Sebastian Housing Authority; Municipality of Coamo Housing Authority; Housing Connect-Salt Lake County; Columbia Gorge Housing Authority; Waukesha Housing Authority; Little River County Housing Authority; Shasta County Housing Authority; Santa Monica Housing Authority; Pomona Housing Authority; Imperial Valley Housing Authority; Colorado Division of Housing; Wallingford Housing Authority; City And County of Honolulu Housing Authority; Hawaii Public Housing Authority; Boone County Housing Authority; Muncie Housing Authority; Anderson Housing Authority; Lawrence County Housing Authority; Cumberland Valley Housing Authority; St. John The Baptist Parish Housing Authority; Lynn Housing Authority; Westminster Housing Office; Benton Township Housing Commission; Nevada Rural Housing Authority; Mechanicville Housing Authority; Village of Sea Cliff Housing Authority; New York State Housing Trust Fund Corporation; Dauphin County Housing Authority; Central Falls Housing Authority; Municipality of San Juan Housing Authority; Charleston County Housing Authority; N Charleston Housing Authority; Brownsville Housing Authority; Corpus Christi Housing Authority; Longview Housing Authority; The Housing Authority of The City of Montgomery; Monterey Housing Authority; Marin Housing; Vallejo Housing Authority; Baldwin Park Housing Authority; East Haven Housing Authority; Broward County Housing Authority; Pasco County Housing Authority; Michigan City Housing Authority; Columbus Housing Authority; Salina Housing Authority; Crowley Housing Authority; Lowell Housing Authority; Quincy Housing Authority; Somerville Housing Authority; Arlington Housing Authority; Hanson Housing Authority; Carroll County Housing and Community Development; Lansing Housing Commission; Stearns County Housing and Redevelopment Authority; Butte Housing Authority; Gastonia Housing Authority; Franklin Housing Authority; Cincinnati Metropolitan Housing Authority; Tioga County Housing Authority; Dubois Housing Authority; Municipality of Guaynabo Housing Authority; Municipality of Manati Housing Authority; Municipality of Juana Diaz Housing Authority; Municipality of Cabo Rojo Housing Authority; Municipality of Las Piedras Housing Authority; Municipality of Lares Housing Authority; Municipality of Vieques Housing Authority; Municipality of Veroquis Housing Authority; Peninsula Housing Authority; Kaukauna Housing Authority; Bessemer Housing Authority; Pine Bluff Housing Authority; Derby Housing Authority; Amherst Housing Authority; Prince Georges Housing Authority; Bernalillo County Housing Authority; San Miguel County Housing Authority; Mansfield Metropolitan Housing Authority; Huron Metropolitan Housing Authority; Crawford Metropolitan Housing Authority; Seneca Metropolitan Housing Authority; Westmoreland County Housing Authority; Ford County Housing Authority; Lake Metropolitan Housing Authority; Jasper Housing Authority; South Tucson Housing Authority; South Gate Housing Authority; Vacaville Housing Authority; Solano Housing Authority; Glastonbury Housing Authority; Gainesville Housing Authority; Winter Haven Housing Authority; Housing Authority of Elgin; McHenry County Housing Authority; Mishawaka Housing Authority; Elkhart Housing Authority; Rockville Housing Authority; Madisonville Housing Authority; Brookline Housing Authority; Stoughton Housing Authority; Baltimore County, Md Housing Authority; Pontiac Housing Commission; Grayling Housing Commission; Taylor Housing Commission; Ionia Housing Commission; Northwest Minnesota Multi-County Housing and Redevelopment Authority; Dallas County Housing Authority; Mississippi Regional Housing Authority VI; Concord Housing Authority; Housing Authority of the County of Wake; Isothermal Housing Authority; Nashua Housing Authority; Albuquerque Housing Authority; Eastern Regional Housing Authority; El Camino Real Housing Authority; Syracuse Housing Authority; Cortland Housing Authority; Lockport Housing Authority; Boonville Housing Authority; Ohio Housing Finance Agency; McKeesport Housing Authority; Allegheny County Housing Authority; Beaver County Housing Authority; Snyder County Housing Authority; Municipality of Bayamon Housing Authority; Municipality of Guayama Housing Authority; Municipality of Arecibo Housing Authority; Municipality of Ciales Housing Authority; Municipality of Santa Isabel Housing Authority; Municipality of Juncos Housing Authority; Beaufort Housing Authority; Harris County Housing Authority; Deep East Texas Council of Governments; Ogden Housing Authority; Virginia Housing Development Authority; Ashland County Housing Authority; Decatur Housing Authority; York Housing Authority; North Little Rock Housing Authority; Phoenix Housing Development; Calexico City Housing Authority; San Luis Obispo Housing Authority; Charter Oak Communities; Marianna Housing Authority; Ft. Pierce Housing Authority; Ft. Myers Housing Authority; Tallahassee Housing Authority; Deerfield Beach Housing Authority; Newnan Housing Authority; Boise City Housing Authority; Ada County Housing Authority; Henry County Housing Authority; Vincennes Housing Authority; Richmond Housing Authority; Bloomington Housing Authority; Marion Housing Authority; Warsaw Housing Authority; Hopkinsville Housing Authority; Medford Housing Authority; Northampton Housing Authority; Stockbridge Housing Authority; Chelmsford Housing Authority; Norwood Housing Authority; American Training, Inc; Harford County Housing Agency; Cecil County Housing Agency; Portland Housing Authority; Auburn Housing Authority; Ellsworth Housing Authority; Cheboygan Housing Commission; Dakota County Community Development Agency; Phelps County Public Housing

Authority; Wilmington Housing Authority; Raleigh Housing Authority; New Brunswick Housing Authority; Vineland Housing Authority; Fairport, Village Housing Authority; Dayton Metropolitan Housing Authority; Trumbull Metropolitan Housing Authority; Stark Metropolitan Housing Authority; Brown Metropolitan Housing Authority; Washington County Housing Authority; Northumberland County Housing Authority; Pawtucket Housing Authority; Cranston Housing Authority; East Providence Housing Authority; Puerto Rico Public Housing Administration; Municipality of Dorado Housing Authority; Municipality of Humacao Housing Authority; Municipality of Rincon Housing Authority; Municipality of Arroyo Housing Authority; Municipality of Ceiba Housing Authority; Sioux Falls Housing Authority; Knoxville Community Development Corporation; Tennessee Housing; Galveston Housing Authority; Abilene Housing Authority; Hopewell Redevelopment and Housing Authority; Norfolk Redevelopment and Housing Authority; Abingdon Redevelopment and Housing Authority; Housing Kitsap Public Housing Authority; Parkersburg Housing Authority; Weirton Housing Authority; Raleigh County Housing Authority; Boone County Housing Authority.

[FR Doc. 2022-21503 Filed 10-3-22; 8:45 am]

BILLING CODE 4210-67-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

[FWS-R2-ES-2022-N052  
FXES1113020000-223-FF02ENEH00]

**Endangered and Threatened Wildlife and Plants; Recovery Permit Applications**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications

for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act (ESA) prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

**DATES:** To ensure consideration, please submit your written comments by November 3, 2022.

**ADDRESSES:**

*Document availability:* Request documents by phone or email: Marty Tuegel 505-248-6651, [marty\\_tuegel@fws.gov](mailto:marty_tuegel@fws.gov).

*Comment submission:* Submit comments by email to [fw2\\_te\\_permits@fws.gov](mailto:fw2_te_permits@fws.gov). Please specify the permit application you are interested in by number (e.g., Permit Record No. PER1234567).

**FOR FURTHER INFORMATION CONTACT:**

Marty Tuegel, Supervisor, Environmental Review Division, 505-248-6651. 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:**

**Background**

With some exceptions, the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of "take" includes hunting, shooting, harming, wounding, or killing, and also such activities as

pursuing, harassing, trapping, capturing, or collecting.

The ESA and our implementing regulations in the Code of Federal Regulations (CFR) at title 50, part 17, provide for issuing such permits and require that we invite public comment before issuing permits for activities involving listed species.

A recovery permit we issue under the ESA, section 10(a)(1)(A), authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or enhance the species' propagation or survival. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Permit Applications Available for Review and Comment**

Documents and other information submitted with these applications are available for review by any party who submits a request as specified in

**ADDRESSES.** Our release of documents is subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. We invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies. Please refer to the permit record number when submitting comments.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0047822 .....	Snipes, Katie; Austin, Texas.	Golden-cheeked warbler ( <i>Setophaga chrysoparia</i> ), whooping crane ( <i>Grus americana</i> ), Houston toad ( <i>Bufo houstonensis</i> ), red-cockaded woodpecker ( <i>Picoides borealis</i> ), Barton Springs salamander ( <i>Eurycea sosorum</i> ), Austin blind Salamander ( <i>Eurycea waterlooensis</i> ).	Texas .....	Presence/absence surveys, habitat assessment, nest monitoring.	Harass, harm .....	New.
PER0051491 .....	U.S. Army Corps of Engineers; Albuquerque, New Mexico.	Rio Grande silvery minnow ( <i>Hybognathus amarus</i> ).	Mississippi .....	Research to develop eDNA markers, collect tissue.	Harass, harm, collect, kill.	Amend.

Permit record No.	Applicant	Species	Location	Activity	Type of take	Permit action
PER0051559 .....	Texas A&M University—Mateos Lab; College Station, Texas.	Gila topminnow ( <i>Poeciliopsis occidentalis</i> ).	Arizona .....	Captive propagation .....	Harass, harm, capture	New.
PER0051967 .....	Trathnigg, Heidi; Flagstaff, Arizona.	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> ), Yuma ridgway's rail ( <i>Rallus obsoletus yumanensis</i> ).	Arizona .....	Presence/absence surveys.	Harass, harm .....	Renew.
PER0051964 .....	National Park Service—Padre Island National Seashore; Corpus Christi, Texas.	Kemp's ridley sea turtle ( <i>Lepidochelys kempii</i> ), hawksbill sea turtle ( <i>Eretmochelys imbricata</i> ), leatherback sea turtle ( <i>Dermodochelys coriacea</i> ).	Texas .....	Document and examine stranded sea turtles, capture/handle, tag, transport, necropsy, examine gut contents, track, locate/retrieve/incubate eggs, release, collect tissue/blood samples, educational display.	Harass, harm, capture, collect.	Renew.
PER0051968 .....	Thompson, Alexandra; San Marcos, Texas.	Golden-cheeked warbler ( <i>Setophaga chrysoparia</i> ).	Texas .....	Presence/absence surveys, nest monitoring, territory mapping surveys, habitat occupancy surveys, habitat monitoring surveys, baseline preserve evaluations, land management plans, habitat determinations.	Harass/harm .....	New.
PER0052329 .....	Jacobs Engineering Group; Tempe, Arizona.	Spikedace ( <i>Meda fulgida</i> ), loach minnow ( <i>Tiaroga cobitis</i> ).	Arizona .....	Presence/absence surveys, exclusion/relocation surveys.	Harass/harm .....	Amend.
PER0052151 .....	Thiels, Sabrina; Rosenberg, Texas.	Big bend gambusia ( <i>Gambusia gaigei</i> ), clear creek gambusia ( <i>Gambusia heterochin</i> ), Comanche Springs pupfish ( <i>Cyprinodon elegans</i> ), fountain darter ( <i>Etheostoma fonticola</i> ), Pecos gambusia ( <i>Gambusia nobilis</i> ), San Marcos gambusia ( <i>Gambusia georgei</i> ), Leon Springs pupfish ( <i>Cyprinodon bovinus</i> ), Rio Grande silvery minnow ( <i>Hybognathus amarus</i> ), sharpnose shiner ( <i>Notropis oxyrhynchus</i> ), peppered chub ( <i>Macrhybopsis tetranema</i> ), smalleye shiner ( <i>Notropis buccula</i> ), Mexican blindcat ( <i>Prietella phreatophila</i> ), Texas hornshell ( <i>Popenaias popeii</i> ).	Texas .....	Presence/absence surveys, relocation.	Harass/harm .....	New.
PER0052259 .....	Anchor QEA, LLC.	Whooping crane ( <i>Grus americana</i> )	Texas, Louisiana .....	Presence/absence surveys, monitoring, habitat usage, habitat creation/enhancement.	Harass/harm .....	Amend.

### Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, National Environmental Policy Act, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us to 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 of the ESA (16 U.S.C. 1531 *et seq.*).

#### Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2022–21438 Filed 10–3–22; 8:45 am]

BILLING CODE 4333–15–P

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

[Docket No. FWS–HQ–ES–2022–0140; FXES1113090000/223/FF09E32000; OMB Control Number 1018–0095]

#### Agency Information Collection Activities; Endangered and Threatened Wildlife, Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service

(Service), are proposing to renew an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before December 5, 2022.

**ADDRESSES:** Send your comments on the information collection request (ICR) by one of the following methods (please reference 1018–0095 in the subject line of your comments):

- *Internet (preferred):* <https://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS–HQ–ES–2022–0140.
- *Email:* [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov).
- *U.S. mail:* Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803.

**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](mailto: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.

**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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether 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. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** Section 10(j) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), authorizes the Secretary of the Interior to establish experimental populations of endangered or threatened species. Because the ESA protects individuals of experimental populations, the information we collect is important for monitoring the success of reintroduction and recovery efforts. This is a nonform collection (meaning there is no designated form associated with this collection). Regulations at 50 CFR 17.84 contain information collection requirements for experimental populations of vertebrate endangered and threatened species. These regulations identify and describe the three categories of information we collect, which include:

(1) *General take or removal.* “Take” is defined by the ESA as “[to] harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” In this information collection, take most commonly is considered to be in the form of human-related mortality, including:

a. Unintentional taking incidental to otherwise lawful activities (*e.g.*, highway mortalities);

b. Animal husbandry actions authorized to manage the population (*e.g.*, translocation or providing aid to sick, injured, or orphaned individuals);

c. Take in defense of human life;

d. Take related to defense of property (if authorized); or

e. Take in the form of authorized harassment.

(2) *Depredation-related take.* Involves take for management purposes of documented livestock depredation, and may include authorized harassment or authorized lethal take of experimental population animals in the act of attacking livestock. See 50 CFR 17.84 for specific provisions of harassment for each species within this section.

The information that we collect includes:

a. Name, address, and phone number of reporting party,

b. Species involved,

c. Type of incident,

d. Quantity of take,

e. Location and time of the reported incident, and

f. Description of the circumstances related to the incident.

(3) *Specimen collection, recovery, or reporting of dead individuals.* This information documents incidental or authorized scientific collection. Most of the information collected addresses the reporting of sightings of experimental population animals or the inadvertent discovery of an injured or dead individual.

Service recovery specialists use this information to determine the success of reintroductions in relation to established recovery plan goals for the experimental populations of vertebrate endangered and threatened species involved. In addition, this information helps us to assess the effectiveness of control activities in order to develop better means to reduce problems with livestock for those species where depredation is a problem.

**Title of Collection:** Endangered and Threatened Wildlife, Experimental Populations, 50 CFR 17.84.

**OMB Control Number:** 1018–0095.

**Form Numbers:** None.

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** Individuals and households, private sector, and State/local/Tribal governments.

**Respondent's Obligation:** Voluntary.

**Frequency of Collection:** On occasion.

**Total Estimated Annual Nonhour Burden Cost:** None.

Requirement	Annual number of respondents	Total annual responses	Completion time per response	Total annual burden hours*
<b>Notification—General Take or Removal</b>				
Individuals .....	12	12	.5	6
Private Sector .....	7	7	.5	4
Government .....	29	29	.5	15
<b>Notification—Depredation-Related Take</b>				
Individuals .....	25	25	.5	13
Private Sector .....	2	2	.5	1
Government .....	9	9	.5	5
<b>Notification—Specimen Collection</b>				
Individuals .....	3	3	.5	2
Private Sector .....	2	2	.5	1
Government .....	16	16	.5	8
Totals .....	105	105	.....	55

\* 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. 2022–21465 Filed 10–3–22; 8:45 am]

BILLING CODE 4333–15–P

**INTERNATIONAL TRADE COMMISSION**

[Investigation Nos. 701–TA–554 and 731–TA–1309 (Review)]

**Biaxial Integral Geogrid Products From China**

**Determinations**

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing and antidumping duty orders on biaxial integral geogrid products from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

**Background**

The Commission instituted these reviews on February 1, 2022 (87 FR

5508) and determined on May 9, 2022, that it would conduct expedited reviews (87 FR 53489, August 31, 2022).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on September 28, 2022. The views of the Commission are contained in USITC Publication 5369 (September 2022), entitled *Biaxial Integral Geogrid Products from China: Investigation Nos. 701–TA–554 and 731–TA–1309 (Review)*.

By order of the Commission.

Issued: September 28, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

[FR Doc. 2022–21494 Filed 10–3–22; 8:45 am]

BILLING CODE 7020–02–P

**INTERNATIONAL TRADE COMMISSION**

[USITC SE–22–040]

**Sunshine Act Meetings**

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.  
**TIME AND DATE:** October 11, 2022 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Commission vote on Inv. No. 731–TA–1314 (Review) (Phosphor Copper from South Korea). The Commission is currently scheduled to complete and file

its determinations and views of the Commission on October 19, 2022.

5. Outstanding action jackets: none.

**CONTACT PERSON FOR MORE INFORMATION:** William Bishop, Supervisory Hearings and Information Officer, 202–205–2595.

The Commission is holding the meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b). In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: September 29, 2022.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2022–21656 Filed 9–30–22; 4:15 pm]

BILLING CODE 7020–02–P

**DEPARTMENT OF JUSTICE**

**Notice of Filing of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act Regarding Claims in Connection With the Findett/Hayford Bridge Road Groundwater Superfund Site**

On September 28, 2022 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Missouri in the lawsuit entitled *United States and the State of Missouri v. Union Electric Company d/b/a Ameren Missouri*, Civil Action No. 22–cv–1038.

The proposed Consent Decree would resolve claims the United States and State of Missouri have brought pursuant to sections 106, 107(a), and 113(g) of the

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607(a), and 9613(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (“CERCLA”), and Section 260.530 of the Missouri Hazardous Waste Management Law, Mo. Rev. Stat. § 260.530, regarding the Findett/Hayford Bridge Road Groundwater Superfund Site Operable Unit 4 (“OU4”).

Under the Settlement Agreement, Union Electric Company d/b/a Ameren (“Ameren”) will perform response actions at the Site pursuant to the June 30, 2021 Record of Decision, and pay oversight costs. In exchange, the United States and the State will provide covenants not to sue or to take administrative action against Ameren pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and Mo. Rev. Stat. §§ 260.510 and 260.530, with regard to the Site.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Missouri v. Union Electric Company d/b/a Ameren Missouri*, 22-cv-1038, D.J. Ref. No. 90-11-2-417/6. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box, 7611 Washington, DC 20044-7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. Alternatively, a paper copy of the Settlement Agreement will be provided 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 \$34.75 for the Consent Decree and appendices, and \$8 for only the Consent Decree without appendices (25 cents per

page reproduction cost) payable to the United States Treasury.

**Susan Akers,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2022-21467 Filed 10-3-22; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

[Agency Docket Number DOL-2022-0008]

### Efforts by Certain Foreign Countries To Eliminate the Worst Forms of Child Labor; Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries; and Business Practices To Reduce the Likelihood of Forced Labor or Child Labor in the Production of Goods

**AGENCY:** The Bureau of International Labor Affairs, United States Department of Labor.

**ACTION:** Notice: request for information and invitation to comment.

**SUMMARY:** This notice is a request for information and/or comment on three reports issued by the Bureau of International Labor Affairs (ILAB) regarding child labor and forced labor in foreign countries. Relevant information submitted by the public will be used by the Department of Labor (DOL) in preparing its ongoing reporting as required under Congressional mandates and a Presidential directive. The 2021 Findings on the Worst Forms of Child Labor report (TDA report), published on September 28, 2022, assesses efforts of 131 countries to eliminate the worst forms of child labor in 2021 and assesses whether countries made significant, moderate, minimal, or no advancement during that year. It also suggests actions foreign countries can take to eliminate the worst forms of child labor through legislation, enforcement, coordination, policies, and social programs. The 2022 edition of the List of Goods Produced by Child Labor or Forced Labor (TVPRAList), published on September 28, 2022, makes available to the public a list of goods from countries that ILAB has reason to believe are produced by child labor or forced labor in violation of international standards, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor. Finally, the List of Products Produced by Forced or Indentured Child Labor (E.O. List), provides a list of products, identified by country of origin, that DOL, in

consultation and cooperation with the Departments of State (DOS) and Homeland Security (DHS), has a reasonable basis to believe might have been mined, produced, or manufactured with forced or indentured child labor. Relevant information submitted by the public will be used by DOL in preparing the next edition of the TDA report, to be published in 2023; the next edition of the TVPRAList, to be published in 2024; and for possible updates to the E.O. List as needed.

This notice is also a request for information and/or comment on Comply Chain: Business Tools for Labor Compliance in Global Supply Chains (Comply Chain). ILAB is seeking information on current practices of firms, business associations, and other private sector groups to reduce the likelihood of child labor and forced labor in the production of goods. This information and/or comment is sought to fulfill ILAB’s mandate under the Trafficking Victims Protection Reauthorization Act of 2005 (TVPRA) to work with persons who are involved in the production of goods made with forced labor or child labor. Comply Chain seeks to address this mandate through the creation of a standard set of practices that will reduce the likelihood that such persons will produce goods using forced labor or child labor. Comply Chain also achieves a much broader purpose by actively supporting the efforts of companies that seek to address these issues within their own supply chains. Relevant information and/or comment submitted to ILAB will be used to improve and update Comply Chain to better meet the mandates of the TVPRA and help companies and industry groups seeking to develop robust social compliance systems for their global production.

**DATES:** Submitters of information are requested to provide their submission to DOL’s Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) at the email or physical address below by 5 p.m. December 16, 2022.

**ADDRESSES:**

*To Submit Information:* Information should be submitted directly to OCFT, Bureau of International Labor Affairs, U.S. Department of Labor. Comments, identified as Docket No. DOL-2022-0008, may be submitted by any of the following methods:

*Federal eRulemaking Portal:* The portal includes instructions for submitting comments. Parties submitting responses electronically are encouraged not to submit paper copies.

*Facsimile (fax):* OCFT at 202-693-4830.

*Mail, Express Delivery, Hand Delivery, and Messenger Service (1 copy):*

Matthew Fraterman, U.S. Department of Labor, OCFT, Bureau of International Labor Affairs, 200 Constitution Avenue NW, Room S-5315, Washington, DC 20210.

*Email:* Email submissions should be addressed to Matthew Fraterman ([Fraterman.matthew@dol.gov](mailto:Fraterman.matthew@dol.gov)).

**FOR FURTHER INFORMATION CONTACT:**

Matthew Fraterman, (202) 693-4833, [Fraterman.matthew@dol.gov](mailto:Fraterman.matthew@dol.gov).

**508 Compliance:** Pursuant to section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. Section 508 became enforceable on June 21, 2001, and the revised 508 standards issued by the United States Access Board (36 CFR part 1194) in January 2018 require that Information and Communication Technology (ICT) procured, developed, maintained, and used by Federal departments and agencies is accessible to and usable by Federal employees and members of the public, including people with disabilities.

All documents received in electronic format must be accessible using assistive technologies such as a screen reader *e.g.*, Job Aid with Speech (JAWS) Non-Visual Display Access (NVDA), ZoomText, to name a few. Conversely the product should also be navigable using other means such as a Keyboard or voice commands. Accessible document formats are either Microsoft Word or equivalent and Portable Document Format with OCR.

The Department of Labor requests that your submissions through the portal comply with our DOL Policies as well as the 508 Standards as referred above.

**SUPPLEMENTARY INFORMATION:**

I. The Trade and Development Act of 2000 (TDA), Public Law 106-200 (2000), established eligibility criterion for receipt of trade benefits under the Generalized System of Preferences (GSP). The TDA amended the GSP reporting requirements of section 504 of the Trade Act of 1974, 19 U.S.C. 2464, to require that the President's annual report on the status of internationally recognized worker rights include "findings by the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor."

The TDA Conference Report clarifies this mandate, indicating that the President consider the following when considering whether a country is complying with its obligations to eliminate the worst forms of child labor: (1) whether the country has adequate laws and regulations proscribing the

worst forms of child labor; (2) whether the country has adequate laws and regulations for the implementation and enforcement of such measures; (3) whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor; (4) whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and to assist with the removal of children engaged in the worst forms of child labor; (5) whether the country has a comprehensive policy for the elimination of the worst forms of child labor; and (6) whether the country is making *continual progress* toward eliminating the worst forms of child labor.

DOL fulfills this reporting mandate through annual publication of the U.S. Department of Labor's Findings on the Worst Forms of Child Labor with respect to countries eligible for GSP. To access the 2021 TDA report please visit <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

II. Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 ("TVPRA of 2005"), Public Law 109-164 (2006), 22 U.S.C. 7112(b), as amended by section 133 of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, Public Law 115-425 (2019), directs the Secretary of Labor, acting through ILAB, to "develop and make available to the public a list of goods from countries that [ILAB] has reason to believe are produced by forced labor or child labor in violation of international standards, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor." (TVPRA List).

Pursuant to this mandate, DOL published in the **Federal Register** a set of procedural guidelines that ILAB follows in developing the TVPRA List. 72 FR 73374 (Dec. 27, 2007). The guidelines set forth the criteria by which information is evaluated; established procedures for public submission of information to be considered by ILAB; and identified the process ILAB follows in maintaining and updating the TVPRA List after its initial publication. DOL subsequently published an update to the procedural guidelines to incorporate the expanded requirement to include "to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor." 85 FR 29487 (May 15, 2020).

ILAB published its first TVPRA List on September 30, 2009, and issued updates in 2010, 2011, 2012, 2013,

2014, 2016, 2018, 2020, and 2022. (In 2014, ILAB began publishing the TVPRA List every other year, pursuant to changes in the law. See 22 U.S.C. 7112(b)(3).) The next TVPRA List will be published in 2024. For a copy of previous editions of the TVPRA List and other materials relating to the TVPRA List, see ILAB's TVPRA web page.

III. Executive Order No. 13126 (E.O. 13126) declared that it was "the policy of the United States Government . . . that executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part by forced or indentured child labor." Pursuant to E.O. 13126, and following public notice and comment, DOL published in the January 18, 2001, **Federal Register**, a list of products ("E.O. List"), identified by country of origin, that the Department, in consultation and cooperation with the Departments of State (DOS) and Treasury [relevant responsibilities are now within the Department of Homeland Security (DHS)], had a reasonable basis to believe might have been mined, produced or manufactured with forced or indentured child labor. 66 FR 5353 (Jan. 18, 2001). In addition to the E.O. List, the Department also published on January 18, 2001, "Procedural Guidelines for Maintenance of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor," which provide for maintaining, reviewing, and, as appropriate, revising the E.O. List. 66 FR 5351 (Jan. 18, 2001).

Pursuant to Sections D through G of the Procedural Guidelines, the E.O. List may be updated through consideration of submissions by individuals or through OCFT's own initiative. ILAB has revised the E.O. List seven times, most recently on March 25, 2019, each time after public notice and comment as well as consultation with DOS and DHS. For access to the current E.O. List, Procedural Guidelines, and related information, please visit our website.

*Information Requested and Invitation to Comment:* Interested parties are invited to comment and provide information regarding these reports. DOL requests comments on or information relevant to updating the findings and suggested government actions for countries reviewed in the TDA report, assessing each country's individual advancement toward eliminating the worst forms of child labor during the current reporting period compared to previous years, and maintaining and updating the TVPRA

and E.O. Lists. Materials submitted should be confined to the specific topics of the TDA report, the TVPRA List, and the E.O. List. DOL will generally consider sources with dates up to five years old (*i.e.*, data not older than January 1, 2017). DOL appreciates the extent to which submissions clearly indicate the time period to which they apply. In the interest of transparency in our reporting, classified information will not be accepted. Where applicable, information submitted should indicate its source or sources, and copies of the source material should be provided. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided. Please see the TDA report, TVPRA List, and the E.O. List for a complete explanation of relevant terms, definitions, and reporting guidelines employed by DOL. Per our standard procedures, submissions will be published on the ILAB web page.

IV. Section 104(b)(2)(D) of The Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 mandates that ILAB “work with persons who are involved in the production of goods on [ILAB’s List of Goods Produced by Child Labor or Forced Labor] to create a standard set of practices that will reduce the likelihood that such persons will produce goods using [forced or child labor].”

Many firms have policies, activities, and/or systems in place to monitor labor rights in their supply chains and remediate violations. Such policies, activities and systems vary depending on location, industry, and many other factors. ILAB seeks to identify practices that have been effective in specific contexts, analyze their replicability, and disseminate those that have potential to be effective on a broader scale through Comply Chain.

*Information Requested and Invitation to Comment:* In addition to general comments on the existing publication of Comply Chain, ILAB is seeking information on current practices of firms, business associations, and other private sector groups to reduce the likelihood of child labor and forced labor in the production of goods. ILAB welcomes all input. Examples of materials could include, but are not limited to: (1) Codes of conduct; (2) Sets of standards used for implementation of codes in specific industries or locations or among particular labor populations; (3) Auditing/monitoring systems, or components of such systems, as well as related systems for enforcement of labor

standards across a supply chain; (4) Strategies for monitoring sub-tier suppliers, informal workplaces, homework, and other challenging environments; (5) Training modules and other mechanisms for communicating expectations to stakeholders which incorporate worker input; (6) Traceability models or experiences; (7) Remediation strategies for children and/or adults found in conditions of forced or child labor; (8) Reporting-related practices and practices related to independent review; (9) Projects at the grassroots level which address underlying issues or root causes of child labor or forced labor; (10) and/or any other relevant practices.

In addition, ILAB is seeking information on current practices of governments to collaborate with private sector actors through public-private partnerships to reduce the likelihood of child labor and forced labor in the production of goods. Submissions may include policy documents, reports, statistics, case studies, and many other formats. In addition, ILAB welcomes submissions of reports, analyses, guidance, toolkits, and other documents in which such practices have been compiled or analyzed by third-party groups. Information should be submitted to the addresses and within the time period set forth above. DOL seeks information that can be used to inform the development of tools and resources to be disseminated publicly on the DOL website and/or in other publications. However, in disseminating information, DOL will maintain confidential, to the extent permitted by law, the identity of the submitter and/or the individual or company using the practice in question, upon request. Internal, confidential documents that cannot be shared with the public will not be used. Submissions containing confidential or personal information may be redacted by DOL before being made available to the public, in accordance with applicable laws and regulations. DOL does not commit to responding directly to submissions or returning submissions to the submitters, but DOL may communicate with the submitter regarding any matters relating to the submission.

This notice is a general solicitation of comments from the public.

*Authority:* 22 U.S.C. 7112(b)(2)(C) & (D) and 19 U.S.C. 2464; Executive Order 13126.

Signed at Washington, DC, on September 8, 2022.

**Thea Lee,**

*Deputy Undersecretary for International Affairs.*

[FR Doc. 2022–21464 Filed 10–3–22; 8:45 am]

**BILLING CODE 4510–28–P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Census of Fatal Occupational Injuries

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

**SUMMARY:** The Department of Labor (DOL) is submitting this Bureau of Labor Statistics (BLS)-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 November 3, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) 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](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Census of Fatal Occupational Injuries provides policymakers and the public with comprehensive, verifiable, and timely measures of fatal work injuries. Data are compiled from various sources including Federal, State, and local governments, the private sector and



individuals and include information on how the incident occurred as well as various characteristics of the employers and the deceased worker. This information is used for surveillance of fatal work injuries and for developing prevention strategies. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 10, 2022 (87 FR 35573).

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–BLS.

*Title of Collection:* Census of Fatal Occupational Injuries.

*OMB Control Number:* 1220–0133.

*Affected Public:* Private Sector—Individuals or Households, Businesses or other for-profits, State, Local, or Tribal Governments, Federal Government.

*Total Estimated Number of Respondents:* 561.

*Total Estimated Number of Responses:* 15,810.

*Total Estimated Annual Time Burden:* 2,760 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**

*Senior PRA Analyst.*

[FR Doc. 2022–21463 Filed 10–3–22; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Notice of Publication to the Department of Labor's List of Goods Produced by Child Labor or Forced Labor

**AGENCY:** The Bureau of International Labor Affairs, United States Department of Labor.

**ACTION:** Notice: Announcement of public availability of updated list of goods produced by child labor or forced labor.

**SUMMARY:** This notice announces the publication of an updated list of goods—along with countries of origin—that the Bureau of International Labor Affairs (ILAB) has reason to believe are produced by child labor or forced labor in violation of international standards. ILAB is required to develop and make available to the public the List pursuant to the Trafficking Victims Protection Reauthorization Act (TVPRA of 2005), amended.

**DATES:** Publication on September 28, 2022.

**FOR FURTHER INFORMATION CONTACT:** Nadia Al-Dayel, Division Chief, Office of Child Labor, Forced Labor, and Human Trafficking, Bureau of International Labor Affairs, U.S. Department of Labor at (202) 693–4896 (this is not a toll free number) or *Al-Dayel.Nadia.A@dol.gov*. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the Federal Information Relay Service at 1–877–889–5627.

**SUPPLEMENTARY INFORMATION:** The Bureau of International Labor Affairs (ILAB) announces the publication of the tenth edition of the *List of Goods Produced by Child Labor or Forced Labor* (List), pursuant to the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005, as amended (TVPRA). ILAB published the initial List on September 10, 2009, and has since published nine updated editions. The 2022 edition of the TVPRA List includes 158 goods from 77 countries and 10 goods from supply chain tracing that are produced in 2 countries. Two new goods (dairy products and açai berry) that were not previously included on the List are being added. This tenth edition adds a total of 32 line items and removes one line item from the TVPRA List, cotton from Uzbekistan. In addition, for the first time, the TVPRA List includes 10 new goods that are produced with inputs that are produced with child labor or forced labor in accordance with the TVPRA 2018. These goods are lithium-ion batteries, crude palm oil, crude palm kernel oil, refined palm oil, refined palm kernel oil, oleochemicals, photovoltaic ingots, photovoltaic wafers, solar cells, and solar modules.

Section 105(b) of the Trafficking Victims Protection Reauthorization Act of 2005 (“TVPRA of 2005”), Public Law 109–164 (2006), 22 U.S.C 7112(b), as

amended by Section 133 of the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018, Public Law 115–425, directs the Secretary of Labor, acting through ILAB, to “develop and make available to the public a list of goods from countries that ILAB has reason to believe are produced by forced labor or child labor in violation of international standards, including, to the extent practicable, goods that are produced with inputs that are produced with forced labor or child labor.” (TVPRA List).

The primary purposes of the List are to raise public awareness about the incidence of child labor and forced labor in the production of goods in the countries listed and to promote efforts to eliminate such practices. The 2022 report, including a discussion of the List’s methodology, the updated List, and an updated bibliography of sources, are available on the Department of Labor website at: <http://www.dol.gov/ilab/reports/child-labor/list-of-goods/>.

(Authority: 22 U.S.C. 7112(b)(2)(C))

Signed at Washington, DC, on September 8, 2022.

**Thea Lee,**

*Deputy Undersecretary for International Affairs.*

[FR Doc. 2022–21462 Filed 10–3–22; 8:45 am]

**BILLING CODE 4510–28–P**

## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 22–12]

### Notice of Open Meeting

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Federal Advisory Committee Act, the Millennium Challenge Corporation (MCC) Advisory Council was established as a discretionary advisory committee on July 14, 2016. Its charter was renewed for a second term on July 11, 2018, a third term on July 8, 2020, and a fourth term on July 7, 2022. The MCC Advisory Council serves MCC solely in an advisory capacity and provides insight regarding innovations in infrastructure, technology, and sustainability; perceived risks and opportunities in MCC partner countries; new financing mechanisms for developing country contexts; and shared value approaches. The MCC Advisory Council provides a platform for systematic engagement with the private sector and other

external stakeholders and contributes to MCC's mission—to reduce poverty through sustainable, economic growth.

**DATES:** Wednesday, October 19, 2022, • 8:30 a.m. EDT/12:30 p.m. UTC.

**ADDRESSES:** The meeting will be held in-person and via conference call.

**FOR FURTHER INFORMATION CONTACT:** Contact Bahgi Berhane, 202–521–3600, or email [MCCAdvisoryCouncil@mcc.gov](mailto:MCCAdvisoryCouncil@mcc.gov), or visit <https://www.mcc.gov/about/org-unit/advisory-council>.

**SUPPLEMENTARY INFORMATION:**

*Agenda.* During the Fall 2022 inaugural meeting of the 2022–2024 MCC Advisory Council, the cohort will be onboarded into the Council and will meet with MCC leadership.

*Public Participation.* The meeting will be open to the public. Members of the public may file written statement(s) before or after the meeting. If you plan to attend, please submit your name and affiliation no later than Monday, October 10, 2022, to [MCCAdvisoryCouncil@mcc.gov](mailto:MCCAdvisoryCouncil@mcc.gov) to receive instructions on how to attend.

(Authority: Federal Advisory Committee Act, 5 U.S.C. App.)

Dated: September 28, 2022.

**Thomas G. Hohenthanner,**  
*Acting VP/General Counsel and Corporate Secretary.*

[FR Doc. 2022–21452 Filed 10–3–22; 8:45 am]

**BILLING CODE 9211–03–P**

## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 22–13]

### Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2023

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** This report to Congress is provided in accordance with the Millennium Challenge Act of 2003. The Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Millennium Challenge Act for fiscal year 2023. The report is set forth in full below.

(Authority: 22 U.S.C. 7707(b)(2))

Dated: September 28, 2022.

**Thomas G. Hohenthanner,**  
*Acting VP/General Counsel and Corporate Secretary.*

### Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2023

This document explains how the Board of Directors (the Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and select eligible countries for fiscal year (FY) 2023. Specifically, this document discusses the following:

- (I) Which countries MCC will evaluate
- (II) How the Board evaluates these countries
  - A. Overall evaluation
  - B. For selection of an eligible country for a first compact
  - C. For selection of an eligible country for a subsequent compact
  - D. For selection of an eligible country for a concurrent compact
  - E. For threshold program assistance
  - F. A note on potential transition to upper middle income country status after initial selection

This report is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), as more fully described in Appendix A.

#### (I) Which countries are evaluated?

MCC evaluates the policy performance of all candidate countries and statutorily-prohibited countries by dividing them into two income categories for the purposes of creating “scorecards.” These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. In FY 2023, those scorecard evaluation income categories<sup>1</sup> are:

- Countries whose gross national income (GNI) per capita is \$2,045 or less; and
- Countries whose GNI per capita is between \$2,046 and \$4,255.

Appendix B lists all candidate countries and statutorily-prohibited countries for scorecard evaluation purposes.

<sup>1</sup> These income groups correspond to the definitions of low income countries and lower middle countries using the historical International Development Association (IDA) threshold published by the World Bank. MCC has used these categories to evaluate country performance since FY 2004. Our amended statute no longer uses those definitions for funding purposes, but we continue to use them for evaluation purposes.

#### (II) How does the Board evaluate these countries?

##### A. Overall Evaluation

The Board looks at three legislatively-mandated factors when it evaluates any candidate country for compact eligibility: (1) policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

##### (1) Policy Performance

Appendix C describes all 20 indicators, their definitions, what is required to “pass,” their source, and their relationship to the legislative criteria. Because of the importance of evaluating a country’s policy performance in a comparable, cross-country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable policy performance indicators. These indicators act as proxies for a country’s commitment to just and democratic governance, economic freedom, and investing in its people, per MCC’s founding legislation. Comprised of 20 third-party indicators in the categories of ruling justly, encouraging economic freedom, and investing in people, MCC scorecards are created for all candidate countries and statutorily-prohibited countries. To “pass” most indicators on its scorecard, a country’s score on each indicator must be above the median score *in its income group* (as defined above for scorecard evaluation purposes). For the inflation, political rights, civil liberties, and immunization rates<sup>2</sup> indicators, however, minimum or maximum scores for “passing” have been established. In particular, the Board considers whether a country

- passed at least 10 of the 20 indicators, with at least one pass in each of the three categories,
- passed either the Political Rights or Civil Liberties indicator; and
- passed the Control of Corruption indicator.

While satisfaction of all three aspects means a country is termed to have “passed” the scorecard, the Board also considers whether the country performs “substantially worse” in any one policy category than it does on the scorecard overall.

The mandatory passing of either the Political Rights or Civil Liberties indicators is called the Democratic

<sup>2</sup> A minimum score required to pass has been established for the immunization rates indicator only when the median score is above a 90 percent immunization rate. Countries must score above 90 percent or the median for their scorecard income pool, whichever is lower, in order to pass the indicator.

Rights “hard hurdle” on the scorecard, while the mandatory passing of the Control of Corruption indicator is called the Control of Corruption “hard hurdle.” Not passing either “hard hurdle” results in not passing the scorecard overall, regardless of whether at least 10 of the 20 other indicators are passed.

- *Democratic Rights “hard hurdle:”*

This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass *either* the Political Rights or Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with the best governed, poorest countries. When a candidate country is only passing one of the two indicators comprising the hurdle (instead of both), the Board will also closely examine why it is not passing the other indicator to understand what the score implies for the broader democratic environment and trajectory of the country. This examination will include consultation with both local and international civil society experts, among others. The hurdle is an important signal of the importance MCC places on democratic governance and the role of MCC programs in helping democracies deliver development results for their citizens—a democratic dividend.

- *Control of Corruption “hard hurdle:”* Corruption in any country is an unacceptable tax on economic growth and an obstacle to the private sector investment needed to reduce poverty. Accordingly, MCC seeks out partner countries that are committed to combatting corruption. It is for this reason that MCC also has the Control of Corruption “hard hurdle,” which helps ensure that MCC is working with countries where there is relatively strong performance in controlling corruption. Requiring the passage of the indicator provides an incentive for countries to demonstrate a clear commitment to controlling corruption, and allows MCC to better understand the issue by seeing how the country performs relative to its peers and over time.

Together, the 20 policy performance indicators are the predominant basis for determining which eligible countries will be selected for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for a compact. The Board, however, also recognizes that even the best-available data has inherent challenges. Data gaps,

real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. As such, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to enhance its understanding of the context underpinning a country’s policy performance beyond scorecard issues (e.g., specific policy issues related to trade, the treatment of civil society, other U.S. aid programs, financial sector performance, and security/foreign policy concerns). The Board uses its judgment on how best to weigh such information in assessing overall policy performance and making a final determination.

(2) The Opportunity To Reduce Poverty and Generate Economic Growth

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding issues and trends in, and trajectory of:

- the state of democratic and human rights (especially vulnerable groups<sup>3</sup>);
- civil society’s perspective on salient governance issues;
- the control of corruption and rule of law;
- the potential for the private sector (both local and foreign) to lead investment and growth;
- poverty levels within a country; and
- the country’s institutional capacity.

Where applicable, the Board also considers MCC’s own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC’s core areas of expertise and skills versus a country’s needs, and MCC’s capacity to work with a country.

This information provides greater clarity on the likelihood that MCC programs will have an appreciable impact on reducing poverty by generating economic growth in a given country. The Board has used such information to better understand when a country’s performance on a particular indicator may not be up to date or is about to change. It has also used supplemental information to decline to select countries that are otherwise passing their scorecards. More details on this subject (sometimes referred to as “supplemental information”) can be found on MCC’s website: [www.mcc.gov/who-we-select/indicators](http://www.mcc.gov/who-we-select/indicators).

<sup>3</sup> For example: women; children; LGBTQI+ individuals; people with disabilities; and workers.

(3) The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is the availability of funds. The agency’s budget allocation is constrained, and often specifically limited, by provisions in our authorizing legislation and appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, threshold programs, and program closure. Consequently, the Board factors in MCC’s overall portfolio when making its selection decisions given the funding available for each planned or existing program.

\* \* \* \* \*

The following subsections describe how each of these three legislatively-mandated factors are applied by the Board: selection of countries for a compact, selection of countries for a subsequent compact, selection of countries for the threshold program, and selection of countries for a concurrent compact. A note follows on considerations for countries that might transition to upper middle income country status after initial selection.

*B. Evaluation for Selection of Eligible Countries for a First Compact*

When selecting eligible countries for a compact, the Board looks at all three legislatively-mandated aspects described in the previous section: (1) policy performance, first and foremost as measured by the scorecards and bolstered through supplemental information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) available funding.

At a minimum, the Board considers whether a country passes its scorecard. It also examines supporting evidence that a country’s commitment to just and democratic governance, economic freedom, and investing in its people is on a sound footing and performance is on a positive trajectory (especially on the “hard hurdles” of Democratic Rights and Control of Corruption), and that MCC has the funds to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. For those countries that are currently developing or implementing a threshold program, the Board will examine the progress the country has made toward substantial implementation.

The Board then weighs the information described above across each of the three dimensions. During the

compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

### C. Evaluation for Selection of Eligible Countries for a Subsequent Compact

Section 609(l) of the Act authorizes MCC to enter into “one or more subsequent Compacts.” MCC does not consider the eligibility of a country for a subsequent compact, however, before the country has completed its compact or is within 18 months of compact completion. Selection for a subsequent compact is not automatic and is intended for countries that (1) exhibit successful performance on their previous compact(s); (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

#### (1) Successful Implementation of the Previous Compact(s)

To evaluate the previous compact’s success, the Board examines whether the compact succeeded within its budget and time limits, in particular by looking at three aspects:

- *The degree to which there is evidence of strong political will and management capacity:* Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are both being implemented to the best of that country’s ability?
- *The degree to which the country has exhibited commitment and capacity to achieve program results:* Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if relevant); and other compact-specific issues?
- *The degree to which the country has implemented the compact in accordance with MCC’s core policies and standards:* Is the country adhering to MCC’s policies and procedures, including in critical areas such as: remediating unresolved claims of fraud, corruption, or abuse of funds; procurement; and monitoring and evaluation?

Details on the specific information types examined and sources used in each of the three areas are provided in Appendix D. Overall, the Board is looking for evidence that the previous compact(s) will be or has been completed on time and on budget, and

that there is a commitment to continued, robust reform going forward.

#### (2) Improved Scorecard Policy Performance

The Board also expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on the following:

- The overall scorecard pass/fail rate over time, and what this suggests about underlying policy performance, as well as an examination of the underlying reasons;
- The progress over time on policy areas measured by both hard-hurdle indicators—Democratic Rights and Control of Corruption—including an examination of the underlying reasons; and
- Other indicator trajectories deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, other sources of information are examined to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as those gleaned through consultations with civil society and related stakeholders). Other information sources are also consulted to look at policy performance over time in areas not covered by the scorecard, but that are deemed important by the Board (such as trade, foreign policy concerns, etc.).

#### (3) A Commitment to Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers MCC’s own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and tries to gauge the country’s commitment to further sector reform should it be selected for a subsequent compact. This includes:

- Assessing the country’s delivery of policy reform during the previous compact (as described above);
- Assessing expectations of the country’s ability and willingness to continue embarking on sector policy reform in a subsequent compact;
- Examining both other information sources describing the opportunity to

reduce poverty by generating growth (as outlined in A.2 above), and the prior compact’s relative success overall, as already discussed; and

- Finally, considering how well funding can be leveraged for impact, given the country’s experience in the previous compact.

\* \* \* \* \*

Through this overall approach to selection for a subsequent compact, the Board applies the three legislatively mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and available funds) in a way that assesses the previous partnership from a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy reform standpoint. The Board then weighs all of the information described above in making a decision.

During the compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

### D. Evaluation for Concurrent Compacts

Section 609(k) of the Act authorizes MCC to enter into one additional concurrent compact with a country if one or both of the compacts with the country is for the purpose of regional economic integration, increased regional trade, or cross-border collaborations.

The fundamental criteria and process for the selection of countries for such compacts remains the same as those for the selection of countries for non-concurrent compacts: countries continue to be evaluated and selected individually, as described in sections II.A, II.B, II.C, and II.F.

Section 609(k) also requires as a precondition for a concurrent compact that the Board determine that the country is making “considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.” This statutory requirement is fully consistent with prior Board practice regarding the selection of a country for a non-concurrent compact. For a country where a concurrent compact is contemplated, the Board will take into account whether there is clear evidence of success, as relevant to the phase of the current compact. Among other information, the Board will examine the evaluation criteria described in Section II.C.1 above, notably:

- The degree to which there is evidence of strong political will and management capacity;

- The degree to which the country has exhibited commitment and capacity to achieve program results; and

- The degree to which the country has implemented the compact in accordance with MCC's core policies and standards.

In addition to providing information to the Board so it can make its determination regarding the country's progress in implementing its current compact, MCC will provide the Board with additional information relating to the potential for regional economic integration, increased regional trade, or cross-border collaborations for any country being considered for a concurrent compact. This information may include items such as:

- The current state of a country's regional integration, such as common financial and political dialogue frameworks, integration of productive value chains, and cross-border flows of people, goods, and services.

- The current and potential level of trade between a country and its neighbors, including analysis of trade flows and unexploited potential for trade, and an assessment of the extent and significance of tariff and non-tariff barriers, including information regarding the patterns of trade.

- The potential gains from cross-border cooperation between a country and its neighbors to alleviate bilateral and regional bottlenecks to economic growth and poverty reduction, such as through physical infrastructure or coordinated policy and institutional reforms.

The Board can then weigh all information as a whole—the fundamental selection factors described in sections II.A, II.B, II.C, and II.F, the information regarding implementation of the current compact, and any additional relevant information regarding potential regional integration—to determine whether or not to direct MCC to seek to enter into a concurrent compact with a country.

#### *E. Evaluation for Threshold Program Assistance*

The Board may also evaluate countries for participation in the threshold program. Threshold programs provide assistance to candidate countries exhibiting a significant commitment to meeting the criteria described in the previous subsections, but failing to meet such requirements. Specifically, in examining a candidate country's policy performance, the opportunity to reduce poverty and generate economic growth, and available funds, the Board will consider whether a country appears to be on a

trajectory to becoming viable for compact eligibility in the medium or short term.

#### *F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection*

Some candidate countries may have a high per capita income or a high growth rate that implies there is a chance they could transition to UMIC status during the life of an MCC partnership. It is not possible to accurately predict if or when such a transition may occur.

Nonetheless, such countries may have more resources at their disposal for funding their own growth and poverty reduction strategies. As a result, in addition to using the regular selection criteria described in the previous sections, the Board will use its discretion to assess both the need and the opportunity presented by partnering with such a country, in order to ensure that MCC's scarce grant funds are directed appropriately.

Specifically, if a candidate country with a high probability of transitioning to UMIC status is under consideration for selection, the Board will examine additional data and information related to the following:

- Whether the country faces significant challenges accessing other sources of development financing (such as international capital, domestic resources, and other donor assistance) and, if so, whether MCC grant financing would be an appropriate tool;

- Whether the nature of poverty in the country (for example, high inequality or poverty headcount ratios relative to peer countries) presents a clear and strategic opportunity for MCC to assist the country in reducing such poverty through projects that spur economic growth;

- Whether the country demonstrates particularly strong policy performance, including policies and actions that demonstrate a clear priority on poverty reduction; and

- Whether MCC can reasonably expect that the country would contribute a significant amount of funding to the compact.

These additional criteria would then be applied in any additional years of selection as the country continues to develop its compact. Should a country eventually transition to UMIC status during compact development, a country would no longer be a candidate for selection for that fiscal year. Continuing compact development beyond that point would then be at the Board's discretion.

#### **Appendix A: Statutory Basis for This Report**

This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), 22 U.S.C. 7707(b).

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2023 based on the countries' demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC's opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

- (1) The countries that are "candidate countries" for assistance for FY 2023 based on per capita income levels and eligibility to receive assistance under U.S. law (section 608(a) of the Act; 22 U.S.C. 7707(a));

- (2) The criteria and methodology that MCC's Board of Directors (Board) will use to measure and evaluate policy performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine "eligible countries" from among the "candidate countries" (section 608(b) of the Act; 22 U.S.C. 7707(b)); and

- (3) The list of countries determined by the Board to be "eligible countries" for FY 2023, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report satisfies item 2 above.

#### **Appendix B: Lists of All Candidate Countries and Statutorily-Prohibited Countries for Evaluation Purposes**

##### **Income Groups for Scorecards**

Since MCC was created, it has relied on the *World Bank's gross national income (GNI) per capita income data* (Atlas method) and the historical ceiling for eligibility as set by the World Bank's International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecard evaluation groups ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the historical IDA classifications for eligibility to categorize countries in two groups for purposes of FY 2023 scorecard comparisons:

- Countries with GNI per capita equal to or less than IDA's historical ceiling for eligibility (*i.e.*, \$2,045 for FY 2023); and
- Countries with GNI per capita above IDA's historical ceiling for eligibility but below the World Bank's upper middle income country threshold (*i.e.*, \$2,046 and \$4,255 for FY 2023).

The list of countries for FY 2023 scorecard assessments is set forth below:

*Countries With GNI per Capita of \$2,045 or Less*

1. Afghanistan
2. Angola
3. Benin
4. Burkina Faso
5. Burundi
6. Cambodia
7. Cameroon
8. Central African Republic
9. Chad
10. Comoros
11. Congo, Democratic Republic of the
12. Congo, Republic of
13. Eritrea
14. Ethiopia
15. Gambia, The
16. Guinea
17. Guinea-Bissau
18. Haiti
19. Kenya
20. Korea, North
21. Kyrgyzstan
22. Lesotho
23. Liberia
24. Madagascar
25. Malawi
26. Mali
27. Mauritania
28. Mozambique
29. Myanmar
30. Nepal
31. Nicaragua
32. Niger
33. Pakistan
34. Rwanda
35. Senegal
36. Sierra Leone
37. Somalia
38. South Sudan
39. Sudan
40. Syria
41. Tajikistan
42. Tanzania
43. Timor-Leste
44. Togo
45. Uganda
46. Uzbekistan
47. Yemen
48. Zambia
49. Zimbabwe

*Countries With GNI per Capita Between \$2,046 and \$4,255*

1. Algeria
2. Bangladesh
3. Bhutan
4. Bolivia
5. Cabo Verde
6. Cote d'Ivoire
7. Djibouti
8. Egypt
9. El Salvador
10. Eswatini
11. Ghana

12. Honduras
13. India
14. Indonesia
15. Iran
16. Kiribati
17. Laos
18. Lebanon
19. Micronesia, Federated States of
20. Mongolia
21. Morocco
22. Nigeria
23. Papua New Guinea
24. Philippines
25. Samoa
26. Sao Tome and Principe
27. Solomon Islands
28. Sri Lanka
29. Tunisia
30. Ukraine
31. Vanuatu
32. Vietnam

*Statutorily-Prohibited Countries*

1. Burkina Faso
2. Burma
3. Cambodia
4. Eritrea
5. Ethiopia
6. Haiti
7. Iran
8. Korea, North
9. Mali
10. Nicaragua
11. South Sudan
12. Sri Lanka
13. Sudan
14. Syria
15. Zimbabwe

### Appendix C: Indicator Definitions

The following indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCC funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources. Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the public Guide to the Indicators on MCC's website at [www.mcc.gov/who-we-select/indicators](http://www.mcc.gov/who-we-select/indicators)).

#### Ruling Justly

1. *Political Rights*: Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among

other things. Pass: Score must be above the minimum score of 17 out of 40. Source: *Freedom House*

2. *Civil Liberties*: Independent experts rate countries on freedom of expression and belief; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: *Freedom House*

3. *Freedom of Information*: Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a country is shutting down social media or the internet. Pass: Score must be above the median score for the income group. Source: *Reporters Without Borders/Access Now/Centre for Law and Democracy*.

4. *Government Effectiveness*: An index of surveys and expert assessments that rate countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*.

5. *Rule of Law*: An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*.

6. *Control of Corruption*: An index of surveys and expert assessments that rate countries on: "grand corruption" in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in "state capture," among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*.

#### Encouraging Economic Freedom

1. *Fiscal Policy*: General government net lending/borrowing as a percent of gross domestic product (GDP), averaged over a three year period. Net lending/borrowing is calculated as revenue minus total expenditure. The data for this measure comes from the IMF's World Economic Outlook. Pass: Score must be above the median score for the income group. Source: *The International Monetary Fund's World Economic Outlook Database*.

2. *Inflation*: The most recent average annual change in consumer prices. Pass: Score must be 15 percent or less. Source: *The International Monetary Fund's World Economic Outlook Database*.

3. *Regulatory Quality*: An index of surveys and expert assessments that rate countries on

the burden of regulations on business; price controls; the government's role in the economy; and foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*.

4. *Trade Policy*: A measure of a country's openness to international trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: *The Heritage Foundation*.

5. *Gender in the Economy*: An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including factors such as the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, to travel freely, property rights protections, protections against domestic violence, and child marriage, among others. Pass: Score must be above the median score for the income group. Source: *Women, Business, and the Law (World Bank) and the WORLD Policy Analysis Center (UCLA)*.

6. *Land Rights and Access*: An index that rates countries on the extent to which the institutional, legal, and market framework provides secure land tenure and equitable access to land in rural areas and the extent to which men and women have the right to private property in practice and in law. Pass: Score must be above the median score for the income group. Source: *The International Fund for Agricultural Development and Varieties of Democracy Index*

7. *Access to Credit*: An index that ranks countries based on access and use of formal and informal financial services as measured by the number of bank branches and ATMs per 100,000 adults and the share of adults that have an account at a formal or informal financial institution. Pass: Score must be above the median score for the income group. Source: *Financial Development Index (International Monetary Fund) and Findex (World Bank)*

8. *Employment Opportunity*: Measures a country government's commitment to ending slavery and forced labor, preventing employment discrimination, and protecting the rights of workers and people with disabilities. Pass: Score must be above the median score for the income group. Sources: *Varieties of Democracy Institute and WORLD Policy Analysis Center (UCLA)*.

### Investing in People

1. *Public Expenditure on Health*: Total current expenditures on health by government (excluding funding sourced from external donors) at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The World Health Organization*.

2. *Total Public Expenditure on Primary Education*: Total expenditures on primary education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The United Nations Educational, Scientific and Cultural Organization and National Governments*.

3. *Natural Resource Protection*: Assesses a country government's commitment to preserving biodiversity and natural habitats, responsibly managing ecosystems and fisheries, and engaging in sustainable agriculture. Pass: Score must be above the median score for the income group. Source: *Yale Center for Environmental Law and Policy*.

4. *Immunization Rates*: The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above either the median score for the income group or 90 percent, whichever is lower. Source: *The World Health Organization and the United Nations Children's Fund*.

#### 5. Girls Education:

a. *Girls' Primary Completion Rate*: The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the last grade of primary). Countries with a GNI/capita of \$2,045 or less are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*

b. *Girls Secondary Enrollment Education*: The number of female pupils enrolled in lower secondary school, regardless of age, expressed as a percentage of the population of females in the theoretical age group for lower secondary education. Countries with a GNI/capita between \$2,045 and \$4,255 are assessed on this indicator instead of Girls Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*

6. *Child Health*: An index made up of three indicators: (i) access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy*

#### Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

*Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to—*

(A) promote political pluralism, equality and the rule of law (*Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy*);

(B) respect human and civil rights, including the rights of people with disabilities (*Political Rights, Civil Liberties, Employment Opportunity, and Freedom of Information*);

(C) protect private property rights (*Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access*);

(D) encourage transparency and accountability of government (*Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness, Employment Opportunity*);

(E) combat corruption (*Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption*); and

(F) the quality of the civil society enabling environment (*Civil Liberties, Freedom of Information, Employment Opportunity, and Rule of Law*)

*Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that—*

(A) encourage citizens and firms to participate in global trade and international capital markets (*Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality*);

(B) promote private sector growth (*Inflation, Fiscal Policy, Land Rights and Access, Access to Credit, Gender in the Economy, and Regulatory Quality*);

(C) strengthen market forces in the economy (*Fiscal Policy, Inflation, Trade Policy, Land Rights and Access, Access to Credit, and Regulatory Quality*); and

(D) respect worker rights, including the right to form labor unions (*Employment Opportunity, Civil Liberties, and Gender in the Economy*)

*Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that—*

(A) promote broad-based primary education (*Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, Total Public Expenditure on Primary Education, and Employment Opportunity*);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (*Immunization Rates, Public Expenditure on Health, and Child Health*); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (*Natural Resource Protection*).

### Appendix D: Subsequent and Concurrent Compact Considerations

MCC reporting and data in the following chart are used to assess threshold program performance, compact performance of MCC compact countries nearing the end of compact implementation (*i.e.*, within 18 months of compact end date), or for current MCC compact countries under consideration for a concurrent compact, where appropriate. Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public. However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's website under MCC country programs ([www.mcc.gov/where-we-work](http://www.mcc.gov/where-we-work)) or monitoring and evaluation ([www.mcc.gov/our-impact/m-and-e](http://www.mcc.gov/our-impact/m-and-e)) web pages.

For completed compacts, additional information is used to assess compact

performance and is found in a country's Star Report. The Star Report and its associated quarterly business process capture key information to provide a framework for results and improve the ability to disseminate learning and evidence throughout the lifecycle of an MCC investment from selection to final evaluation. For each compact and threshold program, evidence is collected on performance indicators, evaluation results, partnerships, sustainability efforts, and learning, among other elements.

Topic	MCC reporting/data source	Published documents
<b>COUNTRY PARTNERSHIP</b>		
<p>Political Will:</p> <ul style="list-style-type: none"> <li>• Status of major conditions precedent.</li> <li>• Program oversight/implementation.                             <ul style="list-style-type: none"> <li>○ project restructures.</li> <li>○ partner response to accountable entity capacity issues.</li> </ul> </li> <li>• Political independence of the accountable entity.</li> </ul> <p>Management Capacity:</p> <ul style="list-style-type: none"> <li>• Project management capacity.</li> <li>• Project performance.</li> <li>• Level of MCC intervention/oversight.</li> <li>• Relative level of resources required.</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly implementation reporting.</li> <li>• Quarterly results reporting.</li> <li>• MCC Star Reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="https://www.mcc.gov/our-impact/m-and-e">https://www.mcc.gov/our-impact/m-and-e</a>.</li> <li>• Star Reports (available by country): <a href="https://www.mcc.gov/resources?fwp_resource_type=star-report">https://www.mcc.gov/resources?fwp_resource_type=star-report</a>.</li> </ul>
<b>PROGRAM RESULTS</b>		
<p>Financial Results:</p> <ul style="list-style-type: none"> <li>• Commitments—including contributions to compact and threshold funding .</li> <li>• Disbursements.</li> </ul> <p>Project Results:</p> <ul style="list-style-type: none"> <li>• Output, outcome, objective targets.</li> <li>• Accountable entity commitment to 'focus on results'.</li> <li>• Accountable entity cooperation on impact evaluation.</li> <li>• Percent complete for process/outputs.</li> <li>• Relevant outcome data.</li> <li>• Details behind target delays.</li> </ul> <p>Target Achievements</p>	<ul style="list-style-type: none"> <li>• Indicator tracking tables.</li> <li>• Quarterly financial reporting.</li> <li>• Quarterly implementation reporting.</li> <li>• Quarterly results reporting.</li> <li>• Impact evaluations.</li> <li>• MCC Star Reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring and Evaluation Plans (available by country): <a href="https://www.mcc.gov/our-impact/m-and-e">https://www.mcc.gov/our-impact/m-and-e</a>.</li> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="https://www.mcc.gov/our-impact/m-and-e">https://www.mcc.gov/our-impact/m-and-e</a>.</li> <li>• Star Reports (available by country): <a href="https://www.mcc.gov/resources?fwp_resource_type=star-report">https://www.mcc.gov/resources?fwp_resource_type=star-report</a>.</li> </ul>
<b>ADHERENCE TO STANDARDS</b>		
<ul style="list-style-type: none"> <li>• Procurement                             <ul style="list-style-type: none"> <li>• Environmental and social.</li> <li>• Fraud and corruption.</li> <li>• Program closure.</li> <li>• Monitoring and evaluation.</li> <li>• All other legal provisions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Audits (GAO and OIG)</li> <li>• Quarterly implementation reporting</li> <li>• MCC Star Reports</li> </ul>	<ul style="list-style-type: none"> <li>• Published OIG and GAO audits</li> <li>• Star Reports (available by country): <a href="https://www.mcc.gov/resources?fwp_resource_type=star-report">https://www.mcc.gov/resources?fwp_resource_type=star-report</a></li> </ul>
<b>COUNTRY SPECIFIC</b>		
<p>Sustainability:</p> <ul style="list-style-type: none"> <li>• Implementation entity.</li> <li>• MCC investments.</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly implementation reporting.</li> <li>• Quarterly results reporting.</li> <li>• MCC Stars Reports.</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="https://www.mcc.gov/our-impact/m-and-e">https://www.mcc.gov/our-impact/m-and-e</a>.</li> <li>• Star Reports (available by country): <a href="https://www.mcc.gov/resources?fwp_resource_type=star-report">https://www.mcc.gov/resources?fwp_resource_type=star-report</a>.</li> </ul>
<p>Role of private sector or other donors:</p> <ul style="list-style-type: none"> <li>• Other relevant investors/investments.</li> <li>• Other donors/programming.</li> <li>• Status of related reforms.</li> <li>• Trajectory of private sector involvement going forward.</li> </ul>		

[FR Doc. 2022-21453 Filed 10-3-22; 8:45 am]

BILLING CODE 9211-03-P

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (22-079)]

**Notice of Intent To Grant an Exclusive, Co-Exclusive or Partially Exclusive Patent License**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of intent to grant exclusive, co-exclusive or partially exclusive patent license.

**SUMMARY:** NASA hereby gives notice of its intent to grant an exclusive, co-exclusive or partially exclusive patent license to practice the inventions described and claimed in the patents and/or patent applications listed in **SUPPLEMENTARY INFORMATION** below.

**DATES:** The prospective exclusive, co-exclusive or partially exclusive license may be granted unless NASA receives written objections including evidence and argument, no later than October 19, 2022 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing

regulations. Competing applications completed and received by NASA no later than October 19, 2022 will also be treated as objections to the grant of the contemplated exclusive, co-exclusive or partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Written objections relating to the prospective license or requests for further information may be submitted to Agency Counsel for Intellectual Property, NASA Headquarters at Email:



[hq-patentoffice@mail.nasa.gov](mailto:hq-patentoffice@mail.nasa.gov).

Questions may be directed to Helen Galus at (202) 358-3437.

**SUPPLEMENTARY INFORMATION:** NASA intends to grant an exclusive, co-exclusive, or partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Patent No. 10,431,355 entitled “Feed-Through Assembly for Conveyance of a Feed Element,” issued on October 1, 2019, to GenH2, having its principal place of business in Titusville, Florida. The fields of use may be limited. NASA has not yet made a final determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

This notice of intent to grant an exclusive, co-exclusive or partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be found online at <http://technology.nasa.gov>.

**Helen M. Galus,**

*Agency Counsel for Intellectual Property.*

[FR Doc. 2022-21473 Filed 10-3-22; 8:45 am]

BILLING CODE 7510-13-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2022-0086]

### Information Collection: NRC Form 237, Request for Access Authorization

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, “NRC Form 237, Request for Access Authorization.”

**DATES:** Submit comments by December 5, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission 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 (unless this document describes a different method for submitting comments on a specific subject); 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-2022-0086. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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:** David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC-2022-0086 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-2022-0086. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2022-0086 on this website.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). A copy of the collection of information and related

instructions may be obtained without charge by accessing ADAMS Accession No. ML22235A683. The supporting statement and NRC Form 237, Request for Access Authorization are available in ADAMS under Accession Nos. ML22159A353.

- *NRC’s PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC’s PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

##### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2022-0086, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

#### II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB’s approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 237, Request for Access Authorization.
  2. *OMB approval number:* 3150–0050.
  3. *Type of submission:* Extension.
  4. *The form number, if applicable:* NRC Form 237.
  5. *How often the collection is required or requested:* On occasion.
  6. *Who will be required or asked to respond:* NRC contractors, subcontractors, licensee employees, employees of other government agencies, and other individuals who are not NRC employees.
  7. *The estimated number of annual responses:* 783.
  8. *The estimated number of annual respondents:* 783.
  9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 157.
10. *Abstract:* NRC Form 237 is completed by NRC contractors, subcontractors, licensee employees, employees of other government agencies, and other individuals who are not NRC employees who require an NRC access authorization.

### III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: September 29, 2022.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2022–21528 Filed 10–3–22; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2022–0149]

### Placement of the Mississippi Agreement State Program on Probation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Mississippi Agreement State Program being placed on probation.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is announcing the placement of the Mississippi Agreement State Program (Mississippi Program) for the regulation of certain Atomic Energy Act of 1954, as amended, materials on Probation. The NRC is further increasing its oversight of the Mississippi Program and will oversee implementation of a Program Improvement Plan developed by the Mississippi Program’s staff. The NRC Chairman notified the Governor of Mississippi of this decision in a letter dated September 26, 2022. Depending on the progress of the Agreement State in meeting the commitments in the Program Improvement Plan and demonstration of significant and sustained improvements in program performance, the Management Review Board (MRB) Chair will make a recommendation to the Commission on the probationary status. The NRC will make further announcements regarding the status of the Mississippi Program, as appropriate.

**DATES:** October 4, 2022.

**ADDRESSES:** Please refer to Docket ID NRC–2022–0149 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–2022–0149. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *NRC’s PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC’s PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov)

or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays

**FOR FURTHER INFORMATION CONTACT:** Robert Johnson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: 301–415–7314, email: [Robert.Johnson@nrc.gov](mailto:Robert.Johnson@nrc.gov).

**SUPPLEMENTARY INFORMATION:** Under section 274 of the Atomic Energy Act of 1954, as amended, the Commission retains the authority and the responsibility to assure that Agreement State programs continue to provide adequate protection of public health and safety, and to be compatible with the NRC’s program with respect to the regulation of the materials and uses authorized under the Agreement. Agreement States are States that have assumed regulatory authority from the NRC over the possession and use of certain radioactive materials. The Commission Policy Statement, “Agreement State Program Policy Statement” established the option of placing an Agreement State radiation control program on Probation for program weaknesses that require increased NRC oversight.

Section 274j of the Atomic Energy Act of 1954, as amended, requires that the NRC periodically review each Agreement State to ensure that the Agreement State’s regulatory programs are adequate and compatible. It is the policy of the NRC to evaluate the radiation control programs performance in an integrated manner, using performance indicators, to ensure that public health and safety is being adequately protected. The periodic review process for an Agreement State regulatory program and the NRC radioactive materials program is called the Integrated Materials Performance Evaluation Program (IMPEP).

The MRB Chair makes the final determination regarding a radiation control program’s overall performance. The MRB Chair makes this determination in a public meeting. Information considered by the MRB Chair includes the proposed final IMPEP report which presents suggested performance indicator ratings and recommendations prepared by the team, input from MRB members, and information provided by the radiation control program at the MRB meeting. For most IMPEP reviews, no action other than issuance of the final IMPEP report is needed. For those infrequent reviews where additional action is needed, the MRB Chair may consider

Monitoring, Heightened Oversight, and recommendations for Probation, Suspension, or Termination. The most significant actions—Probation, Suspension, or Termination—require Commission approval.

The MRB Chair found the Mississippi Program's overall performance adequate to protect public health and safety, but needs improvement, and not compatible with the NRC's program. The MRB Chair found the Mississippi Program satisfactory, but needs improvement, for two performance indicators: Technical Staffing and Training and Legislation, Regulations, and Other Program Elements. The MRB Chair found the Mississippi Program unsatisfactory for four performance indicators: Status of Materials Inspection Program, Technical Quality of Licensing Actions, Technical Quality of Inspections, and Technical Quality of Incident and Allegation Activities. The MRB Chair recommended that the Mississippi Program be placed on Probation due to the significant performance issues identified. The Commission considered the Mississippi Program's performance and agreed that the Mississippi Program should be placed on Probation.

In cases where program weaknesses exist regarding the adequacy or compatibility of an Agreement State's program, yet the weaknesses do not require immediate action to protect public health and safety, one of the options available to ensure continued protection of public health and safety is to place the Agreement State on Probation. The Mississippi Program's progress in addressing the program weaknesses will be evaluated in February 2023 by an IMPEP review team. Depending on the progress of the Agreement State in meeting the commitments in the Program Improvement Plan and demonstration of significant and sustained improvements in program performance, the MRB Chair will make a recommendation to the Commission on the probationary status.

If the Commission determines that the probationary status will be lifted, notification of discontinuance of Probation will be made to the Governor of Mississippi, the Mississippi Congressional delegation, and all other Agreement and Non-Agreement States. The NRC will also publish a **Federal Register** notice and a press release announcing the discontinuance of the Mississippi Program's Probation.

Dated: September 28, 2022.

For the Nuclear Regulatory Commission.

**Kevin Williams,**

*Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Material Safety and Safeguards.*

[FR Doc. 2022-21443 Filed 10-3-22; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2022-0171]**

### **Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Monthly notice.

**SUMMARY:** Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person.

**DATES:** Comments must be filed by November 3, 2022. A request for a hearing or petitions for leave to intervene must be filed by December 5, 2022. This monthly notice includes all amendments issued, or proposed to be issued, from August 19, 2022, to September 15, 2022. The last monthly notice was published on September 6, 2022.

**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-2022-0171. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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:**

Rhonda Butler, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-8025, email: [Rhonda.Butler@nrc.gov](mailto:Rhonda.Butler@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Obtaining Information and Submitting Comments**

###### *A. Obtaining Information*

Please refer to Docket ID NRC-2022-0171, facility name, unit number(s), docket number(s), application date, and subject 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-2022-0171.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

###### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2022-0171, facility

name, unit number(s), docket number(s), application date, and subject, 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. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown in this notice, the Commission finds that the licensees' analyses provided, consistent with section 50.91 of title 10 of the *Code of Federal Regulations* (10 CFR) "Notice for public comment; State consultation," are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment

involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

### *A. Opportunity To Request a Hearing and Petition for Leave To Intervene*

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/cfr>. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert

opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

#### *B. Electronic Submissions (E-Filing)*

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website at

<https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at [\[submittals.html\]\(https://www.nrc.gov/site-help/e-submittals.html\), by email to \[MSHD.Resource@nrc.gov\]\(mailto:MSHD.Resource@nrc.gov\), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 6:00 p.m., ET, Monday through Friday, except Federal holidays.](https://www.nrc.gov/site-help/e-</a></p></div><div data-bbox=)

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

The following table provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the "Obtaining Information and

Submitting Comments” section of this document.

LICENSE AMENDMENT REQUEST(S)

**Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Units 1 and 2, Ogle County, IL; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Calvert County, MD; R. E. Ginna Nuclear Power Plant; Wayne County, NY**

Docket No(s) .....	50–244, 50–317, 50–318, 50–454, 50–455, 50–456, 50–457.
Application date .....	August 10, 2022.
ADAMS Accession No .....	ML22222A068.
Location in Application of NSHC .....	Pages 4–6 of the Enclosure.
Brief Description of Amendment(s) .....	The proposed amendments adopt TSTF–577, “Revised Frequencies for Steam Generator Tube Inspections,” at the Braidwood Station, Byron Station, Calvert Cliffs Nuclear Power Plant, and R. E. Ginna Nuclear Power Plant.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave NW, Washington, DC 20001.
NRC Project Manager, Telephone Number .....	Joel Wiebe, 301–415–6606.

**Constellation Energy Generation, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL**

Docket No(s) .....	50–254, 50–265.
Application date .....	November 16, 2021, as supplemented by letter dated August 18, 2022.
ADAMS Accession No .....	ML21320A195, ML22230A807.
Location in Application of NSHC .....	Pages 4–5 of the Attachment.
Brief Description of Amendment(s) .....	The amendments would revise control rod scram time limits in Technical Specification Table 3.1.4–1 “Control Rod Scram Times.” The license amendment request was originally noticed in the FEDERAL REGISTER on January 25, 2022 (87 FR 3847). The notice is being reissued in its entirety to include the revised scope, description of the amendment request, and proposed no significant hazards consideration determination.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number .....	Robert Kuntz, 301–415–3733.

**Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Perry Nuclear Power Plant, Unit 1; Lake County, OH**

Docket No(s) .....	50–440.
Application date .....	August 5, 2022.
ADAMS Accession No .....	ML22217A087.
Location in Application of NSHC .....	Pages 4–6 of the Enclosure.
Brief Description of Amendment(s) .....	The proposed amendment modifies the Technical Specification Surveillance Requirements (SRs) by adding exceptions to consider the SR met when automatic valves or dampers are locked, sealed, or otherwise secured in the actuated position, in order to consider the SR met. The changes are consistent with Technical Specifications Task Force (TSTF) Traveler, TSTF–541, Revision 2, “Add Exceptions to Surveillance Requirements for Valves and Dampers Locked in the Actuated Position.”
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Rick Giannantonio, General Counsel, Energy Harbor Nuclear Corp., 168 E. Market Street, Akron, OH 44308–2014.
NRC Project Manager, Telephone Number .....	Scott Wall, 301–415–2855.

**NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI**

Docket No(s) .....	50–266, 50–301.
Application date .....	July 29, 2022.
ADAMS Accession No .....	ML22210A086.
Location in Application of NSHC .....	Pages E2–10–12 of Enclosure 2.
Brief Description of Amendment(s) .....	The proposed amendments would revise the licensing basis described in the Point Beach Nuclear Plant, Units 1 and 2, Updated Final Safety Analysis Report (UFSAR) to allow the use of a risk-informed approach to address safety issues discussed in Generic Letter (GL) 2004–02, “Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents at Pressurized-Water Reactors.” The proposed license amendments are part of the licensee’s final resolution to addressing the concerns of Generic Safety Issue (GSI–191), “Assessment of Debris Accumulation on Pressurized-Water Reactor Sump and Performance,” and for responding to GL 2004–02.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Steven Hamrick, Managing Attorney—Nuclear, Florida Power and Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.
NRC Project Manager, Telephone Number .....	Scott Wall, 301–415–2855.

## LICENSE AMENDMENT REQUEST(S)—Continued

<b>Nine Mile Point Nuclear Station, LLC and Constellation Energy Generation, LLC; Nine Mile Point Nuclear Station, Unit 1; Oswego County, NY</b>	
Docket No(s) .....	50–220.
Application date .....	June 29, 2022.
ADAMS Accession No .....	ML22180A020.
Location in Application of NSHC .....	Pages 4–6 of Attachment 1.
Brief Description of Amendment(s) .....	The proposed amendment would revise the post-loss-of-coolant accident alternative source term (AST) analysis for containment leakage at Nine Mile Point 1. The proposed changes are in response to a U.S. Nuclear Regulatory Commission inspection finding where it was discovered that changes were made to the original 2007 AST analysis that when taken consecutively, would not have been allowed via section 50.59 of title 10 of the <i>Code of Federal Regulations</i> . The first change was performed where corrections to the chemical group assignment for various radionuclides modeled in the RadTrad 3.03 code were needed. The second change involved updates and recategorizations to the modeling of both main steam isolation valve (MSIV) leakage and non-MSIV leakage.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number .....	Richard Guzman, 301–415–1030.
<b>Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2; San Luis Obispo County, CA</b>	
Docket No(s) .....	50–275, 50–323.
Application date .....	July 26, 2022.
ADAMS Accession No .....	ML22208A135.
Location in Application of NSHC .....	Pages 2–4 of the Enclosure.
Brief Description of Amendment(s) .....	The amendment would allow the licensee to adopt Technical Specifications Task Force (TSTF) 569, “Revise Response Time Testing Definition,” which revises the Technical Specifications definitions for engineered safety feature response time and reactor trip system response time.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Jennifer Post, Esq., Pacific Gas and Electric Co., 77 Beale Street, Room 3065, Mail Code B30A, San Francisco, CA 94105.
NRC Project Manager, Telephone Number .....	Samson Lee, 301–415–3168.
<b>STP Nuclear Operating Company; South Texas Project, Units 1 and 2; Matagorda County, TX</b>	
Docket No(s) .....	50–498, 50–499
Application date .....	August 9, 2022, as supplemented by letter dated September 1, 2022.
ADAMS Accession No .....	ML22221A212, ML22244A232.
Location in Application of NSHC .....	Pages 3–4 of the Enclosure.
Brief Description of Amendment(s) .....	The proposed amendments would adopt Technical Specifications Task Force (TSTF) Traveler TSTF- 554, Revision 1, “Revise Reactor Coolant Leakage Requirements,” which is an approved change to the Standard Technical Specifications, into the South Texas Project, Units 1 and 2, Technical Specifications (TSs). The proposed amendments would revise the TS definition of “Leakage,” clarify the requirements when pressure boundary leakage is detected, and add a required action when pressure boundary leakage is identified. The model safety evaluation was approved by the NRC in a letter dated April 20, 2021 (ML21106A249 (package)), using the consolidated line item improvement process.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Rachel L. Jackson, General Counsel and General Manager Employee Relations, STP Nuclear Operating Company, P.O. Box 289, Wadsworth, TX 77483.
NRC Project Manager, Telephone Number .....	Dennis Galvin, 301–415–6256.
<b>Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS</b>	
Docket No(s) .....	50–482.
Application date .....	August 2, 2022.
ADAMS Accession No .....	ML22215A000 (package).
Location in Application of NSHC .....	Pages 7–9 of Attachment I.
Brief Description of Amendment(s) .....	The proposed amendment would approve a deviation from fire protection program requirements to allow the use of portable lighting as the primary emergency lighting means (with limited exceptions) for illuminating safe shutdown equipment and access egress routes to the equipment.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Thomas C. Poindexter, Morgan, Lewis and Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2541.
NRC Project Manager, Telephone Number .....	Samson Lee, 301–415–3168.

**III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses**

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission’s rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating

license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has

made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission’s letter and safety evaluation, which may be obtained using the ADAMS accession numbers indicated in the following table. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the “Obtaining Information and Submitting Comments” section of this document.

LICENSE AMENDMENT ISSUANCE(S)

**Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Units 1 and 2, Ogle County, IL**

Docket No(s) .....	50–454, 50–455, 50–456, 50–457.
Amendment Date .....	August 30, 2022.
ADAMS Accession No .....	ML22210A031.
Amendment No(s) .....	Braidwood—230 (Unit 1) and 230 (Unit 2), Byron—230 (Unit 1) and 230 (Unit 2).
Brief Description of Amendment(s) .....	The amendments revised the Technical Specifications (TSs) 3.8.3, “Diesel Fuel Oil,” by relocating the current stored diesel fuel oil numerical volume requirements from the TS to the TS Bases so that it may be modified under licensee control. The TS is modified so that the stored diesel fuel oil inventory will require that a 7-day supply be available for each diesel generator. The amendments are consistent with TSTF–501, Revision 1, “Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.”.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

**Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2; Will County, IL**

Docket No(s) .....	50–456, 50–457.
Amendment Date .....	August 10, 2022.
ADAMS Accession No .....	ML22173A214.
Amendment No(s) .....	228 (Unit 1) and 228 (Unit 2).
Brief Description of Amendment(s) .....	The amendments removed Braidwood, Unit 2, License Condition 2.C.(12)(d), regarding repair of reactor head closure stud hole location No. 35 and increment the Braidwood, Unit 1, license amendment number so it remains the same as Unit 2. The change to the Braidwood, Unit 1, license is administrative and no text changes are made to its license.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

**Constellation Energy Generation, LLC; Braidwood Station, Units 1 and 2; Will County, IL**

Docket No(s) .....	50–456, 50–457.
Amendment Date .....	August 11, 2022.
ADAMS Accession No .....	ML22173A181.
Amendment No(s) .....	229 (Unit 1) and 229 (Unit 2).
Brief Description of Amendment(s) .....	The amendment removed Braidwood, Unit 2, License Condition 2.C.(12)(d), regarding repair of reactor head closure stud hole location No. 35. The Braidwood, Unit 1, amendment number is incremented to 229 so it remains the same as Unit 2. The change to the Braidwood, Unit 1, license is administrative and no textual changes are made to its license.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

**Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, SC**

Docket No(s) .....	50–395.
Amendment Date .....	August 16, 2022.
ADAMS Accession No .....	ML22160A365.
Amendment No(s) .....	222.



## LICENSE AMENDMENT ISSUANCE(S)—Continued

Brief Description of Amendment(s) .....	The amendment modified the Technical Specifications by relocating specific surveillance frequencies to a licensee-controlled program with the implementation of Nuclear Energy Institute (NEI) 04-10, "Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies."
Public Comments Received as to Proposed NSHC (Yes/No).	No.
<b>Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; York County, SC; Duke Energy Carolinas, LLC; McGuire Nuclear Station, Units 1 and 2; Mecklenburg County, NC; Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC</b>	
Docket No(s) .....	50-413, 50-414, 50-369, 50-370, 50-400.
Amendment Date .....	September 12, 2022.
ADAMS Accession No .....	ML22242A002.
Amendment No(s) .....	Catawba—314 (Unit 1) and 310 (Unit 2), McGuire—324 (Unit 1) and 303 (Unit 2), Harris 195 (Unit 1).
Brief Description of Amendment(s) .....	These amendments adopt Technical Specifications Task Force (TSTF) Traveler TSTF-569, Revision 2, "Revise Response Time Testing Definition." These amendments revise the technical specification definitions for Engineered Safety Feature Response Time and Reactor Trip System Response Time.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
<b>NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Manitowoc County, WI</b>	
Docket No(s) .....	50-266, 50-301.
Amendment Date .....	September 12, 2022.
ADAMS Accession No .....	ML22193A114.
Amendment No(s) .....	270 (Unit 1) and 272 (Unit 2).
Brief Description of Amendment(s) .....	The amendments deleted Technical Specification 5.5.3 "Post Accident Sampling System (PASS)."
Public Comments Received as to Proposed NSHC (Yes/No).	No.
<b>Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2; San Luis Obispo County, CA</b>	
Docket No(s) .....	50-275, 50-323.
Amendment Date .....	September 6, 2022.
ADAMS Accession No .....	ML22221A168.
Amendment No(s) .....	241 (Unit 1) and 242 (Unit 2).
Brief Description of Amendment(s) .....	The amendments revised Technical Specifications (TSs) 3.4.17, "Steam Generator (SG) Tube Integrity"; 5.5.9, "Steam Generator (SG) Tube Inspection Program"; and 5.6.10, "Steam Generator (SG) Tube Inspection Report," based on Technical Specifications Task Force (TSTF) Traveler TSTF-577, Revision 1, "Revised Frequencies for Steam Generator Tube Inspections."
Public Comments Received as to Proposed NSHC (Yes/No).	No.
<b>Southern Nuclear Operating Company, Inc.; Edwin I. Hatch Nuclear Plant, Units 1 and 2; Appling County, GA</b>	
Docket No(s) .....	50-321, 50-366.
Amendment Date .....	September 2, 2022.
ADAMS Accession No .....	ML22192A117.
Amendment No(s) .....	317 (Unit 1) and 262 (Unit 2).
Brief Description of Amendment(s) .....	The amendments revised Technical Specification (TS) 3.6.1.3, "Primary Containment Isolation Valves (PCIVs)." The amendments revised TS 3.6.1.3 to adopt certain aspects of TS Task Force (TSTF) Traveler TSTF 207 A, Revision 5, "Completion Time for Restoration of Various Excessive Leakage Rates."
Public Comments Received as to Proposed NSHC (Yes/No).	No.
<b>Tennessee Valley Authority; Sequoyah Nuclear Plant, Units 1 and 2; Hamilton County, TN</b>	
Docket No(s) .....	50-327, 50-328.
Amendment Date .....	August 24, 2022.
ADAMS Accession No .....	ML22210A118.
Amendment No(s) .....	358 (Unit 1) and 352 (Unit 2).
Brief Description of Amendment(s) .....	The amendments modified technical specification requirements to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler, TSTF-505, Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b," dated July 2, 2018 (ML18183A493).
Public Comments Received as to Proposed NSHC (Yes/No).	No.

LICENSE AMENDMENT ISSUANCE(S)—Continued

**TMI-2 Solutions, LLC; Three Mile Island Unit 2; Londonderry Township, Dauphin County, PA**

Docket No(s) .....	50-320.
Amendment Date .....	August 30, 2022.
ADAMS Accession No .....	ML22189A194 (package).
Amendment No(s) .....	65.
Brief Description of Amendment(s) .....	NRC issued amendment 65 to DPR-73 for Three Mile Island Station, Unit 2 (TMI-2). The amendment modifies License Condition 2.C.(2), Physical Protection, to refer to a security plan specific to TMI-2 that implements Part 37 requirements and addresses the applicable portions of the 10 CFR 73.67 requirements that are not covered by Part 37. This modification ensures that TMI-2 Solutions, the licensee, continues to meet the applicable physical security requirements.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

**Virginia Electric and Power Company; Surry Power Station, Units 1 and 2; Surry County, VA**

Docket No(s) .....	50-280, 50-281.
Amendment Date .....	August 26, 2022.
ADAMS Accession No .....	ML22193A295.
Amendment No(s) .....	308 (Unit 1) and 308 (Unit 2).
Brief Description of Amendment(s) .....	These amendments revised the Surry, Unit Nos. 1 and 2, Technical Specification, Section 3.4.A.4 "Spray Systems," to eliminate the Refueling Water Chemical Addition Tank and allow the use of sodium tetraborate decahydrate to replace sodium hydroxide as a chemical additive (buffer) for containment sump pH control following a loss-of-coolant accident.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

**Vistra Operations Company, LLC; Comanche Peak Nuclear Power Plant, Units 1 and 2; Somervell County, TX**

Docket No(s) .....	50-445, 50-446.
Amendment Date .....	August 22, 2022.
ADAMS Accession No .....	ML22192A007.
Amendment No(s) .....	183 (Unit 1) and 183 (Unit 2).
Brief Description of Amendment(s) .....	The amendments modified technical specification requirements to permit the use of risk-informed completion times in accordance with Technical Specifications Task Force (TSTF) Traveler TSTF-505, Revision 2, "Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b.".
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Dated: September 29, 2022.  
For the Nuclear Regulatory Commission.

**Gregory F. Suber,**  
*Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2022-21508 Filed 10-3-22; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**[NRC-2022-0084]**

**Information Collection: NRC Form 277, Request for Visit**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection

is entitled, "NRC Form 277, Request for Visit."

**DATES:** Submit comments by December 5, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission 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 (unless this document describes a different method for submitting comments on a specific subject); 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-2022-0084. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David C. Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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:** David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2022-0084 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-2022-0084. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2022-0084 on this website.
- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML22235A688. The supporting statement is available in ADAMS under Accession No. ML22153A036.
- *NRC's PDR*: You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer*: A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2022-0084 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, 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 comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

#### II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection*: NRC Form 277, Request for Visit.
2. *OMB approval number*: 3150-0051.
3. *Type of submission*: Extension.
4. *The form number, if applicable*: NRC Form 277.
5. *How often the collection is required or requested*: As needed.
6. *Who will be required or asked to respond*: Licensees and NRC contractors.
7. *The estimated number of annual responses*: 60.
8. *The estimated number of annual respondents*: 60.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request*: 10.
10. *Abstract*: NRC Form 277 is completed by NRC contractors and licensees who have been granted an NRC access authorization and require verification of that access authorization and need-to-know due to (1) a visit to NRC, (2) a visit to other contractors/ licensees or government agencies in which access to classified information will be involved, or (3) unescorted area access is desired.

#### III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.
2. Is the estimate of the burden of the information collection accurate? Please explain your answer.
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents

be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: September 29, 2022.

For the Nuclear Regulatory Commission.

**David C. Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2022-21527 Filed 10-3-22; 8:45 am]

BILLING CODE 7590-01-P

#### NUCLEAR REGULATORY COMMISSION

[NRC-2022-0161]

#### Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

**AGENCY**: Nuclear Regulatory Commission.

**ACTION**: License amendment request; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

**SUMMARY**: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of two amendment requests. The amendment requests are for Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL and Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA. For each amendment request, the NRC proposes to determine that they involve no significant hazards consideration (NSHC). Because each amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation by persons who file a hearing request or petition for leave to intervene.

**DATES**: Comments must be filed by November 3, 2022. A request for a hearing or petition for leave to intervene must be filed by December 5, 2022. Any potential party as defined in section 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by October 14, 2022.

**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-2022-0161. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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:**

Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-5411, email: [Shirley.Rohrer@nrc.gov](mailto:Shirley.Rohrer@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Obtaining Information and Submitting Comments**

*A. Obtaining Information*

Please refer to Docket ID NRC-2022-0161, facility name, unit number(s), docket number(s), application date, and subject 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-2022-0161.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *NRC's PDR*: You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North,

11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. Eastern Time (ET), Monday through Friday, except Federal holidays.

*B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2022-0161, facility name, unit number(s), docket number(s), application date, and subject, 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. Background**

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves NSHC, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

**III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The Commission has made a proposed determination that the following amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown in this notice.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. If the Commission makes a final no significant hazards consideration determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

*A. Opportunity To Request a Hearing and Petition for Leave To Intervene*

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file

a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <https://www.nrc.gov/reading-rm/doc-collections/cfr>. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) the name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present

evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and

is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

#### *B. Electronic Submissions (E-Filing)*

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, Federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the "Guidance for Electronic Submissions to the NRC" (ADAMS Accession No. ML13031A056) and on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID

certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public website at <https://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9:00 a.m. and 6:00 p.m. ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet

the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

**Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL**

Docket No(s) .....	50-237, 50-249.
Application Date .....	June 8, 2022.
ADAMS Accession No. ....	ML22159A310.
Location in Application of NSHC .....	Pages 9 to 11 of Attachment 1.
Brief Description of Amendment(s) .....	The proposed amendment would change the criticality safety analysis (CSA) methodology for performing the criticality safety evaluation for legacy fuel types in addition to the GNF3 [Global Nuclear Fuel] reload fuel in the spent fuel pool at Dresden Nuclear Power Station, Units 2 and 3. The proposed change also includes revising Technical Specifications 4.3.1, "Criticality." Additionally, the licensee also proposes to change the new fuel vault (NFV) CSA to utilize GESTAR II methodology for validating the criticality safety for GNF3 fuel in the General Electric designed NFV racks.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Jason Zorn, Associate General Counsel, Constellation Energy Generation, 101 Constitution Ave. NW, Washington, DC 20001.
NRC Project Manager, Telephone Number .....	Surinder Arora, 301-415-1421.

**Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA**

Docket No(s) .....	50-424, 50-425.
Application Date .....	June 30, 2022.
ADAMS Accession No. ....	ML22181B156.
Location in Application of NSHC .....	Pages E2-24-27, of Enclosure 2.
Brief Description of Amendment(s) .....	The amendments would authorize use of four Accident Tolerant Fuel Lead Test Assemblies (LTAs) to be placed in limiting core locations for up to two cycles of operation and provides spent fuel storage requirements and new fuel storage requirements for these LTAs.
Proposed Determination .....	NSHC.
Name of Attorney for Licensee, Mailing Address .....	Millicent Ronnlund, Vice President and General Counsel, Southern Nuclear Operating Co., Inc., P.O. Box 1295, Birmingham, AL 35201-1295.
NRC Project Manager, Telephone Number .....	John Lamb, 301-415-3100.

**Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation**

*Constellation Energy Generation, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL*

*Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 1 and 2; Burke County, GA*

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing or opportunity for hearing, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy General Counsel for Licensing, Hearings, and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email addresses for the Office of the Secretary and the Office of the General Counsel are [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov) and [RidsOgcMailCenter.Resource@nrc.gov](mailto:RidsOgcMailCenter.Resource@nrc.gov), respectively.<sup>1</sup> The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2), the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order<sup>2</sup> setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner’s receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff’s adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party’s interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if this individual is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.<sup>3</sup>

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order

<sup>3</sup>Requestors should note that the filing requirements of the NRC’s E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012, 78 FR 34247, June 7, 2013) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

<sup>1</sup> While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

<sup>2</sup> Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

summarizes the general target schedule for processing and resolving requests under these procedures.

*It is so ordered.*  
Dated: September 13, 2022.

For the Nuclear Regulatory Commission.  
**Rochelle C. Bavol,**  
*Executive Assistant to the Secretary.*

**ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING**

Day	Event/activity
0 .....	Publication of FEDERAL REGISTER notice of hearing or opportunity for hearing, including order with instructions for access requests.
10 .....	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60 .....	Deadline for submitting petition for intervention containing: (i) demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20 .....	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25 .....	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requestor to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30 .....	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40 .....	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Agreement or Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement or Affidavit for SUNSI.
A .....	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3 .....	Deadline for filing executed Non-Disclosure Agreements or Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28 .....	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or notice of opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53 .....	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60 .....	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60 .....	Decision on contention admission.

[FR Doc. 2022-20085 Filed 10-3-22; 8:45 am]  
BILLING CODE 7590-01-P

**POSTAL REGULATORY COMMISSION**  
[Docket Nos. MC2022-143 and CP2022-147]

**New Postal Products**

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* October 6, 2022.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER**

**INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Introduction
- II. Docketed Proceeding(s)

**I. Introduction**

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal

Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Website (<https://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).



request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

## II. Docketed Proceeding(s)

1. *Docket No(s)*.: MC2022–143 and CP2022–147; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail, First-Class Package Service & Parcel Select Contract 53 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: September 28, 2022; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Shonda Simmons; *Comments Due*: October 6, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,  
Secretary.

[FR Doc. 2022–21504 Filed 10–3–22; 8:45 am]

BILLING CODE 7710–FW–P

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## POSTAL SERVICE

### Privacy Act of 1974; System of Records

**AGENCY:** Postal Service.

**ACTION:** Notice of modified systems of records.

**SUMMARY:** The United States Postal Service® (USPS) is proposing to revise one General Privacy Act System of Records (SOR). These modifications are being proposed to support an initiative to streamline the employee lead generation entry process for leads submitted by USPS employees on behalf of business customers that request to speak with a USPS Sales Representative about Postal products and services. Employee leads generate potential opportunities for new revenue for the Postal Service. Streamlining and simplifying the entry process for the employee lead generation program will enhance the employee's ability to meet customer needs, improve responsiveness and encourage additional employees to participate in the LEADing Together program, or similar programs.

**DATES:** These revisions will become effective without further notice on November 3, 2022, unless in response to comments received on or before that date result in a contrary determination.

**ADDRESSES:** Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*privacy@usps.gov*). To facilitate public inspection, arrangements to view copies of any written comments received will be made upon request.

**FOR FURTHER INFORMATION CONTACT:** Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *privacy@usps.gov*.

**SUPPLEMENTARY INFORMATION:** This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service has determined that General Privacy Act Systems of Records, USPS SOR 100.500, Personnel Resource Management Records, should be revised to support the streamlined entry process for employee lead generation programs.

## I. Background

The Postal Service is implementing a streamlined process for employees that enter information about a Postal business customer lead for subsequent follow-up with a USPS Sales employee. The objective of this initiative is to improve ease of use for participating employees by pre-filling their work position and location information from a central database, rather than having to manually look-up needed information from multiple sources to complete the entry process. This new approach will assure that credit is assigned to the employee that acquires the lead submission from a business customer. Employee lead programs have been around since 2003 and have been an effective way of generating new revenue for the Postal Service. Enhancements are being made to support the LEADing Together initiative and are based on improvements in functionality that provide employees with a streamlined process for submitting customer leads. The streamlined process also reduces the complexity and time associated with the current manual lead entry process.

## II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service continuously seeks to improve internal processes and procedures that will reduce workhours and increase productivity.

Modifications are being proposed to USPS SOR 100.500, Personnel Resource Management Records to streamline and simplify the employee lead generation entry process by pre-filling work position and location information, resulting in improved ease of use. A summary of proposed modifications is listed below.

- A new Purpose is being added as purpose #4
- A new Category of Record is being added as categories of records #3, Employee lead generation program(s)
- The System Manager's title has been updated to reflect current USPS organizational structure

## III. Description of the Modified System of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. Accordingly, for the reasons stated above, the Postal Service proposes revisions to this system of records as follows:

**SYSTEM NAME AND NUMBER:**

USPS 100.500 Personnel Resource Management Records.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Post Offices; area and district facilities; Human Resources and Operations, Headquarters; and Computer Operations Service Centers.

**SYSTEM MANAGER(S):**

Vice President, Human Resources, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

Vice President, Logistics, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

39 U.S.C. 401, 404, 1001, 1003, and 1005; and 29 U.S.C. 2601 *et seq.*

**PURPOSE(S) OF THE SYSTEM:**

1. To administer leave, attendance, and attendance-related awards; and to identify potential attendance problems.
2. To provide operations management with information about employee work schedules, mail volume, and productivity.
3. To administer the USPS fleet card program used to purchase commercial

fuel and oil, maintenance repair, polishing and washing, servicing, shuttling, and towing.

4. To support the administration of employee lead generation programs, such as LEADing Together or similar programs, and to pre-fill individual work position and location information for participating employees as part of the lead entry process.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former USPS employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

1. *Employee information:* Name, home address, Social Security Number, employee identification number(s), postal assignment information, work contact information, finance number(s), duty location, and pay location, and Fleet Purchase Fleet Card Personal Identification Number (PIN).

2. *Employee resource management information:* Records related to workload, productivity, scheduling, availability, and absences, including family medical leave absences.

3. *Employee lead generation program(s):* Name, employee identification number(s), postal assignment information, work contact information, finance number(s), and duty location.

**RECORD SOURCE CATEGORIES:**

Employees; employees' supervisor or manager; and other systems of records.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Standard routine uses 1. through 9. apply.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Automated database, computer storage media, digital files, and paper files.

**POLICIES OF PRACTICES FOR RETRIEVAL OF RECORDS:**

By employee name, Social Security Number, employee identification number(s), route number, duty or pay location, pay period or Fuel Purchase Fleet Card Personal Identification Number (PIN).

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

1. Resource management records related to leave application, time and attendance, and light duty status are retained 3 years.
2. Family and Medical Leave Records are retained 5 years.
3. Other categories of resource management records are retained 1 year.

4. Records pertaining to the USPS fuel fleet card purchase program are retained for 10 years.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge. Restricted medical information is maintained in a separate locked cabinet under control of the FMLA Coordinator. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

**RECORD ACCESS PROCEDURES:**

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

**CONTESTING RECORD PROCEDURES:**

See Notification Procedure and Record Access Procedures above.

**NOTIFICATION PROCEDURES:**

Individuals wanting to know if information about them is maintained in this system must address inquiries to the facility head where currently or last employed. Headquarters employees must submit inquiries to Corporate Personnel Management, 475 L'Enfant Plaza SW, Washington, DC 20260. Inquiries must include full name, Social Security Number or Employee Identification Number, name and address of facility where last employed, and dates of USPS employment.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

May 15, 2020, 85 FR 29492; June 17, 2011, 76 FR 35483, June 27, 2012, 77 FR 38342.

**Ruth B. Stevenson,**

*Chief Counsel, Ethics and Legal Compliance.*

[FR Doc. 2022-21441 Filed 10-3-22; 8:45 am]

**BILLING CODE 7710-12-P**

**OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

**Ocean Climate Action Plan**

**AGENCY:** Office of Science and Technology Policy (OSTP).

**ACTION:** Notice of request for information.

**SUMMARY:** The Office of Science and Technology Policy (OSTP) and the Council on Environmental Quality (CEQ), on behalf of the interagency Ocean Policy Committee (OPC), request input from all interested parties to inform the development of a U.S. Ocean Climate Action Plan (OCAP) that will help guide and coordinate actions by the Federal government and civil society to address ocean, coastal, and Great Lakes-based mitigation and adaptation solutions to climate change. The OCAP will summarize planned Federal ocean-based climate action and the benefits of these actions, identify gaps in knowledge and application of knowledge to emerging ocean-climate issues, and recommend actions to advance the effectiveness of the Nation's response to the impacts of climate change. The input received will be used to inform the development of the OCAP. **DATES:** Responses are due by 11:59 p.m. eastern time on November 18, 2022. Submissions received after the deadline may not be taken into consideration.

**ADDRESSES:** Interested individuals and organizations should submit comments electronically to [ocean@ostp.eop.gov](mailto:ocean@ostp.eop.gov) and include "RFI Response: OCAP" in the subject line of the email. Email submissions should be machine-readable (PDF, Word) and should not be locked or password protected.

*Instructions:* Response to this RFI is voluntary. Each individual or organization is requested to submit only one response. Commenters can respond to one or many questions. Submissions are suggested to not exceed a total of five (5) pages in 12 point or larger font. Submissions should clearly indicate which questions are being addressed. Responses should include the name of the person(s) or organization(s) filing the response. Responses containing references, studies, research, and other

empirical data that are not widely published should include copies of or electronic links to the referenced materials. Responses containing profanity, vulgarity, threats, or other inappropriate language or content will not be considered.

OSTP or CEQ may post responses to this RFI, without change, on their websites. OSTP and CEQ, therefore, request that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this RFI. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

**FOR FURTHER INFORMATION CONTACT:**

Scott Doney, 202–456–4444,  
*Scott.C.Doney@ostp.eop.gov*.

**SUPPLEMENTARY INFORMATION:**

*Background:* Urgent and immediate action is needed to tackle the climate crisis through mitigation of and adaptation to the impacts of climate change. Climate change threatens valuable marine resources and the communities that depend on them. The ocean, as a critical heat and carbon sink and with capacities for both mitigation and adaptation climate solutions, is an integral component of the Biden-Harris Administration's "all-hands-on-deck" approach to climate action.

Examples of ocean-based climate solutions include: harnessing ocean renewable energy, protecting and restoring ecosystems that sequester carbon and support biological diversity, expanding the extent and level of protection of marine protected areas, pursuing responsible and efficacious ocean-based carbon dioxide removal and sequestration, and decarbonizing shipping. These ocean-based climate solutions can also provide abundant co-benefits, including good-paying jobs, sustainable livelihoods and communities, and healthier ocean ecosystems that support future discovery and innovation. Ocean-based climate solutions can also provide an opportunity to advance more equitable access to the benefits provided by the ocean to people, and to create a diverse workforce.

The Biden-Harris Administration has set goals and directed action for many of these opportunities, including to:

- provide 40% of overall benefits of Federal investment relating to climate change and other areas to disadvantaged communities (Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, January 27, 2021; <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/>

*executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/*);

- produce 30 gigawatts of energy from offshore wind by 2030 (FACT SHEET: Biden Administration Jumpstarts Offshore Wind Energy Projects to Create Jobs, March 29, 2021; <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/29/fact-sheet-biden-administration-jumpstarts-offshore-wind-energy-projects-to-create-jobs/>);

- conserve at least 30% of U.S. lands and waters by 2030 (Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, January 27, 2021; <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>);

- working with the International Maritime Organization, achieve zero emissions from international shipping by no later than 2050 (FACT SHEET: President Biden's Leaders Summit on Climate, April 23, 2021; <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/23/fact-sheet-president-bidens-leaders-summit-on-climate/>).

More than 20 Federal agencies have developed adaptation and resilience plans in response to Executive Order 14008 (FACT SHEET: Biden Administration Releases Agency Climate Adaptation and Resilience Plans from Across Federal Government, October 7, 2021; <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/07/fact-sheet-biden-administration-releases-agency-climate-adaptation-and-resilience-plans-from-across-federal-government/>).

To outline a vision for ocean climate action, the Ocean Policy Committee, a Congressionally mandated, Cabinet-level interagency committee charged with coordinating Federal ocean policy, (<https://www.noaa.gov/interagency-ocean-policy>), will develop an Ocean Climate Action Plan (OCAP) that will: (1) summarize and assess current and planned Federal, ocean-related mitigation and adaptation activities, including but not necessarily limited to green shipping, blue carbon, biodiversity conservation and protection, ecosystem restoration, nature-based solutions, marine renewable energy, ocean-based carbon dioxide removal and sequestration, climate-ready aquaculture and fisheries, and other ocean-climate related actions; (2) characterize the benefits (*e.g.*, mitigation, adaptation, and associated co-benefits) of such actions and how they contribute to Administration climate change and equity and

environmental justice goals; (3) identify needs and opportunities to more effectively address climate change impacts through additional mitigation or adaptation actions; and (4) identify how we can utilize current knowledge to support existing action, and define new knowledge needed to better understand and address important emerging issues such as ocean-based carbon dioxide removal.

**Questions To Inform Development of the Plan**

Respondents may provide information for one or as many topics below as they choose. Submissions should clearly indicate which questions are being addressed.

An interagency workgroup co-led by the Department of the Interior, the National Oceanic and Atmospheric Administration, and the National Science Foundation, in partnership with the CEQ, the OSTP, the National Climate Task Force, and other Federal agencies and entities, will develop the OCAP with input from the public, States, Tribal Nations, scientists, and a wide range of stakeholders. While agencies and the workgroup have received ad hoc recommendations on ocean-climate solutions, this request for information offers a formal comment period to collect input specific to the development of the OCAP. The group is seeking input from the public on the following:

1. *Background information.* Please briefly describe the role that you/your organization has in ocean-based climate solutions. If relevant, please describe how you/your organization engages with underserved communities.

2. *Critical Actions.* What ocean-based climate solutions should be considered, and over what time scales? What are specific examples of ocean-based climate mitigation and adaptation activities that the United States should seek to advance? Which are higher priority? Are there actions that should be avoided, and if so, why?

3. *Knowledge, Science, and Technology.* What kind of research is needed to implement and evaluate the effectiveness and impacts of ocean-based climate solutions? How can Indigenous knowledge be highlighted to inform solutions? What are important questions, issues, and unknowns that need to be addressed? What existing technologies might advance implementation of ocean-based climate solutions, and what innovations are needed?

4. *Environmental Justice, Diversity, Equity, and Inclusion.* How can the benefits of ocean-based climate

solutions be shared equitably? How should we engage communities in local implementation? How should we ensure that ocean-based climate solutions are implemented in ways that do not harm underserved communities? What opportunities exist for training and employing a diverse and inclusive blue workforce in implementing ocean-based climate solutions?

#### 5. *Partnerships and Collaboration.*

What solutions can/should come from outside of government? Where and how can the Federal government partner with external stakeholders across regions and sectors to effectively mitigate and adapt to climate change through ocean-based climate solutions?

6. *Additional Comments:* Please provide any other input that you believe is pertinent to this RFI, within the page limit.

Please note that the OCAP will also inform the OPC's work to develop a *National Strategy for a Sustainable Ocean Economy* (National Strategy), which will describe a vision and set high-level goals for the sustainable management of the Nation's ocean, coasts, and Great Lakes, and frame development of a national plan towards a sustainable ocean economy. For more information, see <https://www.noaa.gov/interagency-ocean-policy>. OSTP and CEQ will solicit public comment on the National Strategy through public notice in the **Federal Register**.

Dated: September 29, 2022.

**Stacy Murphy,**

*Operations Manager.*

[FR Doc. 2022-21480 Filed 10-3-22; 8:45 am]

**BILLING CODE 3270-F8-P**

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## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-174, OMB Control No. 3235-0179]

**Submission for OMB Review; Comment Request; Extension: Rule 31a-2**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information discussed below.

Section 31(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (the "Act") requires registered investment companies ("funds") and certain underwriters, broker-dealers, investment advisers, and depositors to maintain and preserve records as prescribed by Commission rules. Rule 31a-1 (17 CFR 270.31a-1) under the Act specifies the books and records that each of these entities must maintain. Rule 31a-2 (17 CFR 270.31a-2) under the Act specifies the time periods that entities must retain certain books and records, including those required to be maintained under rule 31a-1.

The retention of records, as required by the rule, is necessary to ensure access to material business and financial information about funds and certain related entities. We periodically inspect the operations of funds to ensure they are in compliance with the Act and regulations under the Act. Due to the limits on our resources, however, each fund may only be inspected at intervals of several years. In addition, the prosecution of persons who have engaged in certain violations of the federal securities laws may not be limited by timing restrictions. For these reasons, we often need information relating to events or transactions that occurred years ago. Without the requirement to preserve books, records, and other documents, our staff would have difficulty determining whether the fund was in compliance with the law in such areas as valuation of its portfolio securities, computation of the prices investors paid, and, when purchasing and selling fund shares, types and amounts of expenses the fund incurred, kinds of investments the fund purchased, actions of affiliated persons, or whether the fund had engaged in any illegal or fraudulent activities. As part of our examinations of funds, our staff also reviews the materials that directors consider in approving the advisory contract.

There are 2,754 funds currently operating as of December 31, 2021, all of which are required to comply with rule 31a-2. The Commission staff estimates that, on average, a fund spends 220.4 hours annually to comply with the rule. The Commission therefore estimates the total annual hour burden of the rule's and form's paperwork requirements to be 606,981.60 hours. In addition to the burden hours, the Commission staff estimates that the average yearly cost to each fund that is subject to rule 31a-2 is about \$40,577.95. The Commission estimates total annual cost is therefore about \$111.8 million.

Estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule is mandatory. Responses to the disclosure requirements will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by November 3, 2022 to (i) [MBX.OMB.OIRA.SEC\\_desk\\_officer@omb.eop.gov](mailto:MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: September 28, 2022.

**J. Matthew DeLesDernier,**

*Deputy Secretary.*

[FR Doc. 2022-21445 Filed 10-3-22; 8:45 am]

**BILLING CODE 8011-01-P**

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-95937; File No. SR-FINRA-2022-025]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend FINRA Rule 11880 (Settlement of Syndicate Accounts) To Revise the Syndicate Account Settlement Timeframe for Corporate Debt Offerings

September 28, 2022.

On August 5, 2022, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

proposed rule change to amend FINRA Rule 11880 (Settlement of Syndicate Accounts) to revise the syndicate account settlement timeframe for corporate debt offerings. The proposed rule change was published for comment in the **Federal Register** on August 18, 2022.<sup>3</sup>

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is October 2, 2022.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change in order to consider the proposed rule change and the comments received on the proposal. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates November 16, 2022, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-FINRA-2022-025).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**J. Matthew DeLesDernier,**  
*Deputy Secretary.*

[FR Doc. 2022-21435 Filed 10-3-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-231, OMB Control No. 3235-0229]

### Proposed Collection; Comment Request; Extension: Form N-17D-1

*Upon Written Request, Copies Available From: Securities and Exchange*

<sup>3</sup> See Securities Exchange Act Release No. 95494 (August 12, 2022), 87 FR 50896 (August 18, 2022). Comments received on the proposed rule change are available at <https://www.sec.gov/comments/sr-finra-2022-025/srfinra2022025.htm>.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 17(d) (15 U.S.C. 80a-17(d)) of the Investment Company Act of 1940 ("Act") authorizes the Commission to adopt rules that protect funds and their security holders from overreaching by affiliated persons when the fund and the affiliated person participate in any joint enterprise or other joint arrangement or profit-sharing plan. Rule 17d-1 under the Act (17 CFR 270.17d-1) prohibits funds and their affiliated persons from participating in a joint enterprise, unless an application regarding the transaction has been filed with and approved by the Commission. Subparagraph (d)(3) of the rule provides an exemption from this requirement for any loan or credit advance to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of these transactions ("investments") made by a small business investment company ("SBIC") and a bank that is an affiliated person of (1) the SBIC or (2) an affiliated person of the SBIC ("affiliated bank"). The exemption requires the Commission to prescribe reports about the investments, and the Commission has designated Form N-17D-1 ("form") as the form for reports required by rule 17d-1(d)(3).<sup>1</sup>

SBICs and their affiliated banks use form N-17D-1 to report any contemporaneous investments in a small business concern. The form provides shareholders and persons seeking to make an informed decision about investing in an SBIC an opportunity to learn about transactions of the SBIC that have the potential for self-dealing and other forms of overreaching by affiliated persons at the expense of shareholders.

Form N-17D-1 requires SBICs and their affiliated banks to report identifying information about the small business concern and the affiliated bank. The report must include, among other things, the SBIC's and affiliated bank's outstanding investments in the small business concern, the use of the proceeds of the investments made during the reporting period, any changes in the nature and amount of the

affiliated bank's investment, the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of the affiliated person of the SBIC or the affiliated bank) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration the affiliated person has received or will receive.

There are no SBICs currently registered with the Commission and, thus, we estimate that annually there will be no transactions that trigger the obligations to file the form.<sup>2</sup> The Commission requests authorization to maintain an inventory of one burden hour to ease future renewals of Form N-17D-1's collection of information analysis should an SBIC register with the Commission in the future and engage in a transaction that would necessitate reporting on the form. If an SBIC were to file on Form N-17D-1, we estimate the cost would be \$237.<sup>3</sup> The Commission will not keep responses on Form N-17D-1 confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. 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.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted by December 5, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

<sup>2</sup> The Commission has not received a filing on Form N-17D-1 since March 23, 1987.

<sup>3</sup> The estimated wage figure is based on published rates for Senior Accountants (\$237). The \$237/hour figure for a Senior Accountant is from Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1,800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

<sup>1</sup> See 17 CFR 270.17d-2.

under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: September 28, 2022.

**J. Matthew DeLesDernier**,  
Deputy Secretary.

[FR Doc. 2022-21444 Filed 10-3-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-057, OMB Control No. 3235-0057]

### Proposed Collection; Comment Request; Extension: Regulation 14C (Commission Rules 14c-1 Through 14c-7 and Schedule 14C)

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 14(c) of the Securities Exchange Act of 1934 (the “Exchange Act”) operates to require issuers that do not solicit proxies or consents from any or all of the holders of record of a class of securities registered under Section 12 of the Exchange Act and in accordance with the rules and regulations prescribed under Section 14(a) in connection with a meeting of security holders (including action by consent) to distribute to any holders that were not solicited an information statement substantially equivalent to the information that would be required to be transmitted if a proxy or consent solicitation were made. Regulation 14C (Exchange Act Rules 14c-1 through 14c-7 and Schedule 14C) (17 CFR 240.14c-1 through 240.14c-7 and 240.14c-101) sets forth the requirements for the dissemination, content and filing of the information statement. We estimate that Schedule 14C takes approximately 129.1575 hours per response and will be filed by

approximately 569 issuers annually. In addition, we estimate that 75% of the 129.1575 hours per response (96.8681 hours) is prepared by the issuer for an annual reporting burden of 55,118 hours (96.8681 hours per response × 569 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency’s estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by December 5, 2022.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: September 28, 2022

**J. Matthew DeLesDernier**,  
Deputy Secretary.

[FR Doc. 2022-21446 Filed 10-3-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17546 and #17547; Kentucky Disaster Number KY-00093]

### Presidential Declaration Amendment of a Major Disaster for the State of Kentucky

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

**ACTION:** Amendment 6.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Kentucky (FEMA-4663-DR), dated 07/30/2022.

*Incident:* Severe Storms, Flooding, Landslides, and Mudslides.

*Incident Period:* 07/26/2022 through 08/11/2022.

**DATES:** Issued on 09/26/2022.

*Physical Loan Application Deadline Date:* 10/28/2022.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/01/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President’s major disaster declaration for the State of Kentucky, dated 07/30/2022, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 10/28/2022.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008.)

**Rafaela Monchek**,

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2022-21466 Filed 10-3-22; 8:45 am]

**BILLING CODE 8026-09-P**

## SMALL BUSINESS ADMINISTRATION

### SBA Council on Underserved Communities Meeting

**AGENCY:** U.S. Small Business Administration (SBA).

**ACTION:** Notice of Federal advisory committee meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time, and agenda for the fourth meeting of the SBA Council on Underserved Communities. The meeting will be in person for Council members and streamed live to the public.

**DATES:** The meeting will be held on Wednesday, October 19th, 2022, from 1 p.m. to 4 p.m. eastern time.

**ADDRESSES:** The Council on Underserved Communities will meet at the Eisenhower Room located at the Small Business Administration Headquarters, 409 Third Street SW, Washington, DC 20416 and live streamed on Zoom for the public. Registration Link Here: [https://www.zoomgov.com/webinar/register/WN\\_-i651653TsGa3vk7SpZ3WA](https://www.zoomgov.com/webinar/register/WN_-i651653TsGa3vk7SpZ3WA).

**FOR FURTHER INFORMATION CONTACT:** The meeting will be live streamed to the public, and anyone wishing to submit questions to the SBA Council on Underserved Communities can do so by submitting them via email to [underservedcouncil@sba.gov](mailto:underservedcouncil@sba.gov),

Additionally, if you need accommodations because of a disability or require additional information, please contact Tomas Kloosterman, SBA, Office of the Administrator, 409 Third Street SW, Washington, DC 20416, *Tomas.Kloosterman@sba.gov*, (202) 941-8082.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., appendix 2), SBA announces the meeting of the SBA Council on Underserved Communities (the "Council"). The Council is tasked with providing advice, ideas and opinions on SBA programs and services and issues of interest to small businesses in underserved communities. For more information, please visit *http://www.sba.gov/cuc*.

The purpose of the meeting is to provide the Council with information on SBA's efforts to support small businesses in underserved communities, as well as provide an opportunity for the Council to discuss its goals for the coming months. The Council will provide insights based on information they have heard from their communities and discuss areas of interest for further research and recommendation development.

Dated: September 27, 2022.

**Andrienne Johnson,**

*SBA Committee Management Officer.*

[FR Doc. 2022-21439 Filed 10-3-22; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #17640 and #17641; PUERTO RICO Disaster Number PR-00042]**

### Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

**AGENCY:** Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-4671-DR), dated 09/21/2022.

*Incident:* Hurricane Fiona.

*Incident Period:* 09/17/2022 and continuing.

**DATES:** Issued on 09/26/2022.

*Physical Loan Application Deadline Date:* 11/21/2022.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/21/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and

Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/21/2022, is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Municipalities (Physical Damage and Economic Injury Loans):* Hatillo, Isabela, Las Marias, Moca, Rincon.

*Contiguous Municipalities (Economic Injury Loans Only):* Puerto Rico: Aguadilla.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2022-21485 Filed 10-3-22; 8:45 am]

**BILLING CODE 8026-09-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #17640 and #17641; PUERTO RICO Disaster Number PR-00042]**

### Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

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

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-4671-DR), dated 09/21/2022.

*Incident:* Hurricane Fiona.

*Incident Period:* 09/17/2022 and continuing.

**DATES:** Issued on 09/26/2022.

*Physical Loan Application Deadline Date:* 11/21/2022.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/21/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/21/2022, is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Municipalities (Physical Damage and Economic Injury Loans):* Arecibo, Barceloneta, Cabo Rojo, Camuy, Guanica, Lajas, Loiza, Manati, Sabana Grande, San German.

*Contiguous Municipalities (Economic Injury Loans Only):* Puerto Rico: Quebradillas.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008.)

**Rafaela Monchek,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 2022-21484 Filed 10-3-22; 8:45 am]

**BILLING CODE 8026-09-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #17640 and #17641; PUERTO RICO Disaster Number PR-00042]**

### Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

**AGENCY:** Small Business Administration.

**ACTION:** Amendment 4.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-4671-DR), dated 09/21/2022.

*Incident:* Hurricane Fiona.

*Incident Period:* 09/17/2022 and continuing.

**DATES:** Issued on 09/27/2022.

*Physical Loan Application Deadline Date:* 11/21/2022.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/21/2023.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:**

Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/21/2022, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Municipalities (Physical Damage and Economic Injury Loans): Aguada, Aguadilla, Culebra, Quebradillas, San Sebastian. Contiguous Municipalities (Economic Injury Loans Only): None.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022-21486 Filed 10-3-22; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17642 and #17643; ALASKA Disaster Number AK-00055]

Presidential Declaration of a Major Disaster for the State of Alaska

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Alaska (FEMA-4672-DR), dated 09/23/2022.

Incident: Severe Storm, Flooding, and Landslides.

Incident Period: 09/15/2022 through 09/20/2022.

DATES: Issued on 09/23/2022.

Physical Loan Application Deadline Date: 11/25/2022.

Economic Injury (EIDL) Loan

Application Deadline Date: 06/23/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/23/2022, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Areas (Physical Damage and Economic Injury Loans): Bering Strait REAA, Kashunamiut (Chevak) REAA, Lower Kuskokwim REAA, Lower Yukon REAA.

Contiguous Areas (Economic Injury Loans Only):

Alaska: Iditarod Area REAA, KuspuK REAA, Northwest Arctic Borough, Southwest Region REAA, Yukon-Koyukuk REAA, Yupiit REAA.

The Interest Rates are:

Table with 2 columns: Category and Percent. Categories include Homeowners with Credit Available Elsewhere, Homeowners without Credit Available Elsewhere, Businesses with Credit Available Elsewhere, etc.

The number assigned to this disaster for physical damage is 17642 B and for economic injury is 17643 O.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022-21488 Filed 10-3-22; 8:45 am]

BILLING CODE 8026-09-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17644 and #17645; FLORIDA Disaster Number FL-00178]

Presidential Declaration of a Major Disaster for the State of Florida

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-4673-DR), dated 09/29/2022.

Incident: Hurricane Ian.

Incident Period: 09/23/2022 and continuing.

DATES: Issued on 09/29/2022.

Physical Loan Application Deadline Date: 11/28/2022.

Economic Injury (EIDL) Loan

Application Deadline Date: 06/29/2023.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 09/29/2022, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Charlotte, Collier, Desoto, Hardee, Hillsborough, Lee, Manatee, Pinellas, Sarasota.

Contiguous Counties (Economic Injury Loans Only):

Florida: Broward, Glades, Hendry, Highlands, Miami-Dade, Monroe, Pasco, Polk.

The Interest Rates are:

Table with 2 columns: Category and Percent. Categories include Homeowners with Credit Available Elsewhere, Homeowners without Credit Available Elsewhere, Businesses with Credit Available Elsewhere, etc.

The number assigned to this disaster for physical damage is 17644 8 and for economic injury is 17645 O.

(Catalog of Federal Domestic Assistance Number 59008.)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022-21489 Filed 10-3-22; 8:45 am]

BILLING CODE 8026-09-P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2022-0001]

Privacy Act of 1974; Matching Program

AGENCY: Social Security Administration (SSA).



**ACTION:** Notice of a new matching program.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces a new matching program with the United States Department of Health and Human Services, Office of Child Support Enforcement (OCSE). Under this matching program, OCSE will provide SSA with quarterly wage (QW) and unemployment insurance (UI) information located in the National Directory of New Hires (NDNH) to allow SSA to determine eligibility of applicants for Extra Help (low-income subsidy assistance) under the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003. This agreement assists SSA in determining eligibility of applicants for Extra Help, redetermining eligibility of existing Extra Help beneficiaries during periodic screening, and administering the Extra Help program.

**DATES:** Submit comments on the proposed matching program on or before October 26, 2022. The matching program will be applicable on November 26, 2022, or once a minimum of 30 days after publication of this notice has elapsed, whichever is later. The matching program will be in effect for a period of 18 months.

**ADDRESSES:** You may submit comments by any one of three methods—internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2022–0001 so that we may associate your comments with the correct notice. **CAUTION:** You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. *Internet:* We strongly recommend that you submit your comments via the internet. Please visit the Federal eRulemaking portal at <http://www.regulations.gov>. Use the *Search* function to find docket number SSA–2022–0001 and then submit your comments. The system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each submission manually. It may take up to a week for your comments to be viewable.

2. *Fax:* Fax comments to (410) 966–0869.

3. *Mail:* Matthew Ramsey, Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, or emailing [Matthew.Ramsey@ssa.gov](mailto:Matthew.Ramsey@ssa.gov). Comments are also available for public viewing on the Federal eRulemaking portal at <http://www.regulations.gov> or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Interested parties may submit general questions about the matching program to Stephanie Kiley, Acting Division Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, G–401 WHR, 6401 Security Boulevard, Baltimore, MD 21235–6401, at telephone: (410) 966–5855, or send an email to [Stephanie.Kiley@ssa.gov](mailto:Stephanie.Kiley@ssa.gov).

**SUPPLEMENTARY INFORMATION:** None.

**Matthew Ramsey,**

*Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.*

*Participating Agencies:* SSA and OCSE.

*Authority for Conducting the Matching Program:* This matching agreement between OCSE and SSA is executed pursuant to the Social Security Act (Act) and the Privacy Act of 1974, as amended. Subsection 453(j)(4) of the Act provides that OCSE shall provide the Commissioner of SSA with all information in the NDNH. 42 U.S.C. 653(j)(4). SSA has authority to use data to determine entitlement to and eligibility for programs it administers pursuant to sections 453(j)(4), 1631(e)(1)(B) and (f), and 1860D–14(a)(3) of the Act. 42 U.S.C. 653(j)(4), 1383(e)(1)(B) and (f), and 1395w–114(a)(3). Disclosures under this agreement shall be made in accordance with 5 U.S.C. 552a(b)(3), and in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r).

The Act provides that whether a Part D eligible individual residing in a state is eligible for subsidy, shall be determined under the state plan for medical assistance or by the Commissioner of Social Security. 42 U.S.C. 1395w–114(a)(3)(B)(i).

SSA has independent authority to collect this information regarding Medicare Parts A–D eligibility and premium calculations via sections 202–205, 223, 226, 228, 1611, 1631, 1818, 1836, 1839, 1840, and 1860D–1 to

1860D–15 of the Act (42 U.S.C. 402–405, 423, 426, 428, 1382, 1383, 1395i–2, 1395o, 1395r, 1395s, and 1395w–101 to 1395w–115).

*Purpose(s):* This computer matching agreement (agreement) governs a matching program between OCSE and SSA. OCSE will provide SSA with QW and UI information located in the NDNH to allow SSA to determine eligibility of applicants for Extra Help (low-income subsidy assistance) under the MMA of 2003 (Pub. L. 108–173) (Extra Help). This agreement also governs the use, treatment, and safeguarding of the information exchanged. OCSE is the “source agency” and SSA is the “recipient agency,” as defined by the Privacy Act. 5 U.S.C. 552a(a)(9) and (11).

This agreement assists SSA in (1) determining eligibility of applicants for Extra Help; (2) redetermining eligibility of existing Extra Help beneficiaries during periodic screening; and (3) administering the Extra Help program.

The Privacy Act provides that no record contained in a system of record (SOR) may be disclosed for use in a computer matching program, except pursuant to a written agreement containing specified provisions. 5 U.S.C. 552a(o). SSA and OCSE are executing this agreement to comply with the Privacy Act and the regulations and guidance promulgated thereunder. OCSE and SSA have been parties to matching agreements and recertifications for this purpose since April 1, 2005.

The SSA component responsible for this agreement and its contents is the Office of Privacy and Disclosure. The responsible component for OCSE is the Division of Federal Systems.

This agreement is applicable to personnel, facilities, and information systems of SSA and OCSE involved in the processing and storage of NDNH information. Personnel are defined as employees, contractors, or agents of OCSE and SSA.

*Categories of Individuals:* The individuals whose information is involved in this matching program are applicants and beneficiaries of Extra Help (low-income subsidy assistance).

*Categories of Records:* SSA will provide OCSE the following data elements electronically in the finder file:

- Client’s Own Social Security Number (COSSN)
  - Name
- OCSE will provide electronically to SSA the following data elements from the NDNH QW file:
- QW record identifier

- For employees:

- (1) Name (first, middle, last)
- (2) SSN
- (3) Verification request code
- (4) Processed date
- (5) Non-verifiable indicator
- (6) Wage amount
- (7) Reporting period

- For employers of individuals in the QW file of the NDNH:

- (1) Name
- (2) Employer identification number
- (3) Address(es)
- Transmitter Agency Code
- Transmitter State Code
- State or Agency Name

OCSE will provide electronically to SSA the following data elements from the NDNH UI file:

- UI record identifier
- Processed date
- SSN
- Verification request code
- Name (first, middle, last)
- Address
- UI benefit amount
- Reporting period
- Transmitter Agency Code
- Transmitter State Code
- State or Agency Name

Data Elements SSA updates in the OCSE Financial Items (OCSEFITM) table if there is a match:

- QW record identifier

- For employees:

- (1) Employee's SSN
- (2) Employee's wage amount
- (3) Reporting period

- For employers of individuals:

- (1) Employer identification number
- (2) Employer's name

- Unemployment Insurance identifier:

- (1) Claimant SSN
- (2) Unemployment insurance benefit amount
- (3) Reporting period
- (4) Transmitter State Name

*System(s) of Records:* SSA's SOR is the Medicare Database (MDB) file SOR, No. 60-0321, last fully published at 71 **Federal Register** (FR) 42159 (July 25, 2006), and amended at 72 FR 69723 (December 10, 2007), and 83 FR 54969 (November 1, 2018).

OCSE will match SSA's information in the MDB against the QW and UI information furnished by state and federal agencies maintained in its SOR, "OCSE National Directory of New Hires" (NDNH), No. 09-80-0381, published in the **Federal Register** on April 2, 2015 at 80 FR 17906 and amended at 83 FR 6591 (February 14, 2018), and 85 FR 546 (January 6, 2020).

[FR Doc. 2022-21526 Filed 10-3-22; 8:45 am]

BILLING CODE 4191-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### FAA Advisory Circular 187-1, Flight Standards Service Schedule of Charges Outside the United States

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

**ACTION:** Notice of availability of agency guidance.

**SUMMARY:** This notice announces the availability of FAA Advisory Circular (AC) 187-1R, Flight Standards Service Schedule of Charges Outside the United States. The FAA has revised AC 187-1 to reflect updated schedule of charges for services of Federal Aviation Administration (FAA) Flight Standards Service (AFS) aviation safety inspectors (ASI) outside the United States. AC 187-1 has been updated in accordance with the procedures listed in the Code of the **Federal Register**, Appendix A.

**DATES:** This AC is applicable on October 1, 2022.

**ADDRESSES:** *How to obtain copies:* A copy of this publication may be downloaded from: [http://www.faa.gov/regulations\\_policies/advisory\\_circulars](http://www.faa.gov/regulations_policies/advisory_circulars).

**FOR FURTHER INFORMATION CONTACT:** Ms. Tish Thompkins, Flight Standards Service, AFS-50, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; (202) 267-0996; [tish.thompkins@faa.gov](mailto:tish.thompkins@faa.gov).

**SUPPLEMENTARY INFORMATION:** On April 19, 1995, the FAA amended Title 14 of the Code of Federal Regulations (14 CFR) part 187, "Fees for Certification Services and Approvals Performed Outside the United States" (60 FR 19628-01, April 19, 1995), which established the methodology for determining these charges. In this rule, the FAA stated it would publish these fees in an AC. Refer to Appendix A to Part 187, section (n). The FAA reviews the actual costs incurred in the services listed in Appendix 1 at the beginning of each fiscal year. The FAA will do this using the same fee methodology described in part 187 appendix A. The FAA will amend the schedule of charges on an annual basis to either increase or decrease fees, as needed. The FAA will publish each amended schedule in the **Federal Register** and as a revision to this AC. AC 187-1 may be found at [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/](https://www.faa.gov/regulations_policies/advisory_circulars/).

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

**Wesley L. Mooty,**

*Executive Deputy Director, Flight Standards Service (AFX-2A).*

[FR Doc. 2022-21487 Filed 10-3-22; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE TREASURY

### Notice and Request for Information—Opportunities and Challenges in Federal Community Investment Programs

**AGENCY:** Department of the Treasury (Treasury), Small Business Administration (SBA), Department of Commerce (Commerce), Department of Transportation (DOT), Department of Housing and Urban Development (HUD), and Department of Agriculture (USDA), (collectively, the Agencies).

**ACTION:** Request for Information.

**SUMMARY:** The Interagency Community Investment Committee (ICIC) is focused on the operations and execution of federal programs that facilitate the flow of capital and the provision of financial resources into historically underserved communities, including communities of color, rural communities, and Tribal nations. The ICIC is composed of representatives from the Department of the Treasury (Treasury), Small Business Administration (SBA), Department of Commerce (Commerce), Department of Transportation (DOT), Department of Housing and Urban Development (HUD), and Department of Agriculture (USDA), (collectively, the Agencies). The Agencies invite the public to comment on how the ICIC can promote economic conditions and systems that reduce racial disparities and produce stronger economic outcomes for all communities. Responses may be used to inform ICIC's future actions to improve the operations and delivery of federal community investment programs through stronger federal collaboration.

**DATES:** Responses must be received by December 5, 2022 to be assured of consideration.

**ADDRESSES:** Please submit comments electronically through the Federal eRulemaking Portal: <https://www.regulations.gov>. All comments should be captioned with "Community Investment Request for Information Comments." Please include your name, organization affiliation, address, email address, and telephone number in your comment. Where appropriate, a comment should include a short executive summary. In general,

comments received will be posted on <http://www.regulations.gov> without change, including any business or personal information provided. Comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

**FOR FURTHER INFORMATION CONTACT:**

Please contact Viraj Parikh, Phone Number: 202-923-5161, or [ORPCommunityDevRFI@treasury.gov](mailto:ORPCommunityDevRFI@treasury.gov). Further information may be obtained from the Treasury website detailing the initiative.

**SUPPLEMENTARY INFORMATION:**

*Purpose:* This Request for Information (RFI) offers the public the opportunity to provide information on effective approaches for supporting access to affordable capital and financial services in historically underserved communities, including communities of color, rural communities, and Tribal communities. Specifically, the ICIC<sup>1</sup> would like to understand (1) examples of successful projects that have blended different sources of public, private and philanthropic capital that may have been more difficult to accomplish or realize the full impact because of federal program requirements; and (2) how agencies can, to the extent feasible under the requirements governing the deployment of federal funds, support financial intermediaries that serve these communities such as Community Development Financial Institutions (CDFIs), Minority Depository Institutions (MDIs), credit unions, and other community financial institutions.<sup>2</sup>

*Background:* The Biden-Harris Administration is deploying trillions of dollars of public-sector investment authorized through programs under the American Rescue Plan Act of 2021 (ARP), Bipartisan Infrastructure Law (BIL), Consolidated Appropriations Act, 2021, the bipartisan CHIPS and Science Act (CHIPS) and the Inflation Reduction Act (IRA). These transformational investments present an opportunity to implement federal service delivery solutions that will support catalytic

growth in historically underserved communities and address racial and geographic economic disparities.

The Agencies implement multiple community investment programs with the aim of investing in communities, businesses, neighborhoods, and households that are underserved with respect to access to affordable capital and financial services, and that experience economic disparities that limit their financial stability and economic mobility. Today, agencies have an opportunity to assess, within community investment programs' statutory frameworks, how best to facilitate constructive alignment and flexibility to incentivize private sector investment leveraging this historic opportunity for catalytic growth. In addition, both research and practice over the past decade have informed our understanding of how to most effectively advance economic mobility among underserved populations, recognizing that needs and best practices may vary based on population, local economic circumstances, Tribal history, and other key factors. There is an opportunity to integrate these lessons in a consistent manner across federal programs, as well as offer a framework to guide private sector resources toward areas of historic underinvestment.

*How to Comment:* This RFI is only for information and planning purposes and should not be construed as an obligation on the part of the Agencies. We ask respondents to address the Key Questions listed below. You do not need to address every question and should focus on those where you have views or relevant expertise. Please clearly indicate which questions you are addressing in your response. You may provide detailed responses and examples. All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

The ICIC is focused on four key areas of substantive focus to promote economic conditions that reduce racial disparities and produce stronger economic outcomes for all communities:

(1) Strengthening the capacity of community financial institutions such as CDFIs, MDIs, Revolving Loan Funds (RLFs), community banks and credit unions as well as any other mission-focused lender or investor that provides capital in low- to moderate-income communities and to historically underserved populations;

(2) Starting and scaling small businesses among historically

underserved communities, especially minority entrepreneurship;

(3) Broadening financial inclusion and provision of financial services among historically underserved communities; and

(4) Investing in community facilities and infrastructure to improve access to assets and resources that bolster economic mobility and generate community wealth.

To assist with responding to RFI questions, a brief but non-exhaustive list of agency programs within the key areas of substantive focus are listed at the end of this RFI.

**Key Questions**

1. Please describe examples of best practices and lessons learned from community investment projects that have layered a mix of public, private, and/or philanthropic capital. How could these projects have been more impactful or more cost effective to implement? In responding to this question, examples may address any of the four substantive areas of focus described in this RFI: (1) strengthening the capacity of community financial institutions; (2) supporting small businesses and entrepreneurship; (3) improving financial health and inclusion; and (4) investing in community facilities and infrastructure. In addition, a non-exhaustive list of example programs is provided in the appendix of this RFI as a reference.

2. From the examples provided in response to question 1, what specific changes could agencies consider to facilitate the layering of federal funds to attract greater private follow-on funding, as they implement new community investment programs and contemplate modifications to others?

3. As agencies are implementing new programs under recent CHIPS and IRA legislation, how can they best incorporate these lessons to streamline design and delivery, as well as ensure historically underserved communities benefit from federal funds?

4. Community financial institutions play a critical role in providing safe, affordable capital and financial services to historically underserved communities. How can federal agency coordination help build the capacity of these organizations to serve their communities?

5. What specific changes to federal credit or securitization programs could facilitate additional private investment in community financial institutions, and what are the most important existing limitations of these programs that may prohibit additional scale that could be achieved?

<sup>1</sup> Treasury is providing administrative support to the ICIC.

<sup>2</sup> For the purposes of this RFI, community financial institutions are intended to mean community development financial institutions (CDFIs), minority depository institutions (MDIs), community banks and credit unions as well as any other mission focused lender or investor that provides capital in low-to-moderate income communities and historically underserved populations.

6. How can the Agencies incentivize or structure data collection and reporting to promote increased private sector and philanthropic investment in community financial institutions?

7. How can further alignment of and coordination between federal agencies in the four areas of substantive focus result in stronger outcomes with regards to reducing racial economic disparities, improving financial security and economic mobility, and generating broadly shared economic opportunity?

8. What data should the Agencies consider collecting to better understand and report the impact of community investments in reducing racial, gender, and geographic, or other economic disparities?

9. How can the Agencies collaborate on providing technical assistance, opportunities for peer-to-peer learning, and other non-financial resources to support the deployment of capital or implementation of community-serving projects in historically underserved communities?

10. Please describe best-in-class examples of how federal technical assistance has been best implemented through public-private partnerships.

**Jessica Milano,**  
*Chief Program Officer, Office of Recovery Programs.*

**Appendix**

**I. Strengthen Community Financial Institutions**

Programs that support CDFIs, MDIs, credit unions, and community banks with assets less than \$1 billion:

Commerce .....	EDA Build to Scale, EDA Revolving Loan Funds.
DOT .....	Thriving Communities,* Reconnecting Communities.
HUD .....	Federal Housing Administration, Ginnie Mae, Section 108, HOME Investment Partnership, Housing Trust Fund.
Treasury .....	Emergency Capital Investment Fund (ECIP), CDFI Fund, State Small Business Credit Initiative (SSBCI).
SBA .....	Community Advantage, Microloan programs, 7(a) Loan Program, 504 Loan Program, Program for Investment in Micro-Entrepreneurs (PRIME) grants.
USDA .....	RD B&I loan program, RD Community Facilities Program, Intermediary Relending Program, Rural Business Development Grants, Rural Microentrepreneur Assistance Program.

**II. Increase Small Business Creation, Growth, and Profitability**

Programs that support small business access to capital (debt & equity), technical assistance for entrepreneurs, contracting:

Commerce .....	Minority Business Development Agency (MBDA) programs: <ul style="list-style-type: none"> <li>• SSBCI Technical Assistance Program.</li> <li>• National Business Center Network Program.</li> <li>• Specialty Centers.</li> <li>• American Indian, Alaska Native, and Native Hawaiian Projects.</li> <li>• Enterprising Women of Color Program.</li> <li>• Entrepreneurship Education for Formerly Incarcerated Persons Pilot.</li> <li>• Minority Colleges and University Pilot.</li> <li>• MBE Equity Multiplier Project.</li> <li>• Inner City Innovation Hub Pilot.</li> </ul> EDA Build to Scale, EDA Revolving Loan Funds.
DOT .....	Railroad Rehabilitation and Improvement Financing (RRIF), Transportation Infrastructure Finance and Innovation Act (TIFIA), Small Business Transportation Resource Centers.*
HUD .....	Community Development Block Grant, Section 3.
Treasury .....	ECIP, CDFI Fund, SSBCI.
SBA .....	All programs.
USDA .....	Rural Microentrepreneur Assistance Program, Rural Business Development Grant * RD B&I loan program, RD Community Facilities Program, Intermediary Relending Program.

**III. Improve Financial Health and Inclusion**

Programs that support the creation of high-quality jobs and access to consumer credit, payments, and savings products:

Commerce .....	EDA Good Jobs Challenge, EDA Build Back Better Regional Challenge, MBDA Access to Capital: Innovative Finance Pilot.
DOT .....	N/A.
HUD .....	Housing Counseling, Community Development Block Grant, Section 3, Asset Building Programs (e.g., Family Self-Sufficient, Resident Opportunities and Self-Sufficiency).
Treasury .....	State and Local Fiscal Recovery Fund, Emergency Rental Assistance Program, ECIP, CDFI Fund.
SBA .....	All programs.
USDA .....	Rural Innovation Stronger Economy, Rural Economic Development Loan and Grant.

**IV. Expand Community Infrastructure**

community facilities, public transportation, and high-quality broadband:

Programs that support the preservation or development of affordable housing,

Commerce .....	EDA Build Back Better Regional Challenge. NTIA Technical Assistance and Infrastructure programs, including: <ul style="list-style-type: none"> <li>• Connecting Minority Communities Program.</li> <li>• Broadband Infrastructure Program.</li> <li>• Tribal Broadband Connectivity Program.</li> <li>• Broadband Equity, Access, and Deployment Program (BEAD).</li> <li>• Middle Mile Broadband Infrastructure Grant Program.</li> <li>• State Digital Equity Planning Grant Program.</li> <li>• Digital Equity Competitive Grant Program.</li> </ul>
DOT .....	TIFIA, RRIF, Private Activity Bonds, Thriving Communities,* Reconnecting Communities, Regional Infrastructure Accelerators,* Safe Streets for All, Asset Concession-Innovative Financing Grant,* Rural-Tribal Technical Assistance Grant,* Capital Investment Grants (other public transport programs), FTA Pilot Program.
HUD .....	Section 108, Community Development Block Grant, HOME Investment Partnership, Project-Based Rental Assistance, Project Based Vouchers, FHA Mortgage Insurance, Housing Trust Fund, Choice Neighborhoods.
Treasury .....	State and Local Fiscal Recovery Fund, Capital Projects Fund, Homeowners Assistance Fund, Low-Income Housing Tax Credit.
SBA .....	504 Loan Program, Contracting Assistance Programs.
USDA .....	RD Community Facilities Programs, Rural Community Development Initiative Grants, Section 502 loans, Section 504 loans and grants, Mutual Self Help Grants, Housing Preservation Grants, Rural Rental Housing and Farm Labor Housing Loans and Grants, Rental Assistance, Rural Development ReConnect and Community Connect Programs. Rural Development Water Emergency Community Water Assistance Grants, Water Infrastructure Grants for Rural and Native Alaskan Villages, Rural Decentralized Water Systems Grant Program, Individual Water & Wastewater Grants in Colonia Areas, Water & Waste Disposal Grants to Alleviate Health Risks on Tribal Lands and Colonias, Water & Waste Disposal Loans & Grants, Solid Waste Management Grants.

\* Technical Assistance Program.

[FR Doc. 2022-21524 Filed 10-3-22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF THE TREASURY**

**Call for Nominations for Secretary Appointment to Treasury Tribal Advisory Committee**

**AGENCY:** Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the Designated Federal Officer of the Department of the Treasury Tribal Advisory Committee (TTAC), established pursuant to the Tribal General Welfare Exclusion Act of 2014 (TGWEA), seeks nominations on behalf of the Secretary of the Treasury (Secretary) for the appointment of one member to the TTAC. Under section 3 of the TGWEA, the TTAC was established to advise the Secretary on matters related to the taxation of Indians, training and education for Internal Revenue Service (IRS) field agents who administer and enforce internal revenue laws with respect to Indian tribes, and training and technical assistance for tribal financial officers. Nominations should describe the candidate’s qualifications for TTAC membership. Submittal of an application and resume is required. This request for nominations, particularly

from tribal leaders, is in furtherance of the objectives of the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships), which requires each agency to prepare and periodically update a detailed plan of action to implement the policies and directives of an Executive Order under which the Department of the Treasury consults with tribal officials in the development of Federal policies that have Tribal implications, to reinforce the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

**DATES:** Please submit applications for appointment by the Secretary to the TTAC or the names and qualifications of individuals you would recommend for appointment to the TTAC by the Secretary before November 18, 2022.

**ADDRESSES:** Please send applications or recommendations to *TTAC@treasury.gov*, with a subject line “Treasury Tribal Advisory Committee member application or recommendation.” Self-nominations are welcome. The Department of the Treasury will accept applications for Secretarial appointments to the TTAC until November 18, 2022.

**FOR FURTHER INFORMATION CONTACT:** Krishna P. Vallabhaneni, Designated Federal Officer for the TTAC, by

emailing *TTAC@treasury.gov*, or by calling (202) 622-2000 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

**I. Description and Mandate of the TTAC**

Section 3 of the TGWEA, Public Law 113-68, 128 Stat. 1883 (Sept. 26, 2014), directs the Secretary of the Treasury to establish a Tribal Advisory Committee to advise the Secretary on matters related to the taxation of Indians, the training of Internal Revenue Service field agents, and the provision of training and technical assistance to Native American financial officers.

Pursuant to Section 3 of the TGWEA and in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 1 *et seq.*, the TTAC was established on February 10, 2015, as the “U.S. Department of the Treasury Tribal Advisory Committee.” The TTAC’s Charter provides that it shall operate under the provisions of the FACA and shall advise and report to the Secretary on:

- (1) Matters related to the taxation of Indians;

(2) The establishment of training and education for internal revenue field agents who administer and enforce internal revenue laws with respect to Indian tribes of Federal Indian law and the Federal Government's unique legal treaty and trust relationship with Indian tribal governments; and

(3) The establishment of training of such internal revenue field agents, and provisions of training and technical assistance to tribal financial officers, about implementation of the TGWEA and any amendments.

Section 3(c) of the TGWEA provides that the TTAC's membership is composed of seven members in total, three members appointed by the Secretary and one member appointed by each of the following four Members of Congress: the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives

and the Chairman and Ranking Member of the Committee on Finance of the Senate.

This notice requests nominations for the appointment by the Secretary of one member to serve a term of four years. Recommendations for the four Congressional appointments to the TTAC expiring on June 20, 2023, should be directed to the offices of the four Members of Congress specified in the law, whose roles are identified above.

## II. Application for TTAC Appointment

The Department of the Treasury seeks applications from individuals with experience and qualifications in the subject areas identified by the TWGEA: the taxation of Indians, IRS field agent training, and Native American financial officer training and technical assistance. TTAC member travel expenses will be reimbursed within U.S. Government guidelines. No person who is a

federally-registered lobbyist may serve on the TTAC. All potential candidates must pass an IRS tax compliance check and a Federal Bureau of Investigation (FBI) background investigation.

To apply, an applicant must submit an appropriately detailed resume and a cover letter that includes a description of the applicant's reasons for applying. An applicant must state in the application materials that he or she agrees to submit to a pre-appointment IRS tax compliance check and an FBI criminal background investigation in accordance with Treasury Directive 21-03.

Dated: September 28, 2022.

**Krishna P. Vallabhaneni,**

*Tax Legislative Counsel and Designated Federal Officer.*

[FR Doc. 2022-21459 Filed 10-3-22; 8:45 am]

**BILLING CODE 4810-25-P**

# Reader Aids

## Federal Register

Vol. 87, No. 191

Tuesday, October 4, 2022

### CUSTOMER SERVICE AND INFORMATION

<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-741-6000</b>
<b>Laws</b>	<b>741-6000</b>
<b>Presidential Documents</b>	
Executive orders and proclamations	<b>741-6000</b>
<b>The United States Government Manual</b>	<b>741-6000</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>741-6020</b>
Privacy Act Compilation	<b>741-6050</b>

### ELECTRONIC RESEARCH

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(phone, 202–512–1808). The text is available at <https://www.govinfo.gov/app/collection/plaw>. Some laws may not yet be available.

**H.R. 8656/P.L. 117–179**

To designate the clinic of the Department of Veterans Affairs in Mishawaka, Indiana, as the “Jackie Walorski VA Clinic”. (Sept. 30, 2022; 136 Stat. 2112)

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**S. 3969/P.L. 117–182**

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